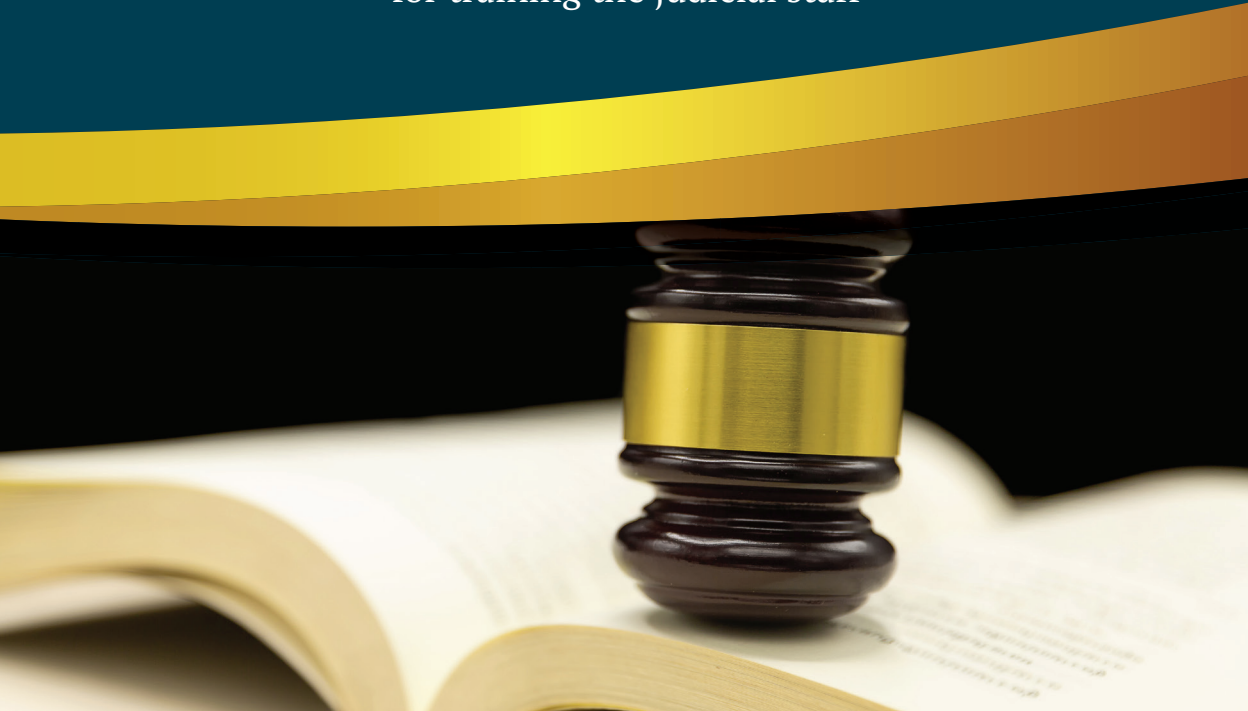


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Academy for Judges and Public Prosecutors  
**"Pavel Shatev"** – analysis of the current position  
of the institution within the system and its role  
for training the judicial staff



# Academy for Judges and Public Prosecutors “Pavel Shatev”

—

analysis of the current position  
of the institution within the system  
and its role for training the judicial staff

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## List of abbreviations

<b>AJPP</b>	Academy for Judges and Public Prosecutors
<b>ACCMIS</b>	Automated Court Case Management Information System
<b>CoE</b>	Council of Europe
<b>EU</b>	European Union
<b>EC</b>	European Commission
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>ECJ</b>	European Court of Justice
<b>GRECO</b>	Council of Europe's Group of States against Corruption
<b>HELP</b>	Human Rights Education for Legal Professionals
<b>LCP</b>	Law on Criminal Procedure
<b>MOI</b>	Ministry of Interior
<b>TAIEX</b>	Technical Assistance and Information Exchange instrument of the European Commission
<b>TNA</b>	Training Needs Assessment
<b>UN</b>	United Nations

# Introduction

The Academy for Judges and Public Prosecutors “Pavel Shatev” (AJPP) has the crucial institutional role in the process of initial training and continuous professional development of judicial staff (mainly, judges and public prosecutors) in the Republic of North Macedonia. The AJPP is firmly positioned within the system, as it is the only mandatory filter for the future staffing of courts and public prosecution offices. Due attention is therefore required in terms of quality of services provided by this institution, as well as careful analysis of the current situation and projection of future tasks that need to be set as operational standards. In the course of its functioning for almost one and a half decade, the AJPP has achieved significant results, which are a solid base for further growth and capacity development to ensure continuous quality improvement and professional training of the judiciary staff.

One of the key parameters to determine the degree of development in the country vis-a-vis the European Union (EU) standards is the rule of law and respect for human rights. The European Commission (EC), in each of its progress reports on the Republic of North Macedonia, including the last report from May 2019<sup>1</sup> underlines that “The EU’s founding values include the rule of law and respect for human rights. A proper functioning judicial system and an effective fight against corruption are of paramount importance, as is the respect for fundamental rights in law and in practice”. In view of this strategically important and crucial commitment, the AJPP in cooperation with other partner institutions, within its scope of competences, should pursue its efforts and work towards this ultimate goal. Further setting of specific developmental priorities is required in its general framework as a way to invest in and ensure the impartial, professional, efficient and effective functioning of the judicial bodies. Such priorities can inevitably be realized only through quality human potential, which is expected to be developed and achieved through the work of the AJPP. The new staff is the agent that brings about the reform in the judiciary’s “heart and mind”, in its course of actions and thought. They must embrace a common and shared idea and mission for development, which also goes hand in hand with the gradual development of better ambience in the society.

1 2019 North Macedonia Report, Brussels, 29.5.2019, SWD (2019) 218 final version

To properly plan and set the future developmental priorities of the AJPP, the analysis of the current situation, along with an empirical survey that builds on the obtained findings and given recommendations, was conducted with support and cooperation of the OSCE Mission to Skopje. The analysis takes into account other strategic documents in force, analyses and recommendations related to the judicial sector in the country which touch upon the work of the AJPP.

The analyses and the results of the conducted survey are presented below.

## **1. Current situation of the judicial system in the Republic of North Macedonia**

The Constitution of the Republic of North Macedonia identifies the judicial branch of power as one of the pillars of the constitutional order in the country and as a guarantor of the rule of law and a safeguard for the fundamental rights and freedoms of citizens. However, the judicial system appeared to be one of the weak links in the country's process of integration to the EU. It was also pointed out as a key element underlying the crisis in the Republic of North Macedonia in the period from 2014 to 2016, as seen in the reports from that period.

The Report of the special expert group, established by the EC in 2015, states the following “The country possesses a comprehensive set of rules which, if fully observed, should generally ensure a proper functioning of the judicial system to a high standard, although there is a need for some further reform, particularly in relation to the appointment, promotion and removal of judges and prosecutors. Highly qualified and experienced judges, prosecutors and judicial staff are available in sufficient numbers to enable the judicial system to function effectively”.<sup>2</sup> The recommendations related to the judicial system state the following: “In order to ensure the independence of, and in particular the absence of political influence over, prosecutorial and judicial decision-making, the appointment and promotion of judges and prosecutors should be depoliticised. Appointments and promotions should be made by the Judicial Council and the Council of Public Prosecutors according to transparent, objective and strictly merit-based criteria, and using transparent procedures which should be established by law and not merely by internal rules, in accordance with the recommendations of the Venice Commission's reports on judicial appointments and the

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2 [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf), [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14\\_seg\\_report\\_on-systemic\\_rol\\_issues\\_for\\_publication.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14_seg_report_on-systemic_rol_issues_for_publication.pdf).

independence of the judiciary [21] as specific recommendations contained in opinions specific to the former Yugoslav Republic of Macedonia, many of which have not been implemented. [22] There should be no scope for political or party affiliation or support as criteria for selection“.

According to the latest EC progress report<sup>3</sup>, “Implementation of the new legal framework provides a firm basis for lasting change. Beyond legal changes, it is essential that all judicial institutions demonstrate their exemplarity and contribute, through additional efforts, to restoring public trust in the judiciary“. According to the EC, in the coming year, the country should in particular“... ensure consistent implementation of the new rules for appointment, promotion, discipline and dismissal of judges, and demonstrate that the independence of the judicial system is respected and promoted at all levels, shielding it from any risk of political interference“.

However, it is a matter of concern that the public trust in the judicial system is still very low and proceedings initiated by the Special Prosecution Office are conducted with slow pace, while the recent suspicions and proceedings for involvement of some public prosecutors from the Special Prosecution Office in major corruptive activities, only strengthen the public perception.<sup>4</sup> According to the data from a recent “Eurobarometer“ public opinion survey, the citizens have low trust in the judiciary (23%), as well as in the public administration, Government, Parliament and political parties... more than 50% of the respondents trust only the Army (51%) and the EU (53%).<sup>5</sup>

In this context, one can reflect on the public statements of some high governmental officials, as well as judges, who react to the behaviour of judges and public prosecutors and consider it as inadequate, substandard and demonstrating a very low level of legal culture and understanding of the role of judiciary in the societal life.<sup>6</sup> The same trend is also perceived by other entities, such as the Chamber of mediators at the Chamber of

3 2019 Report on North Macedonia, Brussels, 29.5.2019, SWD (2019) 218 final version

4 Public trust in the judiciary is very low, say Association ESE and Koalicija Margini on the occasion of the European Day on access to justice. According to Eurobarometer data, only 23% of citizens in the country believe in the judiciary, 30% in public administration and 34% in police, <https://fokus.mk/samo-23-od-graganite-imaat-doverba-vo-sudstvoto/>, <http://coalition.org.mk/wp-content/uploads/2019/02/PUBLIKACIJA-SDG-celosna-za-proverka-final-02.pdf>, <https://akademik.mk/izveshtajot-na-ombudsmanot-voj-koj-se-notira-partiski-revanshizam-i-nedoverba-kon-sudstvoto-pred-komisijata-za-politichki-sistem/>, <https://telma.com.mk/anketa-paga-doverbata-na-graganite-vo-sjo/>

5 <https://civilmedia.mk/porazitlni-podatozi-graanit-n-im-vruvaat-na-sudstvoto-i-na-poliziata/>

6 <https://telma.com.mk/deskovska-najavi-veting-sudiite-ne-prezema-nishto-za-kriminalot-vo-nivnite-redovi/>, <https://rb.gy/tuuyxm>, <https://fokus.mk/katsarskada-se-sprovede-veting-ima-sudii-koi-ne-ja-zasluzhuvaat-sudskata-toga/>, [https://denesmagazin.mk/deskovska-odgovornost-za-nestrucho-vodene-na-predmetite-vo-sudovite/?fbclid=IwAR11XLyngpZGpWra8mZM55t6\\_ejFvdILac5Yp5H0NoYJdCyPuEYqCdOm\\_bA](https://denesmagazin.mk/deskovska-odgovornost-za-nestrucho-vodene-na-predmetite-vo-sudovite/?fbclid=IwAR11XLyngpZGpWra8mZM55t6_ejFvdILac5Yp5H0NoYJdCyPuEYqCdOm_bA)



Commerce, who at their press conference noted that “...lack of trust in the judiciary is increasing, the rule of law is one of the challenges alarmed in the reports of international organizations, and court proceedings are disproportionally long which creates discomfort in the business community”.<sup>7</sup>

“The Macedonian file in the Strasbourg Court shows that problems related to the independence of judiciary in many cases are related to the unwillingness of particular judges to cope with various forms of influence”<sup>8</sup>. Thus far, two of the seven completed cases<sup>9</sup> concern the problem of interference of the executive branch with the judicial branch, and five cases concern the impartiality of judges.<sup>10</sup>

This general impression deriving from large number of stated conclusions, repeatedly and strongly affirms the necessity to ensure quality and young judicial staff that will work according to strategically determined objectives and principles at national level.

## **2. The positioning of the Academy for Judges and Public Prosecutors "Pavel Shatev" in terms of the current situation of the judicial system and the process of changes**

Since its establishment (in 2006)<sup>11</sup>, the AJPP has been a significant component in the functioning of the overall judicial system. This institution cannot be perceived as an ordinary educational institution and structure, and one must consider its complexity and importance within the judicial system. In the fourteen years since its establishment, the AJPP has been the institution that has provided mandatory education to future judges and public prosecutors and further training to appointed judges and public prosecutors.

Speaking of the capacity of judiciary, the public trust in judicial bodies, the independence of and corruption in the judiciary in the past decade, one cannot fail to mention the success of the AJPP in developing staff with expert knowledge, skills and abilities to tackle any form of corruption,

7 <https://meta.mk/biznismenite-so-namalena-doverba-vo-sudstvoto/>

8 Analysis of the former national judge at the European Court of Human Rights (ECtHR) in Strasbourg, Mirjana Lazarova- Trajkovska, <http://respublica.edu.mk/blog/2016-02-02-14-00-51>.

9 Cases of Gerovska-Popcevska, Ivanovski, Nikolov, Bajaldziev, Mitrinovski, Popovski and Duma, Jashkovski and Trifunovski versus Republic of North Macedonia.

10 <http://respublica.edu.mk/blog/2016-02-02-14-00-51>.

11 About the history and organization of the AJPP, see Functional Analysis, 2019.

political influences and/or abuse of their function. Thus, the evaluation of judges and public prosecutors' performance, in fact, largely, also involves the performance of the AJPP, the quality of provided trainings and the ultimate results.

It is not a coincidence that each of the judicial system analyses and proposed reform interventions give prominent place to the AJPP and consider it as significant factor for change. All documents on reform point to the AJPP as the institution that provides initial theoretical and practical training for future judges and public prosecutors (as requirement for recruitment/appointment) and structure that provides the continuous training in specific areas of the judicial and prosecutorial function.

The AJPP is also mentioned in the two reports of the Priebe's expert group.<sup>12</sup> The first report concludes that: "The condition that only graduates of the AJPP can be recruited to the judiciary and the prosecution should be, for the time being, maintained and therefore there should be no stepping back from the current system of recruitment based on qualification only". The second report of the expert group from 2017 gives considerable space to the AJPP and states "Only one of the twelve recommendations from 2015 in the area of judiciary and prosecution has been implemented. That was the recommendation to maintain the AJPP as the sole point of entry to the judiciary, which necessitated no more than continuance of the status quo". The expert group report pays significant attention to the role that the AJPP has or should have with regard to "Appointment, evaluation and promotion of judges".

Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) Peer Review on Judicial Training for Judges and Prosecutors from 2018<sup>13</sup> provides the list of all international documents that need to be considered in the analysis of the work of the AJPP and the perspectives for its future development:

- Article 10 of the Basic Principles on the Independence of Judiciary, adopted with Resolution 40/32 from 1985 of the United Nations (UN) General Assembly, according to which: Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law.

12 [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf), [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14\\_seg\\_report\\_on-systemic\\_rof\\_issues\\_for\\_publication.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14_seg_report_on-systemic_rof_issues_for_publication.pdf).

13 TAIEX Peer Review on Judicial Training for Judges and Prosecutors in the former Yugoslav Republic of Macedonia, Mission timeframe: from 23/04/2018 to 26/04/2018, Authors of the report: Judge Lennart Johansson and Judge Dragomir Yordanov.

- Principle III-1a in the Recommendation R(94) 12 of the Committee of Ministers of the Member States of the Council of Europe (CoE) on the independence, efficiency and role of judges: Proper conditions should be provided to enable judges to work efficiently and, in particular, by: recruiting a sufficient number of judges and providing for appropriate training such as practical training in the courts and, where possible, with other authorities and bodies, before appointment and during their career.
- Chapter VI (Training) in the Recommendation CM/Rec (2010)12 of the CoE, adopted by the Committee of Ministers in 2010: Judges should be provided with theoretical and practical initial and in-service training, entirely funded by the state. The intensity and duration of such training should be determined in the light of previous professional experience.
- Article 2.3 of the European charter on the statute for judges: The authority ensures the appropriateness of training programmes and of the organization which implements them, in the light of the requirements of openmindedness, competence and impartiality which are bound up with the exercise of judicial duties.
- Article 4.4 of the European charter on the statute for judges: The statute guarantees to judges the maintenance and broadening of their knowledge, technical as well as social and cultural, needed to perform their duties, through regular access to training ...
- Consultative Council of European Judges, Opinion No. 4 with regard to adequate initial and continuous training.
- The nine principles of the European judicial training network, adopted in 2016.
- Declaration on the principles of training judges of the International Organization for Training of Judges from 2017.

These documents should be given due attention when addressing any further judicial reforms, along with an attempt to directly implement the established standards and procedures in the work of the AJPP.

According to the Strategy for reform of the judiciary for the period 2017-2022<sup>14</sup>, the fundamental strategic commitments for changes in the judicial system are targeted at: independence, impartiality, quality, accountability, efficiency and transparency of the holders of judicial functions. Each of the strategic commitments is directly or indirectly related to the work of

<sup>14</sup> <http://www.pravda.gov.mk/toc1/94>.

the AJPP and the process of education. (For instance, in this context, one should also consider the changes in the Law on Courts, adopted on 4 March 2019.<sup>15</sup> They refer to the changed criteria for election of judges, whereby, the entry point into judiciary, according to these changes, is done only through the AJPP.)

The Strategy clearly states that “... there is need for increased number of trainings for judges within the AJPP concerning analyses of published court decisions that would be relevant for harmonizing the case law with the European standards”. Further, it states that “The initial and continuous training of judges and public prosecutors in the AJPP should be aimed at maintaining intellectual and professional fitness of judges and public prosecutors, upgrading them with new knowledge and skills, mastering the changes in the laws, as well as any new regulations in the areas in which they judge and work, stimulating the international exchange of experiences, using the practice of the European Court on Human Rights (ECtHR), legal writing and legal reasoning, etc., in a word, preventing their professional aging”.

In view of independence and impartiality, the Strategy recommends: “... setting legal criteria for the selection of applicants - graduates from the AJPP – by the Judicial Council and the Council of Public Prosecutors, with compulsory explanation and public announcement of the decision on selection; and concerning the quality, it recommends a revision of the criteria for evaluation of judges and public prosecutors and those should be based on objective quantitative and especially qualitative criteria, with a focus on the professional skills, integrity, expertise, personal abilities and social skills”. In fact, this provides for concrete guidelines and the AJPP is specifically requested to take activities, which through the educational process will ensure such quality of judges and public prosecutors and respective knowledge and skills.

### **3. Necessity for operational changes at the Academy for Judges and Public Prosecutors "Pavel Shatev" – analysis and recommendations**

In the period since the establishment of the AJPP and with particular emphasis on the period in which the AJPP's work has been legally regulated (the first Law on the Academy for Judges and Public Prosecutors was adopted in 2006, followed by the law from 2010 and ultimately the law from 2015 with the respective amendments and supplements) until present time, large

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<sup>15</sup> “Official Gazette of the Republic of North Macedonia”, No. 96/2019.

number of projects and surveys were conducted and offered a range of ideas about the organization of trainings and evaluation of training quality. Such evaluation could use as indicators the achievement of real results and effects training has had in judges and prosecutors' work and decision-making.<sup>16</sup>

Most analyses identify the general problems and provide recommendations for changes that would improve education and future policy creation, and would ensure professionalism and independence of the judiciary system. Reiteration of identical conclusions and numerous similar recommendations by various expert groups is indicative of the fact that certain proportion of the given ideas are hard to implement, that is, remain on paper without being fully or adequately operationalized in practice.

Further, the existence of great number of analyses and elaborated projects dealing with identical subject matters, also demonstrates a lack of institutional memory to ensure that obtained findings from analyses and surveys are fully utilized and that already established theoretical models are put in practice.

Given the general recommendations about the need for judicial reforms and the specific recommendations about the role and organization of the AJPP, there is an obvious need for reform of the AJPP in terms of its legislative positioning and some internal processes that have not yet been addressed. The same position is reflected in the Strategy for reform of the judiciary 2017-2022.

All prior conclusions and recommendations can be systematized in several areas, in view of the current analysis and the development of guidelines for further strengthening of the AJPP:

- organization of trainings
- quality and adequacy of trainings
- measuring of the achieved results

Some of the proposed procedures were included in the law and the respective by-laws (in particular the acts designed following the adoption of the Law on the Academy for Judges and Public Prosecutors from 2015, and some even earlier) and were conducive to putting in place certain procedures and patterns for training delivery for the purpose of ensuring uniform approach and long-term benefits from the work of the AJPP for its target groups (production of educational materials, retaining

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<sup>16</sup> Most extensive is the document: Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703. The analysis is divided in several sections and represents a comprehensive screening of AJPP operations until then with clear guidance for future development.

the materials in the AJPP, etc.). However, large number of findings and recommendations (especially those concerned with the training quality control reliant on data about judicial and prosecutorial performance and degree to which acquired knowledge is implemented in their day-to-day work) are still not applied.

Given the views expressed by the AJPP's service users who were surveyed for the needs of this analysis in 2019 (participants in initial and continuous trainings), one should make an objective observation that some positive trends do exist and definitely allow room for further improvement.

Specifically, participants in initial trainings evaluated the overall quality of trainings with an average score of 8 (on a scale from 1 to 10). With regard to the training program and subjects, the average score is 7, practical training 8, selected trainers 6.6, and teaching methodology 7. In respect of the practical value of AJPP trainings in doing their day-to-day work, the average score was 8.

As far as participants in continuous trainings are concerned, the overall quality of trainings was evaluated with a score of 7.8, national trainers with 7.5 and international trainers with 7.9. The catalogue of training topics was evaluated with an average score of 7.6 and the organization of training delivery at the AJPP with 7.3.<sup>17</sup>

### 3.1. Organization of trainings

All previous training needs assessments of the AJPP and the guidelines for further development relied on detailed analyses of existing practices, which, according to the experts, have shown that "...the AJPP possesses major experience in conducting training needs assessment (TNA), by use of most efficient methods (evaluation forms at the end of each training event; receiving regular feedback from the judiciary and other target groups; active communication with trainers, mentors and participants in trainings; analysis of ideas and proposals made by other institutions and organizations; solid knowledge about the legislative process)".<sup>18</sup> The conducted analyses in 2010 vis-a-vis the results of the survey from 2019, lead to the following conclusions:

- In respect of continuous trainings, the legal obligation to attend previously specified number of mandatory classes in 2010 oftentimes meant that a training was organized and attended only for the sake of meeting the legal

17 For more details, see the section about the empirical research conducted for the needs of this analysis.

18 Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, Guidelines for the system for quality control of continuous trainings, Annex 5

obligations, and not based on findings for real needs. In this context, it is worth to note that the number of days for mandatory training decline as the number of years of service increase: “For all these judges and public prosecutors, continuous in-service training is mandatory, and the number of mandatory training days annually declines as the number of years of service increases”.<sup>19</sup> Once again, this raised a question about the quantitative as opposed to the functional organization of trainings, that is, meeting the requirement for certain number of training days instead of receiving trainings according to needs. This conclusion was conducive to improving the internal control procedures, so that nowadays: 1. Each educational activity is regularly evaluated both in terms of content and satisfaction with the quality of trainers and 2. Participants in continuous trainings are also requested to give input (suggestions, considerations) about future topics that would be beneficial in their work, so that such trainings can be eventually organized. Their suggestions are then summarized, processed and given due consideration at certain time intervals in the course of the year. An indicator for satisfaction of continuous training participants is that they evaluated the overall quality of continuous training with an average score of 7.8 (on a scale from 1 to 10). In respect of the minimal number of training days annually, one can note that the cascaded number of training days is still in force, and that the number declines as the years of service of a judge/public prosecutor increase. “Any non-compliance with the required number of training days annually may lead to a situation that some points are lost, and the awarding of a lower grade complicates the further promotion of a concerned judge/public prosecutor”.<sup>20</sup> However, for the purposes of comparison, in France, for instance, there is an identical number of trainings for everyone, i.e. minimum of 5 trainings annually irrespective of the years of service.

- The analysis from 2010 further concludes that “there is lack of consistency in the training methodologies and certain discrepancies in the teaching styles of various trainers in the initial training”.<sup>21</sup> This comment is also bound up with the inexistence of appropriate continuity in training delivery. Furthermore, according to these analyses “trainers lack adequate preparation or competences to deliver trainings and to

<sup>19</sup> According to Article 7 of the “Rulebook on continuous training“, adopted by the Governing Board of the AJPP on 12 May 2015 (“Official Gazette of R.M.” No. 77/2015), newly appointed judges and public prosecutors are obligated to receive 14 days of training annually, and judges and public prosecutors with over 15 years of professional experience are obligate to receive only 2 days of training.

<sup>20</sup> Hornung, R., (2016), Development of strategic planning, training needs and mechanisms for quality assessment

<sup>21</sup> Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, Guidelines for the system for quality control of continuous trainings, Annex 5



enter into professional discussions about specific topics<sup>22</sup>. The AJPP responded by organizing a regular annual Training of trainers in order to tackle the perceived weakness. The required efforts, in this respect, will be pursued by intensifying the pace. It is understandable that this specific training cannot completely bridge the gap between the teaching methodology of practitioners and university professors, given the nature of the two professions, however; in this particular case, having in mind the educational role of the AJPP which is aimed at providing quality practical experiences that would be beneficial for the training participants in their future work, one can still believe that the desired objective can be ultimately reached. In addition to the regular Training of trainers, accompanied with designed handbooks, there are special groups of trainers who undergo preparations at the AJPP with regard to certain legal thematic areas, adequate to their legal profile (civil law, criminal law, administrative law, etc.). According to the recent survey, the quality of national trainers was evaluated with an average score of 7.5.

- In 2010, a position was taken that “There is a need to strike a balance between various topics covered by the program<sup>23</sup>. Interestingly enough, in this regard, training participants stated that more time should be dedicated to the national legislation, as opposed to the EU law or international treaties. That is a problem in itself, having in mind that all training participants are lawyers with completed bar exam, meaning that it can be assumed that they possess enormous knowledge about the national legislation as basis to build on the new knowledge. On the other hand, their current views (2019) point to a notable increase in the interest for international law, especially for the European Convention on Human Rights and Fundamental Freedoms (ECHR), ECtHR case law, EU law and other international ratified documents that become part of the national legislation. This is a very promising trend, because it shows increased awareness among the legal professionals about the universal legal values which are also intertwined in the national legal system. Also, one can note that the AJPP has been continuously making efforts to harmonize the thematic educational activities conducted independently with the educational activities conducted with other partners (international organizations, programs of foreign embassies, civil organizations, national state bodies and organizations, chambers, etc.), in order to ensure harmonization, benefits and effects from all educational activities to the maximum. According to the Law, the Program Council of the AJPP has the key role in these matters, however; one can also consider the recommendation given in the TAIEX Analysis on the establishment of a

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<sup>22</sup> Ibid

<sup>23</sup> Ibid



common Standing Committee (the AJPP in cooperation with the Judicial Council, Special Prosecution Office, courts and public prosecution offices) that will work on development of more detailed training needs analysis.

- In respect of how work is organized at the AJPP, in 2010, participants in initial trainings requested that judges and public prosecutors, from the very start, be provided with specialized training separately. The AJPP has now regulated this matter in a bylaw and the practical training for these two groups of initial training participants is done separately. Judges and public prosecutors are divided at the AJPP once they complete the nine-month theoretical training which is provided to all. Then, candidates are selected based on the success they achieve on the exam for the theoretical part. It is still a dilemma whether this principle should be maintained, or the AJPP should restore the uniform training for all participants. Some hold opinions that completing the uniform training would enable continuous flow of staff between these legal professions. This is still a debatable point because each solution entails both positive and negative repercussions.

- Concerning the organizational aspects aimed at improved quality of services, among others, is the urgent need for new premises, i.e. another building for the seat of the AJPP. This way the AJPP can respond to the demand for higher quality of practical experience during the educational process, as well as better learning and working conditions.

### 3.2. Quality and adequacy of trainings

In 2010 (five years after the establishment of AJPP and immediately after the adoption of the Law on the Academy for Judges and Public Prosecutors, the EU funded project “Further Strengthening of the Institutional Capacities of the AJPP for Training of Judges and Public Prosecutors”<sup>24</sup>, was started.<sup>25</sup>

The establishment of a quality control system for the continuous training program was given due attention by the project.

The following system objectives were set:

1. To provide instructions about policies, procedures and methodology for reasonable management and implementation of the Continuous Training Program.
2. To standardize and improve the procedures and practice for training design, implementation and evaluation.

<sup>24</sup> “Official Gazette of R.M” No. 88/02.07.2010.

<sup>25</sup> Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, guidelines for the system for quality control of continuous trainings, Annex 9

3. To integrate the project initiatives on information management and use of Internet into training design, implementation and evaluation.

Most surveys reveal that trainers' competencies and work are key to ensuring quality trainings: "Competencies refer to the abilities to perform tasks up to a required standard....Task of the AJPP: to raise the capacities for performance of tasks up to the required standard".<sup>26</sup>

The framework of activities requires the definition of needs as first step towards realization. The TNA is perceived as a process of identifying the "gaps" in trainings. "Thus, TNA serves to define the current situation (where we are) and the optimal situation (where we want to be)". The proposed system to determine the training content and to select trainers and prepare them for training delivery is elaborate and complex.<sup>27</sup>

In several instances (both for the initial and continuous training), a comment was made that trainings lack more practical work which will entail "more interaction, analyses of cases and practical exercises"<sup>28</sup>. The conclusion that judicial trainings need to be practice-oriented in order to ensure maximum efficiency and long-term impact on the judges and public prosecutors' practice is the *leitmotiv* in almost all of the previously conducted surveys". The same conclusion and identified need is oftentimes seen in the results of the most recent survey (2019). Currently, the AJPP is faced with the key challenge which derives from the fact that it is oftentimes believed that training needs refer to the law, but, in fact, the challenge is that even though we might be good lawyers, that does not necessarily mean that we can be good judges and public prosecutors".<sup>29</sup>

The same conclusion was drawn from the TAIEX Peer Review on Judicial Training for Judges and Prosecutors from 2018<sup>30</sup>, which includes that "Programs for continuous training are generally theoretical and academic. There are not many real workshops for acquiring practical skills. Offered trainings fail to respond to the real needs of judges and public prosecutors, especially at the very start of their career".

Prior analyses and the current situational analysis of the judicial system clearly reveal that trainings should not primarily focus on studying the

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<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, Guidelines for the system for quality control of continuous trainings, Annex 5.

<sup>29</sup> Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, guidelines for the system for quality control of continuous trainings, Annex 9

<sup>30</sup> TAIEX Peer Review on Judicial Training for Judges and Prosecutors in the former Yugoslav Republic of Macedonia, Mission timeframe: from 23/04/2018 to 26/04/2018, Authors of the report: Judge Lennart Johansson and Judge Dragomir Yordanov.

substantive law. Knowledge of the substantive law is only a precondition to enter the AJPP (degree in law and completed bar exam with adequate practice). The only exception would refer to novelties in laws or aspects of the international law, whenever the need of further mastering is identified.

It is by no means that training should be reduced to repeat the studying of what is assumed as previous knowledge of the training candidates/ participants. The AJPP can and should provide specifics, which, in fact, refer to “... trainings for judges and public prosecutors that develop their skills and attitudes – sometimes called social context education – as much as they provide information about the law”.<sup>31</sup>

However, one cannot omit the fact that training participants (especially in initial trainings) are candidates who possess various levels of knowledge. For instance, the TAIEX Peer Review on Judicial Training for Judges and Prosecutors from 2018<sup>32</sup> concludes that: “The general level of legal knowledge at the end of the university studies is not at the desired level for the position of judge or public prosecutor, unless it is complemented with further education and training. Measuring the capacities of the participants coming from different universities is not an easy endeavour “. According to the same analysis: “Given the various levels of law schools throughout the country, grades obtained at the universities cannot be quite certain. The entry exam at the AJPP fails to properly measure the candidates’ abilities to complete the trainings at the AJPP. ... In view of the need to respect the principle of fair representation, a sustainable and fair solution should be identified to ensure the respect for this constitutional principle without calling into question the merit-based selection with the entry exam“.

The problem of insufficient legal knowledge, and especially the various levels of knowledge depending on the university studies which the candidates completed (irrespective of the achieved grades and average success in the certificates) is a serious challenge for the AJPP because it requires working with candidates who most likely have a different starting position in the process of initial education. In addition, this situation affects the design of training program, the balance between theoretical and practical knowledge and the commitment to ensure fair representation of candidates from various ethnic communities. That is to say, the ability to understand the teaching content depends on previous knowledge and already acquired skills as well as the general mastering of legal matters.

<sup>31</sup> Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, guidelines for the system for quality control of continuous trainings, Annex 9

<sup>32</sup> TAIEX Peer Review on Judicial Training for Judges and Prosecutors in the former Yugoslav Republic of Macedonia, Mission timeframe: from 23/04/2018 to 26/04/2018, Authors of the report: Judge Lennart Johansson and Judge Dragomir Yordanov.

The problem can be best tackled through establishment of a complex system for initial selection (rigorous selection process) with clear commitment that not everyone is admitted at the AJPP, however; this should go hand in hand with another clear message that not everyone can complete the AJPP. There is another option to tackle the same problem through a more lenient process of initial selection (admission of candidates), but a rigorous selection after the first training module and after each subsequent training module. Both modules should include focus on the work with certain groups of participants to facilitate their mastering of particular content whenever some learning difficulties are perceived.

That would mean either more rigorous entry exams to ensure that only individuals with nearly identical knowledge of the substantive law can participate in the trainings of the AJPP (due attention is required for different design of the electronic test), or, increased number of knowledge exams as precondition to proceed with the training and especially with the practical training. Theoretical training is largely linked to the candidates' level of previous knowledge and the extent to which their knowledge is equalized. However, by no means, should the theoretical training replace the previous educational processes, i.e. their university education and/or knowledge acquired in the process of taking the bar exam. Providing more theoretical training and supplementing it with any new dimensions can lead into this trap.

There should be an adequate system of rules and principles at the AJPP that would provide for fair representation of non-majority communities both in the admission process of new candidates and the selection process for future career (appointment as judges or public prosecutors), which must not be reduced to any informal agreements. In this context, certain changes to the AJPP's Statute were introduced in 2019, which foresee quotas for the members of non-majority communities in the Republic of North Macedonia, established based on official statistical indicators<sup>33</sup>. At the same time, positions will be filled according to the principle of achieved success, i.e. received final grade from the passed entry exam, especially within each of the foreseen quota.

The outcome of the 2010 survey includes designing of protocols for each foreseen activity to ensure quality of trainings, however, no information is available whether and how the protocols are utilized. By no means that should mean simplification of trainings and reducing them to handy aids for judges and public prosecutors. Simplification of trainings in any form shall mean reducing the level of capacities of judges and public prosecutors.

<sup>33</sup> Article 3 of the Statutory decision for changes and amendments to the Statute of the AJPP, 03.06.2019.

In this respect, the AJPP should not only proceed with the practice of delivering trainings that include case analysis, problem solving, scenarios, simulations, and panel discussions for development of professional skills and abilities to render decisions and verdicts based on the information and knowledge of judges and public prosecutors, but rather, this should be raised up to the level of main priority and basic content of trainings.

There is an impression that some surveys mainly focus on the participants' satisfaction with trainings, and not on the achieved results, or the effect the training had had in their work. For instance, the Rulebook on continuous training highlights the importance of training evaluation in order “to establish whether trainings accomplished the foreseen objectives, [...] whether they met the expectations of participants” and “to serve as basis for design of future training programs, as well as to improve the quality and effectiveness of future trainings”.<sup>34</sup> Yet, in this case, one has to strike a balance between a professional satisfaction with delivered trainings and the real effects that it can have in the future work of the training participant. Also, the drafting and development of the program at the AJPP should be oriented to address problems arising from the current situation in the judiciary (which is hard to determine and measure, yet, it has to be indirectly addressed). Education must address the current problems also at a more global level, given the still prevailing enormous public distrust in the judiciary (complaints still refer to ignorance, politicization, corruption, unethical behaviour, etc.).

To sum up, in addition to the above views, to achieve further improvement of quality and adequacy of trainings, due attention should be given to the quality of materials, practicums and other teaching aids; the plenty and effectiveness of educational tools used in trainings; creation of options for e-learning for various areas and topics of interest; and monitoring of the quality outputs which are reflected in the performance of the judicial staff.

### 3.3. Measuring the achieved result

In one of the first surveys aimed at the AJPP's further development, the desired result was set to be the starting point for any further development of the overall system of trainings. “At first glance, it is quite simple and easy: Start by creating a clear image of what the candidates should be successful about (that is, the result) at the end of this very important educational process. Then, based on that clear image, design (i.e. develop)

<sup>34</sup> Hornung, R., (2016), Development of strategic planning, training needs and mechanisms for quality assessment

the curriculum, instructions, assessment and reporting<sup>35</sup>. Further, according to the same survey: “This concerns a simple task that requires clear definition (before the start) what the candidates want (at the end) to be able to do, to teach the candidates how to achieve that goal, and then to evaluate and document the results they managed to achieve”.

If this is considered in the context of the prevailing and current situation in the judiciary system, one can raise the question about what has *not been* done:

- Determination of the final outcome of trainings (which is the expected product at the end of the initial and continuous training, i.e. was the desired effect achieved)?
- How can trainings be adjusted to the final outcome that should/is desired to be achieved?

Activities implemented thus far at the AJPP (which are largely proposed by all these surveys) need to be considered precisely from this aspect.

For instance, according to recommendations given in previous surveys: “Control over the trainings is foreseen to be undertaken with standardized evaluation questionnaires, follow-up evaluation (to assess real benefits, continuous relevance and long-term results of trainings), reports from trainers, feedback from the substantive law”. According to this program: “The AJPP develops procedures and parameters how to use received feedback in order to improve a) program design, b) training needs assessment, c) quality of training curricula, d) training quality, e) quality of training materials and f) realization of trainings/logistics. Received feedback will be used to determine whether some new management practices are required, whether the Statute of AJPP should be changed, whether the working groups should undertake some additional activities, etc<sup>36</sup>. The program stipulates: evaluation of trainers (by use of increased number of parameters) and evaluation of applied training materials.

It is expected that the proposed parameters for training organization and monitoring of training results, presented in all mutually related materials from conducted surveys, are directly taken into consideration and put into practice. However, when such data are unilaterally used, and the acquired and applied knowledge and skills and/or applied practice are not realistically measured, it may harm the desired final effect. This must be complemented with development of capacities for management of judicial institutions; public relations and public outreach; automated

35 Further strengthening of the institutional capacities of the AJPP, IPA/2010/234-703, guidelines for the system for quality control of continuous trainings, Annex 9

36 Ibid

and computerized procedures for handling cases; expediency, efficiency and effectiveness of action, cost-effectiveness.

The Hornung<sup>37</sup> analysis promotes the Kirkpatrick evaluation model, which according to the author “is based on four levels: evaluation of the training quality at the level of initial reaction, that is “Satisfaction“ (Level 1). However, it also stipulates a long-term evaluation of the sustainable training effects, that is, includes the following additional questions: which is the knowledge acquired (Level 2 – Learning); what change occurred in training participants after the training event (Level 3 – Change in behaviour/transfer); and, which was the impact of the training on the organization where the participant works (Level 4 – Results)“.

No data are available to confirm the adequate and complete application of this model in the evaluation of the trainings results at the AJPP. In any case, the application of this model implies developing special protocols that would ensure the evaluation, but also significantly strengthened examination process and process of monitoring the candidates at their future work positions.

The conclusions about the initial training within the TAIEX Peer Review on Judicial Training for Judges and Prosecutors from 2018<sup>38</sup> include: “The practice to test knowledge and skills through mid-term and final test seems to be insufficient to measure the candidates’ abilities to perform their tasks as judges and public prosecutors. Moreover, minor differences in grades further complicate the ranking of candidates ...“.

According to Article 34 of the Rulebook on continuous training “Given the nature of the training itself, i.e. cycle of trainings, trainers determine the type and methodology of examination, which may take the form of giving questionnaires and/or tests about the content of lectures and presented materials immediately after the end of the training and/or in the form of awarding a grade about the degree to which their knowledge, skills and behaviour improved and such knowledge is put in practice in a given period after the completion of training or cycle of trainings (3, 6 or 12 months)“.<sup>39</sup>

This is quite limiting in terms of the possibilities of the AJPP, that is, the overall assessment is placed in the hands of the trainer. On the other hand, the

37 Hornung, R., (2016), Development of strategic planning, training needs and mechanisms for quality assessment

38 TAIEX Peer Review on Judicial Training for Judges and Prosecutors in the former Yugoslav Republic of Macedonia, Mission timeframe: from 23/04/2018 to 26/04/2018, Authors of the report: Judge Lennart Johansson and Judge Dragomir Yordanov.

39 “Official Gazette of R.M.” No. 77/2015.



Hornung<sup>40</sup> report underlines that “Continuous training of judges and public prosecutors, with solid and sustainable quality, must fit into the concept of “lifelong training” as well as in the concept of periodic appraisal of the success achieved by each judge and public prosecutor“. This implies the need for further development of the system for continuous assessment in order to ensure real evaluation of the training results. Further, according to this expert report “In respect of above mentioned factors, it would be incorrect to state that given number of training days within a specific time period is always a valid and relevant criterion to improve the quality of certain judge/public prosecutor, and participation in trainings, in itself, cannot serve as guarantee for learning and behavioural and institutional changes“.

Instead of stipulating more rigorous criteria for taking the entry, mid-term and final exam, the changes in the Rulebook on initial training from 2017 and 2018 provide some alleviations with regard to knowledge examination (publication of a set of questions, multiple-choice questions with one true and two false answers and lack of negative points for an incorrect answer). The changes that were undertaken are contrary to the conclusions and recommendations provided in many analyses and expert assessments about the work of AJPP.

The need to adopt a different approach towards the examination of AJPP candidates’ knowledge was also identified in the Analysis of the implementation of urgent reform priorities in the Macedonian judiciary<sup>41</sup>. According to the authors of this analysis “In respect of the initial training, the electronic practical exam should be cancelled. Furthermore, there is need to put in place more practical exercises and trial simulations“.

One significant element to improve the trainings (also mentioned in several previous surveys) is the possible increased individualization of trainings. The analyses do not provide concrete criteria based on which the individualized approach to trainings should be applied, however, this is pointed out as one way to ensure better insight regarding the individual changes of each candidate after the final test.

Given the current and persistent situation in the judiciary system, the quality of trainings and progress made by candidates should be much less measured through self-evaluation process by the candidates, and much more attention should be paid to tests/exams or other ways which are administered by the trainers in order to evaluate the progress.

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40 Hornung, R., (2016), Development of strategic planning, training needs and mechanisms for quality assessment

41 Petrovski, K., Draganov, M.,... (2018), Analysis on the implementation of reform priorities in the Macedonian judiciary, Institute for Human Rights, Skopje



At the same time, the quantitative and qualitative parameters of the assessment need to be balanced, in order to enable factual evaluation of the training's success and provide for increased visibility of any possible changes resulting from the training. This is also one of the recommendations given by Group of States against Corruption (GRECO) of the CoE in the Report from 17 March 2014 within the IV<sup>th</sup> evaluation round regarding the: “Prevention of corruption among Members of Parliament, judges and public prosecutors”: “... with due regard to the principle of judicial independence, the system of appraisal of judges’ performance be reviewed to introduce more qualitative criteria”.<sup>42</sup>

#### 4. New legal provisions

The draft-proposal of the Law on the Academy for Judges and Public Prosecutors is currently in process of parliamentary discussion.<sup>43</sup> Some of the recommendations mentioned above (which are part of earlier analyses, especially the TAIEX analysis as well as expert opinions) are included in the provisions of the new draft-proposal of a Law on the Academy for Judges and Public Prosecutors.<sup>44</sup>

In terms of the practice, the AJPP is still the only institution in the Republic of North Macedonia that indirectly – through admission – decides about the future judges and public prosecutors in the country. Therefore, it holds an exceptionally important place in the judiciary. In addition, as already mentioned in several instances, trainings, i.e. initial trainings, are the key activity of the AJPP.

In addition to a range of novelties in the organization of AJPP, changes are also undertaken regarding the requirements that candidates must fulfil to be admitted for initial training at the AJPP. According to the Analysis on the implementation of the strategy for reform of the judicial sector (2017-2022) in 2018 and 2019, conducted by the Blueprint group for judicial reforms<sup>45</sup>: “Most of the novelties refer to taking the entry and final exam at the AJPP, as well as the exams for each module in the first phase of initial training. The new ways of taking the exams are more appropriate and simplified in terms of measuring the knowledge”. Unlike the previous

42 Page 29 of the Report, published on [www.coe.int/Greco](http://www.coe.int/Greco).

43 <https://www.sobranie.mk/materialdetails.nsp?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

44 <https://www.sobranie.mk/materialdetails.nsp?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

45 Avramovski, D., Amet, S., (2018), Analysis on the implementation of the Strategy for reform of the judicial sector (2017-2022) for the period of 2018/2019, Helsinki Committee of Human Rights of Republic of North Macedonia, Skopje.

solution (stipulated in the law from 2015, and cancelled with the changes from 2018) which required a higher average grade from university studies, in the new proposal, a candidate for initial training who completed four-year university education with VII/I degree in law or graduate from the Faculty of law who acquired 300 credits according to the European Credit Transfer System can be admitted for initial training.

In this way, the legislator opted for enabling more candidates to apply for initial training at the AJPP, and especially lawyers with longer experience and practice but without higher average grade from their university studies. Also, selection of candidates is carried out by taking the entry exam in several phases, so that the knowledge and preparedness of the candidates are thoroughly examined through theoretical, practical, linguistic and psychological tests.

The authors of this analysis have dissenting positions regarding the design of the entry exam/qualifying part of the exam. Even though the new proposal for Law on the Academy for Judges and Public Prosecutors simplifies the design of questions (five complex modalities of answers to the question are now reduced to three); the previously required minimum of 41 points is now increased to a minimum of 76 points – out of total of 100 points which also increases the elimination factor to pass the exam, the authors still have explicitly different opinions: one of the authors of this text believes that none of the exam questions should be computer based, and the other author holds the opinion that the changed design of the qualifying part of the exam can help to achieve fair elimination of weaker candidates. It is proposed that the practical part of the exam is taken in writing, i.e. by designing two case studies (35 points in total), and finally, increased number of points to be given for the oral part of the exam (35 points in total), in comparison with previous legal provisions.

The practical training is enhanced by reintroducing moot court sessions as a form of assessment, especially as part of the final exam.

Matters related to fair representation of members of communities are specified in one general provision in the law and regulated as part of the Statute where the legal provision on fair representation is further elaborated. The starting minimal requirement for a member of a non-majority community to be considered as candidate is to receive the minimal legally specified points at the qualifying and practical part of the exam, as well as to pass the language exam, the psychological test and integrity test. Then, the number of places from the quota are filled based on the ranking, that is, based on the the maximum total number of received points from the qualifying and practical part of the exam for each candidate.

From the aspect of possible discrimination (especially, discrimination against persons with disabilities), Article 31 might be problematic and must be given due attention, because, among others, stipulates the “general health condition“ as a requirement to start the initial training. There is need to provide clear wording of this provision so that it will prevent any possible discrimination against persons who would be able to perform the work despite their disability.

The imbalance in favour of the practical training is in compliance with the recommendations made in most of the conducted analyses, however; it is also of utmost importance that the theoretical part is not a simple repetition of content learnt at the university but rather, building on the knowledge required for performing the function of judge and/or public prosecutor.

The possibility to repeat an unsuccessful test (provided in Article 52) lacks precision and may result in decreased quality of the final result (contrary to the recommendations given in many previous analyses).

In line with the TAIEX recommendations, a separate specialized program for newly appointed judges and public prosecutors is also recommended for the purpose of ensuring their adaptation and coping with the new duties. Significant part of the general program for continuous training is left to be regulated with an act of the AJPP.

## Concluding observations

In the period from the establishment of the AJPP and the adoption of the first Law on the Academy for Judges and Public Prosecutors until present time, there is a large number of analyses, surveys and expert opinions that identify the problems encountered by the AJPP and provide guidelines for further development and recommendations for improved functioning.

The new legal provisions offer a solid base for normative structuring of the recommendations and creating space for their implementation in practice. Following the adoption of the new law, the AJPP will also adopt the new bylaws that build on the already established procedures and mechanisms for further elaboration and clarification of the legal provisions, as well as setting the internal rules of operation.

One of the key challenges for the AJPP (according to the sum of recommendations from many analyses and surveys) refers to the fact that oftentimes it is believed that training needs of future judges and public prosecutors are only about the law, without considering the complexity of the function of a judge/public prosecutor which implies both skills and appropriate extensive knowledge about the society, as well as specific

personal characteristics and qualities to perform the function. Namely, a good lawyer does not necessarily mean having abilities to be a good judge or public prosecutor.

AJPP is established as the sole entry point for the performing the judicial/prosecutorial function, which places a special responsibility on the AJPP regarding the results of conducted trainings. It also implies taking a clear position that not everyone can attend the trainings (setting very high criteria for admission), and, moreover, that everyone who attended the training should not complete the training (higher criteria for the final exam and examination of candidates' knowledge and skills). The multiphase, ongoing and rigorous assessment of candidates throughout the training is a much more relevant aspect than the self-evaluation of the trainings by the participants.

The practical training and the practical part of the exam need to be given a visible dominant place. The best way to assess the knowledge (legal knowledge) and all other required components for the performance of the function (social, psychological, logic, eloquence, attitude towards diversities, etc.) is to organize the exams in the form of a moot court (complex and multi-layered cases that include the parameters for assessment).

The ranking should demonstrate the true/real differences among candidates, and should not serve only as possibility to be elected for a position of judge or public prosecutor, but should also be part of any further career development of the candidates.

Individualized trainings are of vital importance (both from the aspect of differences among judges and public prosecutors and the possible future specialization of candidates, the environment where they will work and the environment where they need to function).

Continuous training must be perceived as part of the promotion and career development of each judge and public prosecutor. Such trainings should be mandatory at each scale of promotion of judges and public prosecutors and should comply with the requirements of the desired higher function.

Continuous trainings must address problems already identified both by the general public evaluates in their evaluation of the judiciary and the experts' analyses of the judicial profession. Trainings should also allow for "softer" topics, such as discrimination, unequal treatment, disrespect for the dignity of the parties, management of judicial institutions, public relations and transparency, independence from political influence, ethics and logic, etc.

Fair representation of non-majority communities must be ensured without influencing the quality of judges and public prosecutors coming

out of the AJPP. The need to ensure bigger number of representatives from a particular ethnic or linguistic community, by no means should be detrimental to the quality, but rather it should be carried out by stimulating possible candidates and providing additional work, if needed, through increased number of educational units. The final outcome should in no way be harmful to any of the established training objectives.

Requirements for specific number of judges and public prosecutors must be defined on basis of real data, statistical calculations, expressed needs and long-term planning. That should also entail the introduction of the elements that refer to the geographic coverage and adequate and fair representation of non-majority communities.

## **Empirical survey about the Academy for Judges and Public Prosecutors "Pavel Shatev"**

One part of this analysis presents data about the perception of professionals who serve in different capacities in the judiciary system and are also involved in various aspects of the work of the AJPP. The summary of the findings is deemed very important in order to get a real picture about the work performances of the AJPP, the degree to which they satisfy the professional needs and requirements through initial and continuous education, and the views about the systemic positioning and role of the institution.

Three separate surveys were designed targeting three groups of respondents: participants (current and former) in the initial training at the AJPP; participants in the continuous training at the AJPP, and representatives i.e. members of bodies and institutions whose work is closely connected to the AJPP (Judicial Council, Council of public prosecutors etc.). The survey included close-ended questions, as well as a section where the respondents were given an opportunity to additionally share their suggestions, thoughts and criticism, and which have been summarised in this analysis.

The summary of the results from each of the surveys is presented below, along with statistical processing of the answers to close-ended questions as well as summary of the answers to open-ended questions which were provided in writing and demonstrated some relevance.

## A. Summary of results obtained from participants in the initial training at the Academy for Judges and Public Prosecutors "Pavel Shatev"

The questionnaire was administered to 53 current and former participants in initial trainings at the AJPP. Answers provided to a set of questions about the satisfaction with the work and the quality of the AJPP program are presented below. In terms of the demographic profile of the group of respondents, and the ongoing monitoring of the survey by the professional service at the AJPP which conducted the empirical part<sup>46</sup>, one can conclude that balance was achieved in terms of gender representation (49%-51%) and given that AJPP started to function in 2006, all the respondents belong to the age category of 30-49.

### 1. Demographic structure of respondents by gender

Gender	
Female	51%
Male	49%

### 2. Demographic structure of respondents by age categories

Age	
18-29	0.5% (1)
30-49	99.5% (52)

Respondents were asked an open-ended question in terms of their current job position, and their answers were additionally grouped. Nine respondents answered AJPP/participant in initial training, eight were public prosecutors, four were candidates (for public prosecutor/judge), and nine of them were judges. The remaining 23 respondents did not answer the question. Regarding the distribution of the answers to this question, one should consider the facts related to the time of conducting the survey and that the sixth generation of students at AJPP was close to completing

<sup>46</sup> Collected electronic data, in terms of general demographic data, show that over 40% of the respondents did not provide an answer, which does not enable getting a clear picture about the sample, and does not allow for getting more detailed data about the remaining categories through cross-tabulation of questions. By gender, in absolute figures, 15 women and 13 men answered the questionnaire, while 25 respondents refused to answer or there were insufficient data. By age category, respondents who answered the question mainly belong to the age category of 30 - 49 (29 respondents), and only one registered in the category up to age 29, and other 23 respondents did not answer the question. Yet, the empirical part of the survey fails to reflect the statistical profile of this group of respondents.

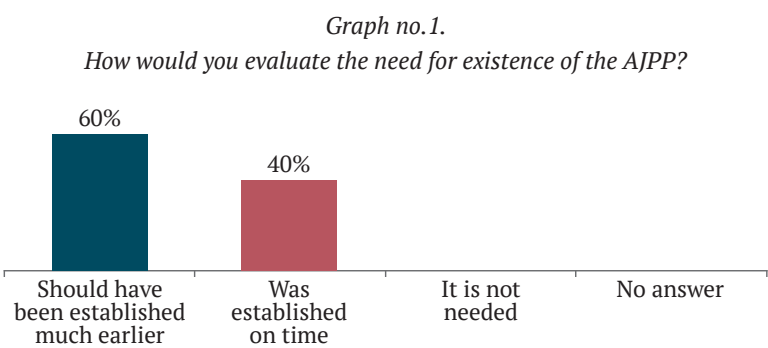
the training and therefore had the status of participants, i.e. candidates for future judges/public prosecutors. The other respondents were either already appointed or work as judges or prosecutors and belonged to prior generations that already completed their education.

3. Structure of respondents by job position and institution

Job position and institution	
AJPP, participant in initial training	9
Public prosecutor	8
Candidate	4
Judge	9
No answer	23

Evaluation of the Academy for Judges and Public Prosecutors "Pavel Shatev"

The respondents were first asked to evaluate the need to have the AJPP. The answers of the participants in initial training show that they fully agree that such institution should exist. 60% of them think that it should have been opened long time ago, and 40% think that it was opened on time. None of the participants in initial trainings had negative opinion about the existence of the AJPP, i.e. none of them consider it to be unnecessary (Graph no. 1).



Along with the question, respondents were also given an opportunity to add their comment, where half of the respondents expressed their views about the need for existence of the AJPP. The provided answers were mainly affirmative and positive – “AJPP is absolutely necessary and it justified its existence“. They think that the AJPP provided excellent institutional response to the previous situation when judges were being

appointed without having spent one day in the courtroom or without other appropriate education.

The other comments include “The AJPP should exist also for the following reasons: all candidates who were not able to enter the judicial bodies are now given a chance to acquire knowledge through the AJPP; the trainings enable the candidates to attend lectures delivered by trainers who serve in different capacity - judges, public prosecutors, university professors, attorneys, etc., and candidates are able to analyse and interpret the law and legal principles from several angles and share their practical work experiences”.

Further, participants in initial trainings state that the AJPP is also extremely important in the light of the reform process, because selection of future judges and prosecutors is made among the candidates for initial training through a complex process, including an entry test, which is expected to eliminate partisan, political and other influences in the selection of future participants. The sense of professional independence is maintained throughout the training, because selected candidates develop an inviolable sense of independence knowing that they do not depend on a political process or individuals in order to be selected for judges and prosecutors once they complete the educational process at the AJPP.

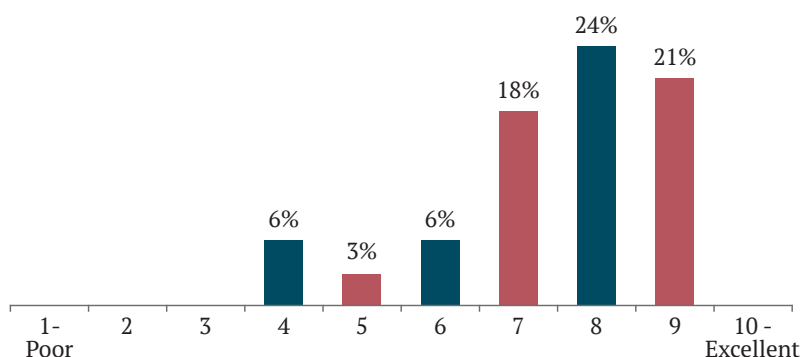
The answers also include that AJPP should, through its educational program, commit to guarantee the development of professional, independent, impartial and quality individuals. In respect of the training provided at the AJPP, they think it enables a comprehensive preparation of future judges and public prosecutors, and exchange of opinions and experiences among serving judges and public prosecutors as well as continuous development.

The respondents evaluated the general and overall quality of trainings as follows: 21% evaluated it with a score of 9; 24% - score of 8; 18% - score of 7; 6% - score of 6; 3% - score of 5; and 6% of respondents evaluated it with a score of 4. (Graph no. 2) The average score for the overall quality of the training is 8, meaning that participants highly value the AJPP.



Graph no. 2.

*On a scale from 1 to 10 how would you evaluate the general and overall quality of training that you received at the AJPP?*



Participants in initial trainings think that they are provided with a unique access to all possible situations that can be expected in their work as judges and public prosecutors. Also, they believe that the intensity of lectures enables real focus on their future profession; positive thing is that education is provided for a wide range of areas; their professional qualities significantly improve because of their exposure to experienced trainers who can respond to most complex questions and professional dilemmas; practical trainings enabled the candidates to acquire knowledge which cannot be otherwise acquired; it is positive thing that professional ethics and accountability are also included in the trainings. Overall, the training program is considered well structured and balanced; however, they request more practice and less theory.

Participants of trainings at the AJPP think that there should be more rigorous requirements for admission in initial training, that is, to restore the past requirement for higher average grade from university studies (comments by several respondents), as well as a requirement for fluency in foreign language of, at least, B2 level<sup>47</sup>.

The charts below show the percentages of the respondents' evaluation, on a scale from 1 to 10, of several aspects of the AJPP work and program: program and teaching subjects at the AJPP, selected trainers, teaching methodology, practical training, quality of administrative services at the AJPP and mentorship system applied in practical trainings. Respondents were given an additional opportunity to share their impressions for each of the categories, by writing a comment below each of the questions.

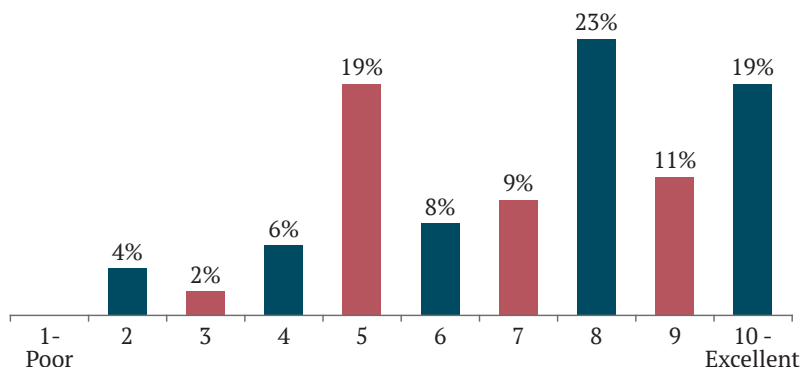
The program and teaching subjects at the AJPP, were evaluated by 19% of the respondents with an excellent score - 10; 11% with score of 9; 23%

47 <https://www.coe.int/en/web/common-european-framework-reference-language>

with score of 8; 9% with score of 7; 8% with score of 6; 19% with score of 5; 6% with score of 4; 2% with score of 3 and 4% with score of 2 (graph 3). The average score for the answers to this question is 7.

Graph no. 3.

*On a scale from 1 to 10, how would you evaluate the program  
and subjects taught at the AJPP?*



The comments given in relation to this question, mainly evaluate the program and the scope of subjects as positive and adequate for the respective target group.

Some comments referred to the proposal that for certain subjects there should be only lectures without examination of the acquired knowledge<sup>48</sup> as they are of minor importance or refer to the general knowledge of participants. It was also requested that there should be less theory and to put bigger focus on key subjects. On the other hand, respondents also suggest that more moot court sessions are introduced also during the theoretical training, and there should be more focus on the procedural laws (Criminal Procedure Law (LCP), Litigations Law).

Another matter is the training design in terms of the candidate's profile after completing the initial training. This matter is currently regulated in the AJPP's bylaws, according to which once the theoretical part of the training is completed and depending on the exam results and possibility for election, candidates are divided in two groups – group for judges and group for public prosecutors – who then receive different practical training. Some respondents commented that the program is inadequate, i.e. there are three modules which are not needed for candidates that will become public prosecutors as they receive training for civil and administrative law that will be of no use. If such division is maintained, there is suggestion

<sup>48</sup> With regard to IT and legal research, forensic medicine, forensic psychiatry, forensic psychology, ethics, eloquence, communication skills, English language.

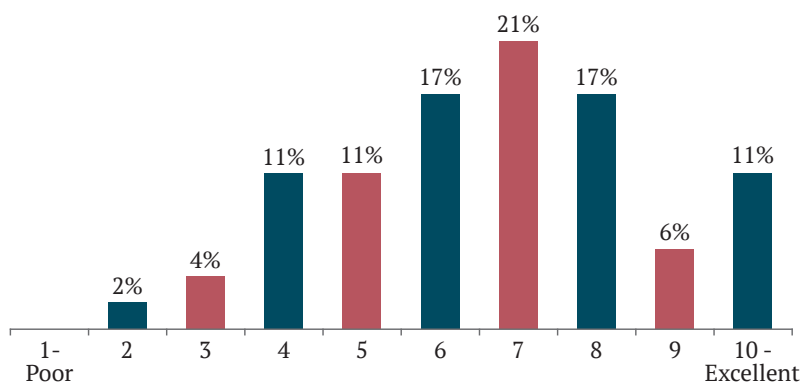
that the curriculum and subjects are adjusted from the very start to their future profession in order to ensure more effects from conducted trainings.

Respondents also expressed a need that the program and teaching subjects are equalized and systematized and that topics should not be repeated several times. Also, the training should be better conceptualized and should not rely only on the effort and creativity of individual trainers and mentors, given that respondents were really able to acquire quality knowledge in some subjects, but there were also subjects where not much knowledge was obtained (revision of recruited trainers). There is request for new and better quality training materials (about EU and international law).

On the question about elected trainers at the AJPP, 11% of the respondents evaluated them with an excellent score of - 10; 6% with score of 9; 17% with score of 8; 21% with score of 7; 17% with score of 6; 11% with score of 5, 11% with score of 4; 4% with score of 3 and 2% with score of 2 (Graph no. 4). To be able to better assess how the candidates evaluate the trainers, an average score of 6.6 was calculated.

*Graph no. 4.*

*On a scale from 1 to 10, how would you evaluate the trainers at the AJPP*



In general, the respondents expressed satisfaction with the quality of trainers. They commented as follows: “the trainers make maximum efforts to share their knowledge and experience, they were prepared for the lectures and ready to give answers to all questions” and that they were real professionals and enthusiasts and most of them justified their appointment as trainers.

Comments were made also about the difficulties of some trainers to skilfully conceptualize the methodology of their teaching. Such comments are understandable in view of the unquestionable experience and professionalism of trainers, on one hand, and their possible lack of practice as educators, on the other hand. They also reproach some of the

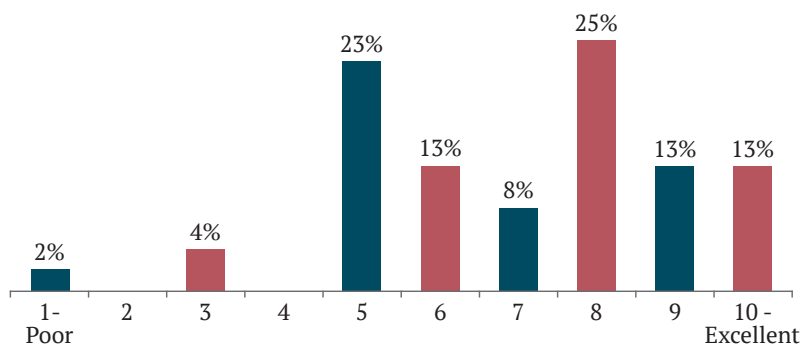
trainers who are academics with unquestionable theoretical knowledge, whose lectures were repetitive to the candidates from their university days, and it is debatable to which extent the information provided had practical and applicable nature.

They also emphasize the need that trainers should be entirely familiar with the whole concept of lectures, in order to appropriately fit into the overall program and avoid overlapping of the teaching content; teaching contents should not be reduced to quotations or reading articles of the law; trainers need to be better selected based on their performances – ability to keep the participants' attention, innovative approach and productive work; the recruitment of trainers should not depend on their close relationship with the management of the AJPP or this should not serve as a way to financially support some of the judges.

In respect of the methodology of trainings at the AJPP, 13% of the respondents evaluated it with an excellent score of 10 and 9; 25% with score of 8; 8% with score of 7; 13% with score of 6; 23% with score of 5; 4% with score of 3, and 2% with score of 1 (Graph no. 5). The average score given for this question is 7.

Graph no. 5.

*On a scale from 1 to 10, please evaluate lecture methodology (use of educational tools, ways to transfer knowledge, proportion between theory and practice etc.) at the AJPP*



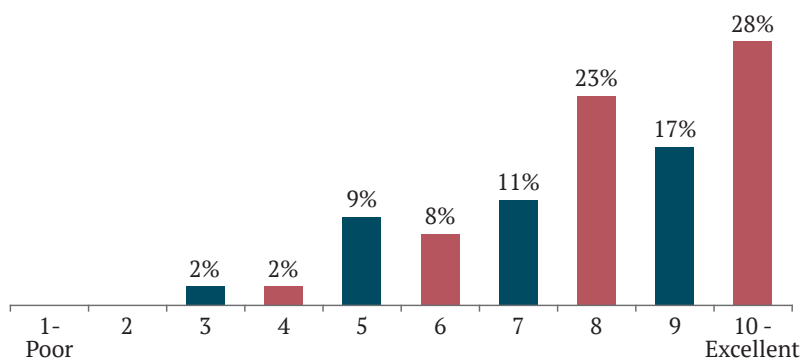
The comments to this question quite frequently stress the need for practice-oriented training as part of the theoretical instructions. The respondents provided several suggestions: increased use of various educational tools; organization of more moot court sessions that refer to already acquired theoretical knowledge within theoretical initial training; trainers should not read the laws during the theoretical training; need for practicing the drafting of decisions, judicial reviewing and evaluation of decisions and discussion about the quality of decisions (eloquence, use of correct grammar, legal reasoning); to practice reviewing, commenting and evaluating various existing court and prosecutorial decisions; to discuss

and exchange experiences concerning some problematic and/or unforeseen situations in the performing of the judicial/prosecutorial function; some of the trainers need to adjust the lectures also to the training participants (lawyers with work experience) and to avoid teaching as the participants are still university students.

In terms of the practical training offered at the AJPP, 28% of the respondents evaluated it as excellent with score of 10; 17% with score of 9; 23% with score of 8; 11% with score of 7; 8% with score of 6; 9% with score of 5 and 2% with score of 3 and 4. (Graph no. 6). Practical training is evaluated with an average score of 8.

Graph no. 6.

*On a scale from 1 to 10, please evaluate the practical training at the AJPP*



In most of the cases, participants commend the practical training and their mentors and believe that it is the most relevant part of the overall initial training.

They provided the following suggestions on the topic: the candidates for judges unnecessarily spent two months at the Public Prosecution Office even though they needed more practice at the Appellate Court which is very important for them; there is need for at least one-month practice at the Supreme court; the length of practical training at the Ministry of the Interior should be increased and should include additional activities in order to learn the ways of functioning at the ministry; additional exercises/activities should be included regarding the behaviour of future judges/public prosecutors in the courtroom; when moot court sessions are organized, the AJPP should select the cases for each of the participants without previously prepared records; the mentors should be more carefully selected in future and those should be judges/public prosecutors who are willing to share their knowledge and teach the candidates; candidates should be able to take part in real trials with consent from the parties and to be supervised by the mentors.

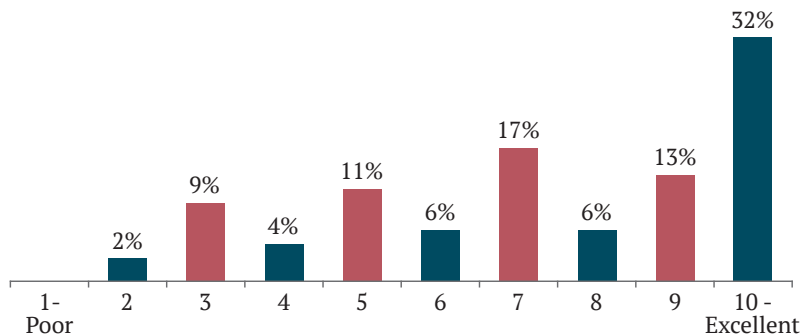
Candidates for public prosecutors proposed that the practice at the Higher Prosecution Office should last two months (compared to 1 month) and at the Basic Criminal Court - Skopje (criminal matters) for a minimum of 2 months.

They also request that the AJPP exercises more control over the realization of the practical part of the training.

As far as the quality of services provided by the administration of the AJPP, 32% of the respondents evaluated it with an excellent score of 10; 13% with a score of 9; 6% with a score of 8; 17% with a score of 7; 6% with a score of 6; 11% with a score of 5; 4% with a score of 4; 9% with a score of 3 and 2% with a score of 2 (Graph no. 7). These services were evaluated with an average score of 7.4.

Graph no. 7.

*On a scale from 1 to 10, please evaluate the quality of services provided by the administration at the AJPP*



In most of the answers, the respondents expressed great satisfaction with the quality of services and responsiveness of the administration at the AJPP, also by taking into account their working conditions. The employees were always available and responsive and provided all requested materials and information.

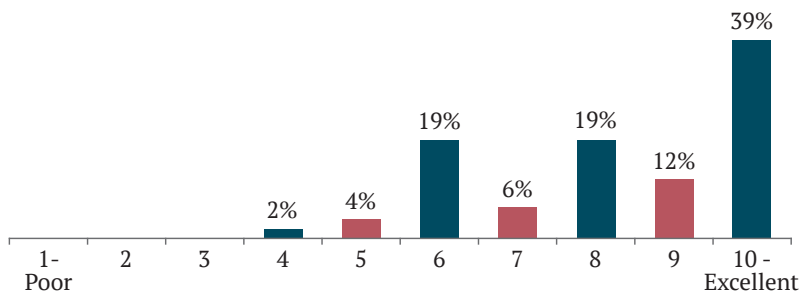
Given suggestions: the administration can be somewhat better organized in future in terms of notifications about the theoretical and practical trainings; all participants should be treated equally and not as if they were still students; the internal communication needs to improve and the hierarchy should be restored; the number of employees should be increased in order to be able to respond to the needs.

In respect of the mentorship system of work during the practical trainings, 39% of the respondents evaluated it with the highest score of 10; 12% with a score of 9; 19% with a score of 8; 6% with a score of 7; 19% with a score of 6; 4% with a score of 5 and 2% with a score of 4. None of the respondents

negatively answered this question (Graph no. 8). The mentorship system of work was evaluated with an average score of 8.25.

Graph no. 8.

*On a scale from 1 to 10, how would you evaluate the mentorship system of work during the practical training*



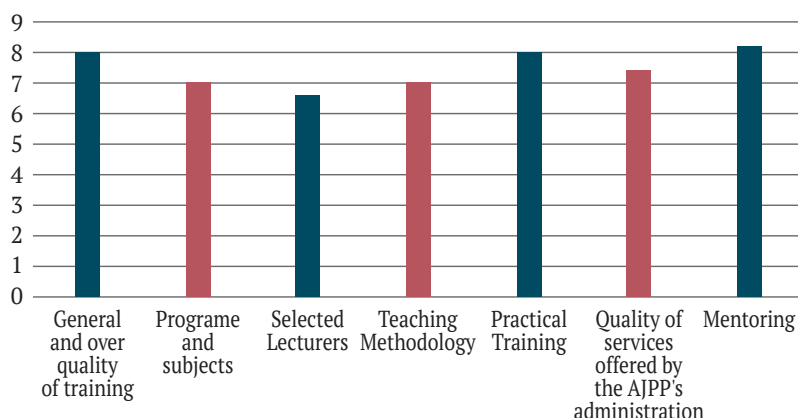
AJPP trainees also expressed satisfaction with the established mentorship system: “The way it is conceptualized and implemented is excellent, all the mentors were prepared and shared their knowledge and experience, they responded to all our needs and took their time to train us and to organize and attend the moot court session“....“I am particularly satisfied with the appointed mentor who unselfishly shared his practical knowledge with me for each of the teaching subjects and enabled me to attend trials, interrogations, crime scene investigations, etc.“.

The suggestions of the participants regarding the mentorship system included the necessity that some mentors are more committed to the work or to have prepared a list of judges and public prosecutors who want to be mentors. It is recommended that the AJPP also organizes trainings on mentoring and not only about the course of trials and drafting decisions, but also clear and detailed instructions for mentors in terms of knowledge that is to be passed onto the candidates.

In respect of the written reports about the practical work of the candidates, which are submitted to the AJPP, some respondents think that such reports cannot fully reflect their work. This particularly refers to the restrictive assessment requirements, i.e. evaluation only of indictments, because there are many other prosecutorial decisions which are more labourous and time consuming than the indictment itself in a particular case.

From the average scores in this set of questions, one can see that the mentorship system of work was given the highest score by the participants in initial trainings at the AJPP, i.e. an average score of 8.25. Practical trainings are also evaluated with high average score of 8. In these categories, trainers were evaluated with the lowest average score of 6.6 (Graph no. 9).

*Graph no. 9.*  
*Average scores for questions related to the trainings*



To the question “In all the theoretical and practical activities, were there any topics that were omitted and will it be useful that they are addressed during the educational process at the AJPP?“, the participants in the initial training shared the following suggestions concerning the education provided at the AJPP:

- Exercises for drafting decisions, work on court and prosecutorial cases, especially for candidates who do not come from courts and public prosecution offices;
- Practical exercises and more training about procedural laws, specific actions and practice for various procedural phases (LCP and similar);
- Use of Automated Court Case Management Information System (ACCMIS) system;
- Time management to ensure more efficiency in the work of a judge;
- More frequent visits to institutions based in Skopje that closely cooperate with judicial bodies (Ministry of Interior (MoI), Criminal investigations and forensics department, etc.);
- More work on topics about criminal matters;
- More detailed elaboration of the extraordinary legal remedies in civil and criminal law modules, as they constitute a significant part of the judicial/prosecutorial function;
- Enhanced control and evaluation of mentors in order to ensure that education is provided by quality mentors. There are mentors who use excellent methods, who are specific in terms of the practice, and who are interesting for the training participants, and the number of such

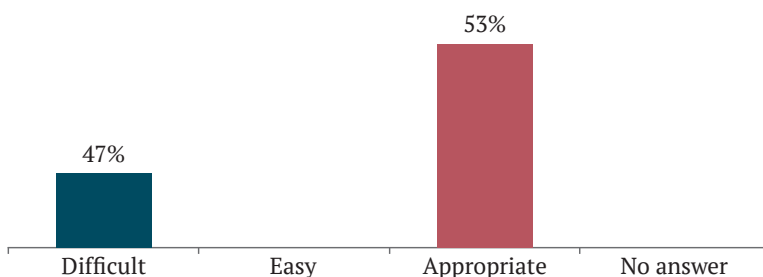


mentors should increase; unlike the mentors who just formally fill the place and lack a pedagogical approach and methodology.

The next part of the questionnaire refers to the extent to which training participants experience the exams as difficult and whether the assessment is done objectively. They were asked about each of the exams separately, i.e. separate questions were asked about the entry, theoretical and final exam. Like for the previous questions, there was space for comments about the final exam, and all the received questions were grouped. In respect of the entry exam, 53% of the respondents answered that the entry exam was appropriate, and 47% of the respondents experienced it as difficult. None of the respondents evaluated the entry exam as easy (Graph no. 10). In terms of the assessment of the entry exam, 37.7% of the respondents think that it is done objectively, 39.6% think that the assessment is not objective, a 22.6% of the respondents answered that they cannot make an evaluation (Graph no. 11).

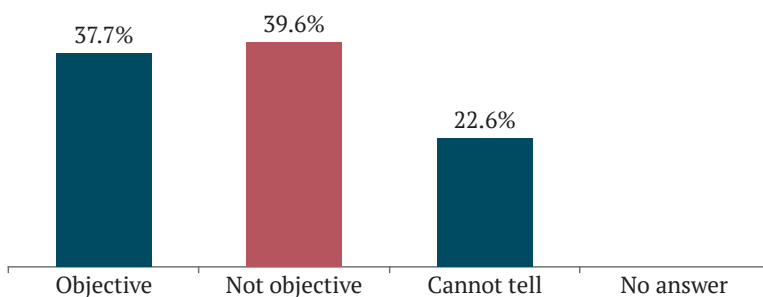
*Graph no. 10.*

*Which is your opinion in terms of whether the entry exam is difficult?*



*Graph no. 11.*

*Which is your opinion about the assessment of the entry exam?*

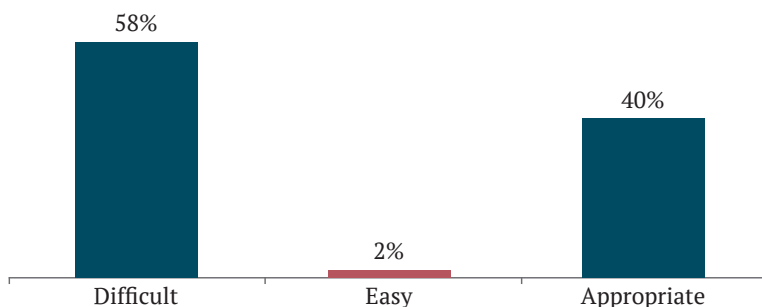


To the question “Which is your opinion about the exam after completion of the theoretical part of the training?”: 58% of the respondents answered that the exam is difficult, 2% answered that the exam is easy, and 40% answered

that the exam is appropriate (Graph No. 12). In terms of the assessment of the exam after completion of training, 30% of the respondents answered that it is done objectively, 43% answered that the assessment is not objective, and 27% stated that they cannot evaluate (Graph no. 13).

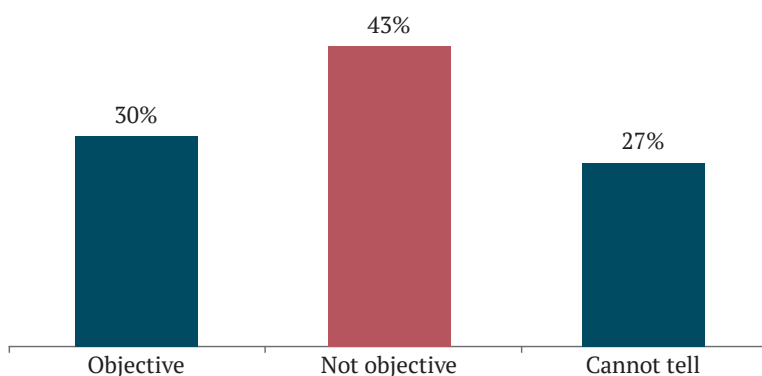
*Graph no. 12.*

*Which is your opinion about the exam after completion  
of the theoretical part of the training?*



*Graph no. 13.*

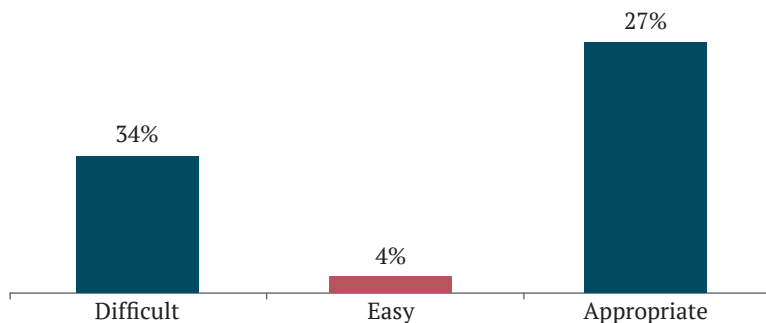
*Which is your opinion about the assessment of the exam after completion  
of the theoretical part of the training?*



In terms of how difficult is the final exam, 34% of the respondents stated that the exam is difficult, 4% think that the exam is easy, and 62% think that the final exam is appropriate (Graph no. 14). In respect of the assessment, 41% of the respondents think that the assessment of the final exam is done objectively, and almost the same number of participants thinks that the assessment is not done objectively (40%). The remaining 19% of the respondents could not evaluate the objectivity of the final exam assessment (Graph no. 15).

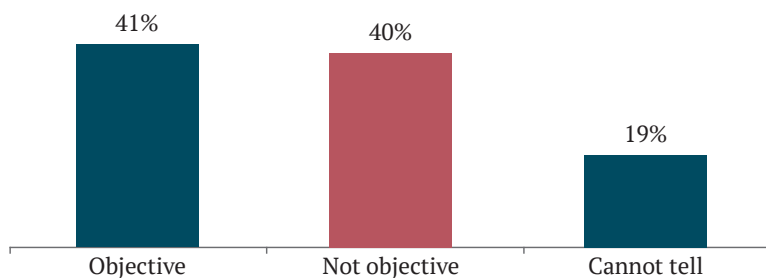
Graph no. 14.

Which is your opinion in terms of how difficult is the final exam?



Graph no. 15.

Which is your opinion in terms of the assessment of the final exam?



From the answers provided to the questions about the extent to which the exams are experienced as difficult and the objectivity in the assessment of the exams, one can conclude that training participants find most difficult the exam taken after completion of the theoretical part of the training, followed by the entry exam, while the lowest number of respondents experienced the final exam as difficult. In terms of objectivity, the situation is almost identical for the three exams, that is, around 40% of the respondents think that assessment is not done objectively for the entry, theoretical and final exam. As far as objectivity is concerned, the biggest number of respondents stated that the final exam is objective.

In terms of the experiences and suggestions about the final exam, the respondents shared different views. The summary of comments and suggestions is presented below:

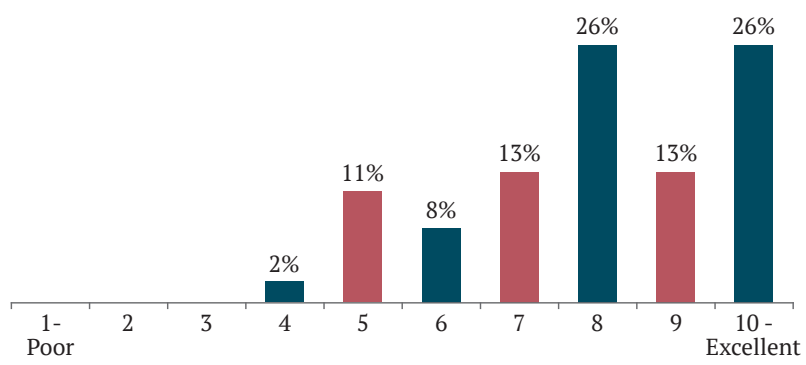
- The final exam was fitting and appropriate to the acquired knowledge;
- The result from the exam does not provide a real picture about the candidate's knowledge; it is a matter of luck – whether a case study task is drawn from a law or the case law;

- No dilemmas or doubts about the impartiality of the assessment, however; the point of having exams is not to make them difficult with ambiguous or multi-layered answers because a judge is not being trained to take a quiz; oftentimes one can come across several correct answers based on law, and a legal norm must be interpreted and considered from the aspect of a given questionable situation by taking into account all the circumstances of the case;
- I think it is not necessary to repeatedly take the electronic exam about case studies and the oral exam because we have already taken the entry exam and the exam after the theoretical training; I think that the final exam should consist of a moot court session or drafting a decision as the best way to assess the preparedness of a candidate“;
- The final exam should only include use of practical skills and knowledge in a moot court scenario and preparation and elaboration of a case before a commission as well as drafting an appropriate judicial or prosecutorial decision;
- The practice of designing the exams differently should be avoided, that is, the answers should be consolidated and should not depend on the respective judge or public prosecutor who designed the questions or the region in which they work;
- Some participants expressed some doubts about the final ranking of the candidates; the subjective assessment of the oral exam and the assessment of given answers and the negative points for incorrect answers. They also emphasize the need to ensure publicity, that is, other candidates should be present during the oral exams before a commission and also stress the need that the entry exam differs from the final exam.

The respondents were also asked to evaluate the practical benefits from the training at the AJPP for their day-to-day work activities, and based on the provided answers, the same number of respondents (26%) evaluated the practical benefits with a score of 10 and 8, respectively. 13% of the respondents circled the score of 9 and 7; 8% evaluated the practical benefits with score of 6; 11% with score of 5 and 2% with score of 4 (Graph no. 16). The calculated average score about the practical benefits of the training is 8.

Graph no. 16.

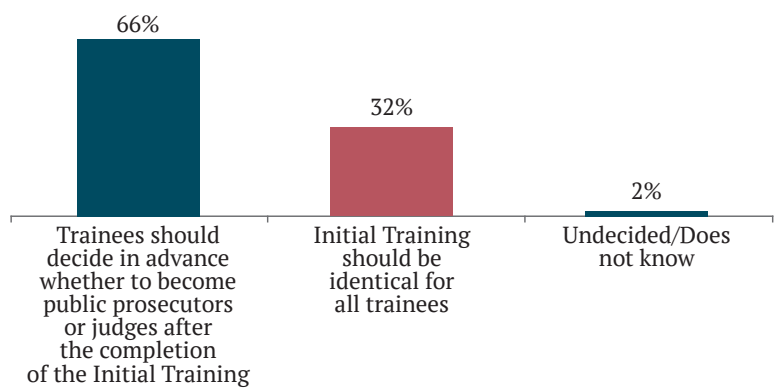
On a scale from 1 to 10, how would you evaluate the practical benefits of the training at the AJPP in performing your day-to-day work activities?



With reference to the question – “Do you think that after completion of the theoretical part of the training, it is desirable for the training participants to make a decision about a career as judge or public prosecutor, or you think that the training should be identical for all?“, 66% of the respondents who attended the initial training at the AJPP think that training participants should determine in advance whether they want to be judges or public prosecutors after completing the AJPP. In terms of whether the initial training should be identical for all initial training participants, only 32% of the respondents stated their opinion and only 2% are undecided about this question. (Graph no. 17)

Graph no. 17.

Do you think that after completion of the theoretical part of the training, it is desirable that the participants decide whether they want a career as judge or public prosecutor, or you think that the training should be identical for all?

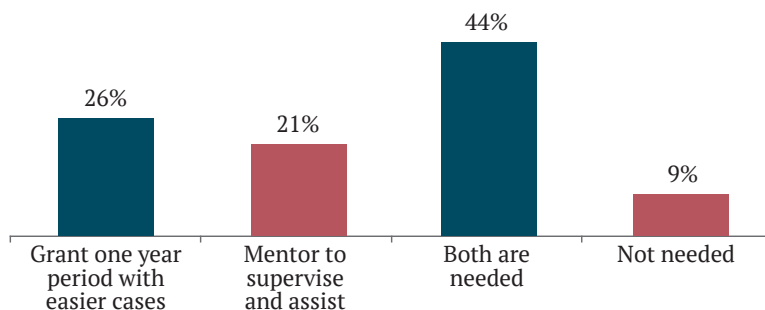


In terms of further assistance and support in performing the work assignments, 26% of the respondents stated that they should be working

on easier cases for at least one year from their training completion, and 21% of the respondents stated that they need a mentor who would oversee and assist their work, 44% of the respondents think that both of the aspects will be required, and only 9% think that neither of that will be required (Graph no. 18).

*Graph no. 18.*

*After completing the training at the AJPP, is there a need, in certain period of time (e.g. 1 year) for further assistance and support in performing your work assignments?*



The training participants provided the following comments regarding the future role and work of the AJPP:

- The AJPP has definitely justified its existence in the past 13 years. In future, efforts will be certainly required to improve the quality of initial and continuous trainings, to distribute the seminars by appellate regions and to tackle the problems related to the spatial conditions;
- I think that the AJPP, until now, has been successfully working and, in general, the produced staff is well-prepared; and therefore it should remain the only filter for future judges and public prosecutors;
- International cooperation with other European academies should be enhanced with focus on increased participation in international competitions, study visits, etc;
- The AJPP should become a place that brings together all judges and public prosecutors and should not only serve as a training facility. Debates and meetings with all judges and public prosecutors should take place regarding the drafting of legislative changes about the judiciary, and the AJPP should be the venue for organization of such debates and act in the capacity of an institution that provides the conclusions from such gatherings on regular basis;
- The staffing and intellectual capacities do exist in order to make the AJPP a reality and this is also accepted by the general public, because the independence of judiciary as main precondition for a democratic society starts with the AJPP;

- The same requirements should apply for every generation of future judges and public prosecutors in order to ensure selection of the best quality staff, and also to ensure that each generation is not put in different, i.e. less favourable position than the previous or subsequent generation. Frequent legislative changes also lead to legal uncertainty;
- The AJPP should have its own building with technical and spatial conditions that enable it to perform its function up to the required standards and ensure better quality of initial and continuous training. In future, equipping and putting into function an improvised courtroom will be certainly needed.

### **Concluding observations from the answers of current or former training participants at the Academy for Judges and Public Prosecutors "Pavel Shatev"**

- There is a common agreement among the respondents that the AJPP must exist, and 2/3 of them think that it should have been opened even earlier. They think that the AJPP ensured a very good response to the past situation when individuals without having spent a day in a courtroom and without any other education were appointed as judges: “AJPP is absolutely needed and it justified its existence”.
- Election of future judges and public prosecutors is undertaken through the AJPP, which is preceded by a complex process of entry examination of candidates for initial training, free from any partisan/political and other influences in the selection of future training participants, thus maintaining a sense of professional independence throughout the educational process until its completion. The inviolable sense of independence is conducive to the integrity of future staff, knowing that they do not depend on any political process or will of individuals in order to be elected as judges and public prosecutors after the educational process at the AJPP.
- The average score for the overall quality of trainings at the AJPP is 8 (on a scale from 1 to 10), meaning that training participants value the training.
- Overall, the training program is considered to be well structured and balanced; however, there is a request for more educational practice and less theory.

- Quality of program and selected subjects at the AJPP were evaluated with an average score of 7.
- Respondents consider that exams should be taken only for main teaching subjects, and subjects of minor importance should be taught only for the purpose of being generally informed about certain subject matters; there should be more practice, especially trial simulations; modules should be tailor-made depending whether a candidate will be a judge or public prosecutor in future; the list of current trainers should be reviewed; there should be more up-to-date and better quality materials about EU and international law.
- Trainers in the initial training were given an average score of 6.6.
- Participants generally commend the competencies and professionalism of trainers. However, they think that some of the practitioners lack a methodological-pedagogical approach, while university professors lack practical experience. They criticize the reading of articles directly out of the law, instead of focusing on the interpretation and application.
- The methodology of delivering lectures was evaluated with a general score of 7.
- Suggestions are made about increased use of various educational tools; exercises for drafting decisions and organization of moot court sessions; exchange of experiences about problematic cases or trials.
- The practical training was evaluated with an average score of 8.
- Practical trainings are mainly positively evaluated, given the fact that it is the most important part of the overall initial training. Participants gave various suggestions depending whether they are future judges or public prosecutors. In addition, they think that some of the mentors were not sufficiently motivated to work with the candidates.
- The administrative staff at the AJPP, in terms of offered quality of services, was evaluated with an average score of 7.4.
- The mentorship system of work was evaluated with an average score of 8.25.
- In respect of the mentorship, respondents suggest that training on mentorship is also required for the mentors; there were comments about the written reports on the practical work of candidates that need to be redesigned in order to cover all undertaken activities throughout the training.
- Topics which have not been sufficiently covered in the trainings most often include: exercises for drafting decisions, work on court and



prosecution cases especially for candidates who do not come from courts and prosecution offices; practical exercises and more training about procedural laws, specific actions and practice about various procedural phases (LPC etc.) and work with the ACCMIS.

- Opinions about the extent to which exams are experienced as difficult are completely divided, as well as opinions about assessment of exams.
- In terms of whether they experience the exam after the theoretical training as difficult, around 60% think it is difficult and other respondents think it is appropriate. The evaluation of the exam assessment is dispersed, that is: 30% think it is done objectively, 43% think that it is not objective and 27% cannot evaluate.
- Around 60% of the respondents think that the final exam is appropriate, and 34% experience it as difficult. Opinions about the assessment are quite divided: around 40% think that the assessment is done objectively and identical percentage of respondents have opposite opinion.
- Former training participants evaluate the extent to which training received at the AJPP is beneficial in their day-to-day work assignments with an average score of 8.
- Two thirds of the respondents think that they need to determine in advance whether they want to become judges or public prosecutors after completing the AJPP.
- In the first year after they complete the AJPP, 1/4 of the respondents think that they need to work on less complicated cases, 20% think that they still need a mentor and 44% think that both will be needed.

## **B. Summary of results obtained from participants in continuous training at the Academy for Judges and Public Prosecutors "Pavel Shatev"**

This questionnaire was administered to 85 beneficiaries of continuous training at the AJPP. Respondents answered a set of 30 open-ended and close-ended questions. Answers to close-ended questions are presented on the graph, while answers to open-ended questions were summarised and presented in the narrative part. According to the demographic characteristic of the group, shown in the first three tables, more women than men provided answers to the questionnaire. Most represented is the age group of 30-49, and judges in terms of their job position/institution.

*1. Demographic structure of respondents by gender*

Gender	
Female	63%
Male	37%

*2. Demographic structure of respondents by age categories*

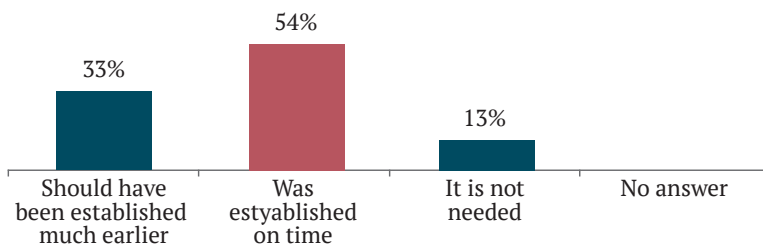
Age	
18-29	4%
30-49	56%
50-64	41%

*3. Structure of respondents by job position and institution*

Job position/institution	
Judges	34
Basic public prosecution office	26
Court associates	14
Legal associates	3
Ministry of justice	1
Judicial council	1
Basic court	1
Civil court	1
Consultant	1
Supreme court	1
Higher administrative court	1

With reference to the question, “How would you evaluate the need for existence of the AJPP”, 87% of the respondents think that the AJPP is needed, that is, 33% of interviewed participants in continuous training think that it should have been opened long time ago, and 54% think that it was opened on time. Other 13% stated that the AJPP is unnecessary. (Graph No. 1).

Graph no. 1.

*How would you evaluate the need for existence of the AJPP?*

Participants were also provided space for comments to explain their answers. According to their views, major part (90%) of the respondents who are part of or participate in the continuous training at the AJPP think that AJPP is the basic precondition to produce quality staff through initial training as well as continuous training of already existing staff. Also, they point out the need for cooperation through the AJPP with other judicial institutions in the country and similar educational institutions abroad, in order to ensure complete theoretical and practical preparation of future judicial staff that develops new knowledge and skills, including the international and European standards for human rights. They think that the AJPP justified its existence in developing a contemporary, European profile of judges and public prosecutors, who are motivated, independent and with high integrity and professionalism, willing to tackle the challenges they face in performing their function, and which can be only achieved through education in this institution. The AJPP not only produces new staff, which is now in deficit and who will implement the future reforms in the judiciary towards a new modern system with increased public trust, but also raises debates on topics related to the weaknesses and deficiencies of the system, guidelines for future changes, ethics and raising the ethical standards in the legal profession, fight against corruption and conflict of interest, and a range of other current and complex topics. Some respondents also believe that the AJPP should have existed in the period when the democratization process in Republic of North Macedonia started, i.e. at the beginning of the 90-ies, as this would have helped to avoid possibility for direct political interference with the independence of judiciary.

Less respondents (10%) expressed criticism for the initial training, and think that legal associates from courts and public prosecution offices should be given priority for admission at the AJPP and should be provided with a shorter training because they are partially familiar with and understand the work of courts and public prosecution offices and can easily and faster re-qualify. They request more practical exercises and training

because candidates' performance improves from the first to the last moot court. Some respondents think that the entry exam is too extensive and at the same time devalues the bar exam, that selection of participants is not appropriate and that the overall process does not guarantee quality election (the process of election is unfair). Also, some of them think that the training can be self-financed and it should last for a maximum of six months and that training in this period should be only practical (moot court, assessment of abilities to run court proceedings in practice and coping with stressful situations during trials, ability to draft decisions, etc.). They also express concern about the timely and quality staffing for the regular work of courts in order to avoid any situations where courts are left without judges or reducing of the staff in smaller courts, that is, the staffing of the judiciary must be ensured with young staff and in a timely manner.

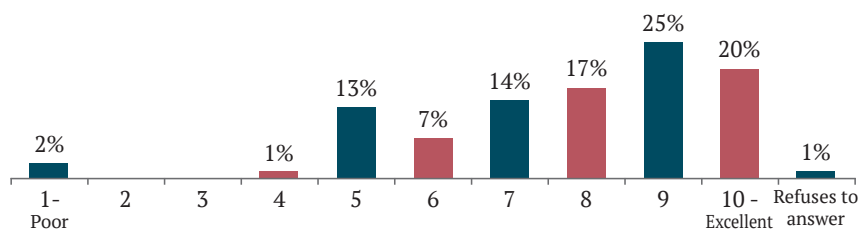
Several respondents think that the AJPP should not exist at all (13%).

Respondents request putting more emphasis on the continuous training, that is, training about standards, current topics and most recent trends, reviewing contentious matters, required novelties in the work due to legislative changes, interpretation and application of provisions or regulations, exchanging experiences, new trainings about the ECHR and the ECtHR case law for the purpose of raising the awareness and the quality in the work of public prosecutors and judges.

In terms of how respondents evaluate the general and overall quality of training at the AJPP, 20% of the respondents responded with a score of 10; 25% responded with a score of 9; 17% with score of 8; 14% with score of 7; 7% with score of 6; 13% with score of 5; 1% with score of 4 and 2% with score of 1 (Graph No. 2). The general and overall quality of training was evaluated by the participants in continuous training with an average score of 7.8.

Graph no. 2.

*Please evaluate the general and overall quality of the training received at the AJPP*

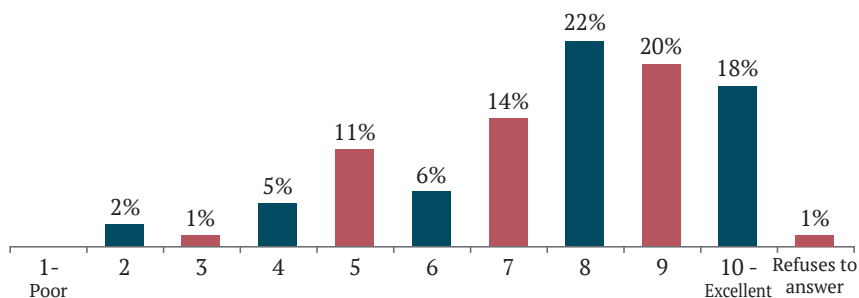


The graphs below show the percentages of the scores given by the respondents on a scale from 1 to 10 with regard to several aspects in the

work and program of the AJPP, that is: catalogue of trainings, selection of national and international trainers, organization of trainings, and quality of services provided by the AJPP administration. To be able to take a look at the large picture, space was left for comments for each part of the training which is evaluated. Comments were also summarized and shared under each of the respective categories.

The AJPP Catalogue of trainings was evaluated by 18% of the respondents with a score of 10; 20% with a score of 9; 22% with a score of 8; 14% with a score of 7; 6% with score of 6; 11% with a score of 5; 5% with a score of 4; 1% with a score of 3 and 2% with a score of 2 (Graph No. 3). To be able to grasp the views of respondents, it was calculated that the average score for this question is 7.6.

*Graph no. 3.  
Please evaluate the AJPP catalogue of trainings*



Based on the comments, most of the respondents think that the Catalogue of trainings is good, useful, and timely and covers interesting and up-to-date topics. They request that beneficiaries (judges and public prosecutors) are consulted in future about topics that will be interesting and up-to-date, so that topics are not constantly repeated. “The Catalogue includes significant topics in all areas, with particular emphasis on up-to-date topics and subject-matters, and the good think is that they make sure the topics are repeated in different intervals so that more participants can attend the training depending on their work engagement. In this respect, according to one respondent: “I would propose that participants are given the opportunity to propose topics of elaboration and training in a special section on the website of the AJPP“.

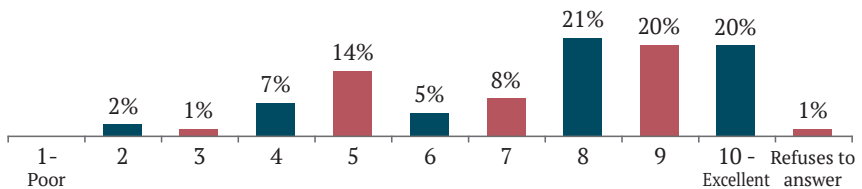
Suggestions for improvement include: increased coverage of topics from civil law because of the opinion that there are always more trainings in criminal matters; the Catalogue should be published on quarterly basis in order to ensure continuous follow-up on all legislative changes, topics and practice; trainings should arouse more interest and be more practical; more trainings on ECHR and trainings on particular crimes should be

added; training on the application of the European law; more trainings on evidentiary procedure, court experts and special investigative measures (systematic and more comprehensive training with representatives from the MoI and officers from the Operational-technical agency about new ways of implementing special investigative measures); identification of ways how to bring the Catalogue closer to each judge, more information to be provided about trainings in order to meet the expectations of judges and/or prosecutors when they apply for a specific training; to avoid repetition of trainers and topics; to ensure better coordination with foreign partners regarding the offer of new types of trainings; all offered trainings to be posted on the AJPP website; there should be more trainings about administrative law; etc.

In terms of the selection of national trainers, the respondents evaluated it with an average score of 7.5, or shown separately: 20% of the respondents evaluated it with a score of 10; 20% with a score of 9; 21% with a score of 8; 8% with a score of 7; 5% with a score of 6; 14% with a score of 5; 7% with a score of 4; 1% with a score of 3 and 2% with a score of 2. (Graph No. 4)

Graph no. 4.

*Please evaluate the selected national trainers at the AJPP*



On the open-ended question, majority of the respondents (80%) expressed positive opinion about the national trainers in terms of their professionalism, preparedness and competencies. They also express satisfaction with the recruitment of trainers from the academic community.

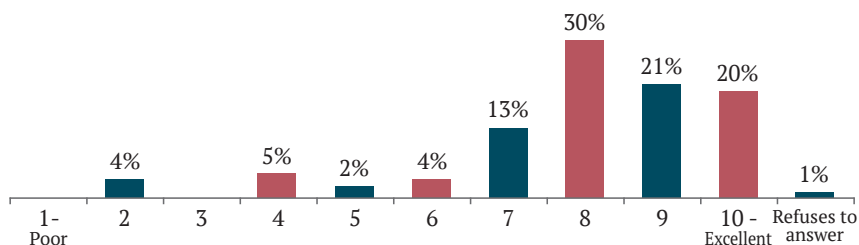
Suggestions and comments to this question are as follows: in future, trainers should be recruited from candidates who completed the AJPP and meet the legal requirements; frequent repetition of the same trainers should be avoided even though “it is real pleasure to listen to some of them speaking on the same topic several times”; there should be more practitioners involved and more practice than theory (laws should not be read or retold); selection of trainers should give priority to their quality and not their formal experience and high position; trainers should more often make parallels with the case law of the ECtHR and/or make comparative analyses; trainers should be encouraged to use educational tools (because some of them fail to do that); to re-evaluate the existing trainers based on the level of knowledge and expertise, teaching and

educational skills, etc., but also some new trainers to be involved who possess the required qualities for training delivery; trainers who have the expertise and competencies in the areas of discussion, but lack the skills to transfer their knowledge, should be provided with certain training.

The selection of international trainers at the AJPP was evaluated by the respondents with an average score of 7.9, or specifically, 20% of the respondents evaluated it with an excellent score of 10; 21% with a score of 9; 30% with a score of 8; 13% with a score of 7; 4% with a score of 6; 2% with a score of 5; 5% with a score of 4 and 4% with a score of 2. (Graph No. 5).

*Graph no. 5.*

*Please evaluate the international trainers at the AJPP*



In most of the cases, the respondents think that the international trainers are excellent, possess quality and expert knowledge – ...“I would especially mention the foreign trainers selected by the United States Embassy to talk on topics related to criminal matters as they are very interesting, active and open to share experiences, with well-developed interactive workshops in which all participants take part through various exercises and without simply listening about theory and practical experience, but also applying the acquired knowledge through properly designed exercises.“... “...Trainers from the French National School on Administration should be brought in the country“.

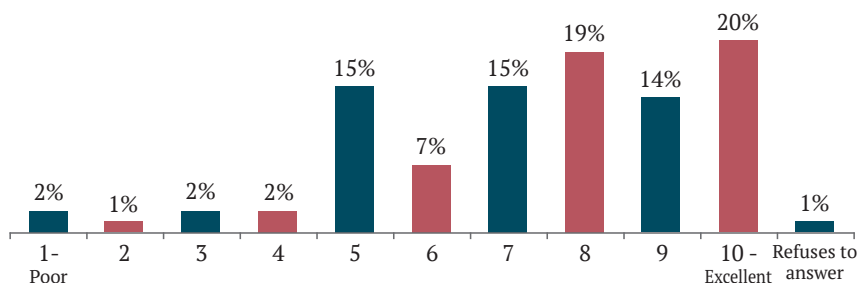
In their comments, respondents stated that national trainers should also be present whenever international trainers give lectures by sharing their experiences, in order to make a parallel and comparison between the national and international legislation and practice. When they deliver lectures, they need to be informed in advance about the national circumstances, experiences and legislation and this way to ensure comparative discussion, interaction and evaluation of our advantages and disadvantages. “I have the impression that some foreign trainers have no idea about the problems encountered by judges and/or public prosecutors in the Republic of North Macedonia, they fail to consult the Constitution and laws of the country, their expertise is not in compliance with the specific topic....one should not be fascinated by the fact that the trainer is some

“foreigner“, but rather, by the amount of comparative information/data they provide on a specific topic/area, and to which extent the information/data is beneficial for our day-to-day work“. They also suggested that topics should be primarily selected based on the national priorities and needs, and if possible, to have practical implications.

The organization of trainings at the AJPP (concept of the agenda, balance between theory and practice during trainings etc.) is evaluated with an average score of 7.3 , that is, 20% of the respondents evaluated it with an excellent score of 10; 14% with score 9; 19% with score 8; 15% with score 7; 7% with score 6; 15% with score 5; 2% with score 4; 2% with score 3; 1% with score 2 and 2% with score 1. (Graph No. 6)

Graph no. 6.

*Please evaluate the organization of trainings at the AJPP  
(concept of the agenda, balance between theory and practice during the training, etc.)*



Majority of the respondents also expressed satisfaction with the organization of trainings and emphasize that theory and practice were well-balanced.

Yet, they reiterate the need for more practice is included into the training content, and that practice should be given priority to theory. Some respondents think that “the work methodology of trainers is still very poor, they usually use Power Point presentations, and, therefore, more trainings of trainers need to be organized in future regarding the methodology of teaching“. Also, they emphasize the need to encourage debates and discussions on selected topics and among the participants – “the AJPP is making efforts to strike a balance, however; it depends on the amount of interest the participants have to actively participate in trainings...”

No comments were made about the concept of the agenda, but, they believe that it needs to be flexible and ensure that current topics and problems are covered in a timely manner, that is, more attention is required on the practice and raising topics and discussions about harmonizing the case law. They criticize the fact that sometimes the trainers change the agenda, having in mind that some of the training participants travel from distant

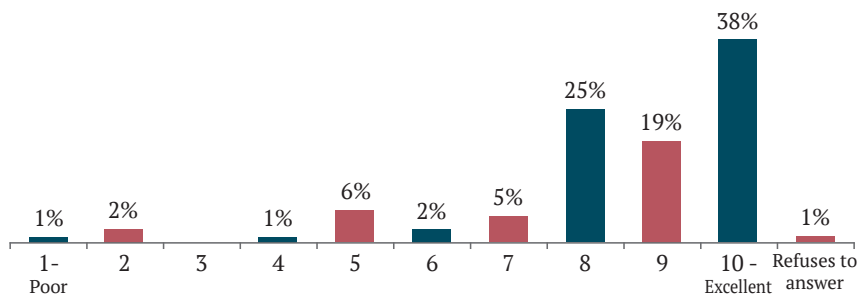


places, or that participants who are mainly from Skopje show up late or leave early, etc. Also they mention the need for synchronization of the topics among the trainers who take part in the training. Finally, they say it is imperative that the AJPP is provided with premises which will completely meet the needs both of the staff and the training participants.

The quality of services related to the administration at the AJPP was evaluated by 38% of the respondents with an excellent score of 10; 19% with score of 9; 25% with score 8; 5% with score 7; 2% with score 6; 6% with score 5; 1% with score 4; 2% with score 2 and 1% with score 1 (Graph No. 7). According to the calculation of the average score values for this set of questions, the quality of services provided by the administration received the highest score, i.e. average score of 8.4.

Graph no. 7.

*Please evaluate the quality of services related to the administration at the AJPP*

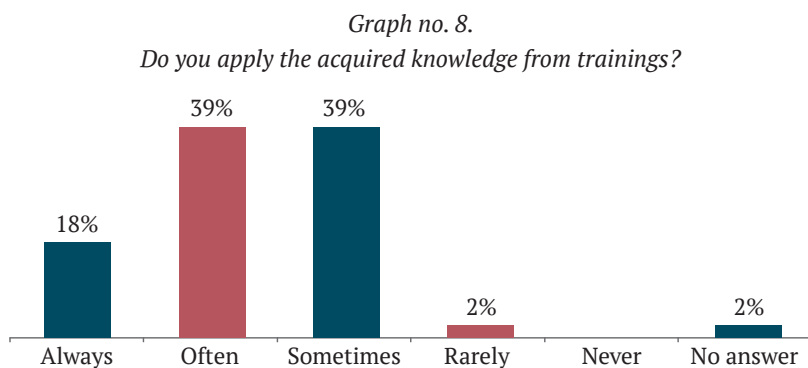


This evaluation is also perceived through the analysis of the additional open-ended questions. According to the answers, all respondents commended and expressed satisfaction with the attitude, professionalism and work of the administration at the AJPP. They request more human resources, i.e. additional employment: The quality of provided services is at high level considering the shortage of staff at the AJPP, however; new employment and better organization and allocation of staff is still needed to ensure they are fully committed to the organization of certain activities. For the time being, due to shortage of staff, some staff members have to cover all events, which sometimes affects the quality of provided services (their continuous presence, etc.). In addition, there is need to improve the IT services, to provide Internet connection for more computers in the lecture rooms, especially for the online trainings, etc.“.

According to the answers to the question – “Which are the perceived weaknesses or educational needs in your day-to-day work that need to be addressed through trainings?“, the respondents listed the following perceived weaknesses, i.e. topics/educational needs that would be beneficial for their future work: jurisprudence of the ECtHR and trainings related to

Articles of the ECHR; psychological topics to gain better understanding of human behaviour; trainings that will enable harmonization of the various practice in the appellate regions in the country; lectures provided by the Supreme Court, especially with regard to the general court positions; direct and cross examination in criminal proceedings; topics related to forensic medicine and forensic psychiatry; ethics; investigative centres; organized crime; affirmation of the Human Rights Education for Legal Professionals (HELP)–program; more diverse topics from civil law; how to cope with public criticism, public appearance, behaviour, practical trainings through interactive exercises about the attitude towards the parties and the interested audience in cases affecting the public interest; practical knowledge about the criminal procedure; foreign experiences about the professional court clerks' service; improving the situation regarding the academic literature in the courts; topics should be selected according to the needs of judges and for areas where the results are low; trainings about the practical use and implementation of technological innovations (recording) in the processes.

According to the answers to the question – “Do you apply the acquired knowledge from trainings?” it can be seen that participants in continuous trainings do apply the knowledge obtained during the training process, that is, trainings are helpful in their day-to-day work for almost all candidates. Specifically, 18% of the respondents always apply the acquired knowledge, 78% quite often or sometimes and only 2% answered that they do that rarely (Graph No. 8)

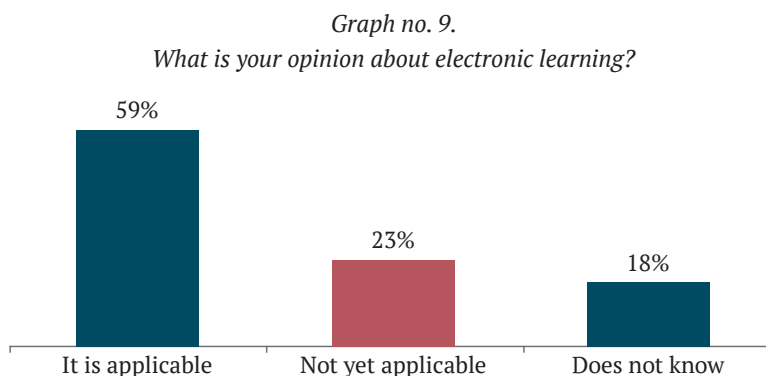


The respondents stated that they find the trainings useful, and probably not always, but often they do apply the knowledge in their day-to-day work and practice. They are especially interested in the jurisprudence of the ECtHR, which can be applied in their regular work depending on the respective area. They find the trainings more useful if more attention is paid to practice with exercises and elaboration of the case law, because

as of recently there is need to harmonize the practice. That said, it is exceptionally important to harmonize the case law and legal action in all the appellate regions and to be supplied with the positions of the Supreme Court – “Given the situation of hyper production of regulations in the Republic of North Macedonia, which lasts for quite some time, the relevance of the topics selected by the AJPP is therefore of utmost importance... taking of common positions in a timely manner, harmonized opinions, conclusions from seminars, all in relation to application of some ambiguous provisions can significantly contribute to faster and quality justice“....“Whenever the trainer conveys a clear position, the training is useful, however; trainers are oftentimes uncertain, so dilemmas and contentious matters remain as such....continuous trainings should also serve for creation and harmonization of the case law“.

In addition, they emphasize the need for continuation of the HELP-program which opens many opportunities to study the case law of the ECtHR in various legal areas, as well as to corroborate the reasoning of a court decision.

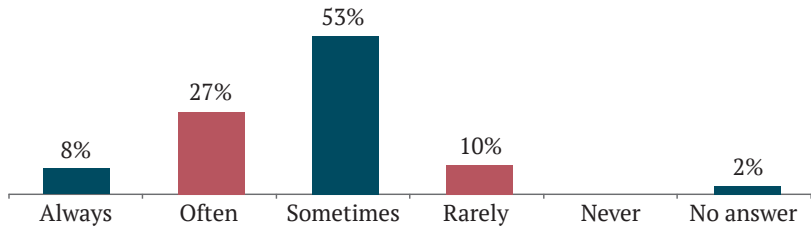
The respondents were asked to share their views about electronic learning, and 59% of them stated that this type of learning can be applied, 23% think that it cannot be still applied, and 18% did not share their view. (Graph No. 9)



With regard to learning aids, according to 8% of the respondents, the trainers offer enough materials, literature and learning practicums, 27% think that trainers do that quite often, whereas the biggest number of respondents (53%) think that the trainers sometimes offer enough materials. The remaining 10% answered that they rarely receive learning aids. (Graph No. 10)

Graph no. 10.

*Do trainers offer enough materials, literature, practicums and other learning aids?*



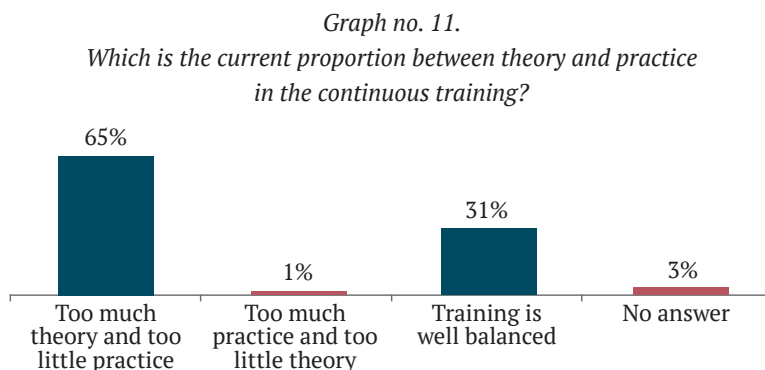
In order to identify which were the trainings that provoked most of the participants' interest, the respondents were asked to list the topic which they liked most. The respondents listed the following topics from trainings they attended, and especially liked the following:

- Jurisprudence of the ECtHR on various topics and articles of the Convention: Article 10 – Freedom of Expression; Articles 3 and 5; Confiscation – case law of the ECtHR and concessions in the national case law; consistency of the national case law and application of ECtHR decisions; training of trainers on the listed topics; HELP – program supported by training of trainers and training methodology; promotion of a guide for using quotes from the case law of the ECtHR.
- Surrogate motherhood.
- Main trial and cross examination organized by the United States Embassy in the country.
- Notary payment order according to the adopted Law on Notariat.
- Decisions on appeals in criminal proceedings – exchange of experiences from the practice.
- International legal assistance in criminal matters.
- Detention and related matters.
- Expert witnesses.
- Criminal acts – murder.
- Witness examination during prosecutorial investigation, through the Office of the Overseas Prosecutorial Development, Assistance and Training.
- Civil disputes arising from the enforcement procedure before competent enforcement officers.
- International standards on judicial ethics.

- Civil law protection of the intellectual property rights.
- Human trafficking.
- Pre-investigative procedure for crimes.
- Illegal migrations.
- Introductory module in training on cybercrime, electronic evidence and online criminal processes.
- Mobbing – psychological harassment at the workplace.
- Abuse of official position and authorization.
- Confiscation of assets.
- Application of the new Law on Administrative Disputes in drafting decisions and training on implementation.
- Special investigative measures.
- Application of the Law on Litigations.
- Application of the LCP.
- Offer for a new amended employment contract before dismissal.
- European law, European Court of Justice (ECJ).
- Hate crime.
- Costs of the procedure.
- Defamation and dishonour.
- Financial abuse.
- Drafting of court decisions.

To ensure improvement of elaborated topics within continuous trainings, the respondents were also asked to list the topics they did not like. They listed a few examples of topics in the continuous training they did not like. The respondents stated that they do not like when trainers read the legal provisions which they can read themselves. Also, they did not like the topic related to legal writing skills and legal reasoning of court decisions because the lectures did not match the topic. Other listed topics: asset confiscation; counselling about consumers' rights; drafting decisions and costs of court proceedings; enforcement of court decisions (enforcement officers); liability of attorneys; crimes related to the electoral process; topics related to the Labour Relations Law.

The last question related to the continuous trainings was aimed to hear the views of the respondents about the proportion of the theoretical and practical part. According to the presented data in Graph No. 11, it can be seen that there is a prevailing opinion among the respondents that more space is given to theory than practice (65%). 31% of the respondents think that the training is balanced, and other 3% did not answer.



As one could expect, most of the respondents who attend the continuous training at the AJPP prefer that significant part of the time is used for practical teaching, exercises, case studies and interaction with the trainer. One can assume that the theory has already been acquired by the participants and that lectures should not be *ex cathedra*. They believe that “presentations should be solely used as reminder for certain legal provisions related to the topic, and the focus should be on animating the participants with practical exercises and their direct participation in seminars” (for instance: trainings on main trial and cross examination with the United States Embassy in the country). The effect of the training should be to provoke the participants’ interest to search for materials on the specific topic after the training.

Finally, the respondents were asked – “How do you envision the development of AJPP? Do you have any suggestions about the work of AJPP?” The respondents envision the AJPP as institution that works in its own new premises (new, modern building), equipped with technical equipment and human resources, similarly to such institutions in other European countries. They envision that the continuous training is strengthened and judges and public prosecutors attend the trainings based on their needs and not based on the obligation to complete the number of classes in training; the international cooperation is further developed; the AJPP is further immune to political interference, as much as possible; the AJPP is more accessible for all judges and public prosecutors in terms of attending lectures and trainings in the country and abroad, participation in projects and the AJPP avoids any showing of preferences for certain individuals; more staff from various state bodies and institutions are

involved in the trainings, that is, the ones who take part in the proceedings before courts, which is a way to ensure exchange of experiences and trainings in all areas; more *e-learning* trainings are introduced, training participants receive the training materials electronically in advance and are able to ask questions about the topic in a given timeframe before the training and a trainer can assess the areas of interest and accordingly prepare the topic and the respective case law; trainings are dispersed and organized at the level of appellate regions; the publishing activity of the AJPP is more dynamic (textbooks, publications), etc.

The visibility of the AJPP should increase in terms of being more represented at all law related events; it should be more independent in the selection of new candidates for judges and prosecutors; and the selection of trainers should also take into account the fact that the case law is also created outside of Skopje or other bigger courts.

### **Concluding observations from the answers of the participants of continuous training at the Academy for Judges and Public Prosecutors "Pavel Shatev"**

- Large majority of respondents, i.e. 87% think that the AJPP should exist, or that it justified its existence.
- Highest number of respondents (90%) thinks that the AJPP is the basic precondition for production of quality staff through initial training, as well as continuous training of the existing staff.
- Smaller number of respondents (10%) thinks that legal associates in the courts and prosecution offices should be given priority for admission at the AJPP, as their retraining can be easy and faster.
- Respondents prefer more practical examples and less theory during the continuous education.
- Topics of continuous training should include standards, up-to-date topics and most recent trends, elaboration of contentious legal matters, novelties in the work, trainings about the ECtHR and its case law.
- Quality of the continuous training is evaluated with an overall average score of 7.8.
- Based on their comments, most of the respondents think that the Catalogue of trainings is good, useful, up-to-date and covers interesting and current topics, and is evaluated with an average score of 7.6.

- National trainers were evaluated with an average score of 7.5.
- International trainers were evaluated with an average score of 7.9.
- Organization of trainings at the AJPP (concept of the agenda etc.) was evaluated with an average score of 7.3.
- The balance between theory and practice is acceptable, however; the respondents request more practical education. They suggest that trainers should be provided with training on the teaching methodology and how to encourage debates and discussions.
- The services of the administration employed at the AJPP in terms of their work for the continuous training is evaluated with an average score of 8.4.
- 18% of the participants of continuous training state that they always apply the acquired knowledge from trainings and 78% do that often or sometimes. There is special interest for the jurisprudence of the ECtHR and equalization of the case law.
- Roughly 60% of the respondents show preparedness for e-learning, unlike 23% who think that it cannot be applied.
- Around 1/4 of the respondents are satisfied with the learning aids received during the continuous education, but more than half think that they receive such materials “sometimes”.
- The participants in continuous training were able to list a number of topics that were interesting and instructive. On the other hand, the respondents stated only a small number of topics from continuous training they did not like.
- The opinion that more theory than practice is provided in the continuous education prevails among 2/3 of the respondents and 1/3 of the respondents think that the training is balanced.
- Respondents envision the AJPP as an institution that works in its own new premises (new, modern building) technically equipped and with adequate human resources, similarly to the respective institutions in other European countries.
- Continuous training should be further strengthened by use of numerous new innovative educational methods and putting special accent on the practice.



### C. Summary of results obtained from representatives of institutions related to the work of the Academy for Judges and Public Prosecutors "Pavel Shatev"

The questionnaire was administered to 50 employees from institutions that directly or indirectly work with the AJPP. A set of close-ended and open-ended questions were answered by the members of the Judicial Council and the Council of Public Prosecutors; presidents of courts and heads of public prosecution offices and staff from the Ministry of Justice. In respect of the demographic structure of the sample, there was almost an identical number of women and men, and in respect of the age structure, most represented were respondents aged 50 to 64.

#### 1. Demographic structure of the respondents by gender

Gender	
Female	49%
Male	51%

#### 2. Demographic structure of the respondents by age categories

Age	
18-29	2%
30-49	28%
50-64	52%

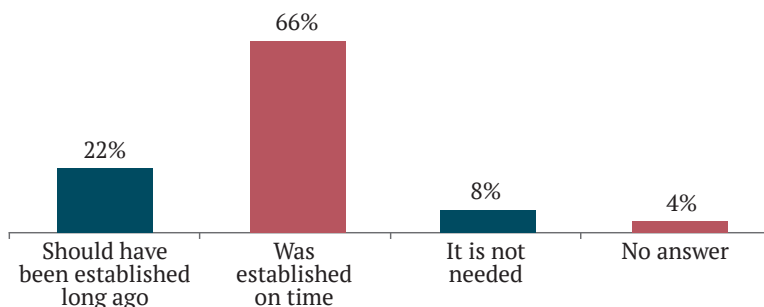
#### 3. Structure of respondents by job position/institution

Job position and institution	
Judicial Council	10
Public Prosecution Office	5
Judges	8
State advisors	7
Ministry of justice	6
Council of public prosecutors	6
Lawyer	2
Appellate court	1
Member of Governing board	1
No answer	4

In respect of the need for existence of the AJPP, 22% of the respondents think that it should have been established long time ago, 66% answered that it was established on time, and only 8% think that AJPP should not exist (Graph No. 1). That is, in absolute figures, 44 out of total of 50 respondents think that the AJPP is necessary, and only 4 respondents think that the AJPP is not needed in the judicial system in the Republic of North Macedonia.

Graph no. 1.

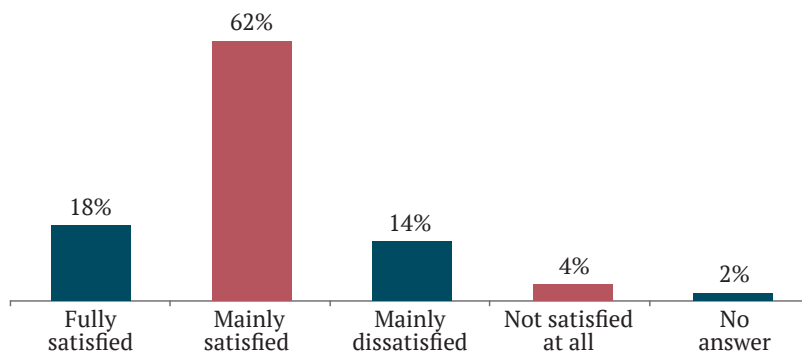
*How would you assess the need for existence of the AJPP?*



In terms of the degree of satisfaction with the quality of produced staff at the AJPP, high percentage i.e. 80% of the respondents expressed satisfaction (18% completely satisfied and 62% generally satisfied), while 18% are not satisfied with the quality of staff (14% are generally not satisfied and 4% completely not satisfied) (Graph No. 2). Shown in absolute figures, from the total of 50 respondents, 40 expressed their satisfaction with the quality of the staff that attended the AJPP.

Graph no. 2.

*Are you satisfied with the quality of staff produced at the AJPP?*



The respondents from the respective institutions which have major importance in the judicial system in the Republic of North Macedonia, were asked for suggestions about the following: deficiencies in the

staffing policy/participants at the AJPP; deficiencies in the organization of the work of the AJPP for the purpose of realization of current needs; deficiencies in the financing of AJPP (budget, space). All these questions were open-ended. The systematic arrangement and summary of the given answers is presented below.

Respondents who are members of the leadership in the judiciary shared their views about the staffing policy of the AJPP, which is primarily done through the selection of participants in initial training.

They state the need for reviewing the entry exam, and more rigorous but equal selection criteria for each candidate in order to ensure that best candidates are selected (this is an ongoing process as the new wording of the Law on the Academy for Judges and Public Prosecutors is in parliamentary procedure). In addition, the entry exam should not draw case studies from the case law because the answers cannot be found in the law and not all candidates have work experience in a court/public prosecution office.

Some respondents think that there should be separate admission criteria for legal associates from courts and public prosecution offices (shorter time for education), and a complete picture about their abilities and expertise should be obtained through cooperation with courts and public prosecution offices where they work (separate scores). The system for verification of candidates' integrity should improve; higher requirements for proficiency in foreign language should be introduced; previous performances in the career should be monitored and the entry exam should be generally more fair by setting higher criteria. There is a remaining dilemma in terms of whether the average grades from university studies, the university where the candidate graduated, any higher academic degrees (Master studies, PhD) should be taken into consideration etc.

It is proposed that the territory of the Republic of North Macedonia is divided in four regions according to the regions of the appellate courts in the country, and the selection of new training participants at the AJPP is done proportionally to the number of judges and the population in each appellate region (this is addressed in the wording of the new law).

Respondents also mention the problem regarding the limited available space to the AJPP, also because more candidates will be admitted in the new generation.

In the comments about the continuous training, they think that trainers should be selected based on competencies and qualities and not based on the preferences of those who decide about trainers, while the selection of topics should be based on the needs of judges and prosecutors. In order

to improve the planning of trainings, they propose that at the end of the year, each court and public prosecution office make a proposal about the number of required trainings for their judges and public prosecutors and the respective areas of interest. This will enable the AJPP to have basic data at disposal in order to plan the number of trainings for which they are interested. In terms of the future improved organization of the work at the AJPP, the respondents suggested the following: more active monitoring of the needs of judges and public prosecutors for continuous training; closer cooperation with the Judicial Council and organization of quarterly meetings; trainings for the judicial staff that will be involved in the negotiation process with the EU; intensive cooperation with the associations of judges and public prosecutors; promotion of the AJPP both in printed and electronic media, visibility in social media for specific events about and concerning the AJPP; better staffing of the AJPP; admission of candidates in the AJPP every calendar year; more practical teaching, attending trials and moot court sessions; designing a more appropriate system for selection of experts-trainers; providing the AJPP with bigger premises for admission of increased number of candidates for initial training, as well as to respond to the great interest for continuous trainings by the legal professionals; creation of electronic database with national and international legal literature and to be made available to the participants in initial and continuous training at all times; considerations about recruitment of permanent trainers at the AJPP from among the judges, public prosecutors and professors who are able to transfer their knowledge in clear and practical way.

In respect of the budget and premises of the AJPP, most of the respondents point out the urgent need for new and more adequate working space for the AJPP, that is, a new building. The current premises are inadequate and fail to respond to the needs especially during initial trainings. There is need for bigger and better equipped lecture rooms and premises for organization of workshops; specially equipped premises – courtrooms where the participants can practice; bigger and modern equipped library; more and better offices for the staff at the AJPP.

Another suggestion is that the status, rights and obligations of the employees in the AJPP are regulated by the Law on Professional Court Clerk Service and that the number of staff at the AJPP should be increased. More staff is needed because of the intensity of work, especially when more candidates for initial training are admitted. The budget of the AJPP should be increased to respond to the real needs.

On the question – “How do you envision the development of the AJPP? Do you have any suggestions about the work of the AJPP?”, the respondents envision the AJPP as institutionally strengthened, with improved objective

working conditions and enhanced human resources. It is expected to be an institution that produces judicial and prosecutorial staff with increased dynamics and transparency and proactively monitors the needs for continuous training. The new judicial staff will develop high competencies by following modern educational programs of similar European institutions. The AJPP is expected to organize specialized trainings for IT experts, and training sessions on public relations, management of courts, development of integrity, independence and ethical behaviour in the work etc. They also suggest making investments for creation of a base of permanent educators; ensuring that bigger part of the training refers to practice; increasing the allowance paid to educators and cooperation with national and foreign educational institutions.

The respondents think it is a priority that the AJPP is soon provided with a new building, adequate to the needs, and that increased human resources and organization can better respond to the needs of training participants, along with an increased budget. The building should be located in particular part of the city and equipped with lecture rooms, assembly hall, courtrooms, rooms to accommodate the candidates, etc.

### **Concluding observations from the answers of the representatives from institutions related to the work of the Academy for Judges and Public Prosecutors "Pavel Shatev"**

- High percentage of the respondents, i.e. around 88% thinks that the AJPP should exist, and 66% think it was opened on time.
- Also, roughly 80% expressed satisfaction with the quality of staff produced at the AJPP.
- Respondents request revision of the entry exam at the AJPP, that is, more rigorous criteria and special criteria for admission of candidates who are legal associates in courts and public prosecution offices; requirement for proficient knowledge of foreign language and improved verification of integrity; selection of new candidates should be based on the appellate regions.
- Improve the continuous training through proposals made at the end of the year by each appellate region; trainers should be selected based on competencies and quality.
- More practice and moot court sessions for the initial training.
- Improved staffing at the AJPP.
- Better spatial conditions (new building) for the AJPP.

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