

First national report from the matrix for performance monitoring of the Public Prosecutor's Office in the Republic of North Macedonia



*Reform assistance
to North Macedonia*

*Поддршка на реформите
во Северна Македонија*



British Embassy
Skopje

FIRST NATIONAL REPORT FROM THE MATRIX
FOR PERFORMANCE MONITORING OF THE
PUBLIC PROSECUTOR'S OFFICE
IN THE REPUBLIC OF NORTH MACEDONIA

January 2020

Publisher:

PwC North Macedonia and Centre for Legal Research and Analysis (CLRA)

About the publisher:

Lidija Stojkova Zafirovska, president of CLRA

Authors:

Prof. Dr. Gordana Lazhetikj, Legal Expert

Lidija Stojkova Zafirovska, Legal Expert

Dr. Zarko Aleksov, Legal Expert

Alexander Gojo, Legal Expert

Editorial:

Dr. Zarko Aleksov, CLRA

Elena Gotovska, PwC North Macedonia

Graphic Design and Stamp:

ADD-VERTA DOOEL Skopje

Circulation:

50

This document is funded by UK aid through the Government of the United Kingdom. The views expressed do not necessarily reflect the policies of the Government of the United Kingdom.

CONTENT

- LIST OF ABBREVIATIONS.....**
- EXECUTIVE SUMMERY.....**
- 1. Introduction.....**
- 2. Methodology.....**
 - 2.1 Target groups.....
 - 2.2 Demographic data.....
- 3. Analysis of the research results.....**
 - 3.1 Efficiency section.....
 - 3.2 Quality section.....
 - 3.3 Independence section.....
 - 3.4 Responsibility section.....
 - 3.5 Transparency section.....
- 4. Comments from relevant target groups.....**
- 5. Correlations between measurement perceptions, legal framework and relevant reports and functional analysis of the PPO system.....**
- 6. Main findings of the research.....**
- 7. ANNEX 1 - Legal framework, key principles and standards.....**

LIST OF ABBREVIATIONS

PP-s	-	Public Prosecutors
BPPO	-	Basic Public Prosecutor's Office
SPP-s	-	Senior Public Prosecutors
HPPO	-	Higher Public Prosecutor's Office
PP	-	Public Prosecutor
PPORNM	-	Public Prosecutor's Office of the Republic of North Macedonia
SPPO	-	Special Public Prosecutor's Office
LPPO	-	Law on Public Prosecutor's Office
LCP	-	Law on Criminal Procedure
MOI	-	Ministry of Internal Affairs
BPS	-	Bureau of Public Security
SIA	-	Sector for Internal Affairs
SAO	-	State Attorney's Office
OM	-	Ombudsman of Macedonia
SAO	-	State Audit Office
SCPC	-	State Commission for the Prevention of Corruption
ECHR	-	European Convention on Human Rights
ECHR	-	European Court of Human Rights
CLRA	-	Center for Legal Research and Analysis
PwC	-	PricewaterHouseCoopers Macedonia

THANKS

The preparation of the *First National Report from the Matrix of Indicators for Monitoring the Performance of the Public Prosecutor's Office* is aimed at supporting the reforms in the judiciary and creating an efficient, fair and transparent public prosecution system.

The Public Prosecutor's Performance Monitoring Matrix has been developed in an inclusive process and in close cooperation with the Council of Public Prosecutors, the Public Prosecutor's Office of the Republic of North Macedonia and the Ministry of Justice. The Matrix aims to develop and establish a functional, objective and long-term tool to measure the performance and results of the country's public prosecution system and at the same time create a platform for future improvement of public prosecution performance by creating public policies and defining more effective measures for greater impact on the reform processes in line with the best international standards and practices.

In this regard, the Center for Legal Research and Analysis and PwC Macedonia are grateful for the significant contribution and active involvement and cooperation in the process of development and measurement of the Public Prosecutor's Performance Monitoring Matrix to the: representatives of the Public Prosecution of the RNM together with the Basic and Higher Public Prosecutor's Offices, the RNM Public Prosecutors' Council, the RNM Bar Association, the Pavel Shatev Academy for Judges and Public Prosecutors, the RNM State Prosecutor's Office, the State Audit Office, the State Commission for prevention of corruption, the civil society organizations operating in the field of the judiciary, representatives from the academic community and the media and all those who gave their generous support to the successful implementation of this process.

The project partners express their special gratitude to the British Embassy Skopje for their trust, long-term cooperation and continued support, to successfully implement the first national measurement with the Public Prosecutor's Performance Monitoring Matrix of the Republic of North Macedonia.

With respect,

Center for Legal Research and Analysis and PwC Macedonia

EXECUTIVE SUMMARY

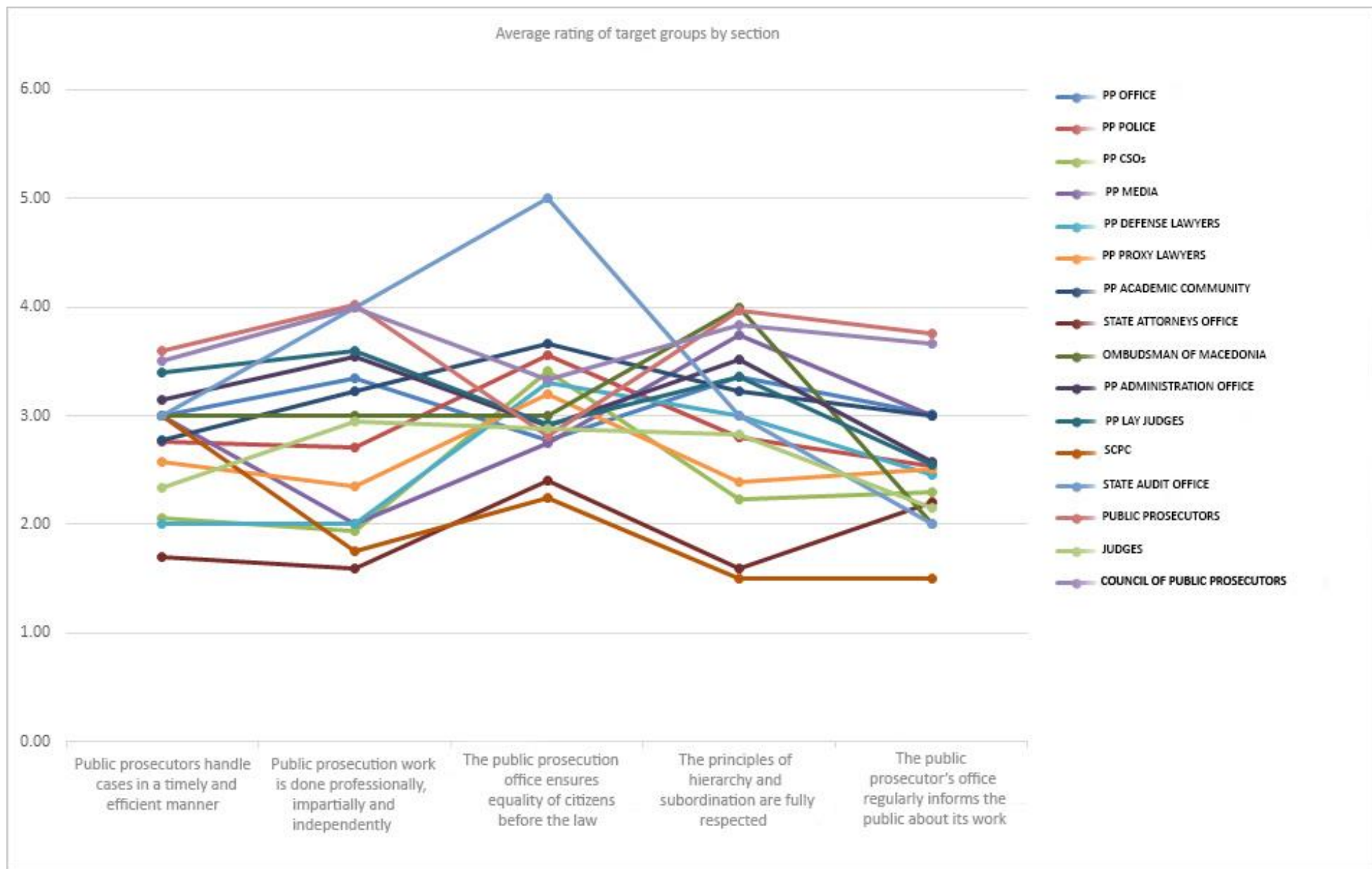
The First National Report of the Performance Monitoring Matrix of the Public Prosecutor's Office in the Republic of North Macedonia is one of the key outputs of the project "Increased efficiency and effectiveness in delivering justice by improving the performance of judicial institutions" implemented by the Center for Justice Research and analysis - CJRA and PwC Macedonia, funded by UK aid through the United Kingdom Government. The project aims to design and put into practice-relevant tools that will support reform processes to build more efficient, more effective and cost-effective access to justice for citizens, and thus improve confidence in the justice institutions.

The Strategy for Reform of the Judicial Sector 2017-2022 sets out the main strategic directions, goals, and activities related to improving the functioning of the Public Prosecutor's Office in the RNM. These strategic goals are guided by core principles and values and generally accepted international standards upon which modern and independent public prosecution should rely: **efficiency, independence and impartiality, quality, accountability, and transparency**. Hence, the application of the tool enables performance evaluation in these five key sections and this research looks at the work of the public prosecution through the prism of these specific values.

The first official and full measurement with the Matrix was conducted in December 2019. Although the focus of this research was primarily on the public prosecution system as a whole, the research also included a large number of stakeholders i.e. target groups that have a point in common with the work of the prosecution and whose perceptions make a significant contribution to building a more realistic picture of the situation and the performance of the public prosecution in general. Perceptions are only one segment of the overall measurement that is the subject of this report. To get a true and realistic picture of the performance of the Public Prosecutor's Office, or some specific aspect related to the functioning of the Public Prosecutor's System, they were cross-analyzed **1) Perceptions of relevant target groups** (using the Matrix), **2) Legal framework and relevant reports** (domestic and international) that follow the Public Prosecutor's Office and the course of judicial reform; and **3) Functional analysis of the PP system and other data from judicial institutions** (Public Prosecutor's Office, Council of Public Prosecutors, the Ministry of Justice, the Academy for Judges and Public Prosecutors, the Association of Public Prosecutors, etc.).

Table 1 - Graphic representation of ratings for perceptions of relevant target groups by sections

	EFFICIENCY SECTION: <i>'Public prosecutors handle cases in a timely and efficient manner'</i>	QUALITY SECTION: <i>'Public prosecution work is done professionally, impartially and independently'</i>	INDEPENDENCE SECTION: <i>'The Public Prosecutor's Office ensures equality of citizens before the law'</i>	RESPONSIBILITY SECTION: <i>'The principles of hierarchy and subordination are fully respected'</i>	TRANSPARENCY SECTION: <i>'The Public Prosecutor's Office regularly informs the public about its work'</i>	Overall average rating by target group
PUBLIC PROSECUTORS	3.60	4.02	2.82	3.97	3.75	3.63
COUNCIL OF PUBLIC PROSECUTORS	3.50	4.00	3.33	3.83	3.67	3.67
PP OFFICE	3.01	3.34	2.77	3.35	3.01	3.10
PP ADMINISTRATION OFFICE	3.15	3.55	2.90	3.52	2.57	3.14
JUDICIAL POLICE	2.76	2.71	3.55	2.80	2.54	2.87
JUDGES	2.34	2.95	2.88	2.83	2.15	2.63
LAY JUDGES	3.40	3.59	2.93	3.36	2.56	3.17
STATE ATTORNEY'S OFFICE	1.70	1.60	2.40	1.60	2.20	1.90
OMBUDSMAN OF MACEDONIA	3.00	3.00	3.00	4.00	2.00	3.00
SCPC	3.00	1.75	2.25	1.50	1.50	2.00
STATE AUDIT OFFICE	3.00	4.00	5.00	3.00	2.00	3.40
DEFENCE LAYERS	2.00	2.00	3.31	3.00	2.46	2.55
PROXY LAWYERS	2.57	2.35	3.20	2.38	2.52	2.60
CIVIL SOCIETY ORGANIZATIONS	2.06	1.94	3.41	2.24	2.29	2.39
MEDIA	3.00	2.00	2.75	3.75	3.00	2.90
ACADEMIC COMMUNITY	2.78	3.22	3.67	3.22	3.00	3.18
Overall average rating by section	2.80	2.88	3.14	3.02	2.58	2.88



The average rating of perceptions for all sections is 2.88 on a scale of 1 to 5.

Table 2 – Main findings based on perceptions of relevant target groups included in the research

Section subject to evaluation	Main findings
Section 1 – Efficiency	<p>There is a divergence in the respondents' attitudes towards the timely and efficient resolution of the cases. The Public Prosecutor's Office is understaffed, especially at the level of expert associates. Most prosecution offices are not physically separated from the courts or other bodies and do not have sufficient information and technical equipment. Inadequate staff and material equipment reflect on managing the workload and acting within the legal deadlines. The electronic distribution of cases would allow for greater objectivity in their distribution and the process itself would have a positive impact on the efficiency of the work of the public prosecution offices.</p>
Section 2 – Quality	<p>Public prosecutors generally have a professional and correct attitude. In terms of the quality of the rationale for the decisions they make, the requirements for detention and special investigative measures as well as the respect for the rights of the defense, the perceptions among the target groups are divided. Conditional postponement of prosecution is not often practiced when the conditions are met.</p> <p>Evaluation and promotion system is not always based on qualitative criteria. There is poor staffing with the guard service, and where necessary, additional personal protection. The analysis indicates that continuous quality education should continue to improve and include more education to sensitize public prosecutors on issues of discrimination and gender equality.</p>
Section 3 – Independence	<p>According to the respondents, the independence of the Public Prosecutor's Office, in terms of ensuring equality of citizens before the law, is not fully ensured.</p> <p>Although most respondents agree that there are clear and objective criteria for the selection and dismissal of public prosecutors, most respondents consider that the procedures conducted by CPPRNM are not sufficiently transparent, objective and independent from outside influences. For the majority of respondents, there is political influence over the election and dismissal of public prosecutors. The allocated funds for the Public Prosecutor's Office (annual budget) are not sufficient for the successful performance of its function, and the salaries of public</p>

	prosecutors, the service and other employees are not adequate and in line with the duties and responsibilities at the workplace. This section is the highest rated section by respondents with an average rating of 3.14 (1-5).
Section 4 – Responsibility	<p>The disciplinary procedure is prescribed by law, it is conducted objectively and fairly. The Public Prosecutor's Office is regularly supervised based on complaints. For the most part, public prosecutors act on mandatory instructions from senior public prosecutors, as well as on instructions given by a senior prosecutor about decisions on appeal or complaint by a damaged party.</p> <p>There is a divergence in the respondents' attitudes towards compliance with the Code of Ethics for Prosecutors.</p>
Section 5 – Transparency	<p>This section has the lowest average rating compared to other sections and is rated at 2.58.</p> <p>There is a divergence in the respondents' views on whether the prosecution regularly informs the public. The capacity of the prosecution in terms of persons appointed and trained to communicate with the public and the media needs to be strengthened. The Public Prosecutor's Office should regularly report on cases involving a wider public interest. There is a dominant view that the presumption of innocence is respected in the reporting. Greater transparency of the Council of Public Prosecutors is needed and more frequent updating of the PPRNM web site as well as the promotion of cooperation between the Public Prosecutor's Office and other public authorities, especially electronically.</p>

The Public Prosecutor's Performance Monitoring Matrix is designed to measure change over time. Continuous and periodic data collection makes it easy to identify whether certain aspects of the criminal justice system are improving or deteriorating. Regularly implementing the matrix enables it to generate a dynamic ranking of each of the indicators and diagnose whether progress has been made, are there any specific problems or are there unchanged situations within the public prosecution system.

1. Introduction

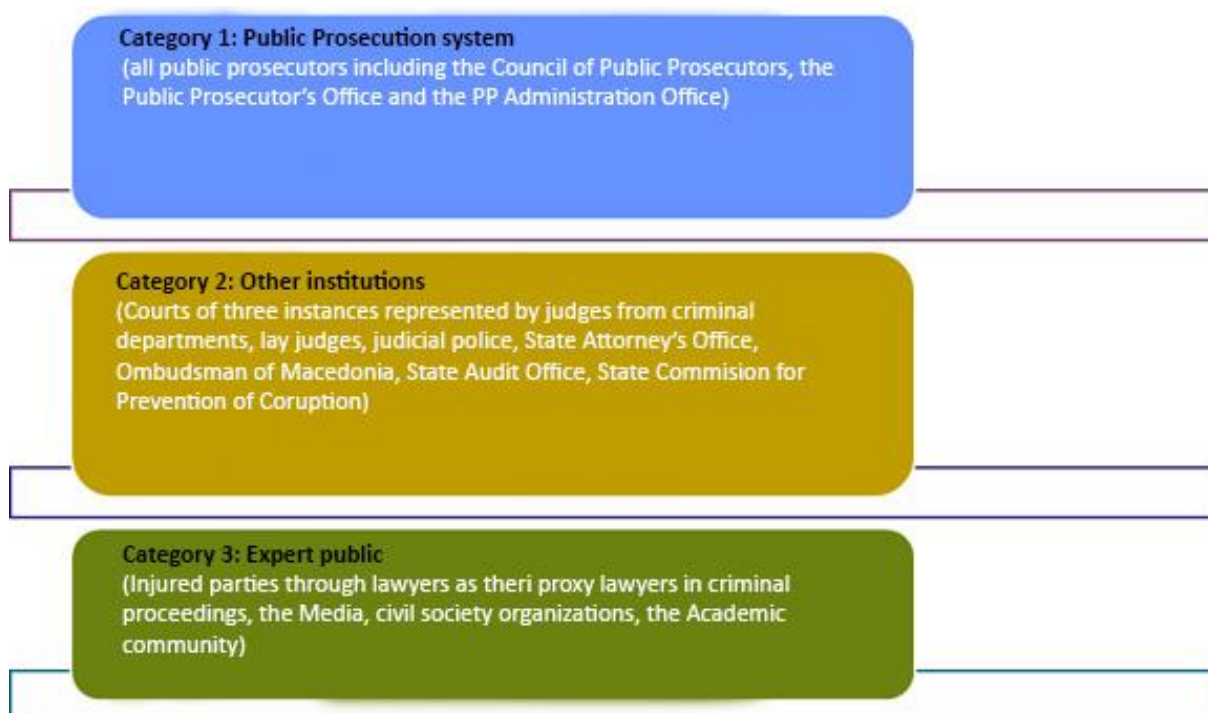
The attached report is structured into three sections:

1. The first part provides a detailed overview of the methodological design, the representative sample, the target groups involved in the research as well as the structure and indicators of the Public Prosecutor's Performance Monitoring Matrix.;
2. The second and vital part of the report provides a comprehensive overview of the results of the analysis of perceptions given within the selected target groups for the five sections relevant to the Public Prosecutor's Office. The findings of the in-depth analysis that intersected the perceptions, the legal framework, the relevant domestic and international reports and the data from the judicial institutions are presented at the end of the analysis of the sections that are the subject of this research;
3. The third part summarizes the main comments made by the representatives of the target groups in the framework of the Matrix measurement related to the functioning of the Public Prosecutor's Office;

2. Methodology

2.1 Target groups and methodological design

The Public Prosecutor's Performance Perceptions Survey **was conducted in the period 1 - 25 December 2019** on the following target groups:



The main research instrument was questionnaires derived from the Public Prosecutor's Performance Monitoring Matrix.¹ The matrix consists of 71 indicators grouped into five sections: **efficiency** (14 indicators), **quality** (19 indicators), **independence** (17 indicators), **responsibility** (7 indicators) and **transparency** (14 indicators).

The respondents were able to choose between six degrees of grading / answering concerning the questions in the sections which are as follows: 'completely agree', 'agree', 'neither agree nor disagree', 'disagree', 'completely disagree' and 'don't know'.

Except for public prosecutors who answered all 71 indicators/questions, respondents from other categories of target groups gave their opinion on those issues that are directly correlated with that group or that may provide additional insights into some important issues from the work of the public prosecutors and the functioning of the public prosecutor's system in general. At the same time, respondents from all categories of target groups included in the survey gave a general assessment for each of the five sections separately. The average ratings for each subject section are averaged across all categories of respondents for that topic or section.

TOTAL SAMPLE OF TARGET GROUPS		
INSTITUTION	NUMBER	%
COUNCIL OF PUBLIC PROSECUTORS	6	0.6
PUBLIC PROSECUTORS	138	13.3
PP OFFICE	200	19.3
PP ADMINISTRATION	42	4.0
JUDGES	91	8.7
LAY JUDGES	81	7.8
POLICE	188	18.1
SCPC	4	0.4
STATE AUDIT OFFICE	1	0.1
STATE ATTORNEYS OFFICE	10	1.0
OMBUDSMAN OF MACEDONIA	2	0.1
DEFENSE LAWYERS	33	3.2
PROXY LAWYERS	209	20.5
ACADEMIC COMMUNITY	9	0.9
CIVIL SOCIETY ORGANIZATIONS	18	1.7
MEDIA	4	0.4
TOTAL	1036	100.0

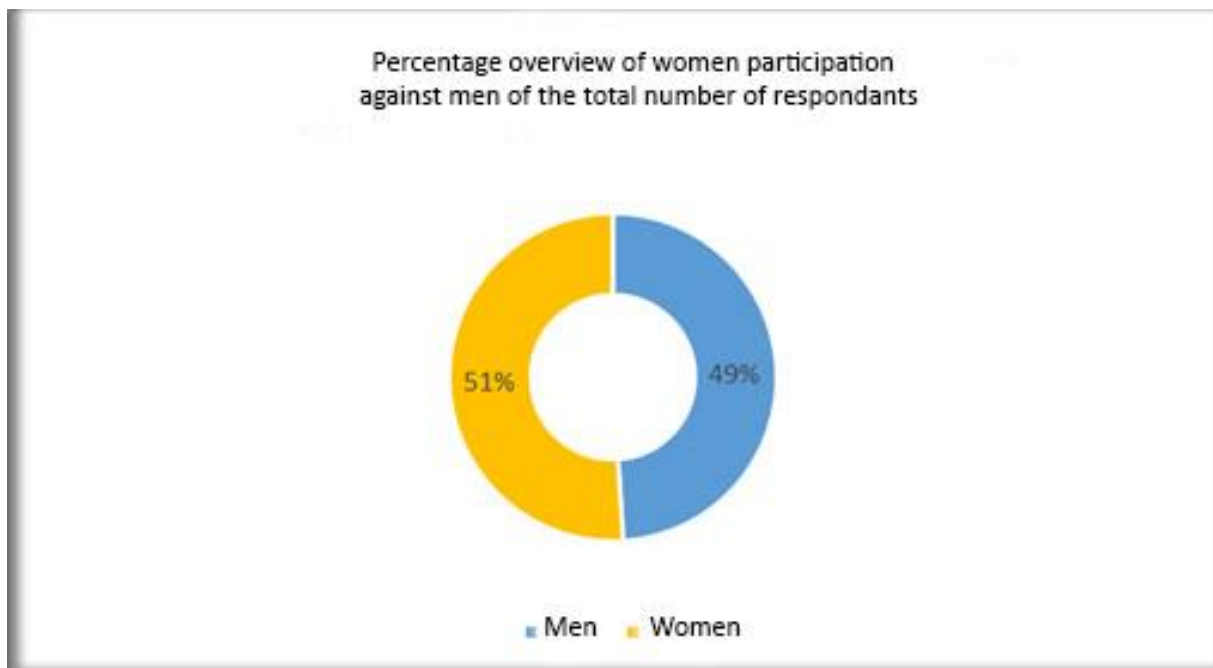
¹ Indicators as an essential part of the Matrix measure the fundamental aspects of the work of the Public Prosecutor's Office and their compliance with the fundamental principles of the rule of law. The indicators reflect the best European and international practices and are deeply rooted in international criminal law norms and standards.

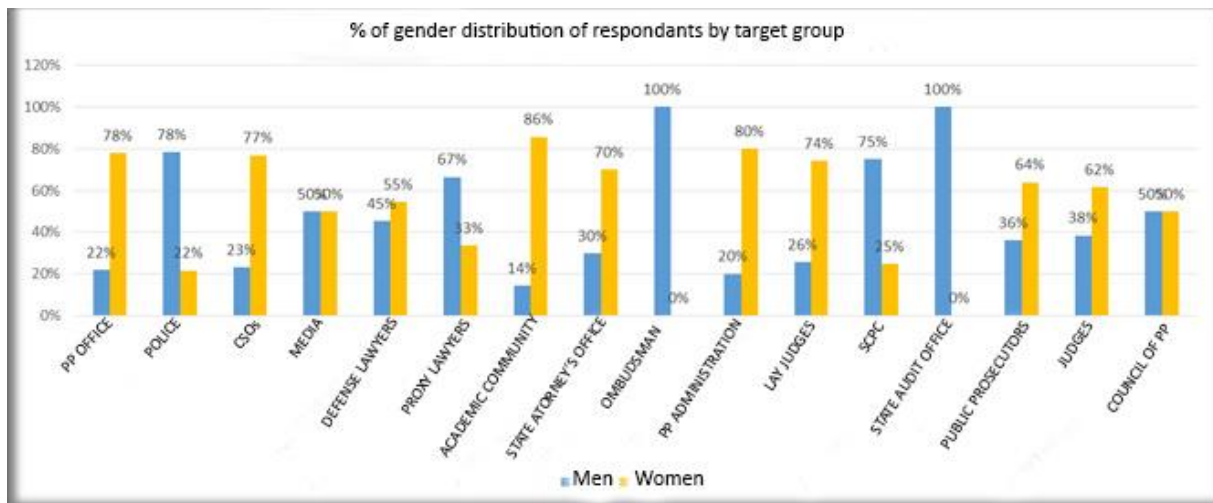
Target groups	Method
Public prosecutors	Printed questionnaires were sent to all interviewees to answer and put in a ballot box made for each target group. The questionnaires are anonymized and contain basic demographic data.
Special service/administration	
Judges	
Lay judges	
Judicial police	
Defense lawyers	
SCPC	
State Audit Office	
State Attorney's Office	
Surveyed parties /proxy lawyers	Survey of clients in the field. Interviews were conducted by 8 trained interviewers-lawyers, 2 at the level of Higher Public Prosecutor's Office.

2.2 Demographic data

When filling in the questionnaire, the demographic data of the respondents were taken into account - the ratio of women and men involved in answering the questionnaire analyzed both in their total number and separately by target group to incorporate the principle of equal opportunities for women and men in the analysis of the results of the pilot study.

In drafting the matrix, the project also aimed at integrating gender issues under the Law on Equal Opportunities for Women and Men and promoting the need to elevate gender equality by including issues targeted at different target groups.





3. Analysis of the research results

3.1. Section I - EFFICIENCY

The efficiency of the work of public prosecutors depends not only on their talent and skills; these sections are significantly affected by external factors that are often beyond their control.² In line with the European Convention on Human Rights (ECHR), i.e. Article 6 which provides for the right to a fair trial, the concept of a fair trial is also incorporated in the Criminal Procedure Code as one of the main components of the concept of effective justice. The European Court of Human Rights (ECHR) is on the same line when it affirms the importance of administering justice without delays that could jeopardize its effectiveness and credibility (Musci v. Italy)³.

The efficiency of public prosecutors is also stipulated in the Law on Public Prosecutor's Office, where it is foreseen for the public prosecutor to perform his function legally, impartially and objectively, and he cares for the efficiency of the criminal justice system on behalf of society⁴ and especially cares for the human rights and freedoms stipulated in the ECHR as well as in the practice of the ECHR.⁵

Therefore, efficiency as one of the most important parameters that reflect the success of the work of the Public Prosecutor's Office is also covered by the matrix. All information obtained in this section will provide a more detailed picture of the current performance of the Public Prosecutor's Office, as well as of the major obstacles directly affecting work efficiency.

3.1.1 Indicators for measuring perceptions

In terms of efficiency, target groups, depending on the category, responded to fourteen (14) indicators related to three (3) sub-sections: human resources, workload, infrastructure, and information technology staffing. In the section of **human resources** - for the number of public prosecutors, expert and auxiliary staff, in the section of **workload** indicators were focused on measures of fair allocation of cases, dealing with the scope, acting within the deadlines provided by the LCP, while in terms of **infrastructure and technical staff**, issues focused on the spatial separation and accessibility of the prosecution offices themselves, the availability of office and auxiliary space as well as the staffing of computers and appropriate technical equipment. Measures for the electronic allocation of objects will also be covered which will allow for greater objectivity in their allocation and equipment of transport vehicles.

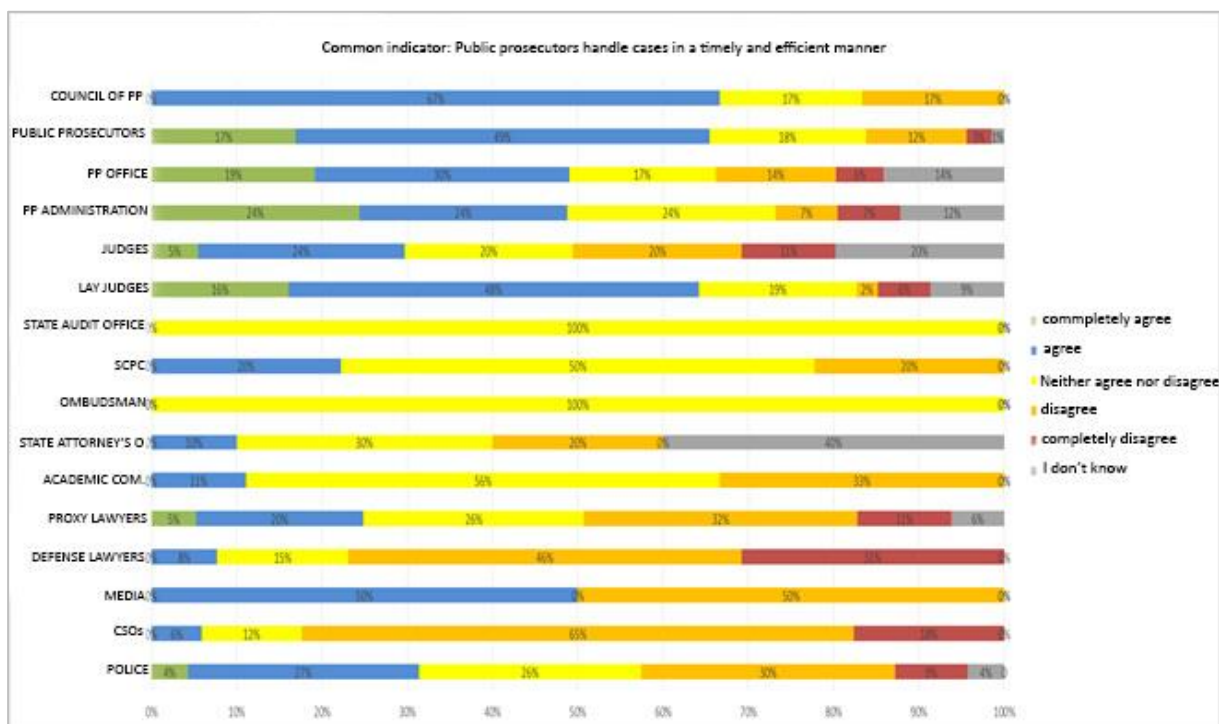
² Opinion No. 11 (2016) of the Consultative Council of European Prosecutors on the quality and efficiency of the work of prosecutors, including when fighting terrorism and serious and organized crime adopted by the CCPE at its 11th plenary meeting (Strasbourg, 17-18 November 2016) (<https://rm.coe.int/16807474b9>)

³ European Court for Human Rights Musci v. Italy [GC] - 64699/01 Judgment 29.3.2006 [GC] (<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-3362%22%7D%7D>)

⁴ Law on Public Prosecutor's Office, article 5

⁵ Opinion No.9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe on European norms and principles concerning prosecutors (<https://rm.coe.int/168074738b>)

All target groups covered by the matrix in the section on efficiency, responded to the indicator - "Public prosecutors are dealing with cases in a timely and efficient manner" as a common indicator.



The average rating for this common indicator for all target groups included in the Matrix is **2.80**.

Table 1: Target group average ratings for the Efficiency section

Target group	Average rating
PUBLIC PROSECUTORS	3.50
COUNCIL OF PUBLIC PROSECUTORS	3.60
PP OFFICE	3.01
PP ADMINISTRATION OFFICE	3.15
JUDGES	2.34
LAY JUDGES	3.40
DEFENSE LAWYERS	2.00
PROXY LAWYERS	2.57
JUDICIAL POLICE	2.76
STATE ATTORNEYS OFFICE	1.70
STATE AUDIT OFFICE	3.00
SCPC	3.00
OMBUDSMAN OF MACEDONIA	3.00
CIVIL SOCIETY ORGANIZATIONS	2.24
MEDIA	2.06
ACADEMIC COMMUNITY	2.78
Total average rating	2.80

Perceptions of this common indicator for all target groups included in the survey can be divided into four separate categories.

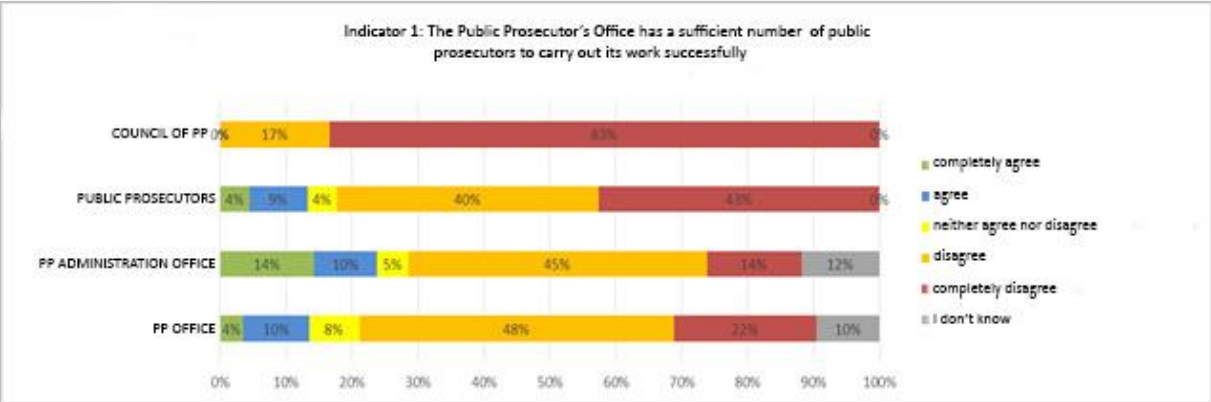
In the first category are the public prosecutors, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration, where 2/3 of all public prosecutors agreed with the statement that public prosecutors handle cases in a timely and efficient manner (17% completely agreed and 49% agreed). and 67% of the Council of Public Prosecutors agreed. Half of the public prosecutor's office and administration also gave a positive opinion on this indicator.

The second category consists of criminal judges, lay judges, and lawyers as defenders or proxies, with a split in the perceptions of judges with 30% saying they agree or disagree with this statement. While 2/3 of the lay judges favored this indicator, defense lawyers (77%) and proxy lawyers (43%) found public prosecutors to be ineffective in their work.

Within the third group of respondents, including the bodies with which the Public Prosecutor's Office cooperates, perceptions of the judicial police range from 31% of those who agree and 39% of respondents who disagree with the statement. There is a high 50% of SCPC respondents who neither agree nor disagree and 40% of the State Attorneys Office who responded 'I do not know'. All respondents from the Ombudsman of Macedonia and the State Audit Office unanimously responded that they neither agreed nor disagreed with the findings on the efficiency of public prosecutors' work.

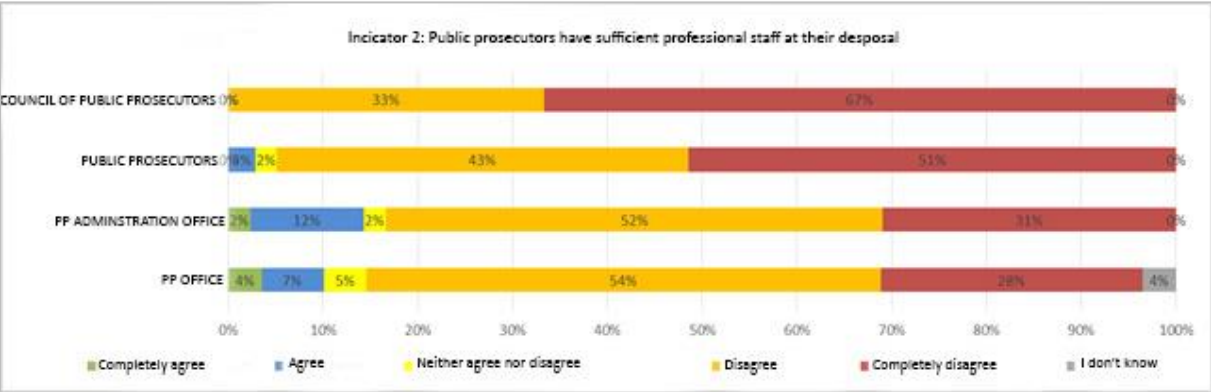
In the fourth category, CSOs with an above-average of 83% express complete disagreement with this statement, while the media in equal percentage agree and disagree on this indicator. More than half of the respondents from the academic community neither agree nor disagree on this issue.

Sub-section A) Human resources



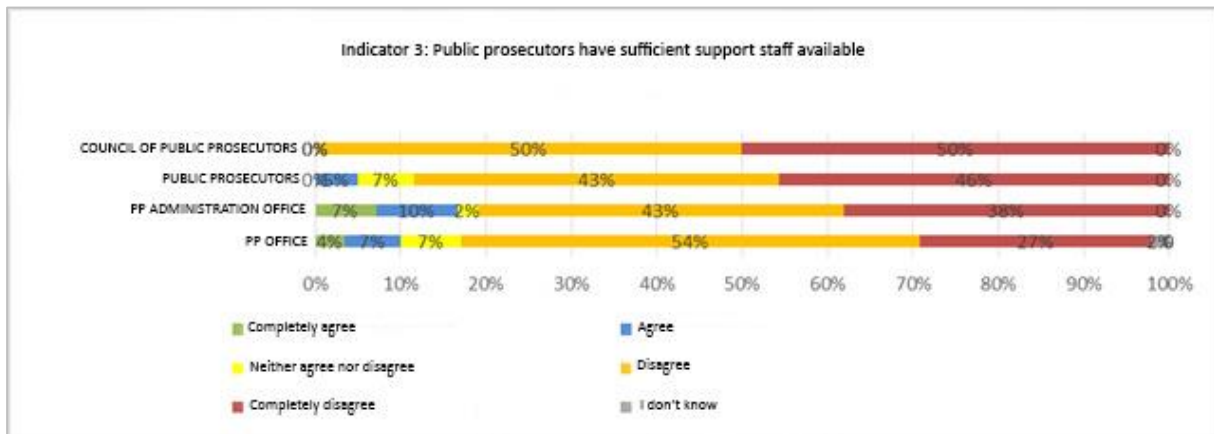
Characteristic for this indicator is the great harmonization and uniformity in the responses received from the target groups that responded to this question. **A high 83% of public prosecutors disapproved of the statement** 'the public prosecutor's office has a sufficient number of prosecutors to do their job successfully'. At the same time, 100% of the respondents in the Council of Public Prosecutors, 59% of the Public Prosecutor's Office and 70% of the Public Prosecutor's Administration Office support the Public Prosecutors and give a negative opinion on this issue.

The majority of respondents believe that the Public Prosecutor's Office does not have sufficient prosecutors



Perceptions on Indicator 2 were presented only by the representatives of the first group of respondents, with all respondents from the Council of Public Prosecutors and high 94% of the total number of prosecutors involved in the survey finding that they did not have sufficient expert staff available. In an almost identical percentage (82% in the Public Prosecutor's Office and 83% in the Public Prosecutor's Administration Office) respondents support the position of prosecutors on this issue.

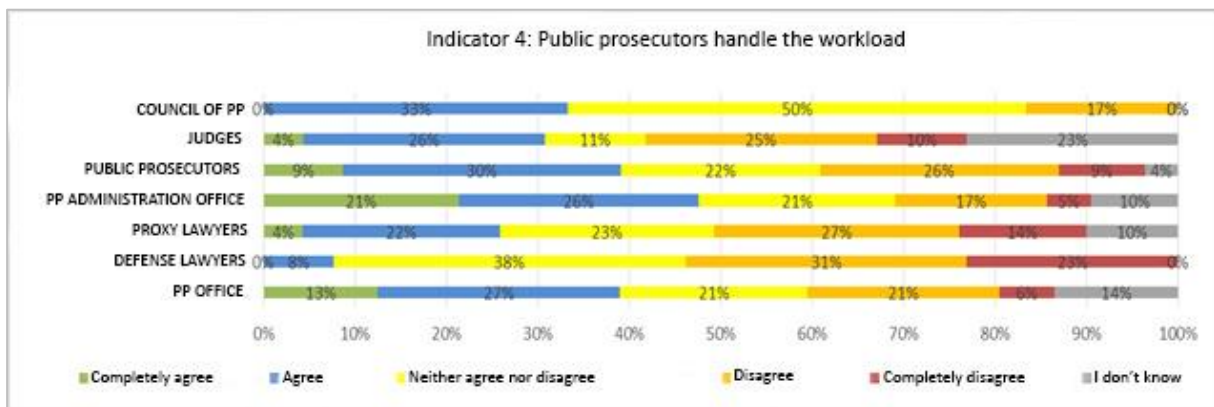
The majority of respondents believe that public prosecutors do not have sufficient expert staff



Regarding the support staff, the Council of Public Prosecutors again completely (100%) disagrees with the level of staffing, while from the public prosecutors with a total of 89% (46% completely disagree and 43% disagree) with this conclusion. The Public Prosecutor's Office and the Public Prosecutor's Administration Office with identical 81% also disapprove and consider that public prosecutors do not have sufficient support staff.

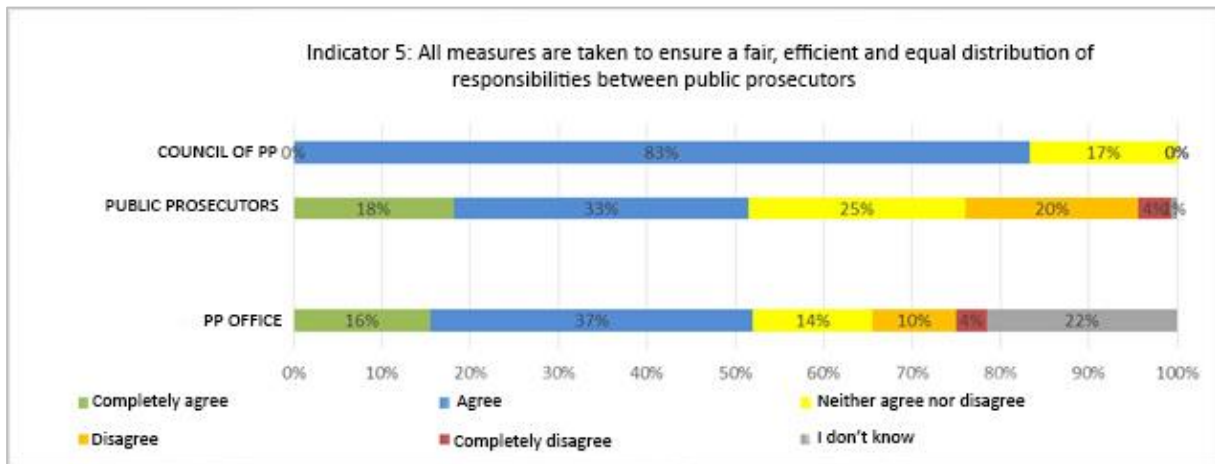
The majority of respondents believe that public prosecutors do not have sufficient support staff available

Sub-section B) Workload



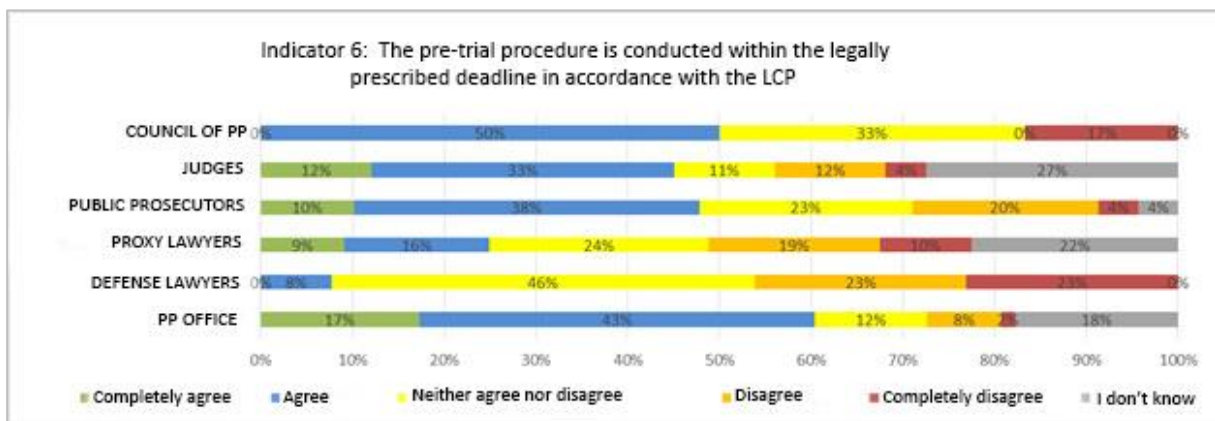
Regarding the workload, the Public Prosecutor's Office with 40% and the Public Prosecutor's Administration Office with 47% consider that the Public Prosecutor's Office handles the workload. Of the other target groups, judges have a highly divided opinion (30% agree while the same percentage disagree with this finding), while for lawyers, in both functions, opinions are divided on all grounds, where most of them do not agree, especially defense lawyers. Public prosecutors are also with a divided opinion, with 39% favoring this finding, while a significant percentage (34%) hold the opposite opinion. Half of the respondents from the Council of Public Prosecutors neither agree nor disagree on this issue.

Concerning the workload, there is a clear split opinion among all respondents from all target groups and there is no clear consensus on this issue.



Of the fair and equitable distribution measures, 83% of the Council of Public Prosecutors agree that measures are taken, while 18% or 33% of public prosecutors agree, in whole or in part. However, there is a proportion of 24% of respondents who disagree, and the percentage of respondents from the public prosecution service who do not know about such measures is respectable.

There is an exceptionally high percentage of agreement among the respondents within the Council of Public Prosecutors, but also a division of views among public prosecutors.



Acting within the legal deadlines for the Council of Public Prosecutors in 50% and the Public Prosecutor's Office in 60% of cases is within the deadlines. But discrepancies on this indicator versus the Council of Public Prosecutors and the Public Prosecutors Office are particularly present among defense lawyers, who mostly disagree (23% completely and 23% disagree). 48% of public prosecutors gave a positive opinion on the issue, although almost ¼ of this target group did not agree with this statement. 45% of the judges agree with the assessment in this indicator.

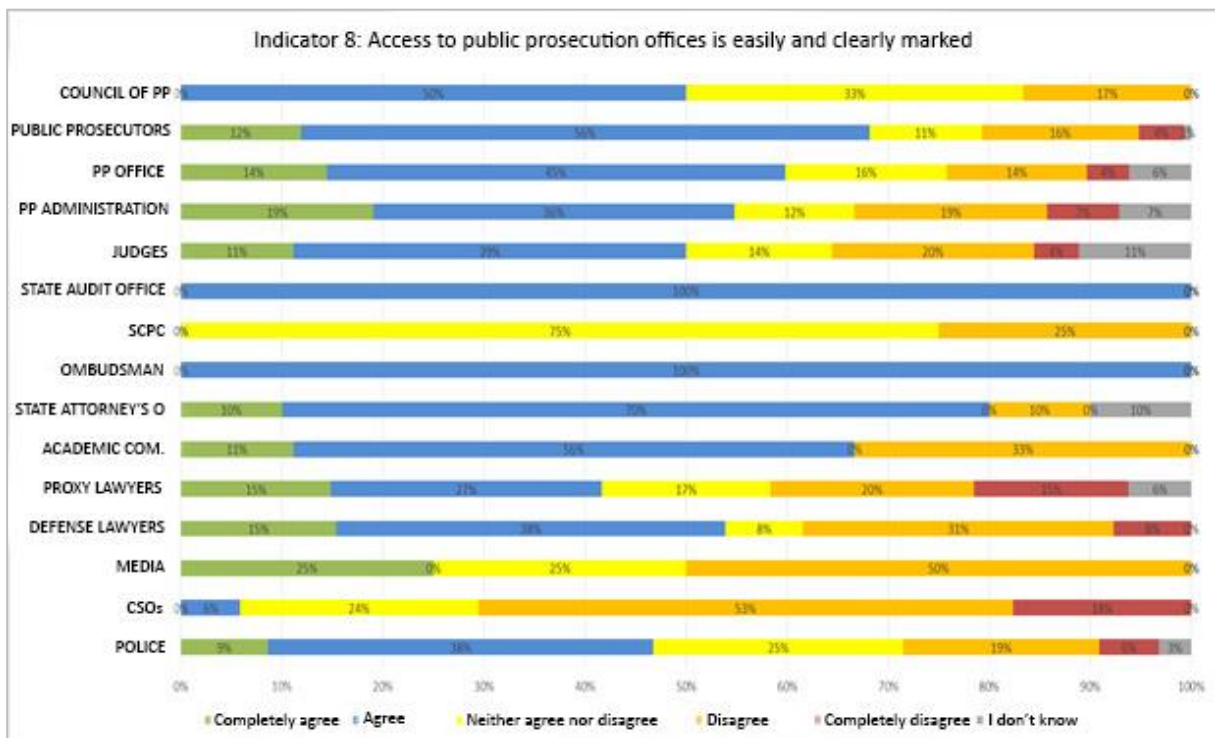
The opinion of the target groups prevails that the pre-trial procedure is conducted within the legal deadline, although the percentage of respondents who have an opposing opinion is considerable



Regarding this indicator, 50% of the respondents in the Council of Public Prosecutors agree that public prosecution offices act within the legally prescribed deadlines but a significant 33% of the same target group think the opposite. 57% of the public prosecutors have responded positively to this issue, while the most critical are defense lawyers where a total of 45% disagree with this finding. The percentage of judges (29%) who answered 'I don't know' is indicative.

There is a higher percentage of agreement among the respondents in the Council of Public Prosecutors, the Public Prosecutors and the Public Prosecutors Office but also the division of views between the defense and proxy lawyers

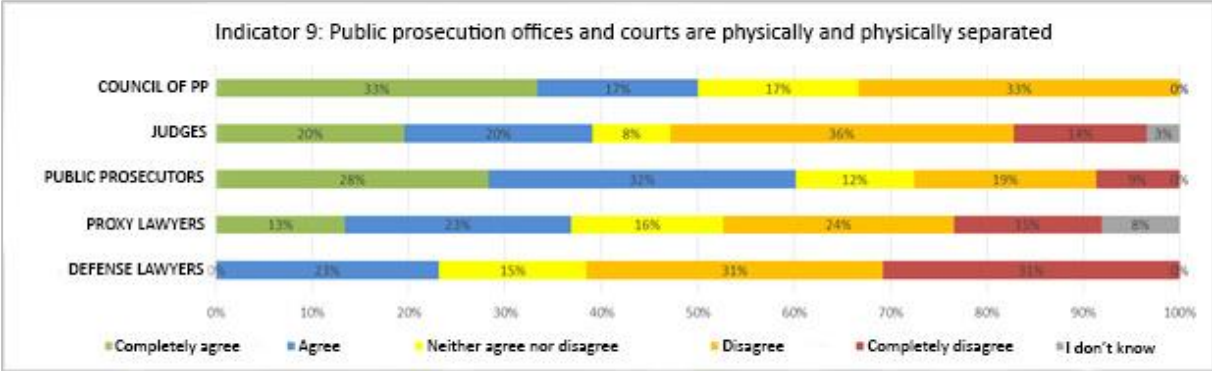
Sub-section C) Infrastructure, IT equipment, and other resources



Access to public prosecution offices and labeling is relatively well rated by all target groups, with an indication that 24% of prosecutors do not share this assessment and express

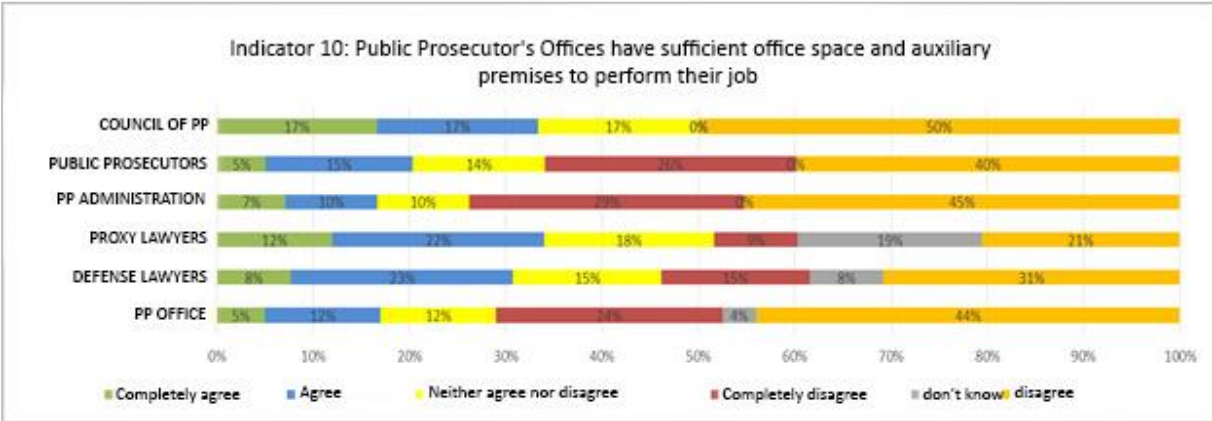
disagreement, and 11% of them have a neutral view on the matter. The civil society organizations involved in this survey with 71% have the most critical attitude and consider that access to prosecution offices is not easy and clearly marked.

The majority of respondents believe that access to public prosecution offices is well marked



Regarding the indicator of the spatial and physical separation of prosecution offices from the courts, there is a great division not only between the target groups themselves but also among the respondents within these groups. In the same percentage (40%) of the Council of Public Prosecutors and the Judges, the respondents agree with this conclusion while at the same time 1/3 of the respondents in the Council and half of the judges have a negative opinion on this issue. On the other hand, public prosecutors with 60% agree with the statement, although the percentage of prosecutors (28%) with the opposite opinion is not insignificant. Proxy lawyers and defense lawyers have a negative view of this indicator.

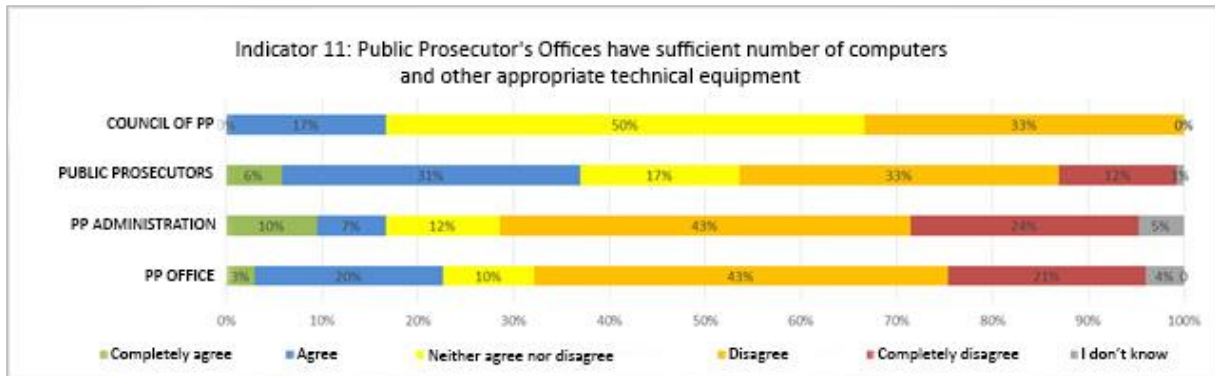
There is a great divide in the views on the spatial and physical separation of prosecution offices from the courts not only between the target groups themselves but also among the respondents within them



Regarding the offices and other premises available to the Public Prosecution Offices, the results of the survey give interesting answers where half of the respondents from the Council of Public Prosecutors and as many as 66% of the Public Prosecutors disagree with this conclusion. More than 2/3 of the representatives of the Public Prosecutor's Office and the Public Prosecutor's Administration Office also reported this indicator as negative. Lawyers

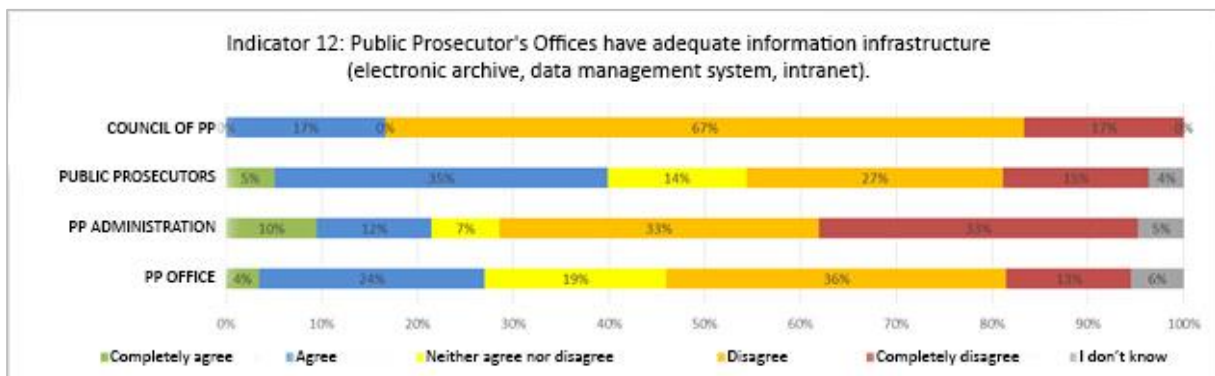
(proxy and defense lawyers with 43% and 36% respectively) share this view and believe that public prosecution offices do not have sufficient office space and other premises for successful performance.

Most of the public prosecutors and respondents of the Council of Public Prosecutors consider that prosecutors do not have sufficient office space



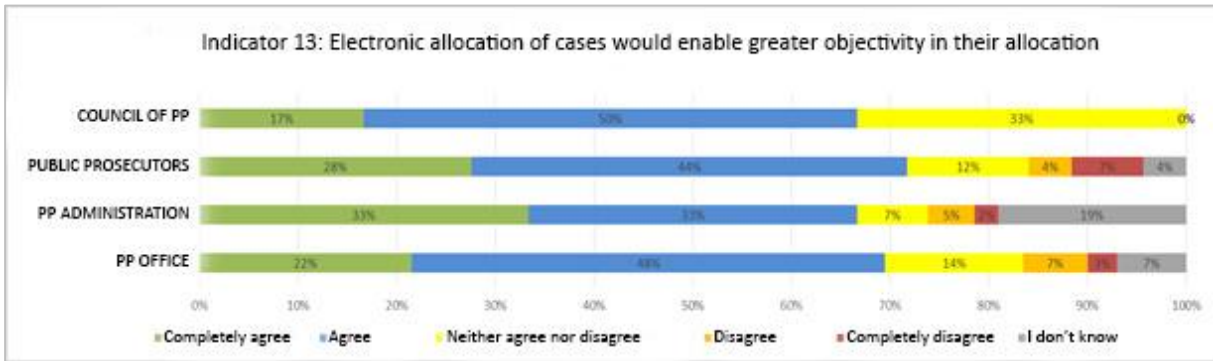
In terms of IT equipment and other technical aids, the target groups show a diversity of responses. Thus, 42% of public prosecutors disagree, while 37% of them have a completely opposite opinion. While half of the respondents in the Council of Public Prosecutors neither agree nor disagree with this conclusion, the staff of the Public Prosecutor's Office and Administration Office are more critical, with 2/3 reporting that public prosecution offices do not have sufficient computers and other adequate equipment.

The majority of the Public Prosecutor's Office and Administration Office disagrees with this finding



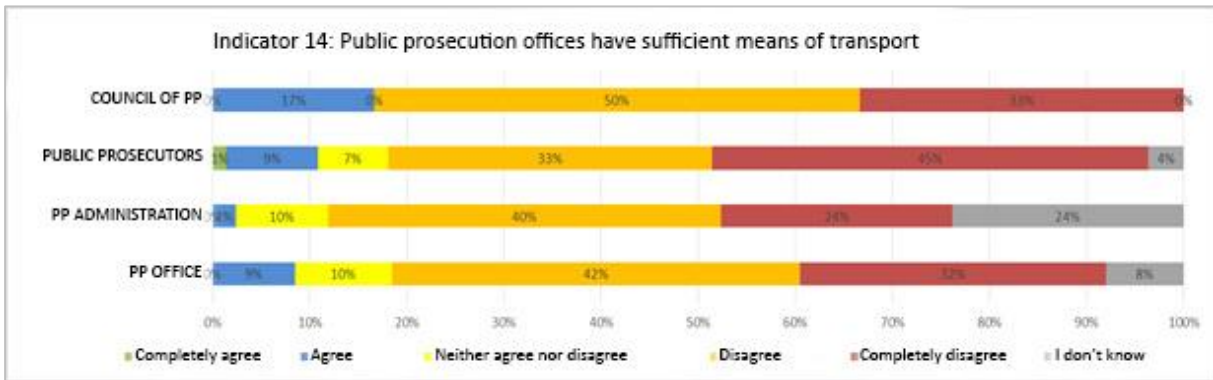
Regarding this indicator, most of the target groups have a clear view that the public prosecution offices do not have adequate IT infrastructure. Thus, the Council of Public Prosecutors (84%), the Public Prosecutor's Office (49%) and the Administration Office (66%) have negatively stated this issue. Public prosecutors with a total of 42% are on the same line, but a relatively high percentage of prosecutors (40%) consider prosecution offices to have a proper electronic archive, data management system and intranet.

The majority of respondents consider that public prosecution offices do not have adequate IT infrastructure



High 67% of the Council of Public Prosecutors and 72% of public prosecutors think that electronic distribution would contribute to more objectivity, while 33% of respondents in the Council disagree. The Public Prosecutor's Office with 70% and the Public Prosecutor's Administration Office with 66% share this opinion and have positively responded to this issue.

The majority of the respondents believe that the electronic distribution of the objects would enable greater objectivity in their distribution



Public prosecutors with 33% and 45% disagreed or completely disagreed with the indicator of equipment of transport vehicles and these percentages represent more than 3/4 of the prosecutors which is a sufficient indicator in itself. The remaining target groups that responded to this issue share their views fully with the public prosecutors on the issue.

The majority of respondents believe that public prosecution offices do not have sufficient means of transport

Conclusion: There are challenges in a timely and effective case resolution. The Public Prosecutor's Office is understaffed, especially at the level of expert associates. Most prosecution offices are not physically separated from the courts or other bodies and do not have sufficient IT and technical equipment. Inadequate staff and material equipment reflect on managing the workload and acting within the legal deadlines. The electronic distribution of cases would enable greater objectivity and the process itself would have a positive impact on the efficiency of the work of the public prosecution offices.

3.2 SECTION II - QUALITY

International documents and standards, especially in the current state of development of democratic societies, emphasize that in any system, the prosecutor is expected to act in a judicial manner and the qualities required of the prosecutor are similar to those of judges.⁶ The prosecution is a body that has a specific position. On one hand, it is a body that is usually perceived only through the institute of prosecution, but on the other hand, it has a legal obligation to also take care of respecting human rights and ensuring a fair trial, as it is one of the first filters where these guaranteed rights are put to the test.

The Public Prosecutor's Office is a prosecution body.⁷ This is not only its constitutional and legal definition, but it is also perceived in this way. However, the prosecution must also be undertaken in a legally regulated manner, based on universal postulates such as independence, impartiality, equality, objectivity, and respect for fundamental human rights. Within this range are the unique challenges of being measured and the quality as it all unfolds.

The first aspect of quality measurement lies in the complementarity that exists between the court and the prosecution. Criminal prosecution consists of a pre-trial procedure in which the prosecutor is dominant, but with a degree of judicial control over actions taken within his jurisdiction and stage of trial or judgment, where the prosecutor is a party on the same level with the defense. Qualitative criteria should be observed in both stages. This first stage quantifies the perceptions related to the work of prosecutors, from the initial acquittal to the indictment phase.

The second aspect observes the quality of work within the hierarchical structure and set up of the prosecution. How to ensure proper and appropriate criminal prosecution policy, internal quality standards in the work of individual prosecutors, their responsibility from a quality standpoint within the hierarchy and subordination, etc. All of these are targets of quality research and measurement.

The Matrix offers a unique perspective on quality measurement, starting from the contemporary assumption that prosecutors' actions are not that far from that of judges⁸, but of course, is still sufficiently distanced from them i.e not identified with the court. And that should be the goal. However, the prosecutor is ultimately a party in a proceeding, regardless of what it has in its attributes and springs from state power.

Of course, measuring the perception of quality will not be a one-sided process - only from the prosecutors themselves, but on the contrary, multidirectional.

⁶ Venice Commission CDL-AD(2010)040 , Independence and accountability of prosecutors 2014-2016 –European Network of Councils of the Judiciary ENCJ Report 2014-2016

⁷ Law on Public Prosecutor's Office according to which the Public Prosecutor's Office is the sole and independent state body that prosecutes perpetrators of criminal acts and other criminal offenses and performs other activities determined by law

⁸ *Ibid*

The prosecution must be monitored and evaluated in the context of quality, not only within itself, further not only on the other side of the dispute (lawyers), and of course the court, but also the state authorities, who feed it with the necessary information and evidence, to check the quality of all aspects, to obtain a credible result.

3.2.1 Indicators for measuring perceptions

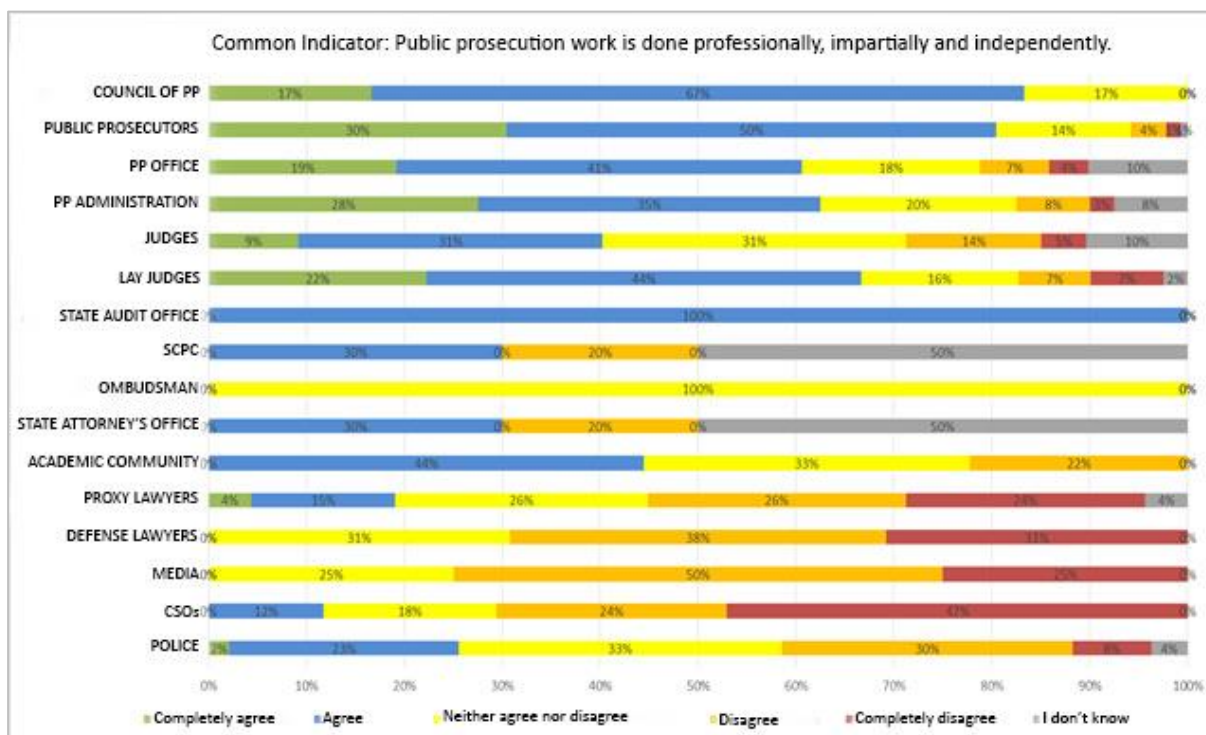
The Quality section contains nineteen (19) indicators divided into four (4) sub-sections as follows: **Quality and performance standards; evaluation and promotion system; public prosecution safeguards; continuing education and professional development.**

Thus, the target groups, depending on the category, were asked about the content and quality of the prosecution acts, professional attitude, respect for the rights of the defense, requirements for detention and their reasoning as well as orders with special investigative measures, negotiation, objectivity in the assessment of the facts and evidence, use of conditional postponement of prosecution, taking actions after acquiring a vote.

At the same time, quality issues also addressed the promotion and qualitative criteria, equal treatment between men and women, objective criteria-based evaluation, and the subdivision for safeguards concerned with the existence of guard service, personal protection. Finally, the quality section also covered aspects of continuing education, its frequency, and relevance but also in terms of gender sensitization.

In the Quality section, all target groups were asked to respond to a common indicator of whether "**Public Prosecutor's work is done professionally, impartially and independently**".

Results for this indicator are shown in the graph below:



According to the answers, the average rating for this main common quality indicator is **2.88**.

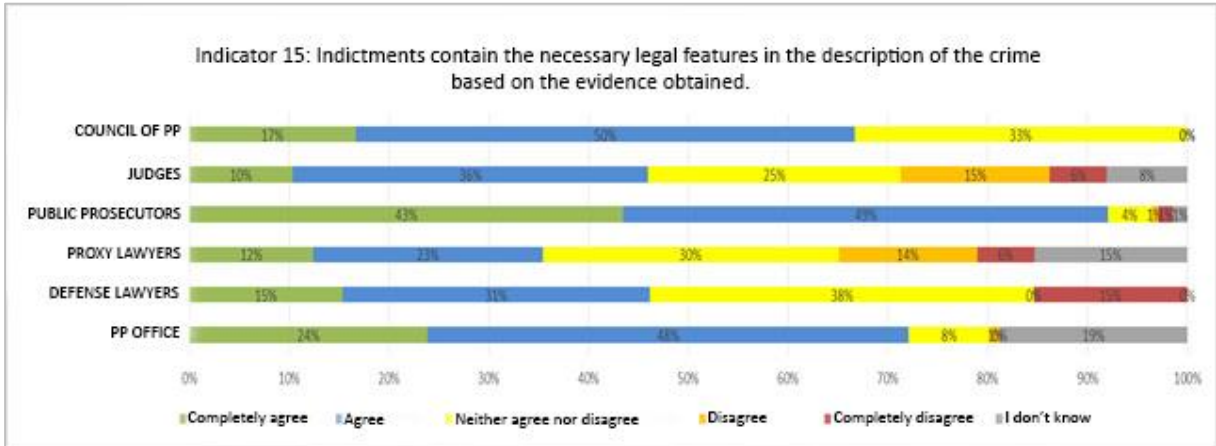
Table 2: Average ratings by target groups for the Quality section

Target group	Average rating
PUBLIC PROSECUTORS	4,02
COUNCIL OF PUBLIC PROSECUTORS	4,0
PUBLIC PROSECUTION OFFICE	3,34
PUBLIC PROSECUTION ADMINISTRATION OFFICE	3,55
JUDGES	2,95
LAY JUDGES	3,59
DEFENSE LAWYERS	2,0
PROXY LAWYERS	2,35
JUDICIAL POLICE	2,71
STATE ATTORNEYS OFFICE	1,6
STATE AUDIT OFFICE	4,0
SCPC	1,75
OMBUDSMAN OF MACEDONIA	3,0
CIVIL SOCIETY ORGANIZATIONS	1,94
MEDIA	2,0
ACADEMIC COMMUNITY	3,22
Overall average rating	2,88

All the target groups on this common issue have responded in a wide range of possible evaluations. Thus, the Council of Public Prosecutors largely agrees, while there is no percentage of disagreement, although 17% stated that they do not have a position i.e. neither agree nor disagree. The public prosecutors themselves have a positive opinion on this indicator, with a minor part of it disagreeing. The opinions of the majority of the judges are divided, but they also have a neutral attitude (31%) as well as those who either disagree or completely disagree with 19%. None of the defense attorneys disagrees with the statement presented by the indicator, with 31% being neutral and with the same percentage (31%) disagreeing or completely disagreeing. The academic community disagrees in 22%, and in large part (33%) neither agrees nor disagrees. The media and CSOs generally disagree, while the public prosecution service largely disagrees (60%).

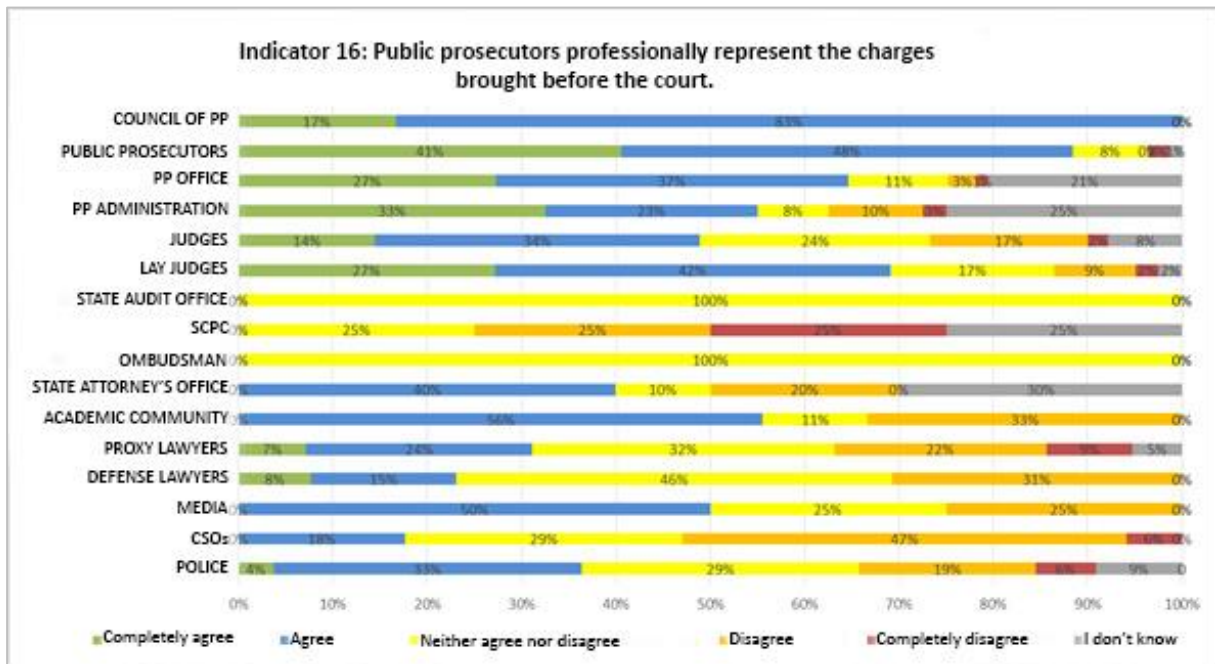
According to the results obtained, the lowest was reported by the State Attorney's Office (1.6) and CSOs (1.94), while the highest marks were obtained by the Public Prosecutors, the Council of Public Prosecutors and the State Audit Office with identical marks (4.0). The media rating d their rating at 2.0, while the judges rated it at 2.95 while Defenders 2.0.

Sub-section D) Quality and standards of operation



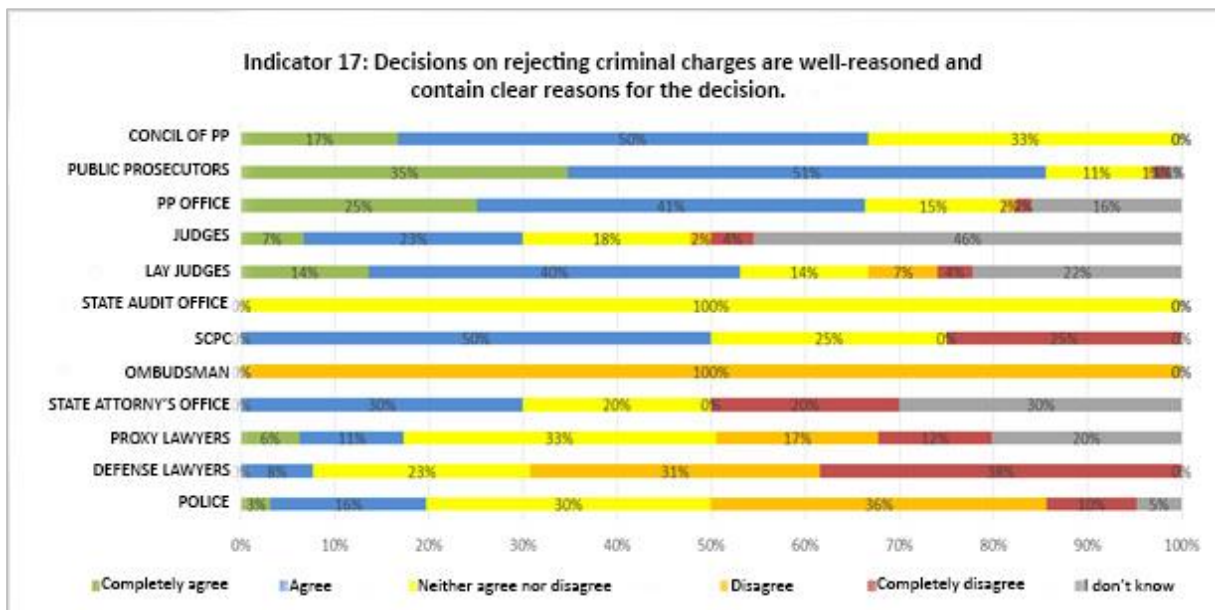
In terms of indictments and their content, there is a discrepancy between the perceptions of judges who in total 46% agree, and 21% who disagree, as opposed to public prosecutors who in a large percentage (91%) agree, but also a small percentage disagree. Correlated with the defense lawyers' perceptions, which is 38% neither agree nor disagree, while it is interesting that the proxy lawyers generally disagreed with the defense lawyers in total with 20%.

According to the respondents, the prevailing opinion is that the indictments contain legal features based on the evidence obtained.



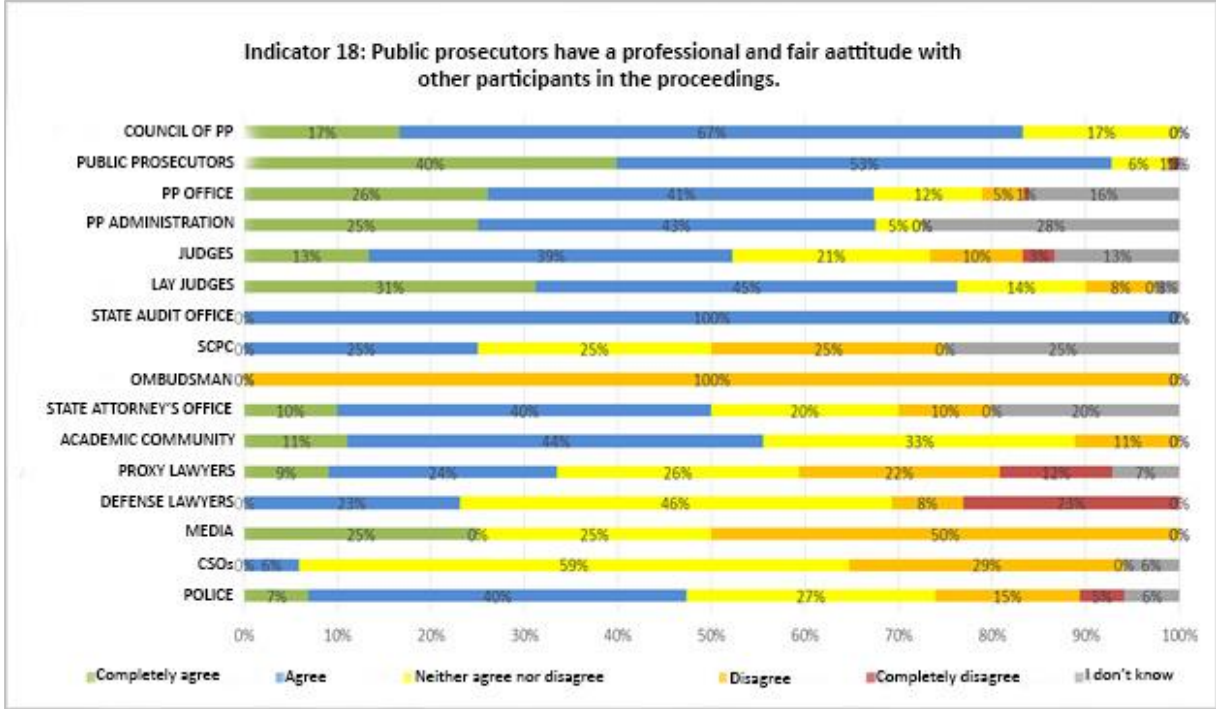
Regarding the professional representation of the accusations according to CPRNM, this is done qualitatively, while a total of 19% of the judges disagree with this. Public prosecutors in 2% completely disagree, which is a small percentage, but also 8% who neither agree nor disagree. Defense lawyers disagree with 33%, while proxy lawyers disagree with 20%. Interestingly, the police disagree with a total of 25%, while the State Attorneys' Office with 20%.

According to respondents, the professionalism of representing the prosecution in the courts needs to be improved.



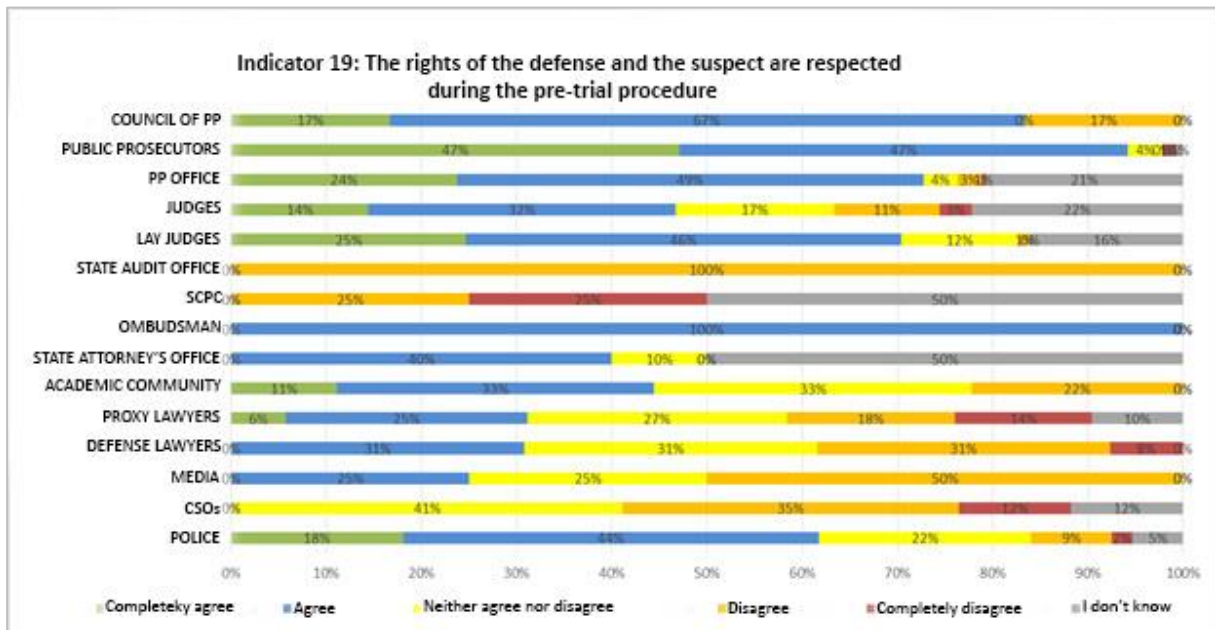
Regarding the solutions for rejecting the criminal charges and their contents, the SCPC respondents are divided in their opinions, with 50% agreeing while ¼ disagrees with this finding. The Ombudsman 100% disagrees. Proxy lawyers respond in a wide variety of ways, with opinions being divided on all grounds. Defense lawyers completely disagree with 38% and disagree with 31%.

There is a divergence of opinion among the target groups that the solutions to reject criminal charges are well reasoned and clear.



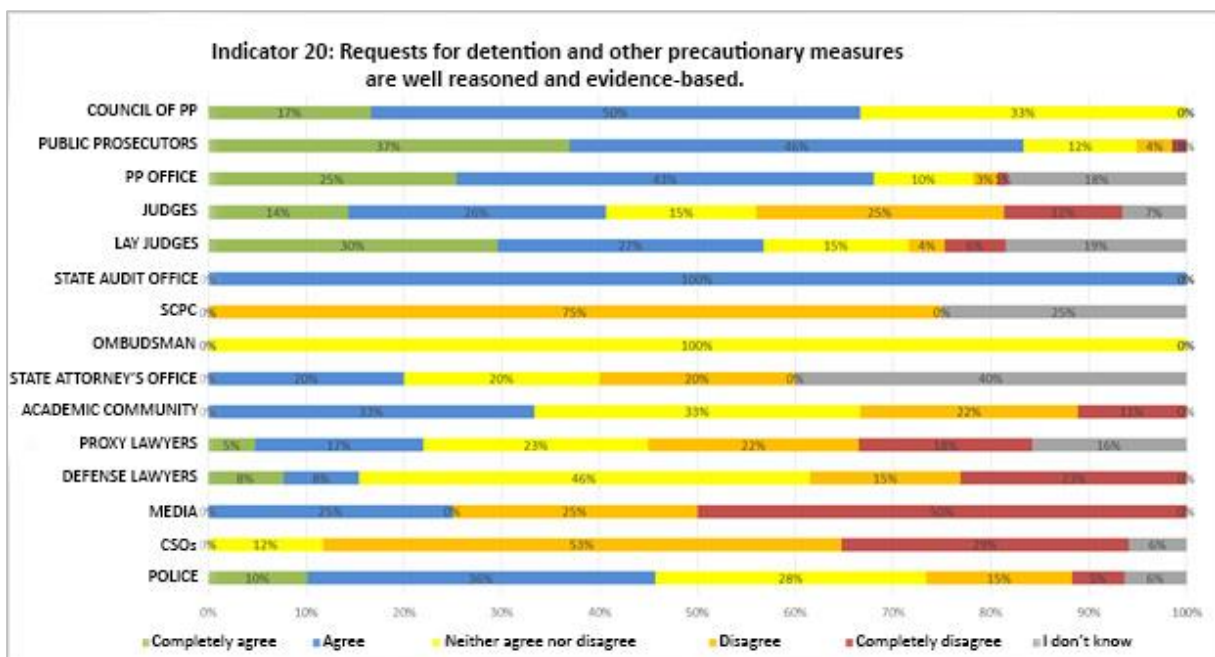
For the indicator regarding the attitude towards the other participants, there is a part of the judges who disagree, as well as a part that neither agrees nor disagrees. The Ombudsman disagrees, while 46% of lawyers neither agree nor disagree, and some of them disagree in a total of 31%. Interestingly, police in similar percentages as defense lawyers either disagree (20%) or are neutral on the issue (27%).

Respondents believe that the professional and correct attitude of public prosecutors towards other participants in the procedure should be improved.



Regarding the respect of the rights of the defense and the suspect in the previous procedure, the results show that the Ombudsman does not fully agree, while 50% of the media also disagree. Defense lawyers are divided by nearly one-third of the answers agree or disagree. More than 50% of CSOs share the disagreement. 46% of judges agree with both the public prosecutors and the Council of Public Prosecutors, who overwhelmingly agree.

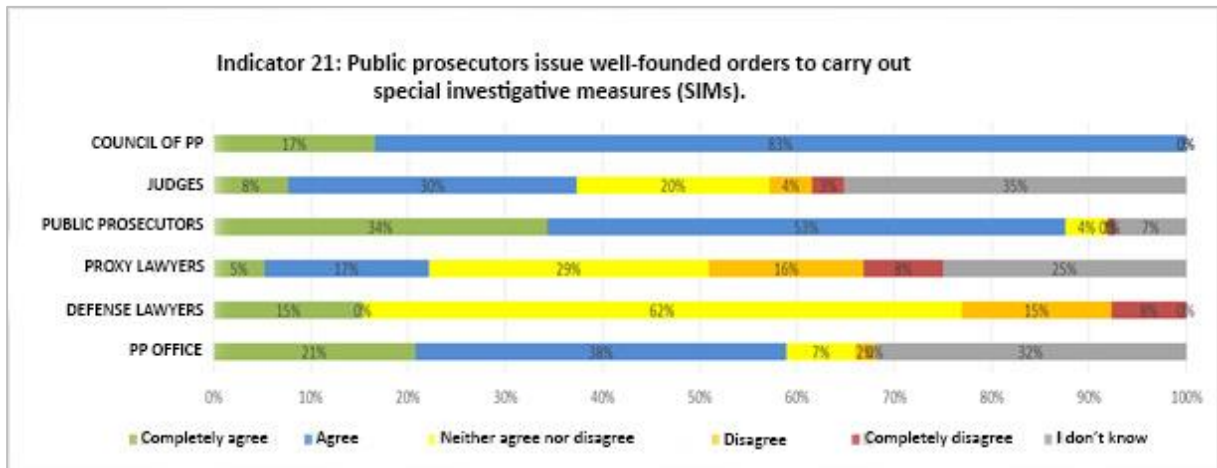
According to the majority of respondents, the rights of the defense and the suspect are not sufficiently respected during the pre-trial procedure



Concerning the quality of the reasoning for detention requests and other precautionary measures, it is noted that judges in 25% of the cases disagree that they are based on evidence,

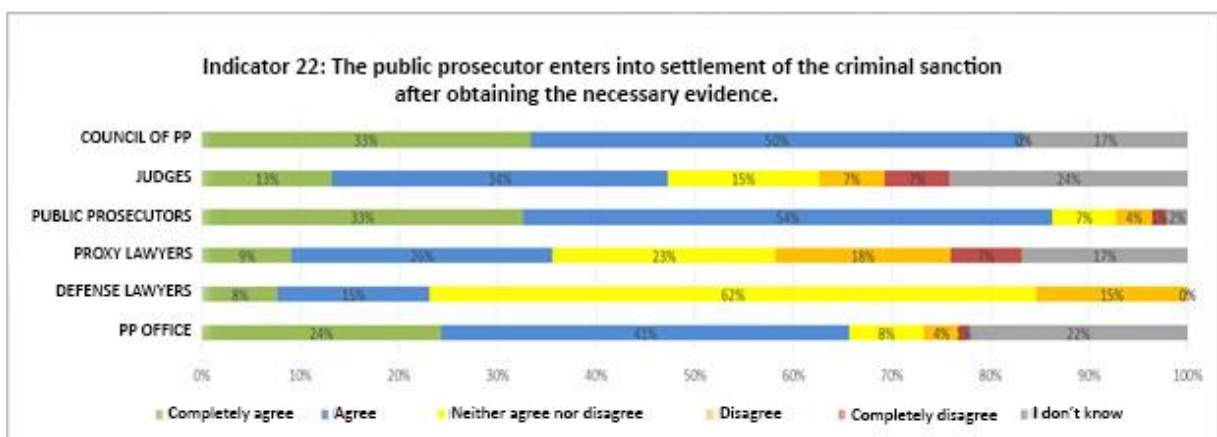
and in 12% completely disagree. Defense lawyers also in a total of 75% (50% completely and 25% disagree) consider that the justifications for detention requests and other precautionary measures are not well-reasoned and not evidence-based. Public prosecutors, on the other hand, mostly agree, with a small percentage of disagreeing (4%) and a fraction that neither agrees nor disagrees with 12%.

According to respondents, the prevailing opinion is that detention requirements should be better reasoned and evidence-based



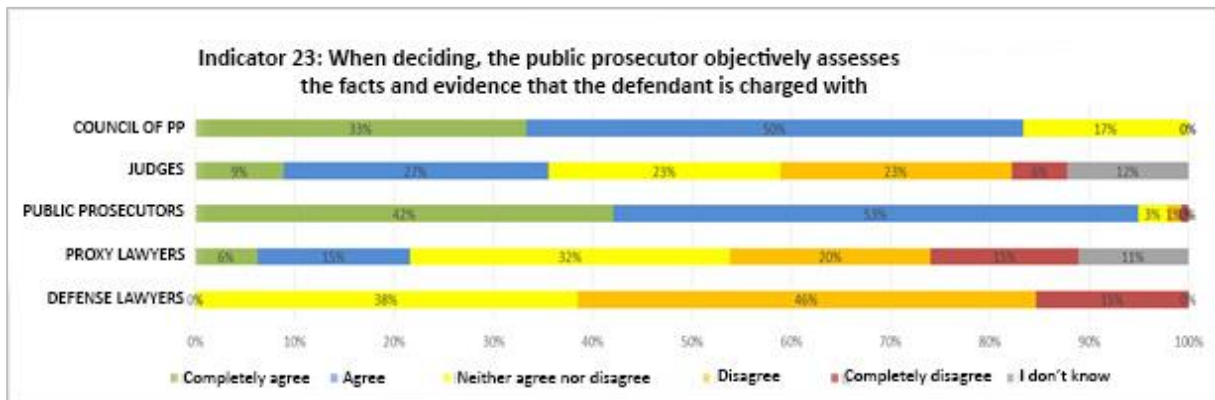
Regarding the orders for special investigative measures, a small percentage of the judges disagree, while the defense lawyers and the proxy lawyers represent 23% that the orders for special investigative measures are unfounded.

In particular, orders for special investigative measures have been established



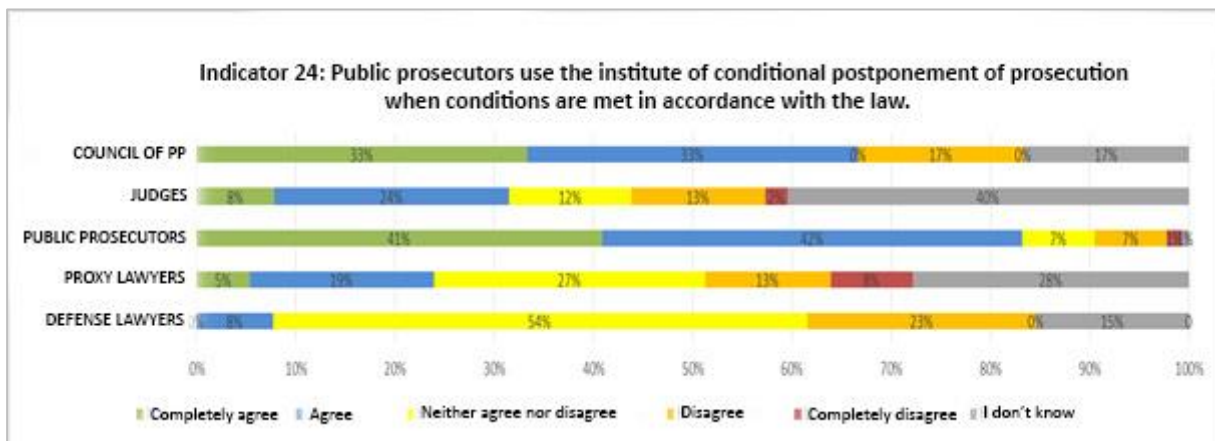
Regarding the settlement, 62% of defense attorneys neither agree nor disagree, while 15% disagree. Judges, on the other hand, 14% neither agree nor disagree, while 14% express disagreement, with half of them (7% total) completely disagreeing. And some of the prosecutors note dissent with a small portion of a total 5%.

According to respondents, access to settlement is mostly accessed after obtaining the necessary evidence



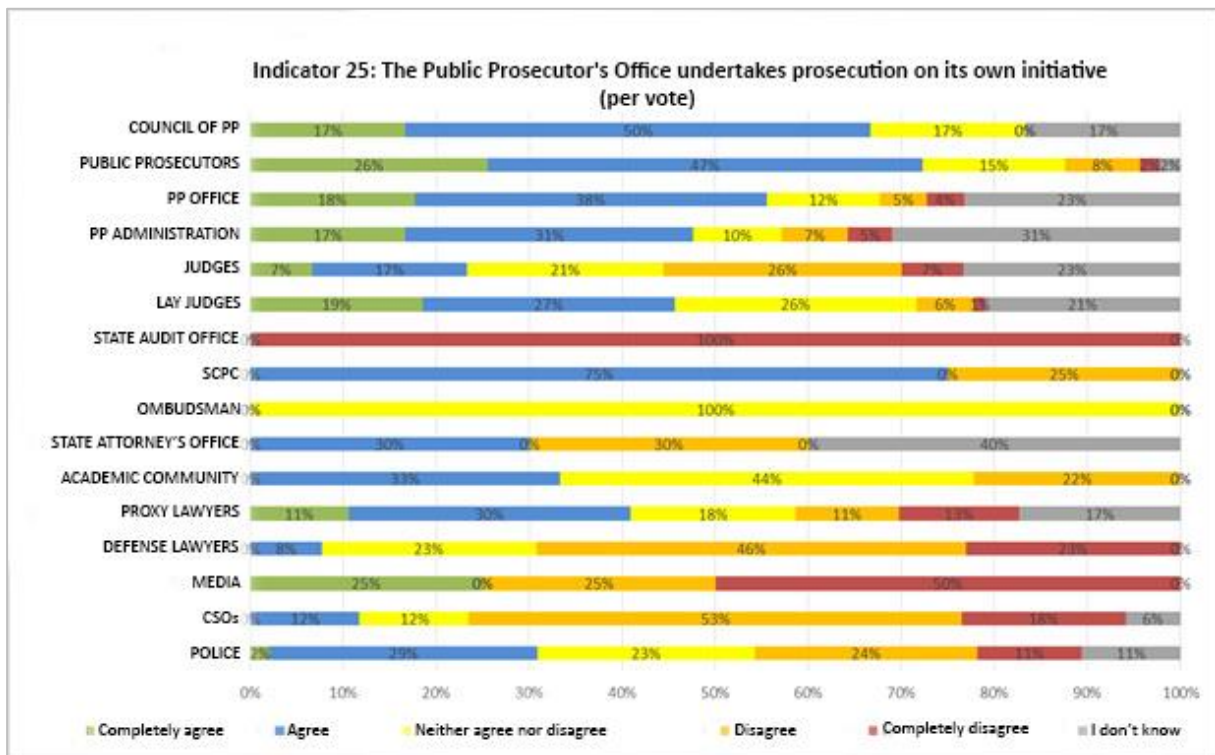
Concerning the **assessment of the facts and evidence** for and against the accused, 23% of the judges neither agree nor disagree, 23% disagree and 6% completely disagree. Defense lawyers disagree, with disagreement prevailing with 46% and 15% completely disagreeing. While proxy lawyers agree with 21%, but the rest are split between having no stance (neither agreeing nor disagreeing) and disagreeing in a total of 35%.

Although opinions are divided, there is a prevailing perception that the facts for and against the defendant are not objectively appreciated



At the institute of conditional postponement of prosecution, the Council of Public Prosecutors disagrees with 17%, while the respondent' judges "I don't know" the answer with 40%, although the remaining 13% disagree and the others agree or disagree, or some of them are neutral (12%). Among public prosecutors, there is a percentage of 7% who disagree, while defense lawyers generally disagree or disagree (54%), and 23% disagree. Proxy lawyers' answers have a wide range, with neutral opinions prevailing with 27% and "I don't know" with 28%.

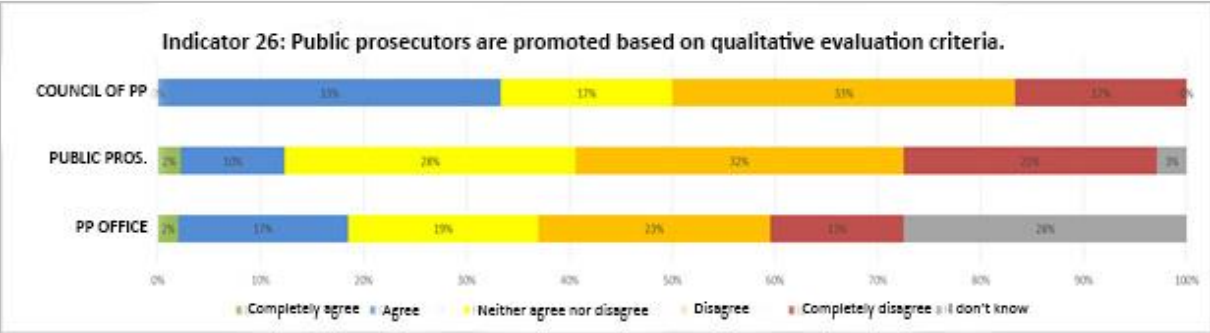
Although the institute of conditional postponement of prosecution, according to public prosecutors, is generally used in practice when conditions are met under the law, lawyers have expressed reservations about the matter.



Regarding prosecution per vote or own initiative by the Public Prosecutor's Office, SAO respondents in 100% completely disagree while in the same percentage respondents in the State Attorney's Office neither agree nor disagree. With 75% of SCPC respondents agreeing with this statement while non-governmental organizations mostly disagree (53% with 18% completely disagree). The police interestingly 24% disagree, and 11% completely disagree. There are 10% of public prosecutors who disagree. Among judges, the percentage of disagreement is 33%, which is one third.

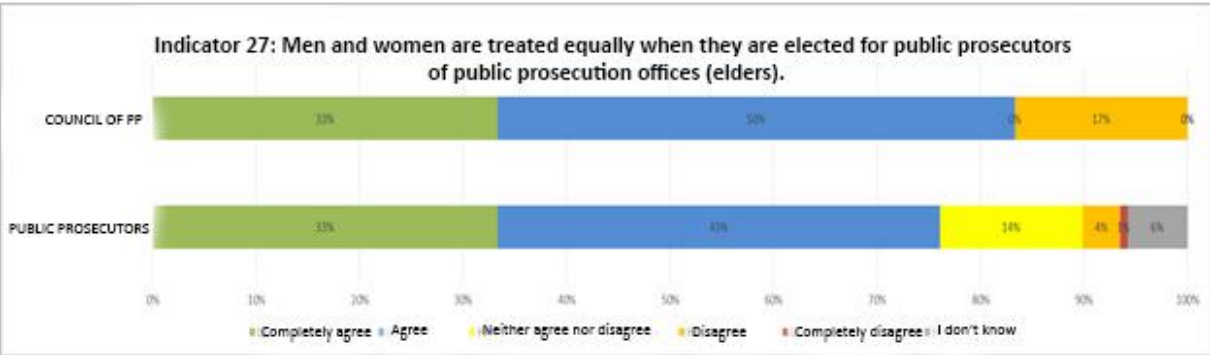
According to the respondents, the institute for prosecution per vote or own initiative is insufficiently used.

Sub-section E): Evaluation and promotion system



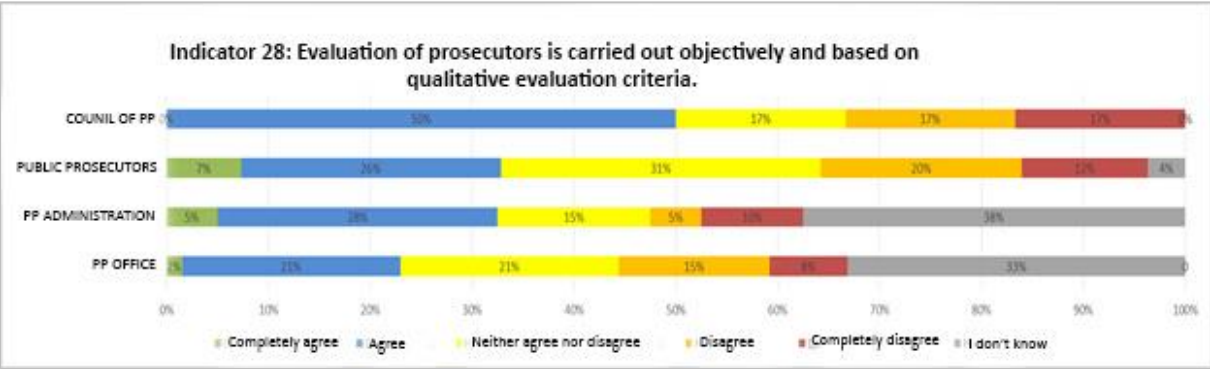
Regarding the indicator for promotion based on qualitative criteria, the Public Prosecutors Council points out that half of the respondents disagreed. Among public prosecutors, this percentage of disagreement is higher at 57%, while at the Public Prosecutor's Office, the disagreement is 38%.

The majority of respondents consider that public prosecutors are not promoted based on qualitative evaluation criteria.



With this indicator, the Council disagrees with 17%, while prosecutors mostly agree, but some disagree with 4%, and some neither agree nor disagree with 14%.

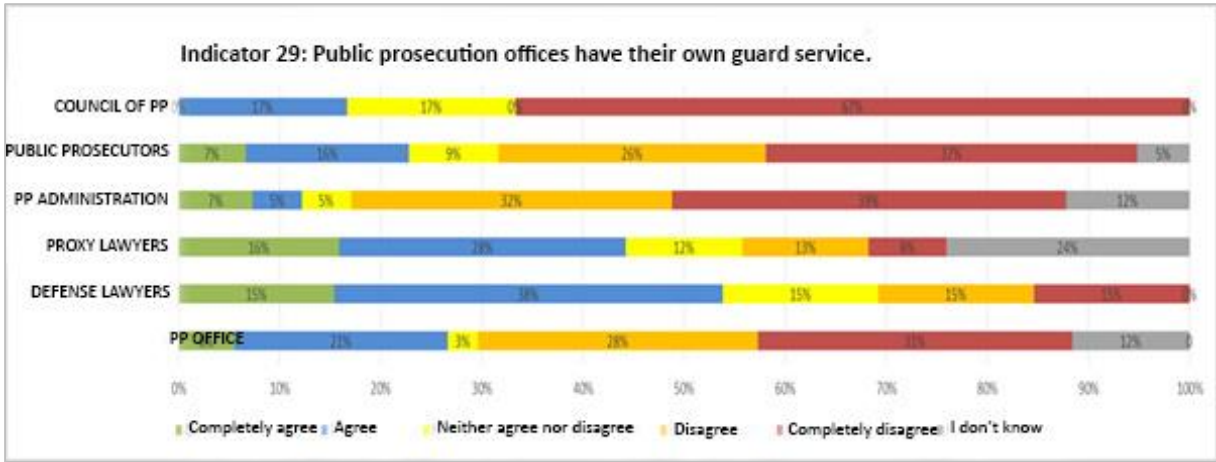
Respondents, for the most part, believe that men and women are treated equally in their election to public prosecutors' offices.



34% of the Council disagree, while 32% of public prosecutors disagree that the evaluation of public prosecutors is carried out based on objective qualitative criteria. In the Public Prosecutor's Office and the Public Prosecutor's Administration Office, the answers are divided, with the answer being 'I don't know' dominating with 38% in the office as opposed to 33% in the administration.

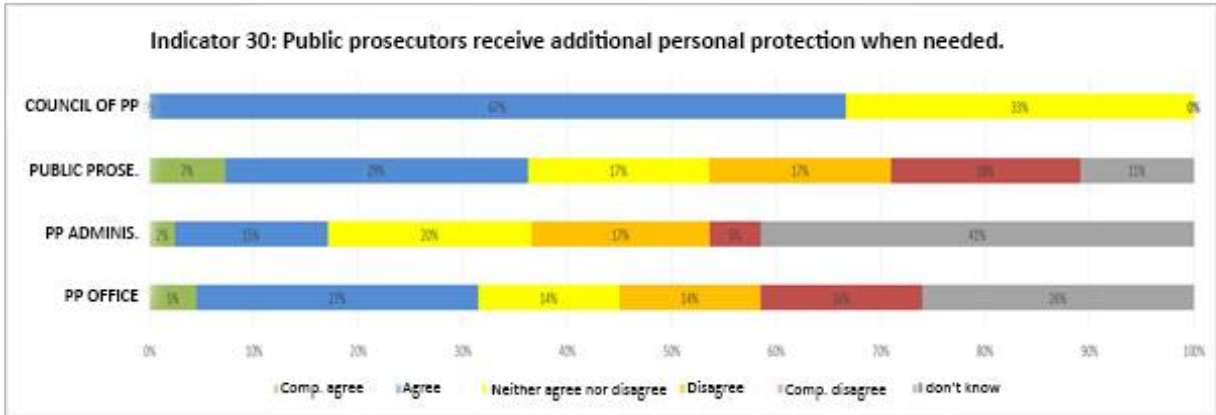
According to the respondents, the evaluation of objective qualitative criteria should be improved

Sub-section F): Public prosecution protection measures



Regarding the staffing with the guard service, 63% of the public prosecutors disagree with the guard service matter, and 23% responded favorably to this matter. Proxy and defense lawyers have mixed answers on this indicator, while two-thirds of the Public Prosecutors Council disagree completely. The public prosecution service largely disagrees as opposed to those who do.

According to the respondents, there is insufficient staffing of the Public Prosecutor's Office with its guard service

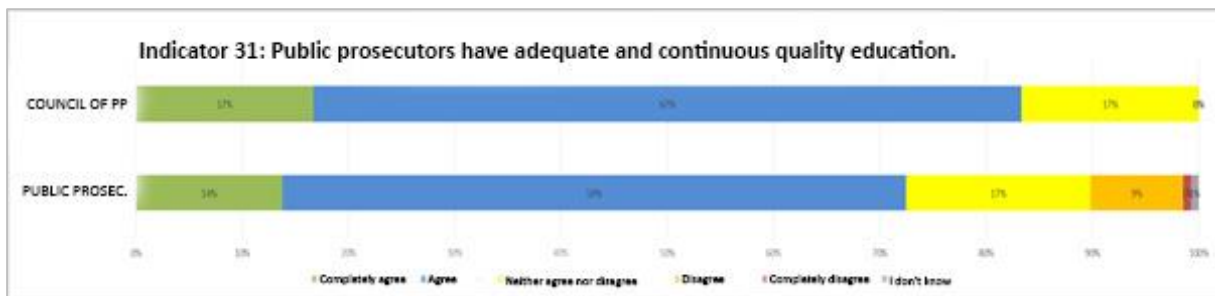


Concerning additional personal protection, two-thirds of the council of public prosecutors agree, while one-third does not. On the other hand, 17% and 18% of the public prosecutors,

respectively, think that they do not receive additional personal protection when needed, and the answers are divided between the public prosecutor's administration office and the expert public prosecutor's office, whereby the expert office has a higher percentage of those who disagree.

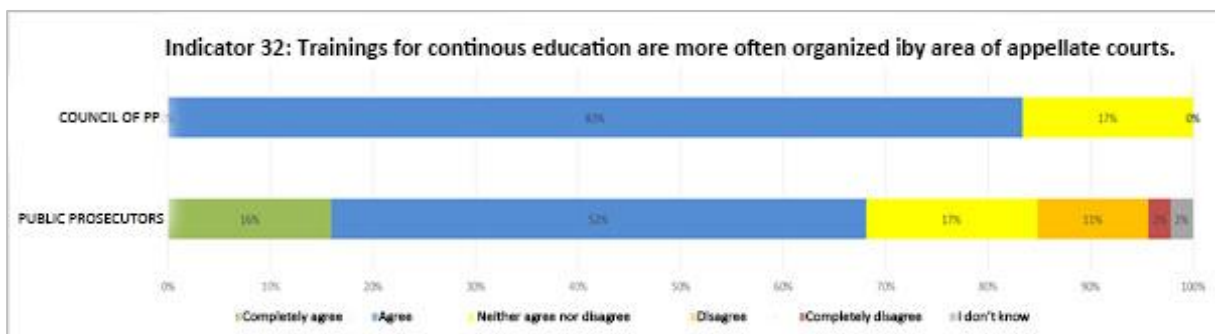
According to the respondents, additional personal protection is not fully provided when needed.

Sub-section G): Continuing education and professional development



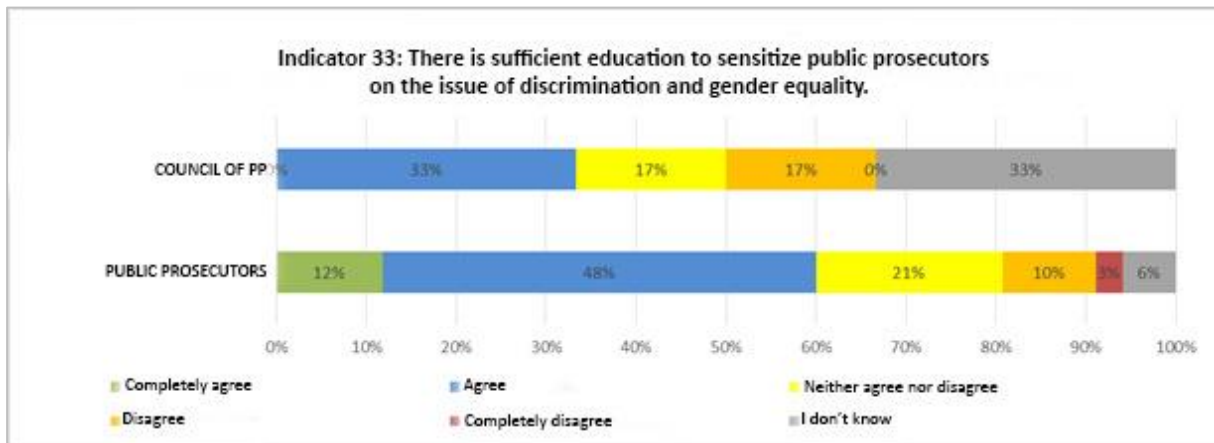
In terms of appropriate and quality continuing education, two-thirds of the Council of Public Prosecutors agree, while 17% completely and 17% neither agree nor disagree. Similar percentages are given by prosecutors who disagree with 9% and 1% who completely disagree.

Most of the respondents agree with the conclusion that it is adequate and quality continuing education for public prosecutors.



On the indicator of more frequent training of appellate courts, the Council of Public Prosecutors overwhelmingly agrees with 83%, with 17% disagreeing. Among public prosecutors, 11% disagree and 2% completely disagree, while two-thirds agree. 17% of public prosecutors have no opinion on this indicator.

Most of the respondents agree with the conclusion that the trainings are organized according to the appellate areas.



Regarding the education of the public prosecutors on the issues of discrimination and gender equality, only 6% of the public prosecutors answered 'I do not know', but even 10% or 3% disagreed or completely disagreed. However, 12% completely agree and 48% agree. Council perceptions are divided, with 33% saying 'I don't know' and 17% neither agree nor disagree and disagreeing with the same percentage (17%).

Opinions on public prosecutors' education on gender discrimination issues and gender equality are divided

Conclusion: Public prosecutors generally have a professional and correct attitude. In terms of the quality of the rationale for the decisions they make, the requirements for detention and special investigative measures as well as the respect for the rights of the defense, the perceptions among the target groups are divided. Conditional postponement of criminal prosecution is not often practiced when the conditions are met.

Evaluation and promotion system is not always based on qualitative criteria. There is poor staffing with the guard service and additional personal protection as needed. The analysis indicates that quality continuing education should continue and improve and continue to include more education to sensitize public prosecutors on issues of discrimination and gender equality.

3.3 Section III - INDEPENDENCE

The independence of a public prosecution system depends on several factors, but this value of justice must, first of all, ensure equal treatment of citizens before the law. For the Public Prosecutor's Office to guarantee independence, there is a need for a set of clear and precise rules of procedure for the prosecution of perpetrators of criminal offenses, which will substantially contribute to the efficient and functional exercise of the public prosecutor's role. The Public Prosecutor's Office, to be considered independent, needs to build mechanisms and establish standards for protection against any external, and especially political, influence. The selection and dismissal of criminal prosecutors should be following precise, clear rules and in transparent procedures, to ensure the full guarantee of the independence of the public prosecution. Further, public prosecutors and the service should act by ethical rules and guarantee an impartial and objective attitude to work and cases. Finally, realistic financial support and budgetary independence and sustainability are vital to the successful and efficient execution of the public prosecutor's office.

In the RNM's Public Prosecution system, the Council of Public Prosecutors is the body that should guarantee and safeguard the independence of public prosecutors, and this should be done in particular through the election and dismissal of public prosecutors, through a transparent and objective procedure free from outside interference, but above all through the election of its members.

The legal framework and strategic determinants of independence are set by modern and European standards, yet perceptions of the success of their implementation point to more challenges and the need for further improvements.

3.3.1 Indicators for measuring perceptions

In the section of "Independence" respondents were asked about their perceptions regarding the aspects related to: **Election and dismissal of public prosecutors, External influences, Impartiality, and Financial independence**. Respondents were asked questions in the form of indicators of the existence of objective and clear criteria for the election and dismissal of public prosecutors, the transparency of the procedure, the independence and objectivity of the Public Prosecutors' Council of the Republic of North Macedonia (CPRNM) in the election and dismissal, its reputation, possible conflicts between the principles of hierarchy and subordination to the principle of legality. Respect for the principle of gender equality in the election of public prosecutors in the higher public prosecution offices. Political influences on the election, transparency of the election of CPRNM members, external influences on the action and decision-making of public prosecutors, the care of CPRNM to safeguard the independence of the Public Prosecutor's Office, the distribution of cases and external influences, the reflection of personal beliefs and subjective attitudes of the public prosecutors in their work. Respect for the principle of confidentiality in communication with outsiders.

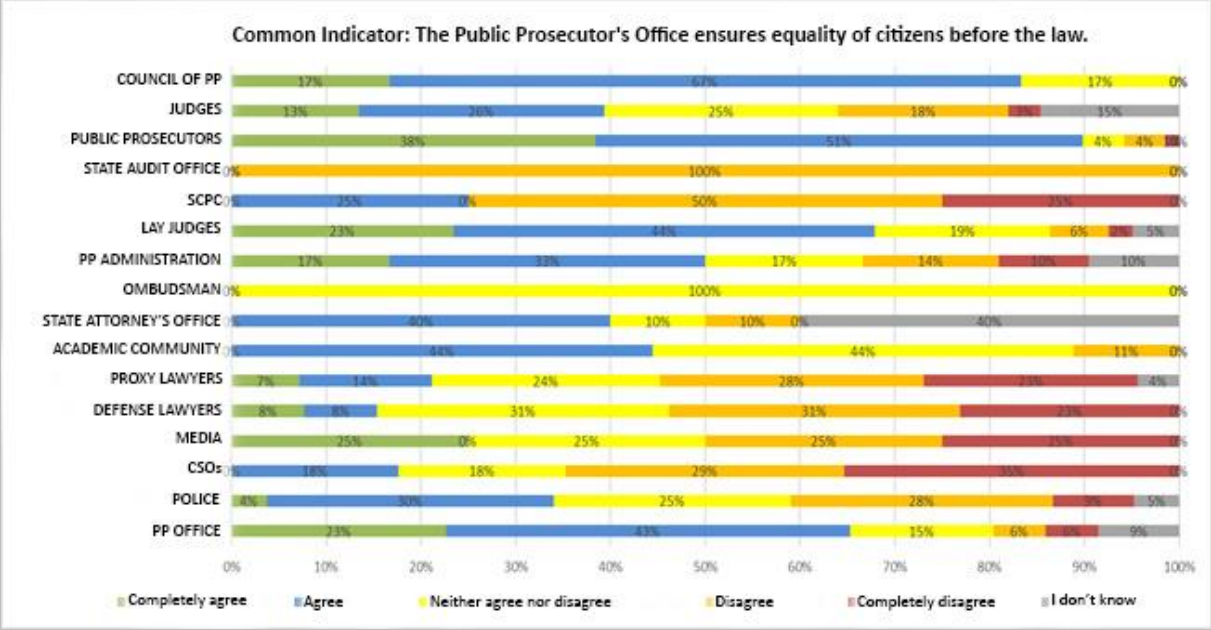
An analysis was made on the impact of media commentary on a particular criminal and legal case on public prosecutors 'decision-making, the annual budget of the public prosecutor's office, the adequacy of public prosecutors' salaries, expert service and support staff with the function and tasks they perform.

The Matrix section "Independence" consists of one common indicator for all respondents and **seventeen (17) individual indicators** divided into four (4) sub-sections.

Respondents from all categories covered by the Matrix pilot provided their answers to the question:

How would you evaluate the independence of prosecutors, defined by the following statement:

„ The Public Prosecutor's Office ensures equality of citizens before the law “



The average rating for this common indicator for all target groups included in the Matrix is **3.14**.

Table 3: Average ratings by targets groups for the Independence section

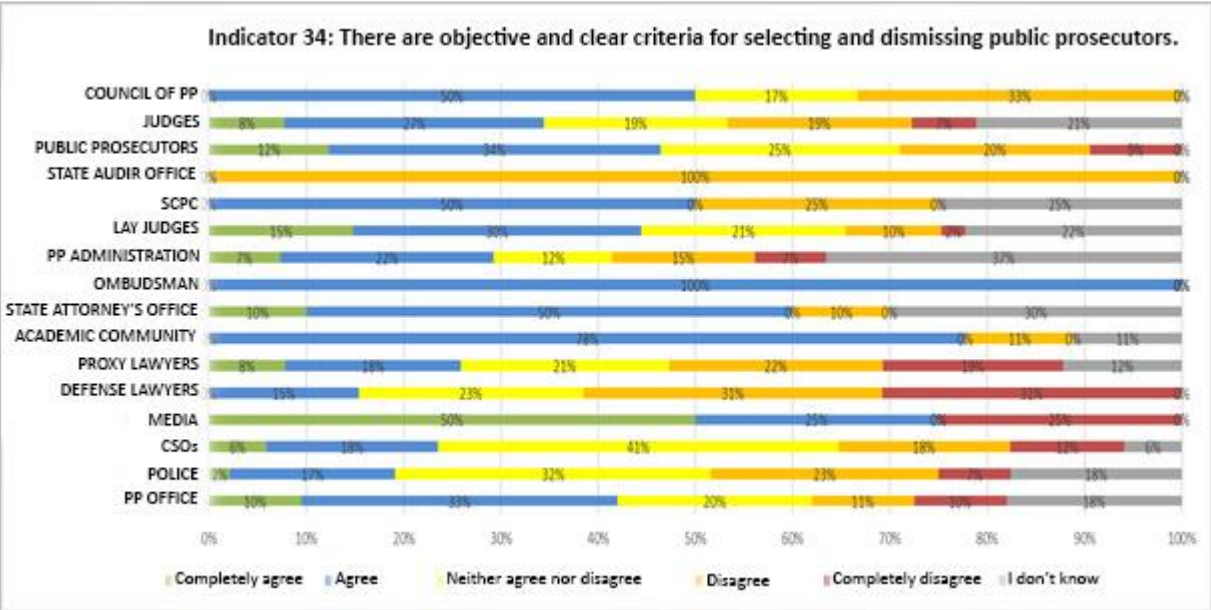
Target group	Average rating
PUBLIC PROSECUTORS	2.82
COUNCIL OF PUBLIC PROSECUTORS	3.33
PUBLIC PROSECUTION OFFICE	2.77
PUBLIC PROSECUTION ADMINISTRATION OFFICE	2.90
JUDGES	2.88
LAY JUDGES	2.93
DEFENSE LAWYERS	3.31
PROXY LAWYERS	3.20
JUDICIAL POLICE	3.55
STATE ATTORNEY'S OFFICE	2.40
STATE AUDIT OFFICE	5.00
SCPC	2.25
OMBUDSMAN OF MACEDONIA	3.00
CIVIL SOCIETY ORGANIZATIONS	3.41
MEDIA	2.75
ACADEMIC COMMUNITY	3.67
Total average rating	3.14

According to the results, some categories of respondents, especially those from the judiciary, rated poorly on the independence of the Public Prosecutor's Office, except for the Council of Public Prosecutors who overwhelmingly (67%) rated above average in this section (3.33). The survey showed that the judiciary police and lawyers rated the PP's independence above average, and the SAO and the expert public (CSOs and the academic community) rating d highest (5 and 3.67).

On the other hand, there is some deviation within the group of respondents from the Public Prosecutor's Office, so public prosecutors, the administration and the service rated the independence of the Public Prosecutor's Office below the average rating, similar to judges and jurors, and the media.

The SCPC and the State Attorney's Office gave the lowest rating to the work of the Public Prosecutor's Office in terms of ensuring equality of citizens before the law (2.4).

Sub-section H) Election and dismissal of public prosecutors



Regarding the criteria for selection and dismissal of public prosecutors, there is a division within the body responsible for this function. Thus, only half of the respondents from CPPRNM agree that the criteria are clear (50%), while 33% disagree with this statement. The remaining 17% declared themselves neutral. Further, public prosecutors are still divided on opinions about the clarity of the criteria for their selection and dismissal, and 10% completely disagree with this statement. Nearly 40% of respondents from the PP Administration ‘don’t know’, and 18% from the PP Office ‘don’t know’.

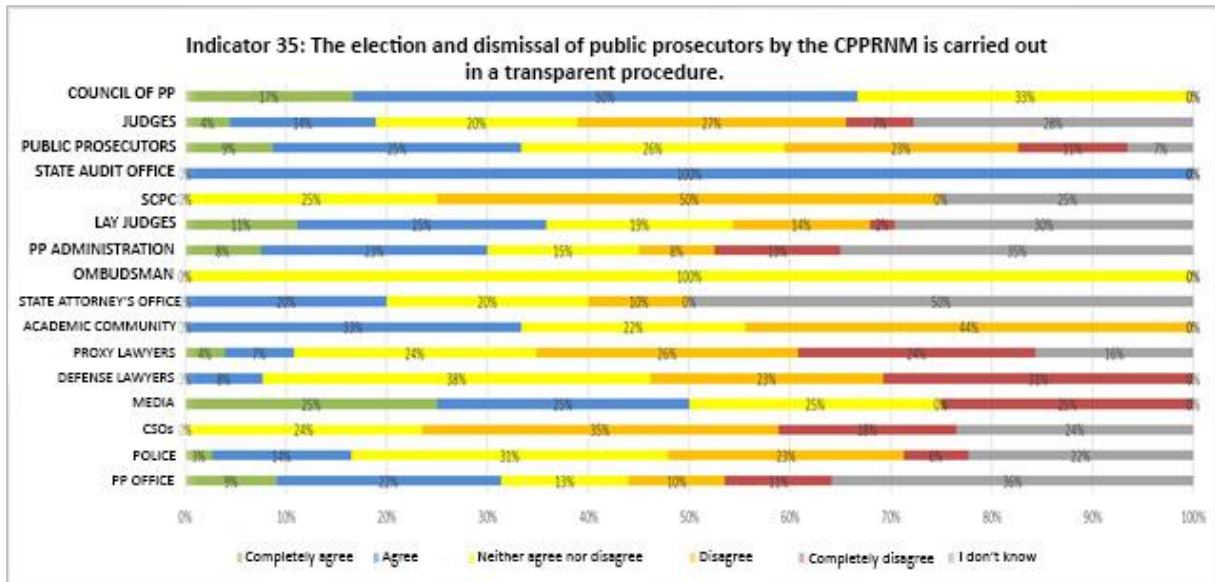
In the group of respondents from the judiciary, only a third of the judges gave a positive opinion, and a large proportion ‘don’t know (21%), and the same is true of the lay judges.

Defense lawyers, for the most part, disagree that there are clear criteria for the election and dismissal of public prosecutors (62%), with only 15% saying yes. Proxy lawyers are more positive, but still very divided on opinions on the matter.

In the other groups, the respondents from the Ombudsman's office agree 100% on the clarity of the criteria for election and dismissal of the public prosecutors, and more than half of the respondents from the SCPC and the State Attorney’s Office gave a positive opinion. It is interesting that the SAO respondents 100% disagree with this statement.

Most of the respondents from the academic community (78%) agreed with this indicator, as did the media, with 75% of respondents agreeing that there are objective and clear criteria for selecting and dismissing public prosecutors, albeit a significant 25% disagree completely with this.

Although the prevailing opinion is that there are objective and clear criteria for the election and dismissal of public prosecutors, there is still a divide on this issue among most respondents. According to defense attorneys and the SAO, there are no objective and clear criteria for selecting and dismissing of public prosecutors.



Whether the selection and dismissal of public prosecutors by the CPPRNM are carried out in a transparent procedure, which directly affects the independence and self-reliance of public prosecutors, there is a wide divide in the opinions of respondents from all groups. Respondents from the Council of Public Prosecutors in a high proportion of nearly 70% agree with this statement. A third, in turn, declared themselves neutral.

On the other hand, public prosecutors are divided on the issue, with more than a third (34%) disagreeing and 26% neutral. Only 34% said yes. In the area of public prosecution office and administration, a large percentage of the respondents stated that they do not know about this, and the rest of the respondents are divided in opinion.

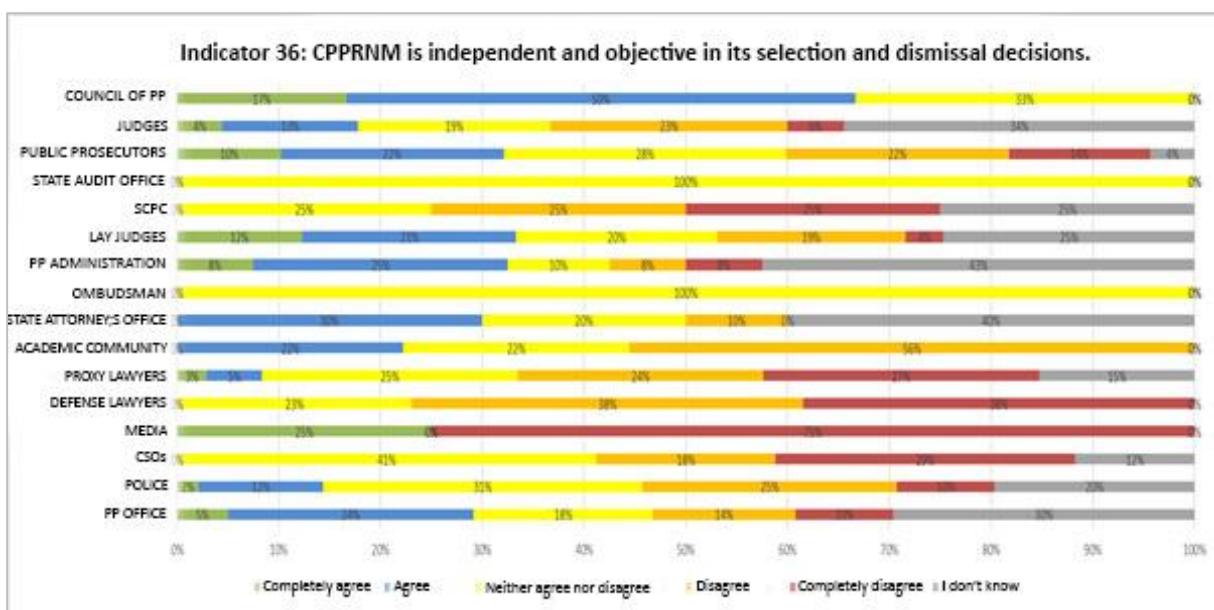
Judges largely disagree (34%) that CPPRNM transparently selects and dismisses public prosecutors, and a large proportion (28%) do not know. Only 18% said yes. Of the lay judges, 45% favorably answered this question, although here too, a third of them (30%) said they did not know.

Respondents from the ranks of defense lawyers and proxy lawyers, for the most part, assessed the work of CPPRNM as non-transparent in the selection and dismissal of public prosecutors.

Half of the SCPC respondents disagree with this, and half of the respondents from the State Attorney's Office do not know about this, and the rest of those who know are divided on this issue, while 100% of the respondents from the SCPC agree with this indicator's statement.

Interestingly, half of the respondents in the media stated that CPPRNM conducts the election and dismissal of public prosecutors in a transparent procedure, although 25% disagree. In the academic community, 44% of the respondents disagree with this, and 33% are positive. More than half (53%) of the respondents from CSOs believe that the Council does not work transparently in the election and dismissal of prosecutors.

There is a divergence of opinion among the respondents about the transparency of SFORM in the election and dismissal of public prosecutors. While CPPRNM respondents largely agree that the election and dismissal of public prosecutors are carried out transparently, a large proportion of public prosecutors and other groups of respondents disagree.



Regarding the question of whether CPPRNM is independent and objective when making decisions on election and dismissal, most of the respondents in its ranks responded favorably (67%) and the rest neutral (33%). On the other hand, the respondents from the public prosecutors are divided on this issue, with one third being positive and 36% saying no. Both in the PP office and administration, one third is positive, however, in these two groups of respondents over one third do not know about this.

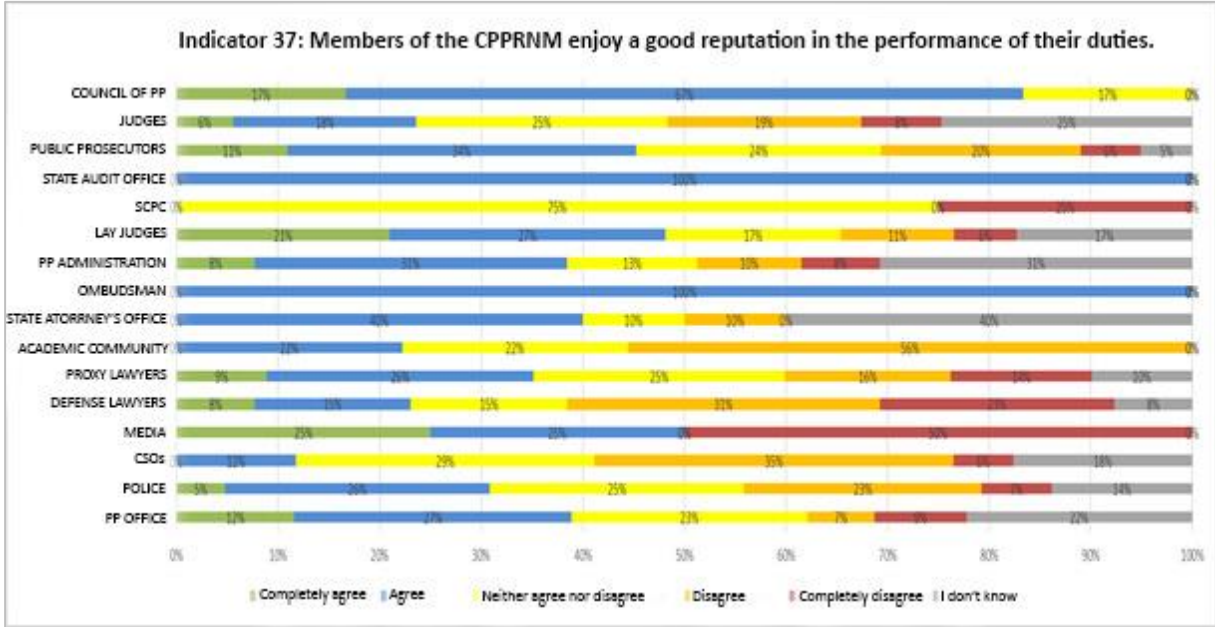
Among the judge respondents, a large proportion reported not knowing this (34%), and only 17% of the respondents agreed that CPPRNM is independent and objective in its selection and dismissal decisions, and the rest 30% reported negative.

As before, lawyers (proxy and defense) were mostly negative for this indicator (51-76% respectively).

Within the regulatory bodies, SAO respondents and the Ombudsman are 100% neutral in this regard, while half of SCPC respondents disagree. At the State Attorney's Office, respondents are divided in opinion, although a large percentage did not know this (40%).

Respondents from the expert public have divided opinions, the media (25%) completely agree that CPPRNM is independent and objective, while a high percentage of 75% completely disagree. Furthermore, among the SCO representatives, half of them are neutral, and the rest have a negative opinion on this issue. And in the academic community, 56% of respondents disagree that the Council of Public Prosecutors is independent and transparent in deciding on the election and dismissal of public prosecutors.

There is a divergence of opinions as to whether CPPRNM is independent and objective in its selection and dismissal decisions. Lawyers, the SCPC, and the expert public are critical/negative about this issue.

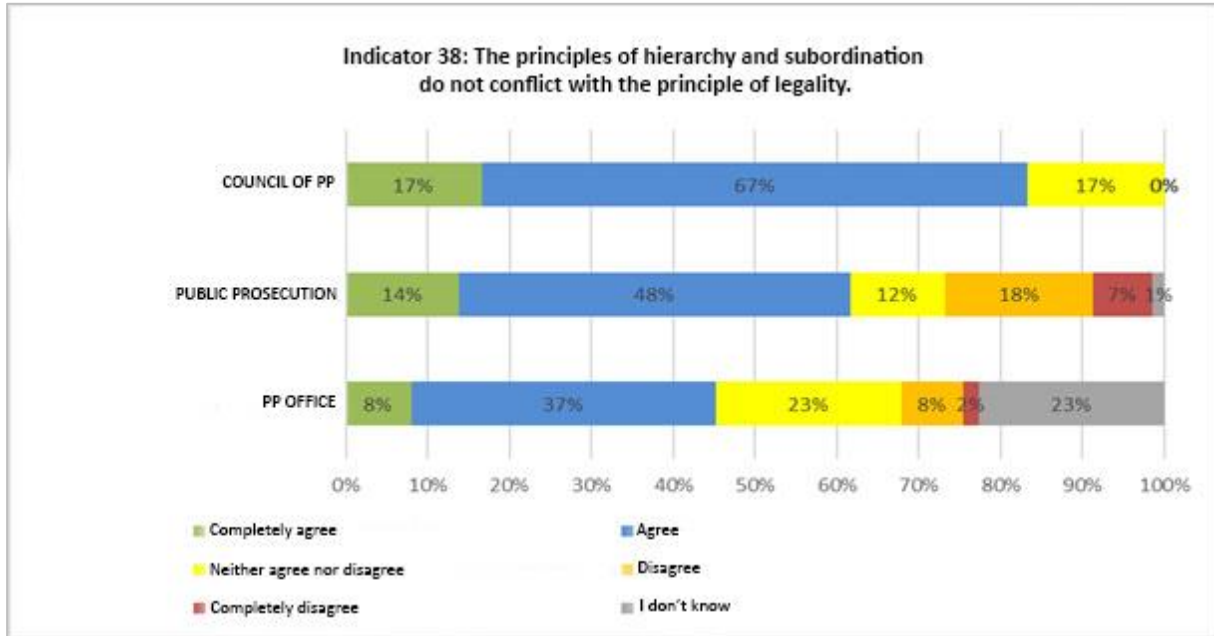


On whether the members of CPPRNM enjoy a good reputation in the performance of its function, the respondents from several groups have generally positively answered this question.

However, respondents from the media are divided on this issue, 50% are positive and 50% completely disagree. Representatives of the academic community also reported a negative attitude, with more than half (56%) being negative on this issue, and a big percentage of the respondents from among the CSOs, with 46% saying no. Over half of the respondents of defense lawyers (53%), also believe that CPPRNM does not enjoy a reputation in the performance of its function, while a large percentage (75%) of the SCPC respondents are neutral in this regard, and 25% of them fully disagree that the CPPRNM enjoys a reputation for carrying out its function.

There is a divergence in opinions as to whether the CPPRNM enjoys a good reputation in the performance of its function. Although according to respondents from most groups, the

CPPRNM enjoys a good reputation, the majority of respondents from the expert community and lawyers disagree.



Only respondents from the Public Prosecutor's Office stated this indicator (the Council, the Public Prosecutors, and the Public Prosecutor's Office).

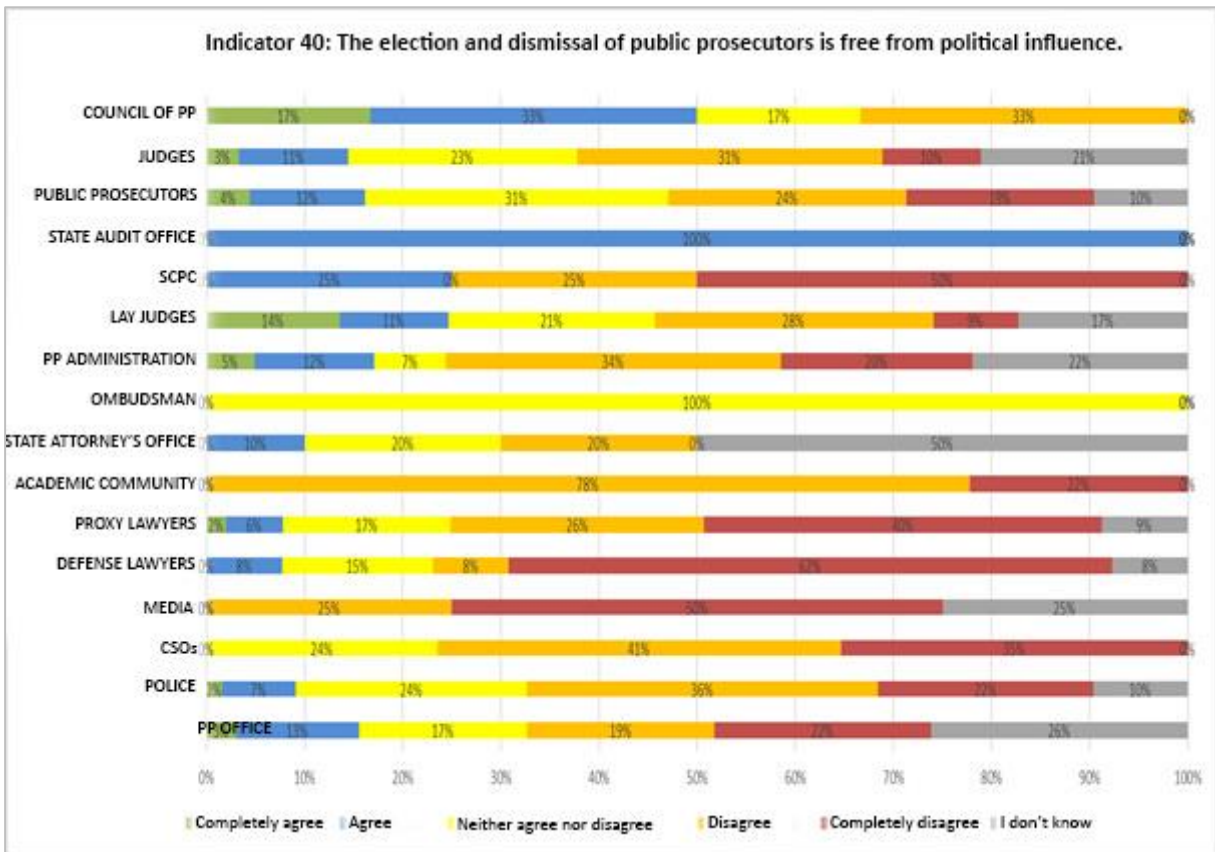
The majority of the CPPRNM respondents (84%) responded that they agree that within the prosecution there is a principle of hierarchy and subordination, which does not conflict with the principle of legality. Among the public prosecutors, 62% also agreed with this, and 25% of them said no. There is a divergence on this issue among the respondents from the PPO, with 45% positively answering this question and 23% being neutral and the same percentage not knowing.

Respondents generally agree that the principles of hierarchy and subordination do not conflict with the principle of legality, although there is some disagreement on this issue with public prosecutors and the PP Office.



Only respondents from the main target group (prosecution) responded to this indicator. Whether the procedure for the election of public prosecutors to the higher levels and the gender representation and equality of the Council was taken into account, a significant proportion of respondents were not familiar with the issue (18-33%). Of those who have some knowledge, most agree with this (30-40%), but the percentage of those who have a negative opinion is also significant (17-19%).

Most respondents do not know or are aware of gender equality in the election of public prosecutors, and those who know are divided on the issue.

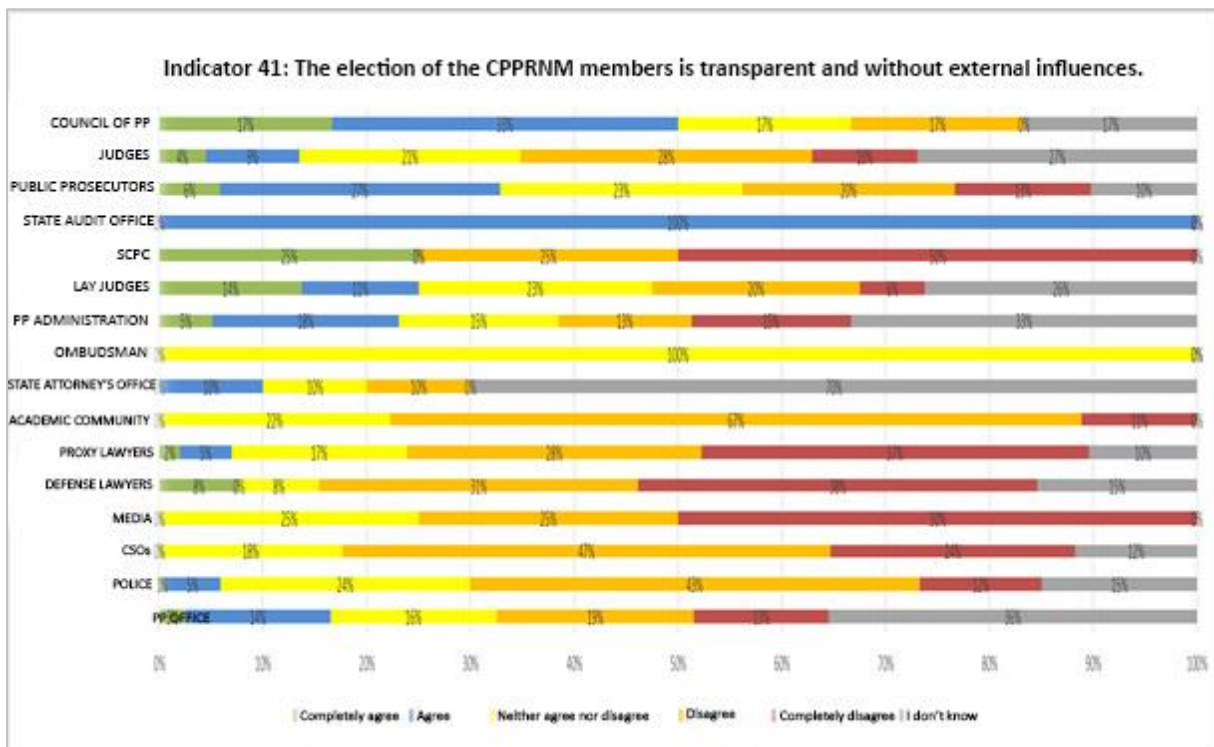


Half of the respondents in the CPPRNM believe that there is no political influence on the election and dismissal of public prosecutors (50%). However, 33% of them disagree with this. Public prosecutors for the most part (43%) believe that there is political influence on the election and dismissal of public prosecutors, and only 16% do not. The situation is similar to the Public Prosecution Office, and 54% of the respondents from the Public Prosecution Administration believe that the election and dismissal of public prosecutors are not free from political interference.

Among the respondents, judges were also dominated by the opinion (41%) that there was political interference in the election and dismissal of prosecutors, and the lay judges were very similar.

Except for respondents from the SAO, who 100% favored this indicator of independence, other groups of respondents are particularly critical of this issue. Thus, as many as 100% of the respondents from the academic community, 80% of the defense lawyers and over 75% of the respondents from the media and civil society organizations believe that the election and dismissal of the Public Prosecutor's Office are not free from political interference. 75% of the SCPC respondents disapproved of the issue, with 50% completely disagreeing that there is no political influence on the election and dismissal of public prosecutors, and 25% disagreeing.

For the majority of respondents, there is political influence over the election and dismissal of public prosecutors.



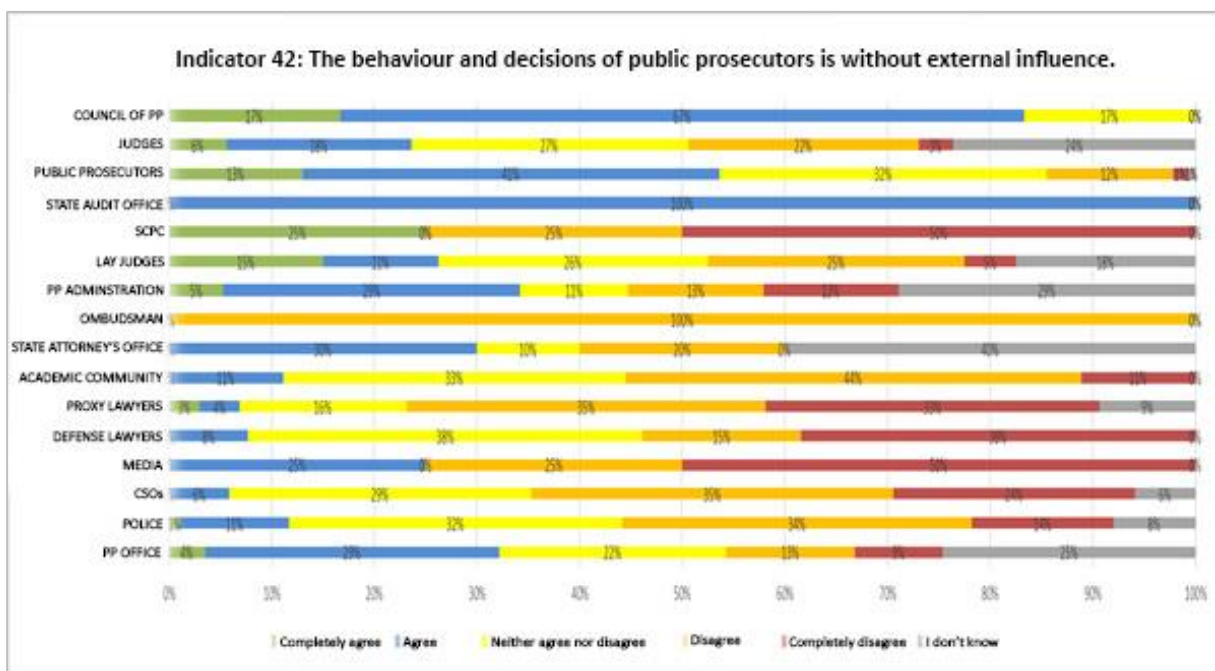
The majority of respondents from the CPPRNM (50%) consider that the selection of the CPPRNM members is transparent and without external influences, and 17% disagree. Public

prosecutors are divided on this issue: 33% agree and 33% disagree with the statement. There is a divide in the perception of the PP Office as well as in the PP Administration Office. 75% of SCPC respondents gave a negative opinion on this statement (50% of them completely disagree).

In the group of respondents from the lawyers, the media, CSOs and the academic community, as well as the judicial police, the percentage of disagreement that there is no external influence in the election of the CPPRNM members is significant and dominant. Only the SAO respondents gave a positive opinion on this indicator statement.

There is a division within the Public Prosecutor's Office as to whether the election of the CPPRNM members is transparent and without external interference. Experts, the SCPC and lawyers are particularly critical of this issue and consider external influences and non-transparency in the election of the CPPRNM members.

Sub-section I) External influences

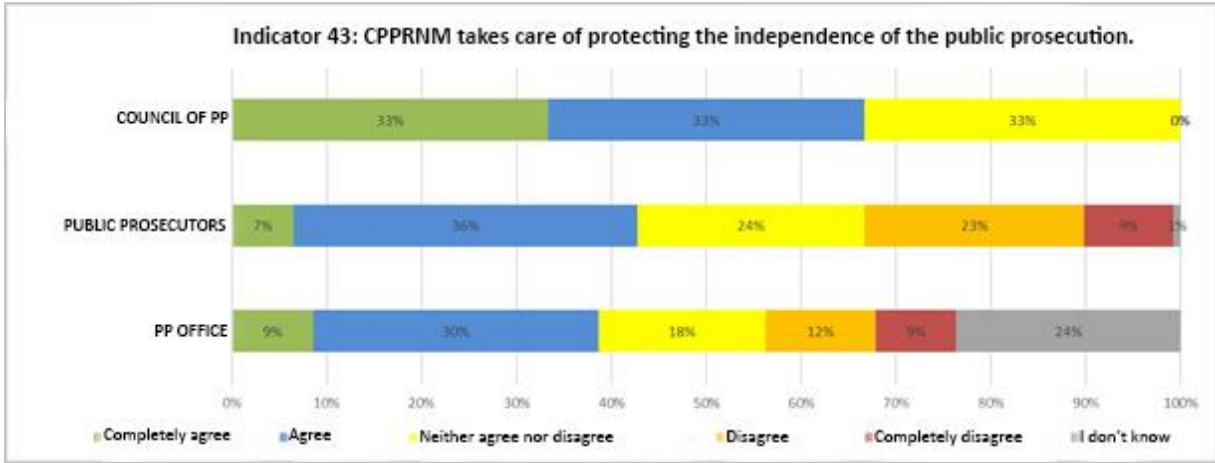


84% of the CPPRNM respondents think that the actions and decision making of public prosecutors are without external influences. Among public prosecutors, the percentage of those who agree with this is 54%, with a third of them neutral. One part of the Public Prosecutor's Office and the Public Prosecutors Administration Office (33-34%) agree with this indicator on the independence of public prosecutors, and 24% - 26% declare it negative.

Judges and lay judges are truly divided on this issue, and some of them have stated that they do not know (judges 24%, lay judges 18%). Respondents from the defense lawyers and proxy lawyers are mostly negative about this statement. Thus, 53% of defense lawyers and 68% of proxy lawyers believe that public prosecutors act and decide under the influence of outside influence. Furthermore, over 70% of the respondents from the media and CSOs think that

there are external influences on the work and decisions of the public prosecutors, and the majority of the respondents from the academic community think the same. While respondents from the SAO strongly agree (100%) that there are no external influences on the work and decision making of public prosecutors, 100% of respondents from the Ombudsman feel that this is not the case. The situation is similar with the SCPC respondents who in a large percentage (75%) stated that they disagree with the lack of external influences in the work of public prosecutors, 50% of whom completely disagree.

Many of the respondents from the expert public (media, civil society organizations and the academic community), lawyers, SCPC and the Ombudsman consider that public prosecutors act and decide under external influences.



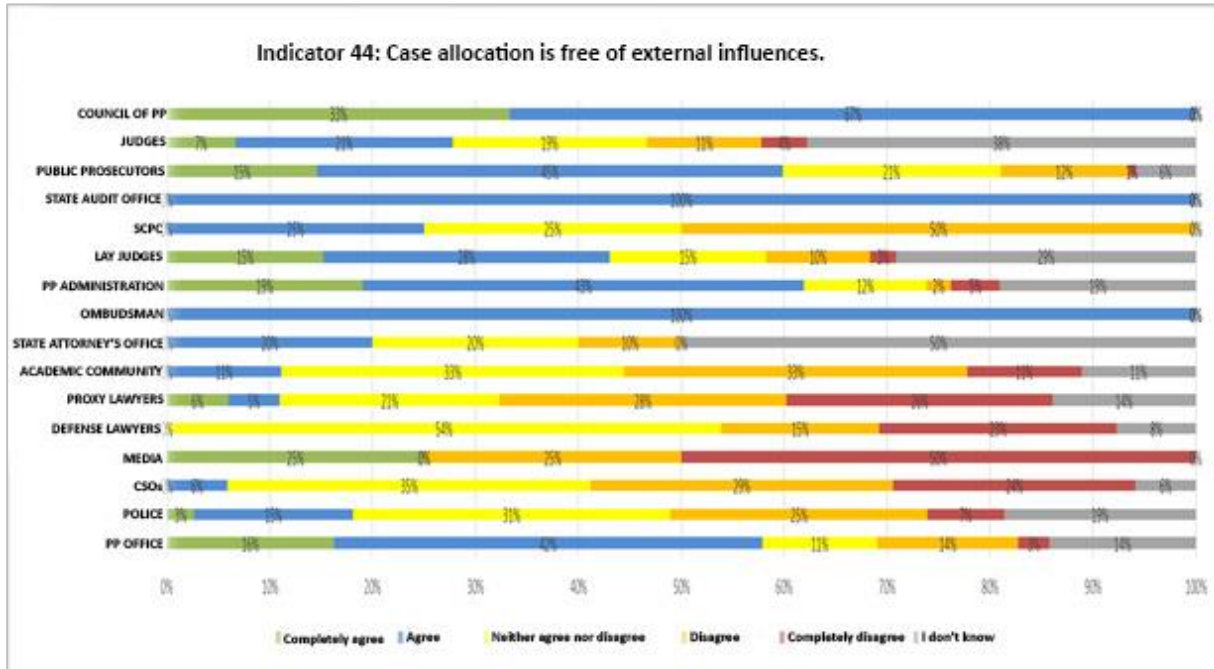
Only respondents from the Public Prosecutor's Office (group 1) gave their opinion on this indicator (except for the PP Administration Office).

According to respondents, the CPRNM largely cares for the independence of the public prosecution. Thus, a large percentage of respondents in the Council stated that they agree that this body cares for and guarantees the independence of the Public Prosecutor's Office (66%) and one third (33%) are neutral in this regard.

Public Prosecutors, while largely in agreement (43%), however, a significant proportion (32%) disagree that the CPRNM cares about protecting independence within the Public Prosecutor's Office.

Furthermore, a smaller percentage (39%) of the PPO respondents agree that the CPRNM cares about protecting the independence of the Public Prosecutor's Office, while the majority (24%) stated that they do not know about this.

Respondents from the CPPRNM believe that this body cares about protecting the independence of the public prosecution, while the other respondents from the public prosecution group (public prosecutors and the PP Office) have expressed some reservations in this regard.



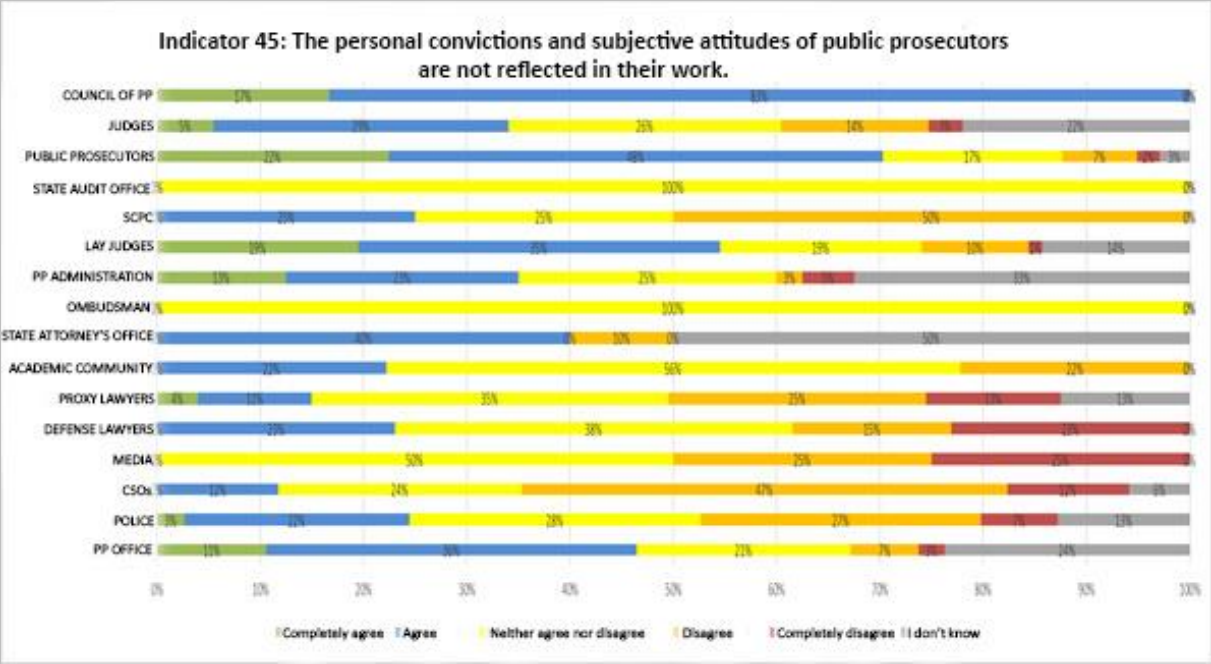
One of the main guarantees of independence in the Public Prosecutor's Office is that case allocation is free from outside influences. The respondents from the CPPRNM mostly (100%) agree that this is the case, i.e. that there are no external influences on the distribution of the cases. Most of the respondents (60%) agree with this statement, and the situation is very similar in the statements of the Public Prosecution Office and the Public Prosecution Administration Office. The majority of judges (38%) stated that they did not know about this, and only 28% of them and 43% of lay judges agreed with the indicator statement.

Among the defense lawyers, 54% were neutral regarding this issue and 38% were negative, while proxy lawyers for the most part (54%) responded negatively to this indicator statement. SAO and Ombudsman respondents 100% agree that the distribution of cases is free from external influences, while most SCPC respondents disagree with this (50%), and only 25% agree.

Among the expert public, there is greater criticism on this issue, so that as much as 75% of the media representatives think that the distribution of the cases is done under external influences, and the majority of the respondents from the civil society organizations and the academic community have also stated negatively.

Although representatives of the Public Prosecutor's Office and independent bodies consider that the distribution of cases is free from external influences, the expert public believes that it is done under external influences.

Sub-section J) Impartiality



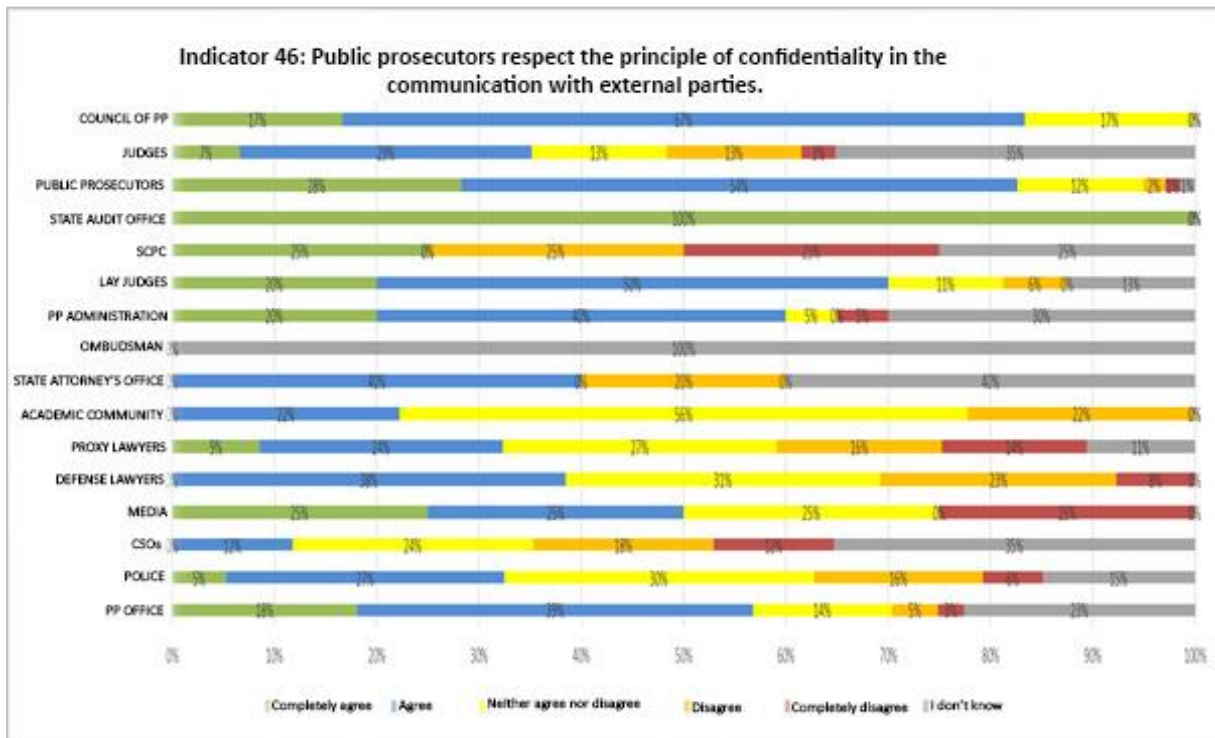
As to whether public prosecutors are biased by their personal beliefs and attitudes to influence the work, the CPPRNM respondents disagree that this is so (100%). The majority of public prosecutors (70%) consider that they are impartial in their work, while 17% say that they are neutral. Respondents from the PP Office and PP Administration Office also largely agree with this statement.

The majority of judge respondents (34%) agree that public prosecutors are impartial and do not reflect their subjective beliefs or attitudes in their work, although 17% disagree. The majority of lay judges (54%) agree with the impartiality of public prosecutors in performing their duties, while this percentage is lower for lawyers.

Respondents from the independent regulatory bodies SAO and the Ombudsman are 100% neutral on this issue, while half of the SCPC respondents disagree with the statement that public prosecutors work impartially, and only 25% agree.

Unlike previous groups of respondents, 50% of media representatives and CSOs disagree that public prosecutors work impartially, and over 50% of media and academic community respondents are neutral on the issue.

There is a prevailing perception among most respondents that public prosecutors do not reflect their personal beliefs and subjective attitudes in their work. However, a significant proportion of respondents were neutral on the issue.



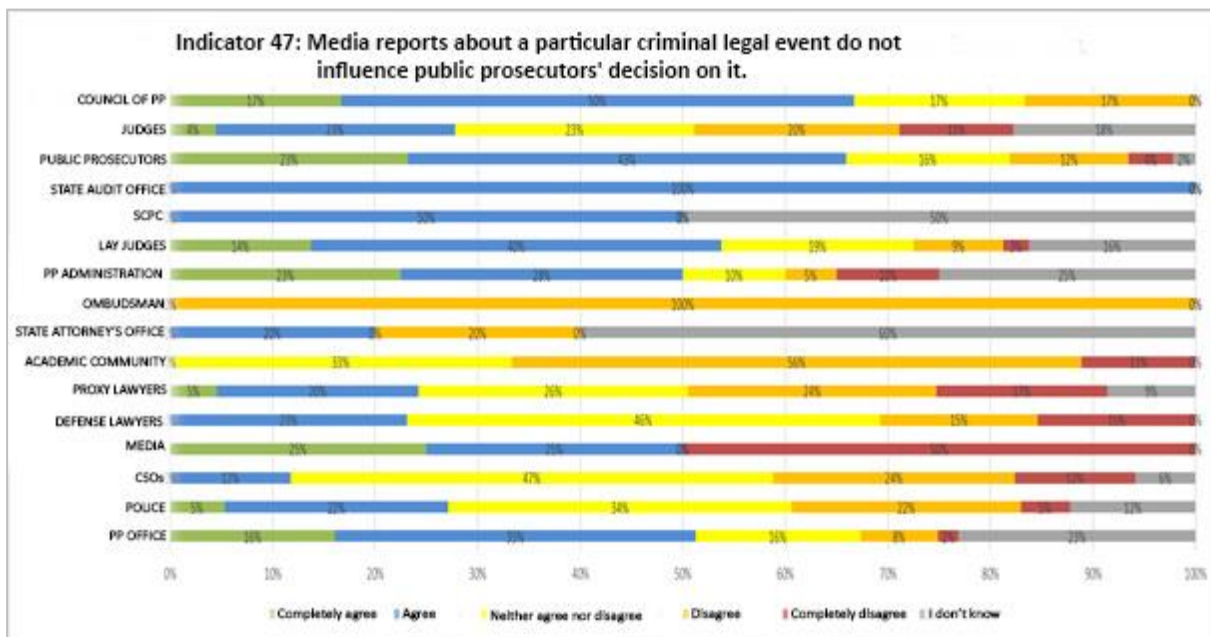
Regarding whether public prosecutors are confidential when dealing with outsiders in their work, the largest percentage of the CPPRNM respondents (84%) and public prosecutors (82%) agree. More than half of respondents to the Public Prosecution Office and Public Prosecution Administration Office also agree with this statement of impartiality and independence of public prosecutors.

Although the judges stated that they are largely unaware (35%), still 36% of them said yes and 16% negatively.

Defense lawyers and proxy lawyers are divided on the issue.

While respondents from the SAO completely agree (100%) that there is confidentiality in the communication of public prosecutors with outside persons, 100% of respondents of the Ombudsman do not know about this. The SCPC respondents are completely divided on this issue, as well as the police, and the expert public.

Although the opinion of the public prosecutors is confidential when dealing with outsiders, there is still division and neutrality concerning this issue among other categories of respondents.



Regarding the influence of the media on the work of the public prosecutors, the majority of the CPPRNM respondents (67%) believe that such influence does not exist, and the public prosecutor respondents responded similarly. Both the PPO and the PP Administration Office generally agree that commenting on a particular criminal case in the media does not affect its decision-making.

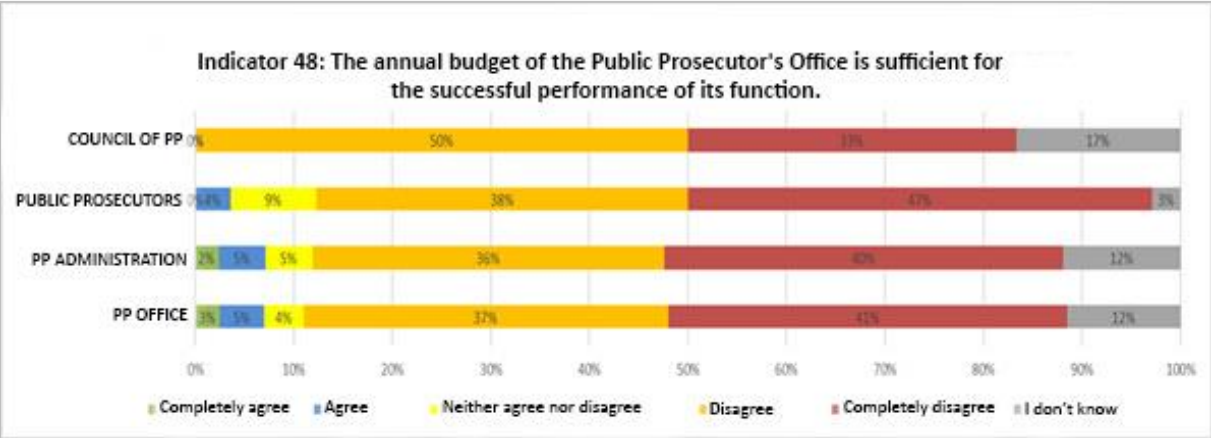
Lawyers and judges are divided on the issue, although most feel that there is some media influence over public prosecution cases that are subject to comment. Lay judges, however, generally (54%) believe that the media do not influence cases when publicly commenting on them.

SAO respondents 100% agree with this, while respondents from the Ombudsman 100% disagree with this indicator. Half of the SCPC respondents agree that the media's comments on a particular case do not influence their decision-making, and half of them stated that they did not know about it.

Media representatives are also divided on this issue (50% agree - 50% completely disagree), while respondents from the academic community are the most critical on this issue, with 67% disagreeing and 33% are neutral as to whether the media commentary on a particular subject affects it. Among the CSOs, 47% of the respondents stated neutral, and 36% disagreed with the statement of this indicator.

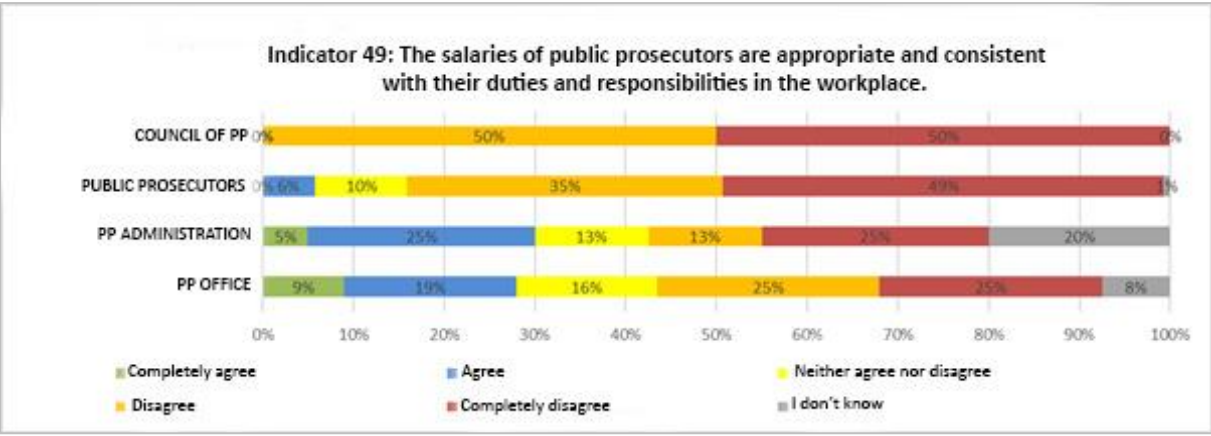
Although the majority of respondents in the Public Prosecutor's Office believe that there is no media influence on the cases they run, there is a divergence of opinion among other target groups.

Sub-section K) Financial independence



Only respondents from the first group (Public Prosecutor's Office) responded to this indicator. Regarding the question of whether the annual budget of the Public Prosecutor's Office is sufficient for the successful performance of its function, most respondents from all target groups disagree or completely disagree with this.

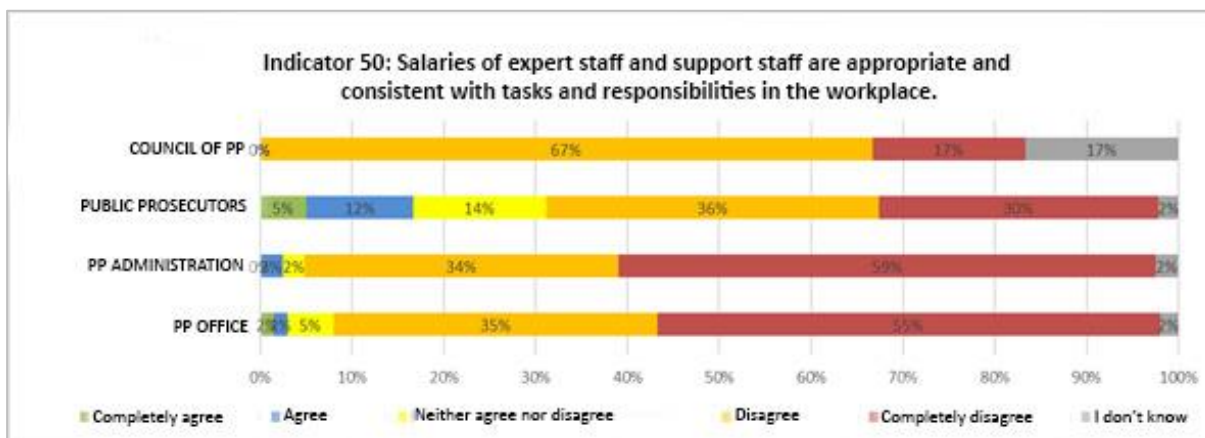
According to the respondents, the annual budget of the Public Prosecutor's Office is not sufficient for the successful performance of its function.



Only respondents from the first group (Public Prosecutor's Office) responded to this indicator. The CPPRNM respondents and public prosecutors largely disagree that salaries of public prosecutors are in line with their duties and responsibilities in the workplace.

Respondents from the PP Office and PP Administration Office, on the other hand, are divided on this issue, although most of them consider that the salaries of public prosecutors are inadequate for the performance of their duties and responsibilities.

The salaries of public prosecutors are inadequate and not in line with duties and responsibilities in the workplace, stated by the public prosecutors and most of the PPO and PP Administration Office.



Only respondents from the first group (Public Prosecutor's Office) responded to this indicator).

All target groups generally agree that salaries of expert staff and support staff are inadequate and in line with job duties and responsibilities. This percentage of total disagreement is most pronounced with the PPO and PP Administration Office, while 17% of public prosecutors think salaries are sufficient and 14% responded neutrally.

The salaries of expert staff and support staff in public prosecution offices are not in line with the tasks and responsibilities of the workplace.

Conclusion: The independence of the Public Prosecutor's Office, seen from ensuring equality of citizens before the law, according to the respondents is not fully ensured.

Although most respondents agree that there are clear and objective criteria for the selection and dismissal of public prosecutors, most respondents consider that the procedures conducted by CPPRNM are not sufficiently transparent, objective and independent from outside influences. For the majority of respondents, there is political influence over the election and dismissal of public prosecutors.

The allocated funds for the Public Prosecutor's Office (annual budget) are not sufficient for the successful performance of its function, and the salaries of public prosecutors, the office and other employees are not adequate and in line with the duties and responsibilities at the workplace.

3.4 Section IV - RESPONSIBILITY

The responsibility of public prosecutors is a particularly sensitive issue, given the prosecutor's authority to protect the public interest by prosecuting perpetrators of criminal and other lawful acts. The responsibility of the public prosecutors is also a specific issue in terms of the hierarchical structure of the body, the functional jurisdiction at different stages of the proceedings, as well as the shared jurisdiction over the responsibility between the Public Prosecutor of the Republic of North Macedonia and the Council of Public Prosecutors. International documents relevant to the prosecution, on the one hand, point to the need for prosecutors to carry out their duties fairly, impartially, consistently and expeditiously with respect for and protection of human dignity and human rights, and on the other hand, insist on all grounds for prosecutors' responsibility to be legally prescribed, clear and unambiguous, non-discriminatory, have objective and measurable criteria for determining liability, and the procedure for determining liability shall be fair and exp expeditious.

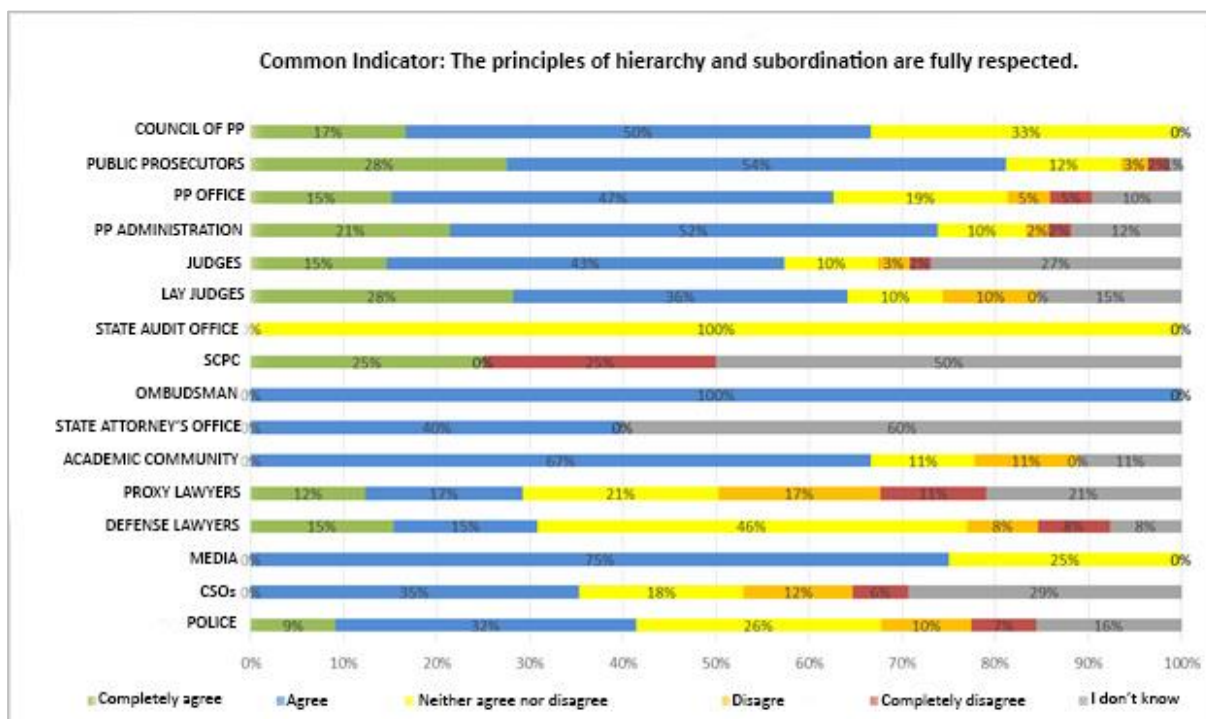
According to the domestic legal framework, there are clear provisions regarding the disciplinary responsibility of public prosecutors, with the disciplinary procedure being carried out by a commission in PPRNM, and the Council of Public Prosecutors being an appellate body. To increase their professional conduct, public prosecutors are obliged to adhere to the Code of Ethics, which contains the basic principles according to which public prosecutors should deal with other bodies, parties, and citizens in the public, as well as in mutual relations, the grounds that apply to conflicts of interest, and reporting by the Ethics Council are considered an initiative to establish disciplinary responsibility. Given the internal organization and structure of the Public Prosecutor's Office, the aspects of oversight performed by senior prosecutors, as well as compliance with mandatory instructions by the RNM Public Prosecutor, are specific to the responsibility of prosecutors.

3.4.1 Indicators for measuring perceptions

In the section of "Responsibility", the respondents were asked about their perceptions regarding the aspects related to disciplinary responsibility and disciplinary action, regarding the regularity and the effect of the oversight that the lower public prosecutors are obliged to receive directly from the higher public prosecutors i.e. to act upon the filed complaints, as well as the attitude of the lower public prosecutors towards higher public prosecutors' references through mandatory instructions and references in specific cases. Respondents were specifically asked about the attitude of public prosecutors in their behavior towards the principles contained in the Code of Public Prosecution of the Republic of North Macedonia.

The section of responsibility of the Matrix consists of one common indicator for all respondents and **seven (7) individual indicators** divided into three (3) sub-section.

All respondents responded to the common indicator, where they were able to rate responsibility by judging the following statement: **"The principles of hierarchy and subordination are fully respected"**.



The average rating for this common indicator for all target groups included in the Matrix is **3.02**.

Table 4: Average rating by target groups for the section of Responsibility

Target group	Average rating
PUBLIC PROSECUTORS	3.97
COUNCIL OF PUBLIC PROSECUTORS	3.83
PP OFFICE	3.35
PP ADMINISTRATION OFFICE	3.52
JUDGES	2.83
LAY JUDGES	3.36
DEFENSE LAWYERS	3.00
PROXY LAWYERS	2.38
JUDICIAL POLICE	2.80
STATE ATTORNEY'S OFFICE	1.60
STATE AUDIT OFFICE	3.00
SCPC	1.50
OMBUDSMAN OF MACEDONIA	4.00
CIVIL SOCIETY ORGANIZATIONS	2.24
MEDIA	3.75
ACADEMIC COMMUNITY	3.22
Total average rating	3.02

Perceptions regarding this common indicator can be divided according to the structure of the respondents into four categories.

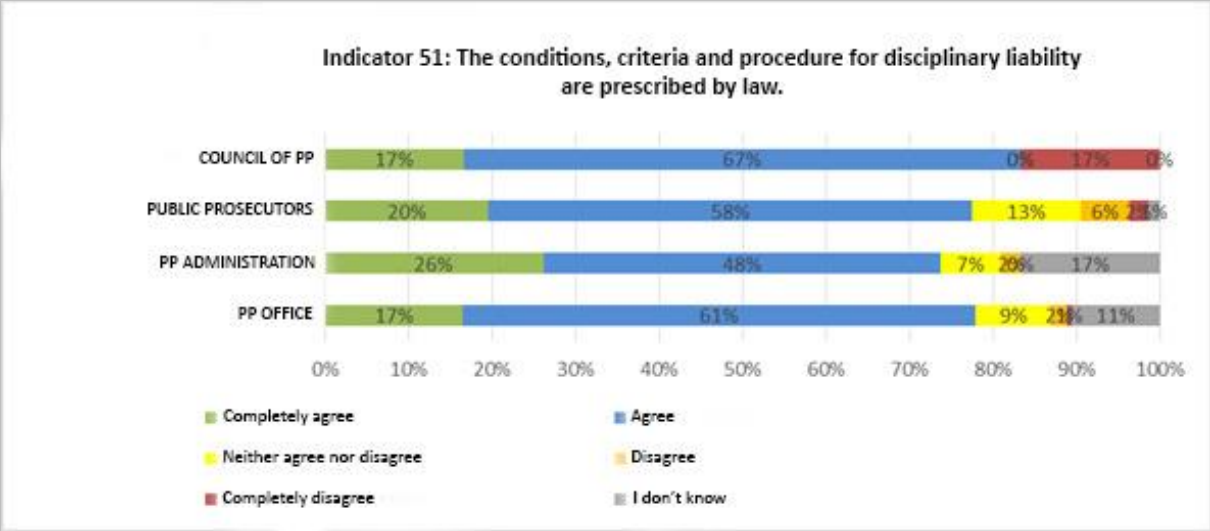
First, public prosecutors, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration Office, where 77% of public prosecutors fully agree with the hierarchy and subordination principles (24% fully agree and 53% agree) and 67% of the members of the Council of Public Prosecutors (17% completely agree and 50% agree).

Second, judges, lay judges and lawyers as defenders or proxies, where identical perceptions of judges and lay judges are observed in favor of the finding, namely 58% of the judges (15% completely agree and 43% agree) i.e. 59% of the lay judges (27% completely agree and 42% agree). In contrast, lawyers generally disagree with this finding, with 35% of proxy lawyers disagreeing (19% disagreeing and 16% completely disagreeing) and 39% defense lawyers (31% disagree and 8% completely disagree).

In the third group of respondents (bodies with which the Public Prosecutor's Office cooperates), which include the Judicial Police, the State Attorney's Office, the SAO, the SCPC, and the Ombudsman, the highest percentage of consent is with the State Attorney's Office - 40% agree with the stated conclusion, the highest percentage of disagreement is in the SAO - 100% disagree, while in the judicial police the perceptions range from 26% to those who agree, 30% who neither agree nor disagree, to 25% of respondents who disagreed with the conclusion.

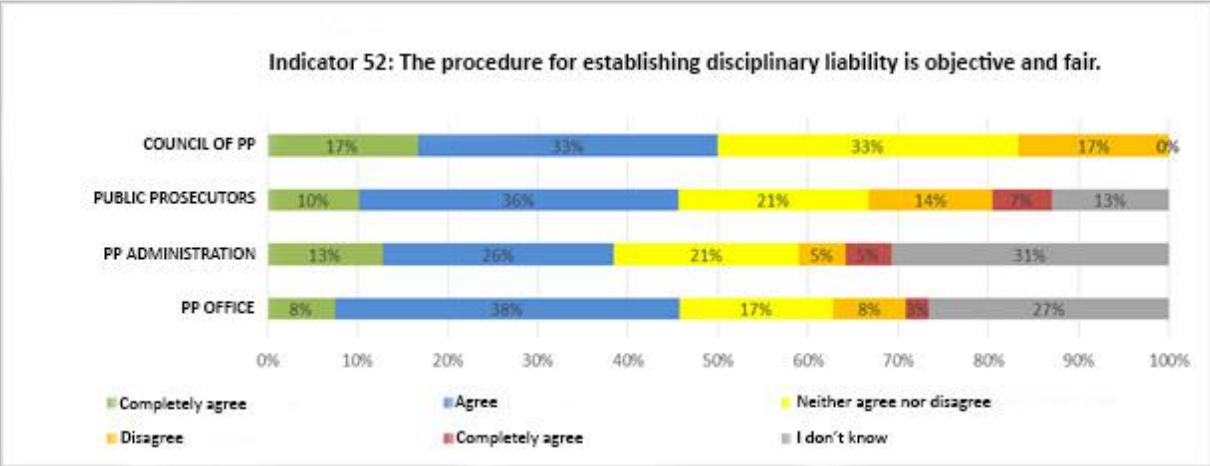
In the fourth group, the media and the academic community have a balanced distribution of the answers given: 25% of the academic community and 22% of the media agree and an identical percentage disagree with the given conclusion, and half of the respondents have no opinion regarding the statement. Almost half (47%) of the respondents from CSOs disagree with the statement of this indicator.

Sub-section L): Disciplinary responsibility



Only respondents from the first group gave their opinion on this indicator. They largely agree that there are legal provisions that prescribe the conditions, criteria, and procedure for disciplinary liability of public prosecutors. According to the average percentages of those who completely agree and those who agree with the statement, the highest percentage is among the respondents from the Council of Public Prosecutors - 84%, 78% of public prosecutors share this opinion, 74% of respondents from the Public Prosecution Administration Office and 77 % of respondents from the Public Prosecution Office.

The prevailing opinion is that there are legal provisions that prescribe the conditions, criteria, and procedure for disciplinary liability of public prosecutors.

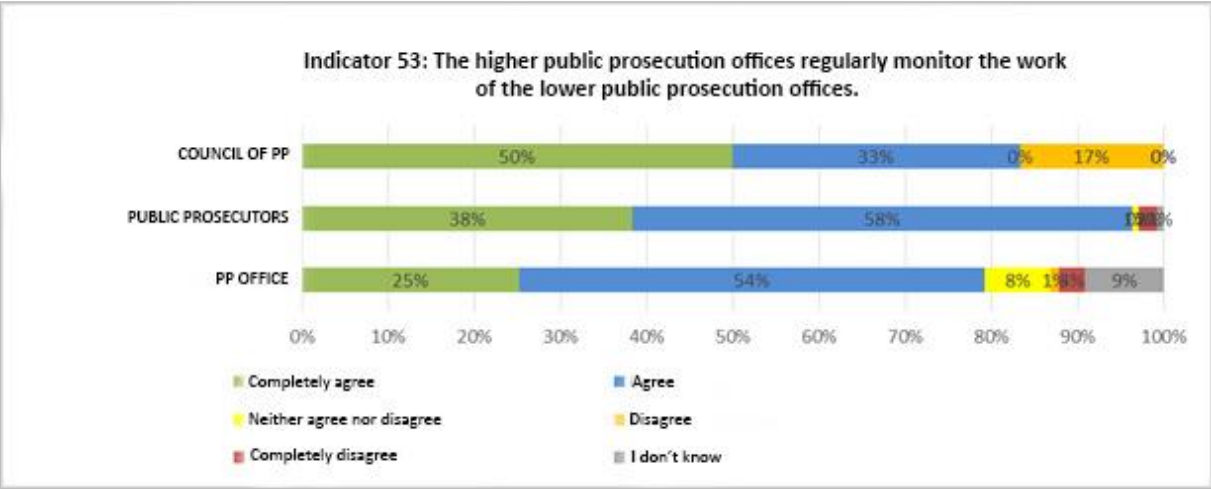


Perceptions on Indicator 3 were presented only by the representatives of the first group of respondents, with 50% of the Council of Public Prosecutors i.e. 46% of the Public Prosecutors and the same percentage of the Public Prosecutor's Office agreeing that the procedure for establishing disciplinary responsibility is objective and fair.

Most of the public prosecutor respondents expressed disagreement, 21% (out of which 7% did not fully agree), as well as respondents from the Council of Public Prosecutors, 17% disagreed. While it is not surprising that the Public Prosecutor's Office and the Public Prosecutor's Administration Office have no knowledge of whether the disciplinary procedure is objective and fair, the fact remains that 13% of public prosecutors lack this knowledge.

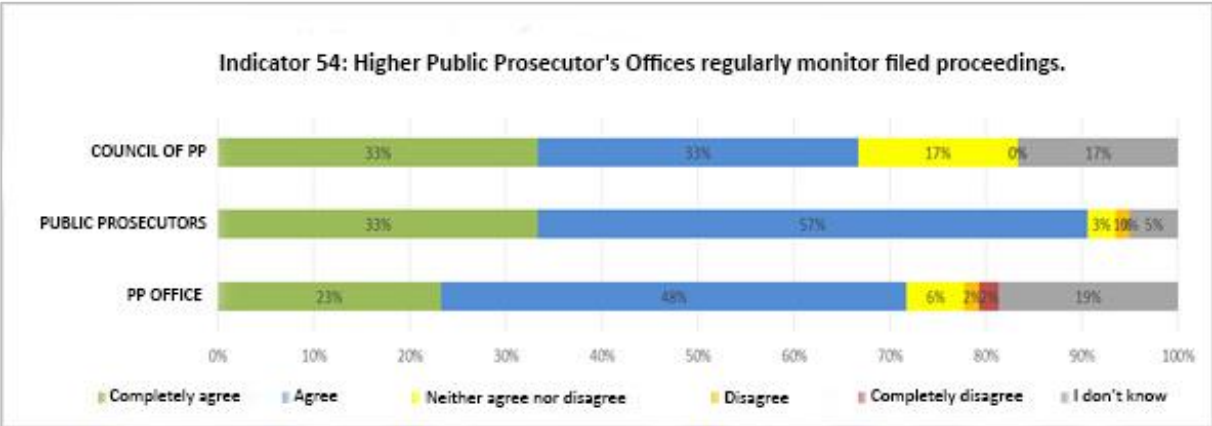
The majority of respondents consider that the procedure for establishing disciplinary responsibility is objective and fair

Sub-section M): Oversight by a higher public prosecutor's office



Characteristic for this indicator is the large percentage of respondents who fully agree with the statement that the higher public prosecution offices regularly monitors the work of the lower public prosecution offices. The cumulative percentages of affirmative responses (I completely agree and I agree) are 96% of public prosecutors, 83% of the Council of Public Prosecutors and 79% of the Public Prosecutor's Office.

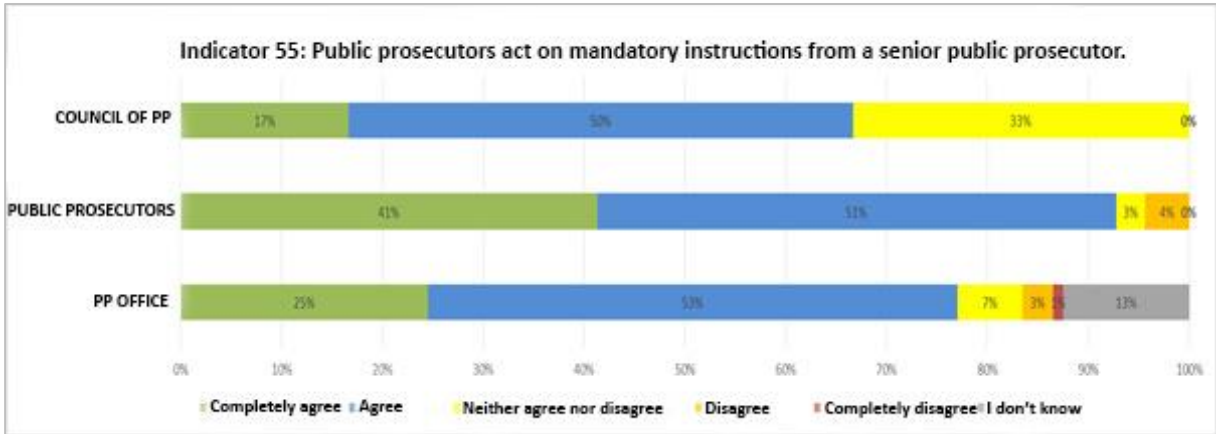
Extremely high percentages of target groups included in this indicator note that the higher public prosecution offices regularly monitor the work of the lower public prosecution offices



High 90% of public prosecutors agree with the finding that higher public prosecutors regularly supervise complaints. This opinion is shared by 66% of the representatives of the Council of Public Prosecutors and 71% of the representatives of the Public Prosecutor's Office. The percentage of public prosecutors who disagree with this statement is insignificant, but the fact that 17% of respondents to the Council of Public Prosecutors do not have an opinion on this finding is alarming and the same percentage (17%) do not know whether the higher public prosecution offices regularly perform supervision of complaints.

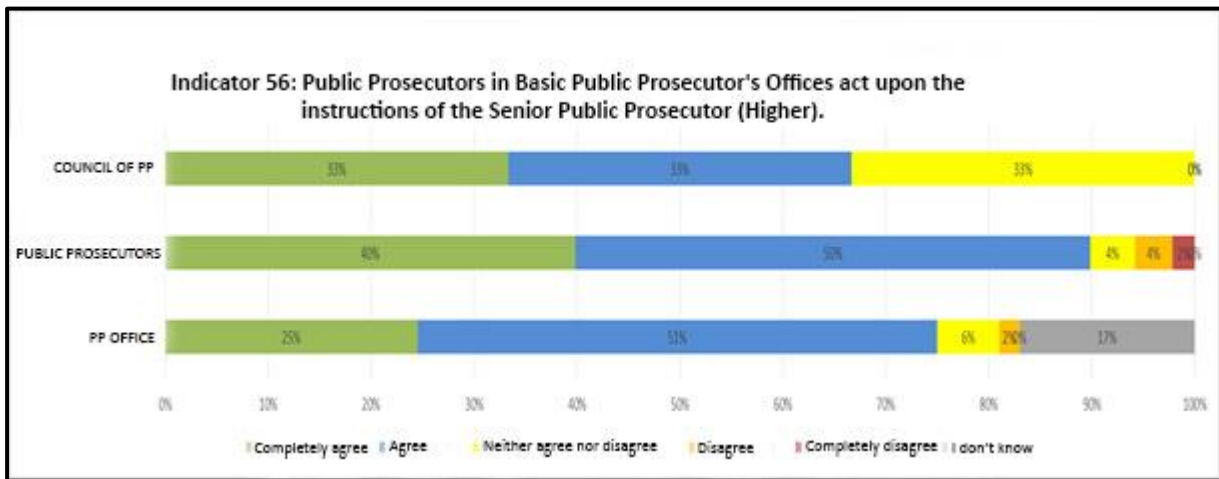
There is a high percentage of consent from the target groups included in this indicator that the higher public prosecution offices regularly monitor complaints

Sub-Section N): Proceedings on the recommendation of a higher public prosecutor



Within this indicator, which reflects the hierarchical structure of the RNM Public Prosecutor's Office, 92% of public prosecutors agree, 41% of which fully agree, with the finding that public prosecutors follow mandatory instructions from a senior public prosecutor. This opinion is shared by 67% of the respondents from the Council of Public Prosecutors, as well as 78% of the respondents from the Public Prosecutor's Office. High 33% of the respondents from the Council of Public Prosecutors have no opinion at all on this finding.

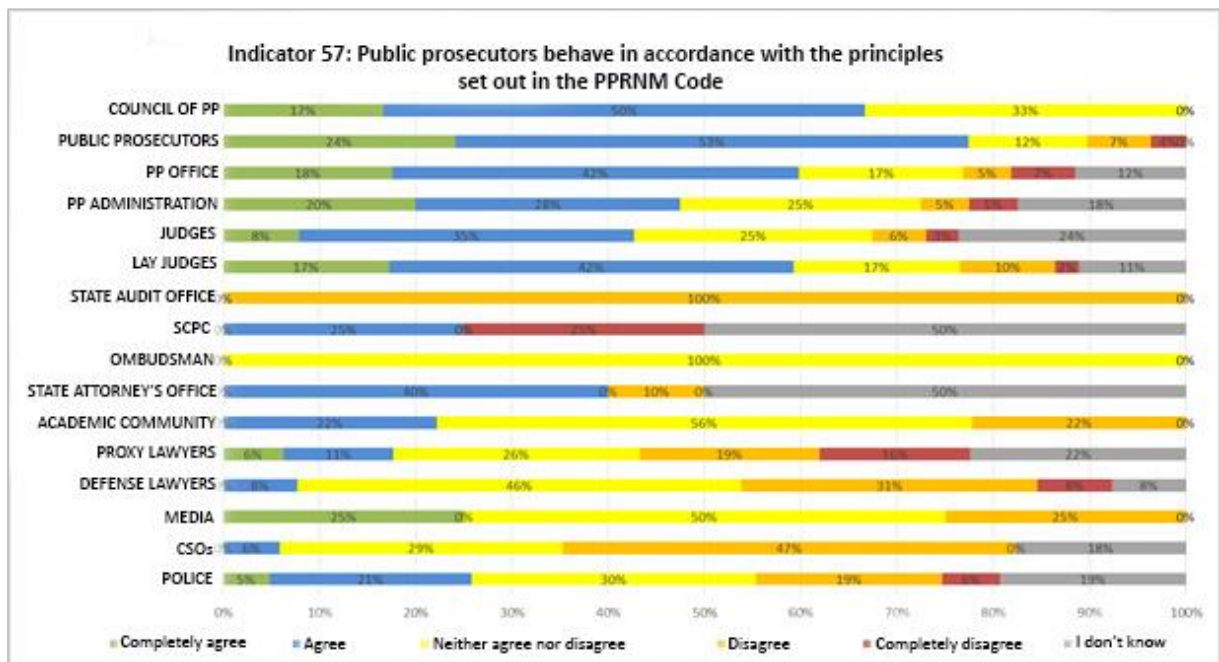
Most respondents agree that public prosecutors follow mandatory instructions from a senior public prosecutor



The hierarchy and two-tier structure of the Public Prosecutor's Office of the Republic of North Macedonia expressed through the decisions of the senior prosecutors based on the appeal or complaint of the injured party, is satisfactory given the fact that 90% of the public prosecutors agree, 40% of which completely agree with this conclusion. This position of public prosecutors is shared by 66% of respondents from the Council of Public Prosecutors and 76% of respondents from the Public Prosecutor's Office.

The majority of the respondents consider that the public prosecutors in the Basic Public Prosecutor's Offices act upon the indebtedness of the higher public prosecutor (senior) given in their decisions made upon the appeal or complaint of the injured party.

Sub-section O) Code of the PPRNM



Regarding the observance of the principles contained in the Code of Ethics for Public Prosecutors, the respondents' answers indicate a divergence in the attitudes of the target

groups. The respondents from the Public Prosecutor's Office, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration Office, the judges and the lay judges largely agree with the stated conclusion (77% of the Public Prosecutors, 67% of the Public Prosecutors Council, 60% of the Public Prosecutor's Office, 48% PP Administration Office, 58% judges, 59% lay judges). Respondents from the lawyers, CSOs, media, and academic community either have no opinion on this issue (46% defense lawyers, 29% CSOs, 50% media and 56% academic community) or express disagreement with the stated statement (31% defense lawyers, 19% proxy lawyers, 47% civil society organizations, 25% media and 22% academic community).

There is an obvious divergence in the attitudes of the different target groups concerning the finding that public prosecutors respect the principles contained in the Code of Ethics for Public Prosecutors.

Conclusion: The disciplinary procedure is prescribed by law, it is conducted objectively and fairly. The Public Prosecutor's Office is regularly supervised based on complaints. For the most part, public prosecutors act on mandatory instructions from senior public prosecutors, as well as on indebtedness given by a senior prosecutor concerning decisions on appeal or complaint by a damaged party.

There is a divergence in respondents' attitudes towards compliance with the Code of Ethics for Prosecutors.

3.5 Section V – TRANSPARENCY

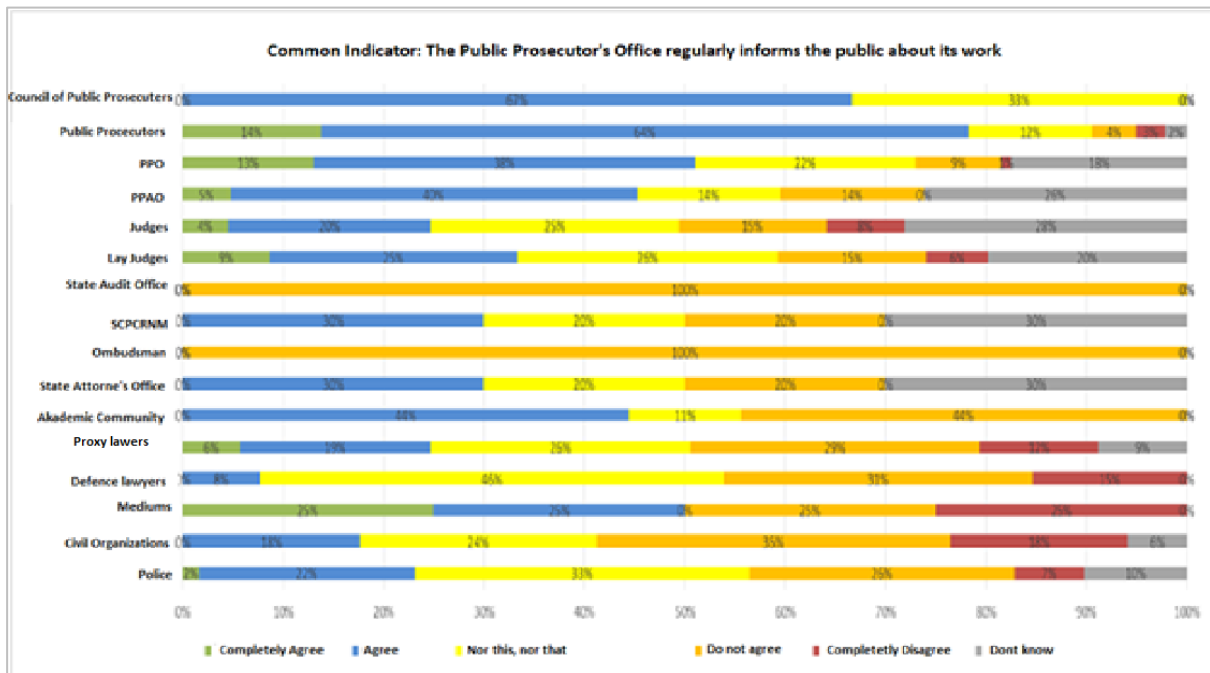
Transparency in the work of the Public Prosecutor's Office is an important segment that contributes to the level of trust in the prosecution, as a key component of the rule of law and one of the important guarantees for ensuring a fair trial. On one hand, the prosecution should inform the public in a timely and accurate manner but must pay attention to the principle of presumption of innocence, the risks of failure to act, and respect for the confidentiality of some of the information encountered in its daily work. International documents pay close attention to transparency, which assumes an appropriate way of communicating with the media, the general public, parties, other interested persons. Transparency can only be satisfactory if the so-called transparency PR tools are used, websites are regularly updated, press releases are held, press conferences are held, and the services of specially trained PR personnel are also used. The public needs to receive timely information in a form that will satisfy the need for information on one hand but will also protect the concerned parties, especially when the action is ongoing. In this regard, during reporting must be considered the protection of personal data and dignity and respect for the ethical rules of relations with other participants in the proceedings. Regular information includes timely preparation, presentation, and publication of annual reports, other relevant documents, maintenance and updating of websites with needed information, etc. Given the public prosecutor's role as the dominus litis in the pre-trial procedure, it is particularly important to coordinate reporting with other public authorities involved in the pre-trial procedure in cases of public interest. All these aspects support the fact that public perceptions depend on the timeliness, content, and manner of presentation of information, which assumes adequate staffing, expertise, and public relations skills.

3.5.1 Indicators for measuring perceptions

In the section of "Transparency," the respondents were asked about their perceptions regarding **the way the Public Prosecutor's Office and the Council of Public Prosecutors communicate with the media**, the regularity of reporting on certain cases, and in that respect for the presumption of innocence. Emphasis regarding transparency was placed on **access to information**, selection and dismissal decisions and annual reports on the websites of the Public Prosecutor's Office or the Council of Public Prosecutors. **Accountability** as an element of transparency encompassed issues related to the publication of annual reports and their structural unification. The last segment in the framework of transparency contained questions regarding the **inter-institutional cooperation of the Public Prosecutor's Office** with the Ministry of Internal Affairs and other state bodies and institutions.

The Transparency section of the Matrix consists of one common indicator for all respondents and fourteen (14) **individual indicators** divided into four (4) sub-sections.

All respondents responded to the common indicator, with the opportunity to evaluate transparency by giving the following statement: **"The Public Prosecutor's Office regularly informs the public about its work"**.



The average rating for this common indicator for all target groups included in the Matrix is 2.58.

Table 5: Average rating Targets for Transparency

Target Group	Average rating
Public Prosecutors	3.75
Council of Public Prosecutors	3.67
PP Office	3.01
PP Administrative Office	2.57
Judges	2.15
Lay Judges	2.56
Defense lawyers	2.46
Attorneys at Law	2.52
Judicial Police	2.54
State Attorney's Office	2.20
State Audit Office	2.00
SCPCRNM	1.50
Ombudsman	2.00
Civil Organizations	2.29
Mediums	3.00
Academic Community	3.00
Total Average Rating	2.58

Perceptions regarding this common indicator can be divided according to the structure of the respondents into four categories.

First, public prosecutors, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration, where 78% of public prosecutors (14% of them completely agree) agree with the statement that the public prosecutor's office regularly informs the public about their work, 67% of the respondents from the Council of Public Prosecutors, 51% of the Public Prosecutor's Office and 45% of the Public Prosecutor's Administration.

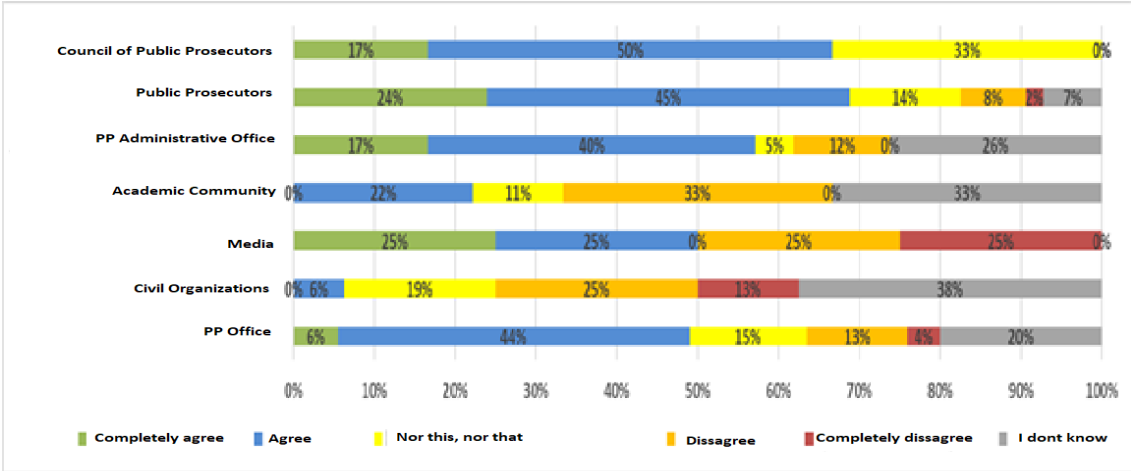
Second, judges lay judges, and lawyers as defenders or proxies, where the division of distribution of perceptions is observed, namely 24% of judges agree (of which only 4% completely agree) and 23% disagree (of which 8% completely disagree with the statement). Similar perceptions are also observed among lay judges, with 34% agreeing (9% completely agree) and 21% disagreeing (6% disagreeing completely). Lawyer's perceptions were higher among those who disagreed with the findings, with 46% of defense attorneys (15% disagreeing completely) and 41% of proxy lawyers (12% completely disagreeing).

The third group of respondents (bodies with which the Public Prosecutor's Office cooperates), which include the Judicial Police, the State Attorney, the State Audit Office, the SCPC, and the Ombudsman, also note a division of views between the bodies. The highest percentage of compliance with this statement is with the State Attorney's Office, where 30% of the respondents agree with the stated statement, and with the Judicial Police the percentage of respondents who agree is 24%. The Ombudsman and the SAO had the highest percentage of disagreement - 100% disagree, 50% disagree with the SCPC, while 34% disagreed with the statement by the judicial police.

In the fourth group, the Media, the Academic Community and Civic Organizations, the media and the academic community have a balanced distribution of perceptions, namely 50% agree (25% completely agree) and 50% disagree (25% of whom completely disagree) with the statement. There is a similar trend in the perceptions of the academic community, with 44% agreeing and the same percentage disagreeing with the statement. Most of the respondents disagree with the conclusion that 53% of the Civil Organizations disagree (18% of them completely disagree).

Sub-section P): Public Relations

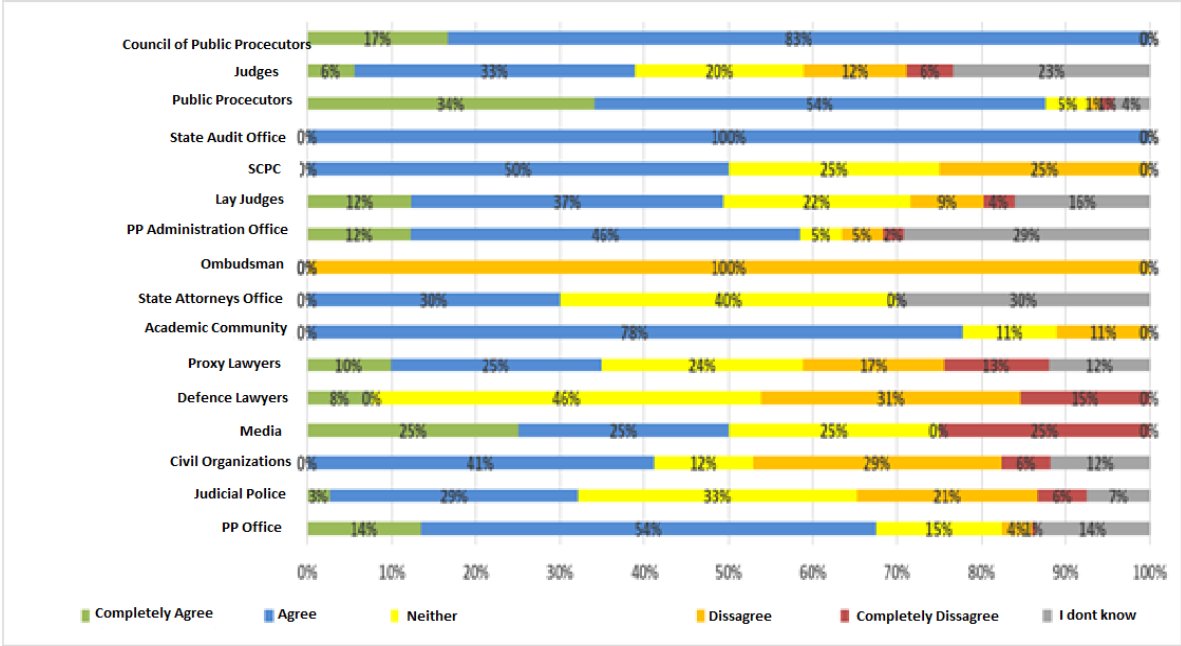
Indicator 58: Primary and Higher Prosecutor's Offices have trained and appointed person for media communication



This indicator shows the divisions between the different target groups. There is a high percentage of consent among public prosecutors, 69% agree (24% completely agree), in the Council of Public Prosecutors, 67% agree (17% completely agree), in the Public Prosecutor's Office, in total 50% and the public prosecution administration, 57% in total. Among the other target groups, there is a high percentage of disagreement, namely 38% of Civil Organizations (13% of which completely disagree), 50% of the media respondents (25% of whom completely disagree) and 33% from the academic community.

Opinions are divided as to whether the Public Prosecutor's Office has a trained and appointed person for communication with the media, with particular regard being given to the attitudes of the respondents from the media out of whom 1/2 expressed disagreement with this finding.

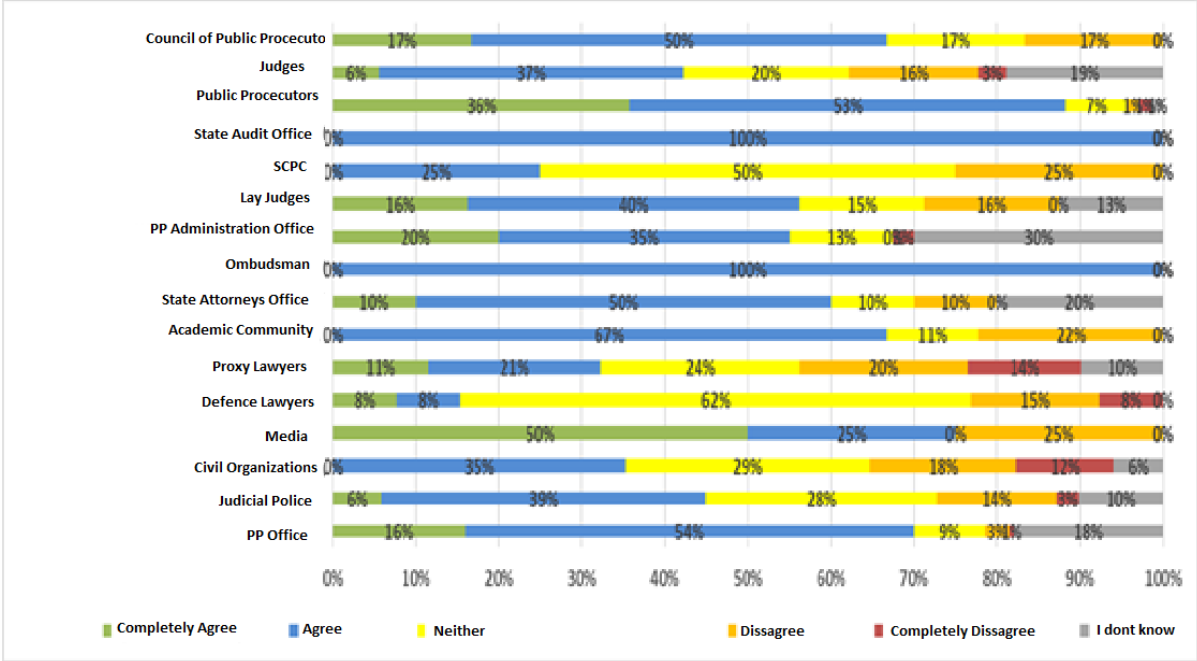
Indicator 59: The Public Prosecutor's Office regularly reports on cases involving a wider public interest



Perceptions on this indicator were sought from all target groups covered by the Matrix. The responses show that there is a concordance with the conclusion (88% of public prosecutors, 34% of which completely agree; 100% of respondents to the Council of Public Prosecutors, 17% of which completely agree), nearly 60% of public prosecutors and PP Administration; 40% of judges; 1/3 of respondents in the Judicial Police, SCPC and Civil Organizations agree; 100% of respondents in the State Audit Office; 1/2 the media and 78% of the academic community). Defense lawyers showed disagreement (46% of whom 15% completely disagree), Proxy Lawyers (30% of which 13% completely disagree); 100% of respondents from the Ombudsman; 35% of Civil Organizations and 25% of media and SCPC.

The responses obtained show a split in the views that the Public Prosecutor's Office regularly reports on cases involving a wider public interest.

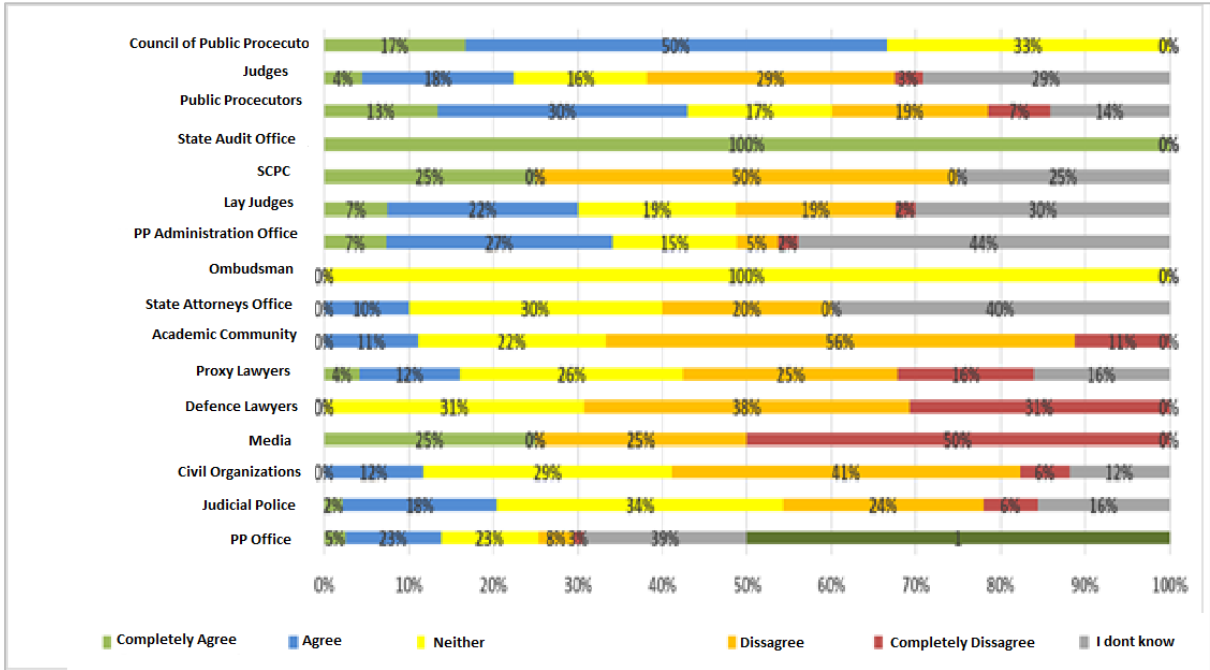
Indicator 60: The Public Prosecutor's Office respects the presumption of innocence in communicating with the media/public



Most target groups believe that the prosecution respects the presumption of innocence when communicating with the media. Surprisingly, 62% of defense attorneys have no opinion on the matter, and the protection applies to their clients. The disagreement was observed in 19% of the respondents from judges, 16% from respondents from lay judges, 20% from proxy lawyers, 25% from media and SCPC respondents and 22% from academic community respondents.

The perception that the Public Prosecutor's Office respects the presumption of innocence in communion with the media dominates.

Indicator 61: The Council of Public Prosecutors of the RNM regularly reports to the public on its work

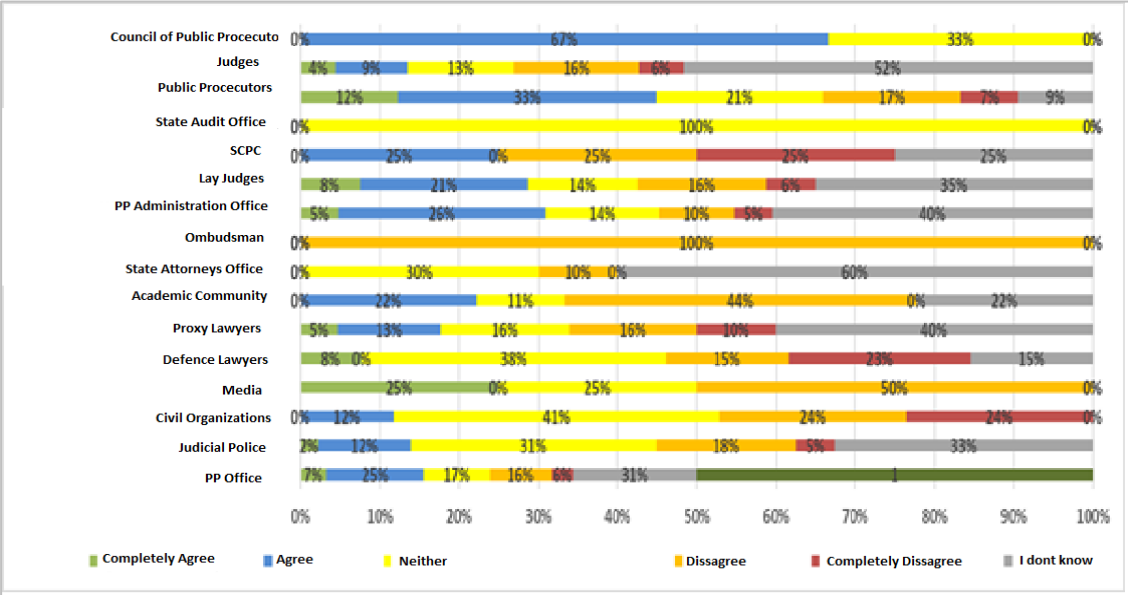


Regarding this indicator, in addition to public prosecutors who in 43% agree and respondents in the Council of public prosecutors in 67% agree, there is a higher percentage of perceptions expressing disagreement with the finding that the Council of Public Prosecutors regularly informs the public about their work: 69% of the respondents by defense lawyers, 41% of the respondents by proxy lawyers, 30% of the respondents by the judicial police, 47% of the respondents by Civil Organizations, 50% of the SCPC, 67% of the respondents by the academic community and 75% of the media respondents.

Most respondents disagree with the finding that the Council of Public Prosecutors regularly reports to the public on its work.

Sub-section Q): Availability of information

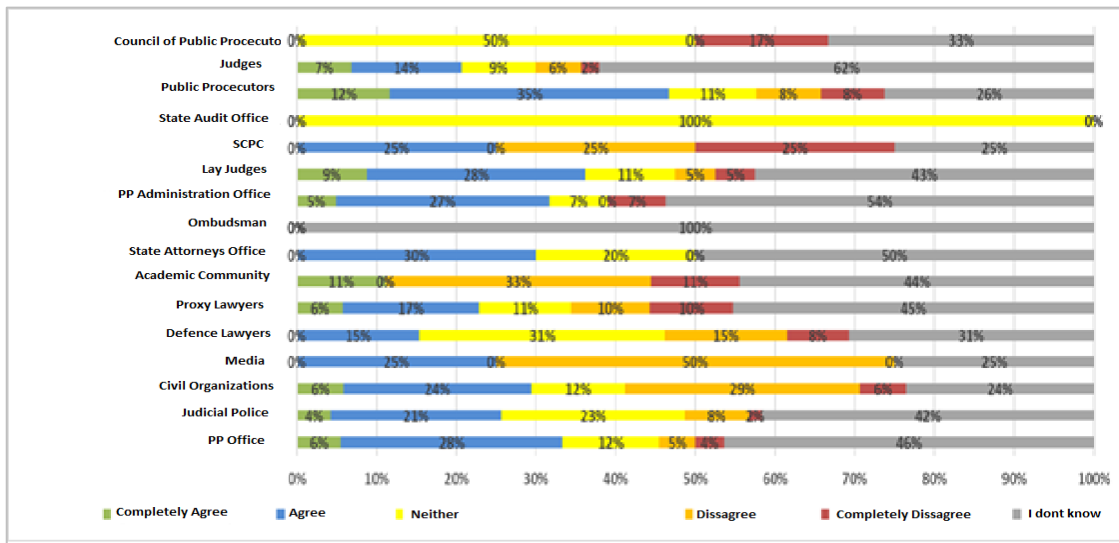
Indicator 62: Prosecution websites are regularly updated/updated with new and relevant information



Regarding the regularity of updating prosecution websites, perceptions are divided between public prosecutors, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration who consider that websites are regularly updated, as opposed to other target groups dominated by disagreement. Namely, the disagreement was expressed by 22% of the respondents from the judges and lay judges, 38% of the respondents from the defense lawyers, 26% of the respondents from proxy lawyers, 44% from the academic community, 48% from the civil organizations and 50% from respondents from the media.

Although there is a division in perceptions, there is a dominant view that the prosecution's websites are not regularly updated with new and relevant information.

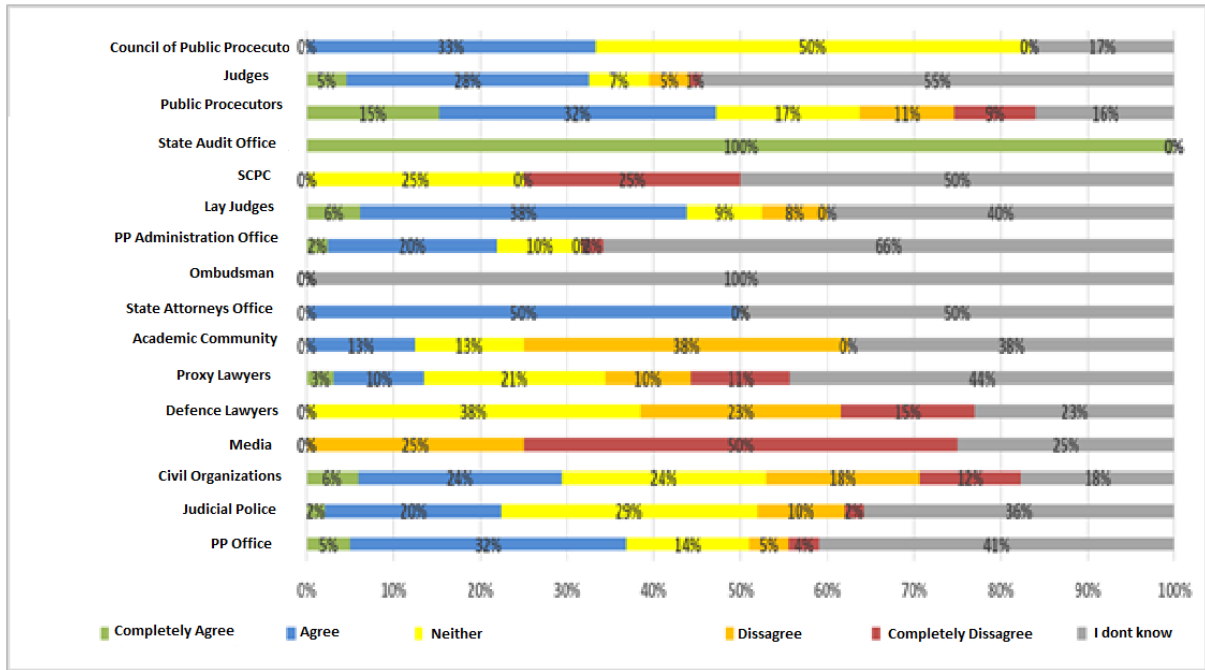
Indicator 63: Information published by PPRNM is also available in official use languages in RNM



The responses to this indicator show that respondents from all target groups (including respondents from the Public Prosecutors, the Council of Public Prosecutors, the Public Prosecutor's Office and the Public Prosecutor's Administration) do not know whether the information published by PPRNM is also available in official languages used in RNM. Disagreement with this statement was expressed by 20% of the respondents by proxy lawyers, 23% by defense lawyers, 35% by civil organizations, 44% by the academic community and 50% by media and SCPC.

For most of the target groups, it is irrelevant whether the information published by PPRNM is also available in the official use languages in RNM. This is not the case only with respondents from Civil Organizations, the academic community, and the media who have expressed disagreement.

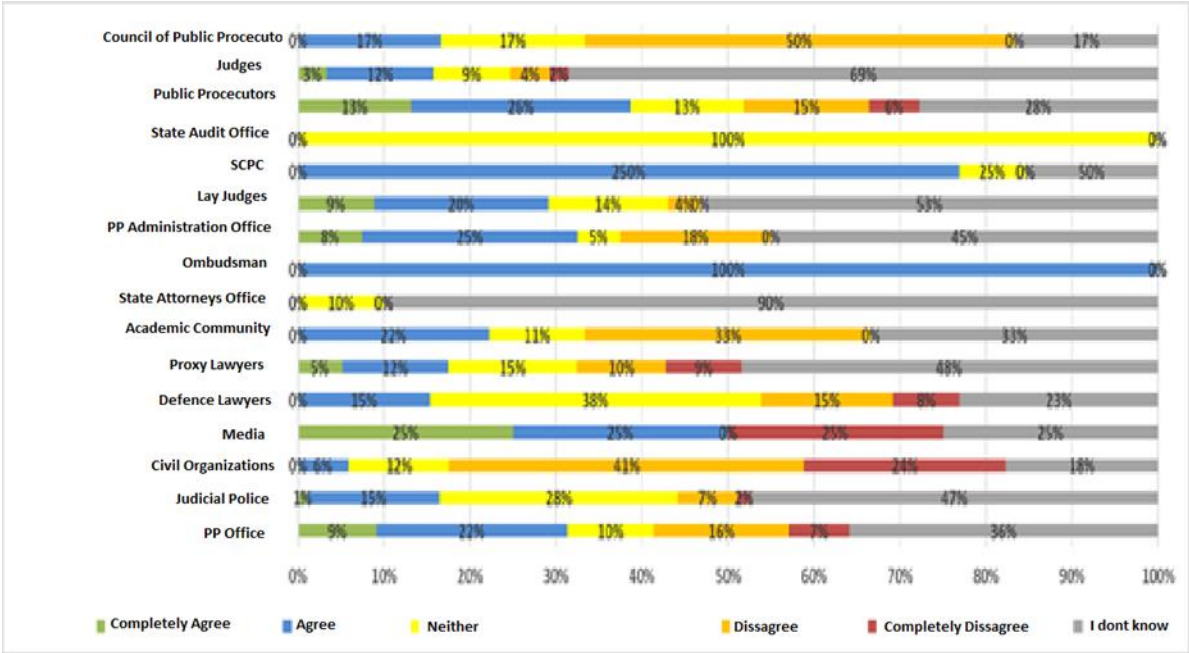
Indicator 64: CPPERNM Decisions on Election and Dismissal of Public Prosecutors are published integrally



It is noted that there is a division between the attitudes of the target groups concerning this indicator. Astonishingly, 50% of the respondents from the Council of Public Prosecutors do not have an opinion on this issue, and 7% do not know how the decisions they make are published. An even distribution of perceptions between agreeing and disagreeing is noted among respondents by defense lawyers (38% agree and the same percentage disagree) and among civil organizations respondents (30% agree and the same percentage disagree). 38% of the respondents from the academic community disagree, and the highest percentage of disagreement is with the respondents from the media or 75%, out of which 50% completely disagree with the statement.

Most of the respondents do not know whether CPPERNM decisions on election and dismissal of public prosecutors are published integrally. A high 75% of the respondents in the media expressed disagreement.

Indicator 65: Annual reports on the work of the Public Prosecutor's Office contain data on the gender of the perpetrators of crimes

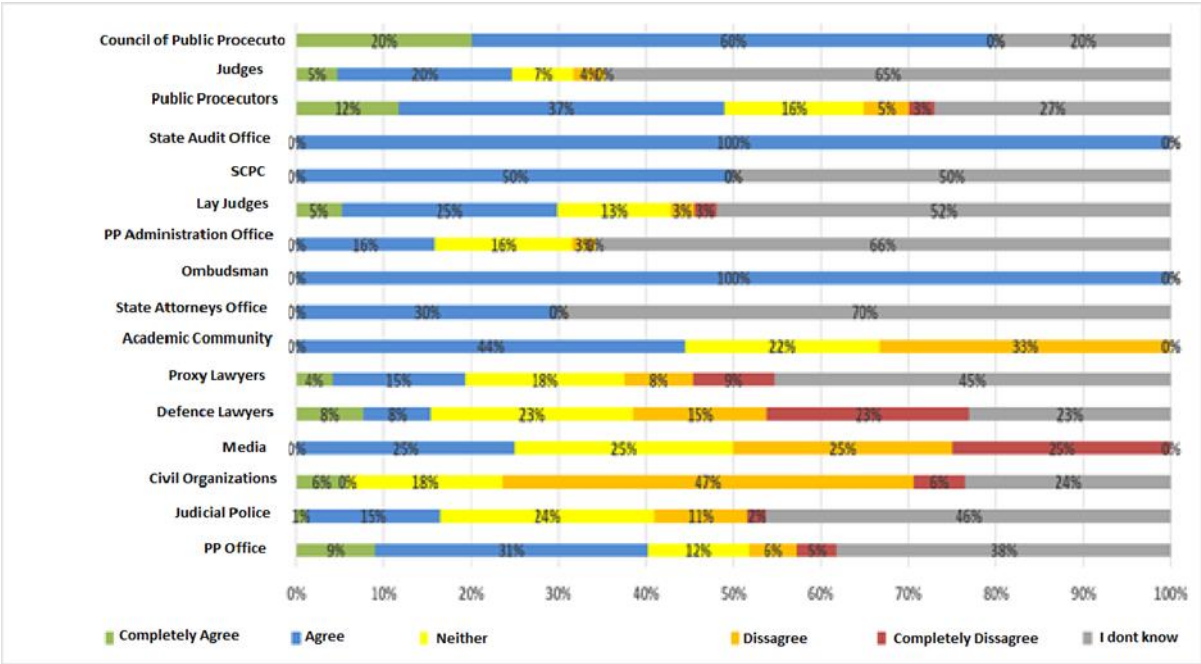


Most of the respondents do not know whether there is data on the gender of the perpetrators in the annual reports of the work of the Public Prosecutor's Office. While 39% of public prosecutors agreed, 50% of respondents to the Council of Public Prosecutors expressed disagreement with the statement. A high percentage of respondents from civil organizations disagree with this conclusion, 65% to be exact, of which 24% completely disagree. The media have a positive perception of this indicator, with 50% expressing their consent (25% of them completely agree) and the other 25% of respondents in the media completely disagree.

Most of the respondents do not know whether the reports of the public prosecution offices contain data on the gender of the perpetrators. Respondents from the Council of Public Prosecutors and civil society organizations expressed disagreement. Media respondents have a high percentage of consent.

Sub-section R): Accountability at work

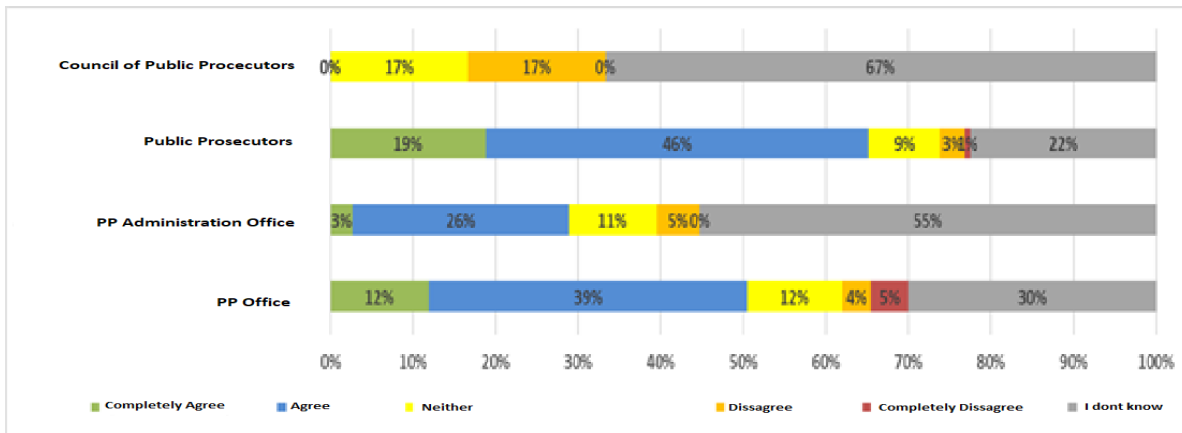
Indicator 66: The annual reports of PPRNM are regularly published on the web site



It is noted that there is a small number of respondents who have an opinion on whether the annual reports of the PPRNM are regularly published on the web site and most of them do not know. Most of the respondents expressed their agreement with the Public Prosecutor's Office (49%) and the Council of Public Prosecutors (80%), while the highest percentage of disagreement was found among the respondents from defense lawyers (38%), civil organizations (53%) and media (50%). Respondents from the academic community split into perceptions between 44% who agree and 33% who disagree with the stated finding.

Most of the respondents answered "do not know" to the public prosecution's accountability. Respondents from the Council of Public Prosecutors expressed the highest agreement, and respondents from the civil organizations and the media expressed the highest disagreement.

Indicator 67: Public prosecution reports are uniform in structure and content

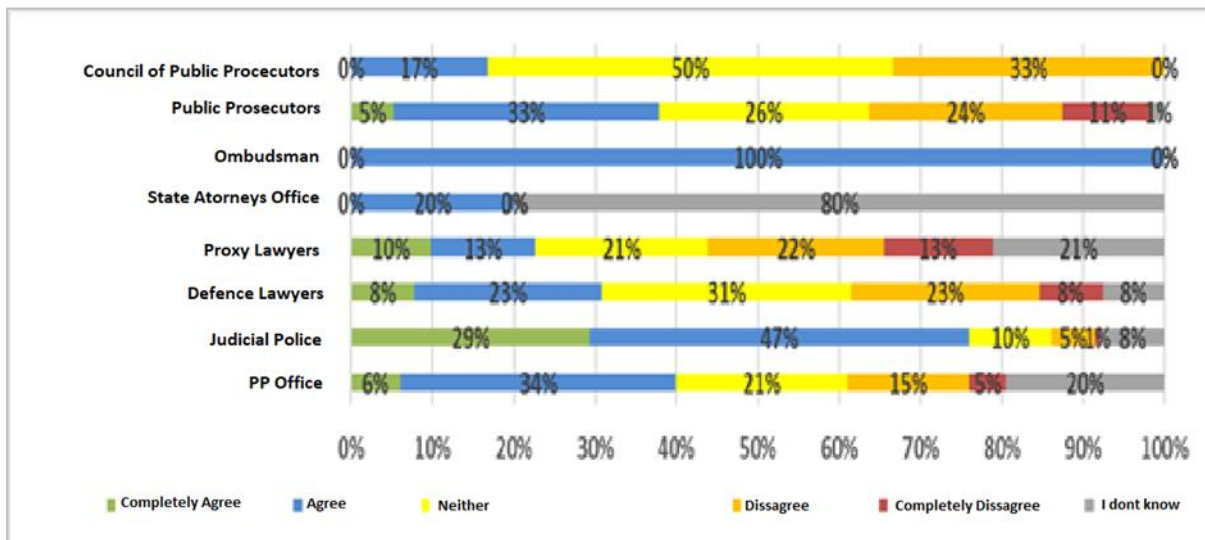


This indicator shows that 65% of respondents from public prosecutors agree, and 67% of respondents from the Council of Public Prosecutors do not know whether the reports of the public prosecutor's office are uniform.

The answer "I do not know" prevails among the respondents from all target groups, and especially the high percentage of respondents from the Council of Public Prosecutors who do not know whether the reports are uniform or not.

Sub-section S): Inter-institutional cooperation

Indicator 68: Ministry of Internal Affairs fully and timely acts to orders and instructions given by the Public Prosecutor's Office

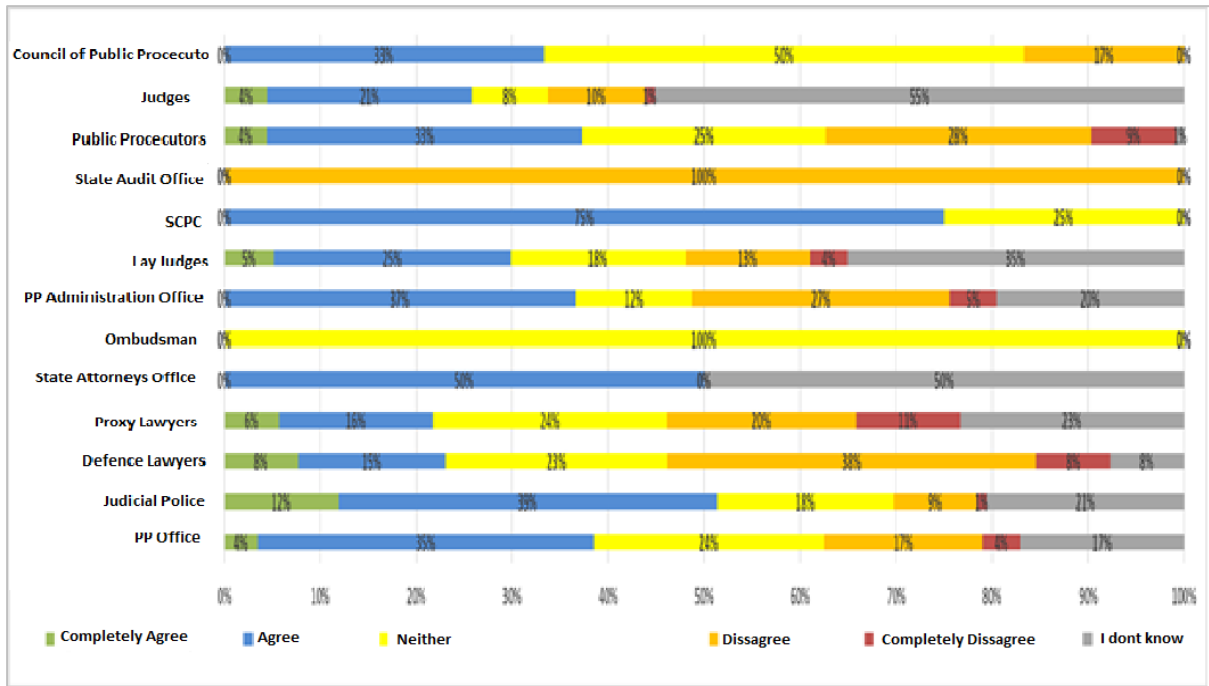


This indicator shows contrasting perceptions between respondents from the Public Prosecutor's Office, the Council of Public Prosecutors, defense lawyers and proxy lawyers against the views of the Judicial Police and the Ombudsman. The respondents from the judicial police expressed their agreement with high percentage, 76% of which 29% completely agree, as opposed to the respondents who disagree; 35% of public prosecutors

out of which 11% completely disagree; 33% of the Council of Public Prosecutors; 31% of defense lawyers and 35% of proxy lawyers.

There are conflicting perceptions between the respondents from the judicial police and the respondents from the Public Prosecutor's Office, the Council of Public Prosecutors and the lawyers.

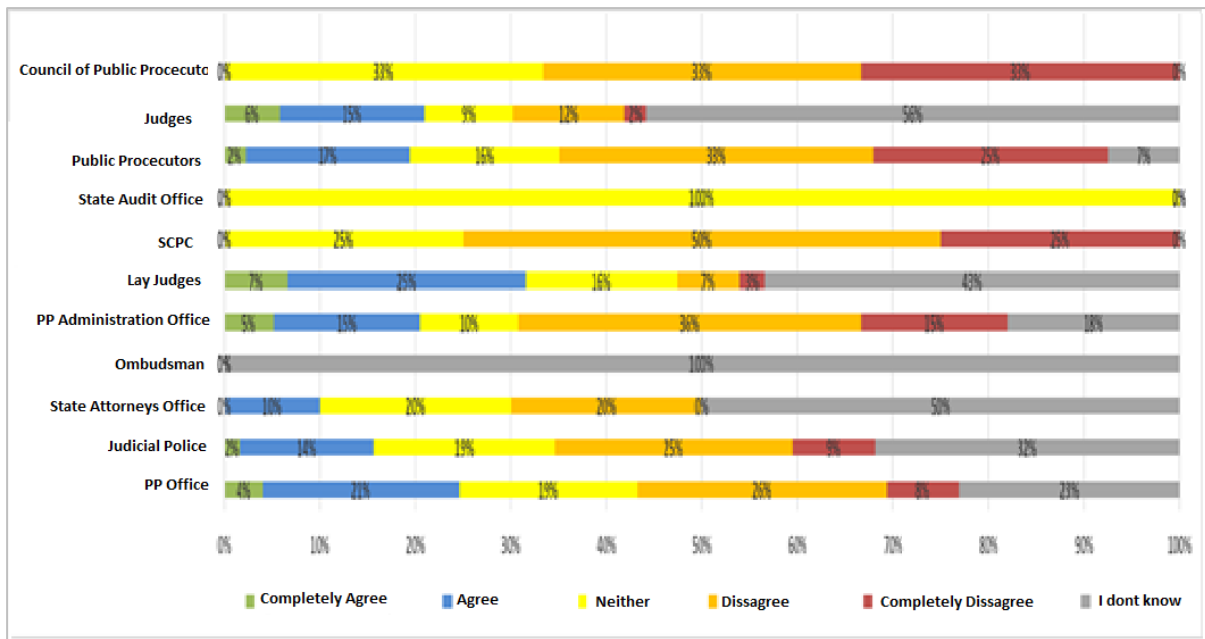
Indicator 69: Other public authorities timely and fully submit requested data to public prosecution offices



Regarding the cooperation of other public authorities with the Public Prosecutor's Office, there is a contradiction in the answers of the respondents from the Public Prosecutor's Office, of which 37% expressed agreement and the same number expressed disagreement with the statement. Respondents from the ranks of defense lawyers (46%) and proxy lawyers (31%) also disagreed. The respondents from the public authorities who expressed a high percentage of agreement with the indicator have the opposite attitude: ½ from the respondents from the judicial police, the SCPC and the State Attorney's Office.

There are conflicting perceptions between public prosecutors and respondents from state authorities.

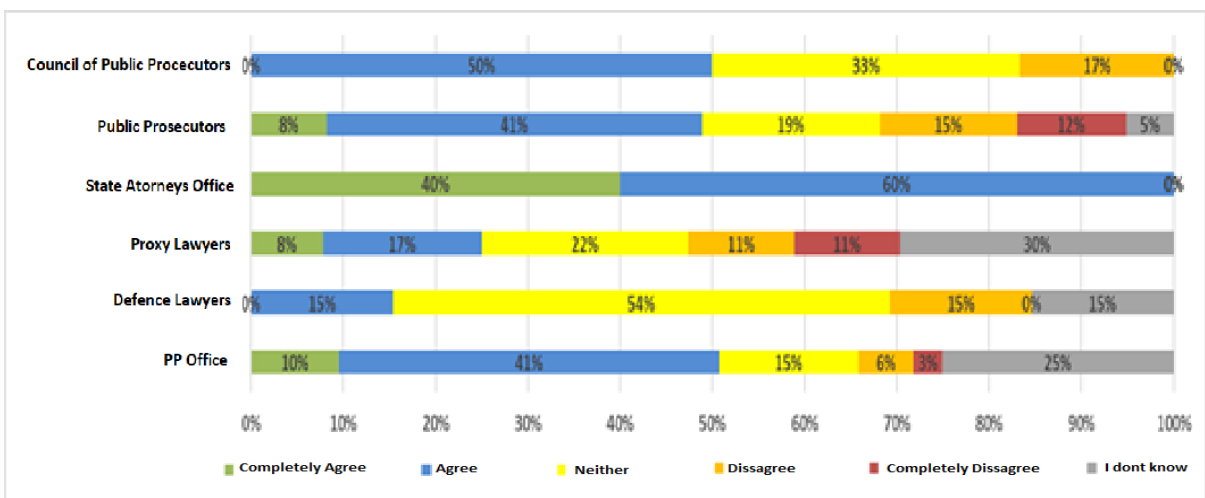
Indicator 70: Public prosecution



From the answers received, it is evident that there is agreement among the respondents from all target groups that the public prosecution offices do not communicate with the state institutions electronically.

Respondents agree that there is no electronic communication between the public prosecution offices and other state institutions.

Indicator 71: The State Attorney's Office cooperates with the Prosecutor's Office in protecting the public interest and property rights of RNM



From the responses received from the target groups giving their opinion on this indicator, it can be concluded that there is a satisfactory level of cooperation between the Public Prosecutor's Office and the State Attorney of the Republic of North Macedonia.

The cooperation between the Public Prosecutor's Office and the State Attorneys Office of the Republic of North Macedonia is at a satisfactory level.

Conclusion: This area has the lowest average rating compared to other areas and is rated at 2.58.

There is a division in the respondents' views on whether the prosecution regularly informs the public.

The capacity of the prosecution in terms of persons appointed and trained to communicate with the public and the media needs to be strengthened.

The Public Prosecutor's Office should regularly report on cases involving a wider public interest. There is a dominant view that the presumption of innocence is respected in the reporting.

Greater transparency of the Council of Public Prosecutors is needed and more frequent updating of the PPRNM website.

Cooperation between the Public Prosecutor's Office and other state authorities needs to be improved, especially electronically.

4. Comments from relevant target groups

In the context of the Survey on the Performance Monitoring Matrix of the Public Prosecutor's Office, all the respondents who answered the questionnaire had the opportunity to comment on specific areas, i.e. on each indicator on which the matrix was measured. The comments below are summarized by respondents' attitudes and perceptions.

Comments from public prosecutors

- Almost all respondents consider that the number of public prosecutors, public prosecutor clerks, professional and support staff are insufficient. The lack of professional and support staff reflects on the work of public prosecutors.
- Ownership of technical equipment, space conditions, and vehicles is very low and makes everyday work difficult.
- The data management system is insufficient to retrieve information and public prosecutors are not electronically connected to any institution, which makes it difficult to exchange data and increase processing time.
- It has quality in operation, and the work is executed by standards. Bearing in mind the controls of the higher public prosecution offices.
- It is necessary to evaluate it properly and to improve the promotion system based on strictly defined criteria, with the career promotion system according to the work experience and the results of the work.
- Higher security measures and a separate guard service are necessary because judicial police cannot always respond to the needs of the PPO.
- Respondents consider the education is useful and, in some situations, help resolve the dilemmas that exist with prosecutors.
- There needs to be a transparent election of public prosecutors free of pressure.
- Greater care is needed to ensure independence by CPPRNM.
- Some believe prosecutors are impartial in their decisions.
- Everyone agrees that the salary of public prosecutors should be higher and paid according to the established coefficients.
- Audits by senior public prosecutors are regular, with indications of any irregularities in the operation and are fully handled after the indication.
- For cases of public interest, it should be informed through public information service. There are public relations rules which are respected.
- Cooperation with all institutions is good. The actions of the institutions upon the requests of the prosecutors are timely.

Comments by the Council of Public Prosecutors of RNM

- Public prosecutors do not have the necessary conditions, yet they manage to handle cases efficiently and on time.

- It is necessary to employ staff in the prosecution and to pay attention to education and professional development.
- Safety measures need to be increased.

Comments from the Public Prosecutor's Office

- Many respondents cited the lack of public prosecutors, public prosecutor clerks and administration, IT staff and auxiliary technical staff as a major problem. Part of them pointed out that the shortage is particularly noticeable in legislative changes in 2013 since increased workload with increased powers.
- Also, they pointed out the lack of adequate premises, constant lack of office supplies, IT equipment and vehicles.
- The legally stipulated deadlines following the LCP are respected and acted legally and by the positive legal regulations.
- Some of the respondents think that more attention is needed for safety.
- It is necessary to have a system of evaluation and improvement.
- The increase in salaries was indicated by the majority of the respondents considering the workload and of course greater financial independence.
- Regular supervision is carried out upon a complaint submitted by a higher-level prosecution office and its guidelines, the principle of hierarchical subordination is respected.
- The public is regularly informed according to the standards and the principle of presumption of innocence in the communication with the media is respected.

Comments from the PP administration

- There is a great shortage of public prosecutors and professional staff and for this reason, it is difficult to close cases efficiently and on time.
- It is necessary to procure vehicles that will make it easier to operate and to raise the low salaries.

Judges

- It is necessary to increase the number of public prosecutors because prosecutors are overwhelmed by the workload and lack of staff and there are short deadlines under the LCP.
- It is necessary to procure technical equipment and hire administrative-technical staff.
- Judges consider it necessary to physically separate courts and prosecution offices.
- Judges who are trial judges have no insight into the work of the PP during pre-trial and investigation.
- Standards and quality of work should be higher because there is not enough time to put to gather evidence and main arguments.

- Prosecutors need to be more respectful of the defense and act on their proposals.
- Appointment and dismissal must be free of pressure.
- The prosecutor's office must be present in the public, but very carefully to share any information in the interest of the investigation.
- Lack of transparency especially by CPPRNM.

Comments from Lay Judges

- The quality of work is solid, given the lack of staff.
- It is necessary to improve technical capacities and office premises.
- The prosecution needs to pursue prosecution on its initiative.
- The Code is respected by public prosecutors.
- There is a need for a spokesperson who will inform the public, without disturbing the secrecy of the proceedings.

Judicial police

- Respondents believe that it is necessary to increase the number of employees and improve infrastructure.
- There is a daily need to use contemporary IT equipment, connect the BPPO system with the MIA and develop a data and information exchange system.
- Introduce a management system through the implementation of international standards to improve the quality of work.
- According to some answers, prosecutors need to be more actively involved in all stages of criminal proceedings, especially in the area of gathering material evidence.
- To have a professional approach to the selection and appointment of the PP and to reduce external influences in the selection and dismissal of the PP.
- A greater concern for how evidence is stored and stored.
- There is a need for impartiality, independence, and objectivity in the work.
- It is necessary to increase the BPPO presence in the media.

Comments from Civil Organizations

- Many representatives of CO believe that an increase in the number of public prosecutors and the prosecutor's team is needed. The efficiency is called into question because one expert associate works with three public prosecutors.
- Access to prosecutors should be bigger. At the moment, a party cannot access the information on which stage is the criminal report filed by him/her affecting perception and loss of trust in the institution.

- The capacity of the Public Prosecutor's Office and other stakeholders (financial police, police, etc.) to conduct financial investigations alongside criminal investigations needs to be strengthened.
- Requests and pre-trial detention decisions should be properly substantiated and supported by evidence.
- The Public Prosecutor's Office must take over more cases on its initiative. Now such cases are less than 5% of the total number of cases.
- It is necessary to specify the criteria for election and dismissal of public prosecutors. Thus, the perception of choice and dismissal would be different.
- It is necessary to increase the transparency of the Council of Public Prosecutors.
- The low number of investigations initiated against current or former senior officials related to high corruption and the low number of convictions in these cases leaves room for doubt about outside influences on prosecutors' actions and decisions.
- PP rarely inform the public about their work and actions in certain cases of high public interest.
- Prosecutors have not published all annual reports on their websites, nor have any other statistics on their work available, and even when attempting to inform it is without a specific strategy.

Comments from media representatives

- There is a need to improve the quality of court decisions, in particular concerning the reasoning and arguments in judgments, which can be taken as an example by the rulings of the European Court of Human Rights.
- Some media representatives believe that the Public Prosecutor's Office is open to the public with timely and quick press releases, but most believe that untimely, selective information is provided, and a selection is made as to which media will share the information.
- More transparency is needed in the election and dismissal of public prosecutors.
- Prosecutors need to act without outside influences and stronger (ethical and legal) prevention mechanisms are necessary.
- Prosecutors must retain their authority and act following the code so as not to violate the honor of their profession.
- Prosecutors need spokesmen and PR teams to produce clear and accurate newsletters and opinions.
- Public relations build the trust of the citizens in the judicial institutions and hence it is necessary to emphasize the need for professional public relations as well as professional relations with the professional public.
- Some of the respondents consider that the new prosecution website is regularly updated but lacks more content from the scope of the prosecution work.

- Some believe that reports are regularly submitted to the Assembly, which is the original official source for the reports. The structure of the reports is good and very relevant information can be read.

Comments from academic community representatives

- Some of the respondents believe that public prosecutors do not act promptly and that is why many of the proceedings are outdated.
- The access to the Public Prosecutor's Office is unmarked, some do not have a lift and physical separation of public prosecution facilities and courts is required.
- The prosecution offices must proceed with the opening of the indictment in a touching voice.
- Other measures should be used to secure the presence of persons, as well as to protect the presumption of innocence when reaching detention.
- The selection criteria for PP are clear and precise, the procedure for their selection is transparent but politically influenced and not guided by all objective criteria.
- Public prosecutors do not comply with the code.
- The PPO does not respect the presumption of innocence, as data leading to the direct or indirect identification of suspects is being published.
- Annual reports are difficult to access and data do not allow for permanent monitoring of the operation of the public prosecutor's system.

Comments from defense attorneys

- Most of the respondents think that PPOs have a large workload and not enough human resources. Prosecutors do not have spatially adequate conditions and need to be physically separated from the courts.
- It is necessary to increase the safety of employees and to work on improving safeguards.
- There is a need for impartiality, independence, and freedom from outside interference in the work of the prosecution offices.
- They need to be transparent and cooperate with the media.
- Improving communication and inter-institutional cooperation to improve efficiency.

Comments from proxy lawyers and surveyed persons

- A large number of respondents believe that it is necessary to increase the number of employees because they have a large workload and are not handled within the set deadlines, improvement of spatial capacities and technical conditions.
- It is necessary to establish judicial police.
- Increase the budget of the prosecution.

- There is a lack of investigative centers that need to be set up.
- Some believe that the PP objectively assesses the facts and evidence supporting the indictment.
- Greater independence of the PP is necessary.
- PPs need their security and appropriate security measures in the institution are needed.
- The election of public prosecutors and the case allocation system need to be free from outside influences.
- There is a growing presence of prosecutors in the media, but the availability of information is insufficient and difficult to access.
- There is a need to improve accountability for operations.
- It is necessary to work on establishing good cooperation between the PP and the Ministry of Internal Affairs.

Comments from the Office of the Ombudsman of the Republic of North Macedonia

- There is a decline in the quality of staff working in the public prosecution system. The influence of politics undermines the quality and standards of operation.
- The formal structure of the Council of Public Prosecutors is satisfactory, yet the composition does not have the necessary credibility and professionalism.
- It is necessary to strengthen the system especially in terms of human resources to be resistant to external influences.
- It is necessary to inform the public regularly, which will increase confidence.
- There is inter-institutional cooperation, but the essential aspects of it should be worked on.

5. Correlations between measurement perceptions, legal framework, and international standards/reports and functional analysis for the PP system

To get a true and realistic picture of the performance of the Public Prosecutor's Office, or some specific aspect related to the functioning of the Public Prosecutor's System, they were cross-analyzed 1) Perceptions of relevant target groups (through the use of the Matrix), 2) Legal framework and relevant reports (domestic and international) that follow the Public Prosecutor's Office and the course of judicial reform; and 3) Functional analysis of the PP system and other data from judicial institutions (Public Prosecutor's Office, Council of Public Prosecutors, the Ministry of Justice, the Academy for Judges and Public Prosecutors, the Association of Public Prosecutors, etc.).

The in-depth analysis diagnoses all positive and negative aspects of the operation of the public prosecutor's system and forms the basis for planning future interventions to improve its performance.

Graphical representation of correlations - cross-sectional analysis of data from three pillars



Correlations: Effectiveness

Sub-section: Human Resources

According to data available from the 2018 CEPEJ Report, taking into account the number of public prosecutors per 100,000 population, our country is one of the countries where the number of prosecutors has decreased in the period 2010-2016. At the same time, the report indicates a lower number of experts and other support staff per prosecutor in the country than the European average for the period 2010-2016. This finding is in close correlation with, and almost completely in line with, the perceptions of the Matrix survey where over 84% and 94% of all public prosecutors respectively think that they have a lack of prosecutors and auxiliary staff available. In line with the findings of the Functional Analysis for the Public Prosecutor's System, it indicates that only 31% of the positions provided by the systematization are filled in the Public Prosecutor's Office at the level of the entire PPORNM.

Sub-section: Workload

Although according to the CEPEJ report, there is a trend of decrease in the number of public prosecutors, the caseload on public prosecutors in our country is much lower than the European average and compared to the situation in developed European countries. At the same time, the Matrix research indicates that there is a strongly divided opinion among all

respondents from all target groups on the issue of the workload of public prosecutors and there is no clear consensus. This largely corresponds with the findings of the Functional Analysis for the Public Prosecutor's System, which found that the average prosecutor to 100,000 citizens in the country was lower than the European average but also indicative of a far lower workload on prosecutors than the number of cases processed by a public prosecutor on average annually. This situation is because public prosecutors work without sufficient support staff and public prosecutor clerks and without investigative centers that would be in the team of public prosecutors. Providing the Public Prosecutor's Office with the appropriate support staff and public prosecutor clerks will greatly improve the performance of public prosecutors and will be able to achieve results without increasing the number of public prosecutors that will lead to efficiency and timeliness in the work of the public prosecutor's office.

Sub-section: Infrastructure, IT equipment, and other resources

There is a large alignment between international and domestic reports with measured perceptions regarding the infrastructure and working conditions of the Public Prosecutor's Office. The analysis of the perceptions of the Public Prosecutors' Performance Monitoring Matrix indicates that the majority of public prosecutors and respondents from the Council of PP consider that they do not have sufficient office space and adequate IT infrastructure. More than 2/3 of public prosecutors believe that the electronic distribution of cases would allow for greater objectivity and the process itself would have a positive impact on the efficiency of the work of public prosecutors. These results fully correspond to the findings of the Functional Analysis of the Public Prosecutor's System regarding the IT infrastructure and working conditions in the Public Prosecutor's Offices, which identify the lack of an appropriate electronic archive, data management system and intranet.

Correlations: Quality

Sub-section: Quality and standards of operation

In terms of Quality, although the strategic alignment with the domestic legal framework is normatively set, there is a discrepancy between the domestic legal framework of one, and the matrix findings, functional analysis and international standards set in this area.

Thus, according to perceptions, it is necessary to improve the quality of the requirements for detention and support with appropriate evidence, as well as to work to promote the rights of the defense and the suspect.

The functional analysis detects certain findings that reflect the quality and standards of performance and in particular the lack of a clear methodology for collecting relevant data that will serve to measure and monitor the work of public prosecutors based on unified objective quality criteria.

International reports and standards, on the other hand, pay particular attention to the quality of work and set high standards in this area. One of the most important set standards

obliges them to respect the presumption of innocence and the right to a fair trial, equality of arms because prosecutors need to focus on serving the society.⁹

Sub-section: Evaluation and promotion system

Within the domestic legal order, there is a legal framework primarily in the Law on Public Prosecutors, the Law on the Council of Public Prosecutors, and, the bylaws adopted based on these regulations which legally standardize the system of evaluation and promotion. For the Strategic Documents, with the Strategy for Reform of the Judicial System 2017-2022, as Strategic direction 2.2.2 which deals with Quality is Review of criteria for evaluation of judges and public prosecutors and as strategic direction 2.2.3- Redefining the criteria for promotion of the judge and public prosecutor.

The perceptions expressed through the responses of the indicators in the matrix show to the majority of the respondents that public prosecutors are not promoted based on qualitative evaluation criteria on the one hand and in that part, the situation should be improved.

According to the Functional Analysis, the data collected within the public prosecution system is not fully qualitative and relevant, and it is necessary to improve the existing system of data collection and introduce objective qualitative criteria for monitoring and evaluating the work of public prosecutors using modern statistical tools for intersecting the data collected, as well as introducing the level of complexity of the cases.

International reports, documents, and standards also pay close attention to the evaluation and promotion system.¹⁰ In their view, Member States should take measures to ensure that recruitment and promotion are carried out fairly and impartially and exclude discrimination on any ground and that this is regulated at the highest level by law with clear and understood procedures. All this because of the need for prosecutors to be persons of high morality and a permanent and good character, and ultimately to ensure a proper mandate and appropriate arrangements for promotion, discipline, and dismissal that will ensure that the prosecutor cannot be a victim because he made an unpopular decision.¹¹

Sub-section: Public prosecution safety measures

The domestic legal framework generally and declaratively provides a normative basis for public prosecution safety measures. In practice, however, the implementation of these safety measures is insufficient. According to perceptions, there is poor staffing of the guard and indicates that insufficient additional personal protection is provided to public prosecutors.

Functional analysis has shown that most prosecution offices do not have their spatial capacities, while the security of buildings is provided by the MIA, and the prosecution offices located in court buildings use court security.

⁹ Opinion No.9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe on European norms and principles concerning prosecutors)

¹⁰ Opinion No.9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe on European norms and principles concerning prosecutors)

¹¹ Report on European standards as regard the independence of the judicial system –part II –the Prosecution Service- Venice Commission CDL-AD (2010) 040, Independence and accountability of prosecutors)

International reports and standards state that Countries should take all necessary measures to ensure that public prosecutors, together with their families, are physically protected by the appropriate state authorities when they are threatened with personal security as a result of the proper performance of their functions, which implies providing necessary security in the workplace but also protecting public prosecutors and their families at home or when traveling. At the same time, it is necessary to make safety assessments at reasonable intervals or when circumstances change.¹²

Sub-section: Continuous education and professional development

According to the domestic legal framework, the normative basis for continuous education of public prosecutors is provided and is carried out according to the prescribed programs annually. At the level of a strategic document with the Strategy for Judicial Reform 2017-2022, as Strategic Guideline 2.2.6 that Takes on Quality is preparing an analysis for the eventual creation of a new program of special initial training for experienced long-term practitioners, as well as for continuous training on all judges and prosecutors.

The perceptions gained through the responses to the indicators in this section point to the fact that public prosecutors' education on raising awareness of discrimination and gender equality needs to be increased.

Functional analysis on the other hand points to the need for continuous updating of topics for continuous interdisciplinary training with case analysis and overcoming the inequalities that have emerged in practice, to increase the quality of work, as well as greater inclusion of integrity, ethics, and deontology, but also in the areas of professional issues in all areas of law including international standards and international cooperation that directly affect quality.

International standards confirm the need for quality continuing education that follows changes in legislation and practice as a prerequisite for maintaining and enhancing the quality of public prosecutors' work, which is in line with findings in this matrix and functional analysis.

CORRELATIONS – INDEPENDENCE

Sub-section: Election and dismissal of public prosecutors

The legal framework set up for the election and dismissal of public prosecutors generally follows international standards.

The analysis of the Matrix results shows that respondents believe that there are objective and clear criteria for the selection and dismissal of public prosecutors, but many public prosecutors and other groups of respondents disagree that there is transparency in CPPRNM's selection and dismissal of public prosecutors. In this regard, there is a division in opinions as to whether CPPRNM is independent and impartial in its election and dismissal

¹² International Association of Prosecutors, *Declaration on Minimum Standards Concerning the Security and Protection of Public Prosecutors and their Families*, 1 March 2008.

decisions of public prosecutors and whether it enjoys a reputation in its work. Lawyers, the SCPC and the professional public are critical/negative about these issues. For the majority of respondents, there is political influence over the election and dismissal of public prosecutors.

According to Council reports, the proportion of elected candidates in 2018 increased to 38.46%, but again none of those elected was a candidate with a completed Academy of Judges and Public Prosecutors, which should have reduced the chance of political and another influence on the selection of public prosecutors in the prosecution offices. The EC's progress report on the 2019 RNM states that the Council of Public Prosecutors appointed 25 prosecutors at various levels and allowed 21 prosecutors to carry out their tasks beyond the retirement age to address staff shortages. The Report states that CPPRNM needs to improve the transparency of their work and ensure respect for meritocracy in appointments and promotions. The commission notes that 'consistent implementation of the new legal framework is essential for the coming period.

Most respondents do not know or are aware of gender equality in the selection of public prosecutors, and those who know are divided on the issue.

Sub-section: External influences

According to the European Prosecutors' Consultative Council, prosecutors should be independent not only of the executive and legislative branches but also of other actors and institutions, including those in the economy, finance, and the media. Prosecutors should also be independent in their cooperation with the police, the court, and other authorities. International standards provide that the independence of the public prosecutor's office can be secured by establishing a Council of Public Prosecutors to enable prosecutors to be represented and protected by other authorities.

According to the legal framework, the Council should be an independent body that is forbidden to organize and operate politically and should act to prevent any influence on the public prosecution against the law.

Respondents Public Prosecutors and the Public Prosecutor's Office expressed some reservations that the Council was concerned with protecting the independence of the Public Prosecutor's Office. There is a division within the Public Prosecutor's Office as to whether the election of CPPRNM members is transparent and without external interference. Experts and lawyers consider external influences and non-transparency in the selection of CPPRNM members. Furthermore, a large proportion of respondents from the expert public (media, civil organizations and the academic community), as well as lawyers and the Ombudsman, believe that public prosecutors act and decide under the influence of external influences, and in case allocation. Concerning the distribution and redistribution of cases, the Consultative Council of Public Prosecutors states, the requirements for impartiality in the structure, responsibilities, and decision-making within the jurisdiction of the public prosecutors should be taken into account.

The Consultative Council of European Prosecutors points to the importance of developing appropriate safeguards for non-interference in the activities of public prosecutors. Non-interference means ensuring that prosecutors' activities, especially during trials, are free

from external pressures and unauthorized and unlawful internal pressures within the public prosecution itself. It is suggested that in a hierarchical system, the chief prosecutor must be able to exercise proper control over the decisions taken within the prosecution, thus protecting the rights of individual public prosecutors.

Most respondents to the Matrix research generally agree that the principles of hierarchy and subordination do not conflict with the principle of legality, although there is some disagreement on this issue with public prosecutors and the service.

Sub-section: Impartiality

The UN Prosecutor's Role Guide states that public prosecutors will perform their functions impartially and avoid political, social, religious, racial, cultural, sexual and other discrimination ... they will protect the public interest, they will act objectively ... they will deal confidentially with the cases they deal with.

Overall, the perception of most respondents that public prosecutors do not reflect their personal beliefs and subjective attitudes in their work prevails.

Although the majority of respondents from the Public Prosecutor's Office feel that there is no media influence when commenting on the cases being handled, there is a division of opinion among other target groups.

Sub-section: Financial Independence

The financial independence of the Public Prosecutor's Office is not guaranteed, either legally or in practice. According to the respondents, the annual budget of the Public Prosecutor's Office is not sufficient for the successful performance of its function. According to the Law on Public Prosecutor's Office, the Public Prosecutor's Office of the Republic of Macedonia is a budget beneficiary of the Budget of the Republic of Macedonia from which it provides funds and funds the Basic Public Prosecutor's Offices, the Basic Prosecutor's Office for Prosecution of Organized Crime and Corruption, the High Public Prosecutor's Offices and the Council of Public Prosecutors, within the country budget.

In the system of the Public Prosecutor's Office, the Council has no financial independence on the one hand, and on the other hand, through financial dependence, it cannot fully realize the effect of a control mechanism that should have on PPRNM as a whole. It should be noted, however, that *de lege lata*, such a control function of the Council, is not explicitly provided for by the Law on the Council of Public Prosecutors. The EC Progress Report 2019 also states that the Council still does not have sufficient human and financial resources and has no special budget, which calls into question its independence from the State Public Prosecutor's Office.

The means of the operation of the Public Prosecutor's Office consist of funds mostly for the salaries and allowances of public prosecutors and employees of the Public Prosecutor's Office, for goods and services including utilities, heating, communication, transport, materials, and petty inventory, for contract services, subsidies, and transfers. The funds are

also intended for the purchase of capital assets such as equipment and machinery, construction of buildings and other purposes. The premises of the Prosecutor's Office shall be provided by the Government of the Republic of Macedonia.

According to research conducted by the Matrix, respondents agree that the salaries of public prosecutors are not adequate and in line with the duties and responsibilities in the workplace, and also that the salaries of professional service and support staff in public prosecution offices are not in line with the duties and responsibilities in the workplace.

The lack of more detailed information in the Council's reports, in particular on the material and financial situation of the Public Prosecutor's Office, precludes more detailed monitoring of the situation in this area, leading to a reduction in the possibility of strategic planning and allocation of funds for the work of the Council.

The PP Council submits an annual plan and projections of the financial resources needed for the work, but these are rarely taken into account.

Correlations: Responsibility

Sub-section: Disciplinary responsibility

Crossing over the answers from the Matrix leads to the conclusion that the prevailing opinion is that the legal provisions regarding disciplinary liability meet the standards, while at the same time a large proportion of the respondents do not know whether the disciplinary procedure is objective and fair. In this context, it is relevant to the conclusion stated in the Functional Analysis that it is necessary to revise the existing and establish functional and transparent mechanisms and criteria for accountability of public prosecutors (which will allow the prosecutor concerned to be heard, to defend himself with the assistance of advisers, to be protected from any political interference and to have the opportunity to exercise his right to appeal against a decision finding disciplinary infringement).

Sub-section: Supervision by the higher public prosecutor's office

There is a large percentage of respondents who agree that the higher public prosecution offices regularly supervise the work of the lower public prosecution offices, as well as overseeing complaints.

Sub-section: Acting on the recommendation of a higher public prosecutor

Most of the respondents from the Council of Public Prosecutors, Public Prosecutors, and the Public Prosecutor's Office agree that public prosecutors act on mandatory instructions, and the perceptions are similar as to whether basic public prosecutors act upon the recommendation of the higher public prosecutor, given in their decisions made on the

ground of appeal or complaint of the injured party. However, when it comes to adhering to the Code of Ethics, there is a pattern of diversity and divergence in respondents' attitudes - while those in the public prosecution system have expressed a high percentage of consent, this opinion is not shared by respondents from other target groups, with a particular emphasis on civil organizations, defense attorneys and the media. Some comments by the media point out that the Code should be transparent, and the public should be familiarized with it, especially concerning prosecutors' behavior both in terms of professional conduct and conduct in their day-to-day functioning. Part of the academic community, on the other hand, believes that to comply consistently with the Code, the presence of public prosecutors at various events with a political context should be avoided.

Correlations: Transparency

Sub-section: Public Relations

Public relations are not the strongest part of the public prosecution. Respondents were divided on whether there is a trained person in the prosecution for media relations. In the same way are some of the respondents' comments from the media that public relations are an issue that must be improved to understand that public relations involve timely, clear and accurate communications, as well as the publication of newsletters and the publication of opinions that they must be filled with expert commentary, argumentation, and views on specific issues. The division of views and comments is not surprising, given the observation in the Functional Analysis that the Public Prosecutor's Office does not have a strategic document on transparency, and the existing guidance is inconsistently applied, and that regular continuous training of public prosecutors for public relations is lacking.

Although dominated by the view that the public is regularly informed, such a finding is not supported by the defense lawyers, the proxy lawyers, and civil society organizations, and the obtained comments show that the prosecutor's office informs the public very rarely, and when it does, do so without a specific strategy.

Efforts should be made to achieve the strategic objective of the Judicial Sector Reform Strategy in terms of increased transparency of the Council of Public Prosecutors, given the responses where the majority of respondents disagree with the finding that the Council of Public Prosecutors regularly informs the public about its work.

Sub-section: Availability of information

There is an overlap of the insights expressed in the Functional Analysis and the insights received from the updates to the prosecution websites, namely the prosecution website is not updated on time and often lacks information on important cases of public interest, no expert explanations, legal opinions, etc. Unlike many respondents who "do not know" whether official languages information is available in the FNM, whether CPPRNM decisions are published integrally, and whether the prosecution's annual reports contain data on the

gender of the perpetrator, critically Opinions were presented by the media and representatives of the academic community. According to the comments of some CSOs due to the incompatibility of data collection and processing methodologies, it is very difficult to analyze the work of the prosecution offices, and it is almost impossible to match the data of the public prosecution with the data obtained from the court or other state bodies.

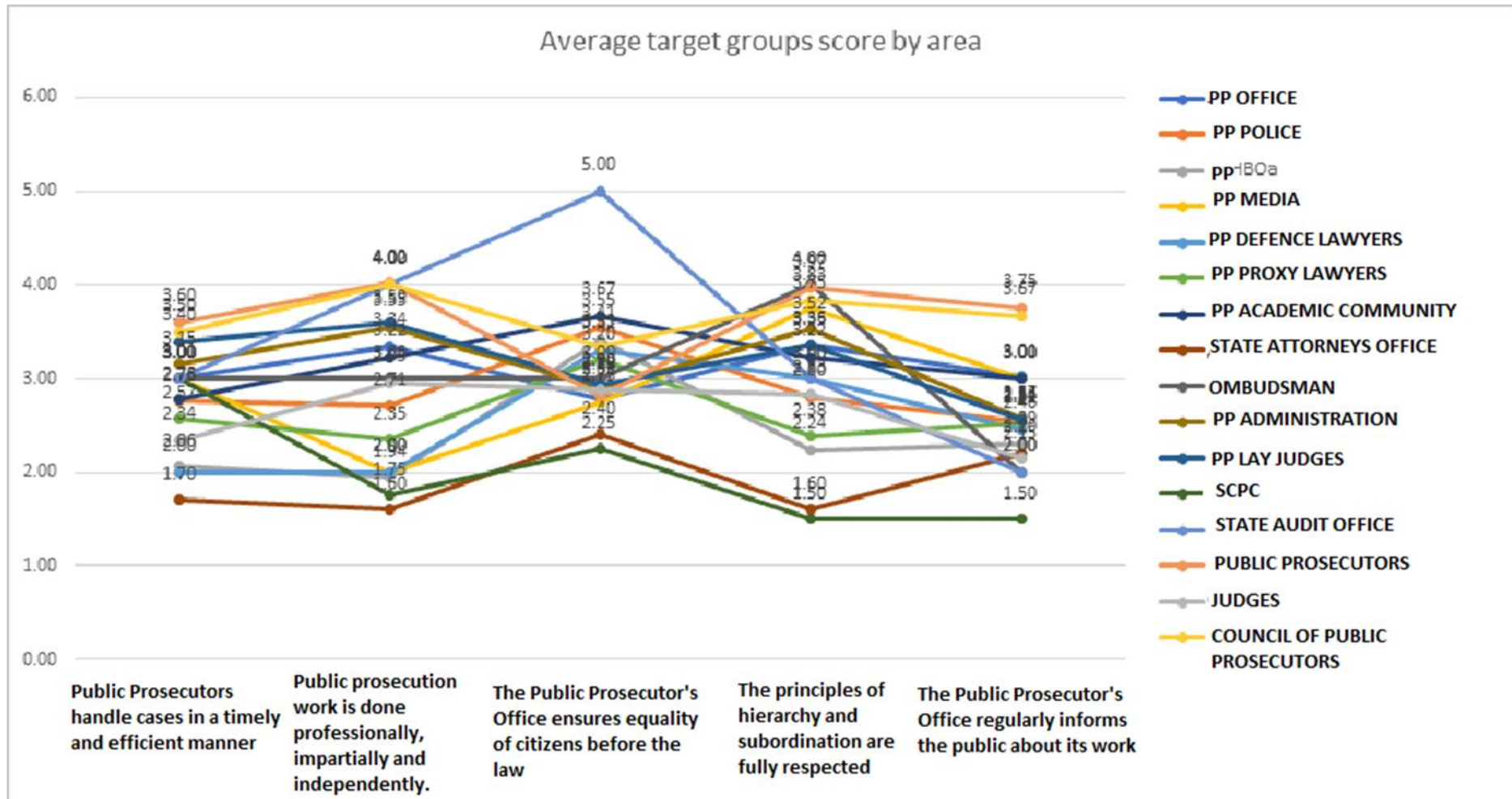
Sub-section: Accountability in the workplace

Surprisingly, most of the respondents do not know if the annual reports of CPPRNM are regularly published on the website, even though they know that it is not regularly updated. Less than half of the prosecutors agreed with this finding, which speaks to the fact that they are aware of the late release of the reports. In the context of accountability, even though the respondents from the Council of Public Prosecutors largely agreed with the statement, it is particularly indicative that by November 2019 the 2018 Annual Report on CPPRNM's work was not published. The responses of nearly 70% of the respondents from the Council of Public Prosecutors indicate that they do not know whether there is uniformity in the reports of the public prosecution, while the comments of some CSOs state that the prosecution offices have not published all annual reports on the websites nor on the other hand, they have other statistics on their work, and the annual reports are extensive, difficult to read, and non-formal. The Functional Analysis states that the Public Prosecutor's Office has no systematized and unified way of data collection, there is no qualitative data linkage, nor are modern statistical methods used for cross-analysis.

Sub-section: Inter-Institutional Cooperation

While the views of the respondents from the judicial police and the respondents from the Public Prosecutor's Office, the Council of Public Prosecutors and the lawyers regarding the indicators of inter-institutional cooperation are divided, all agree that it is necessary to establish electronic communication of the Public Prosecutor's Office with other bodies. Obstacles to electronic communication and interoperability are identified in the Functional Analysis, which states that an interoperability system with other public authorities and institutions is not functioning in part due to lack of equipment and partly because of a lack of human resources.

6. Main findings of the research



Field subject to evaluation	Main findings
Section 1 - Efficiency	<p>There is a division in the respondents' attitudes towards the timely and efficient resolution of the cases. The Public Prosecutor's Office is understaffed, especially at the level of expert associates. Most prosecution offices are not physically separated from the courts or other bodies and do not have enough IT and technical equipment. Inadequate staff and material equipment reflect on managing the workload and acting within the legal deadlines. The electronic distribution of cases would allow for greater objectivity in their distribution and the process itself would have a positive impact on the efficiency of the work of the Public Prosecutor's Offices.</p>
Section 2 - Quality	<p>Public prosecutors generally have a professional and correct attitude. In terms of the quality of the rationale for their decisions, detention requirements and special investigative measures, as well as respect for the rights of the defense, the perceptions among the target groups are divided. Conditional postponement of prosecution is not often practiced when the conditions are met.</p> <p>Evaluation and promotion system is not always based on qualitative criteria. There is poor staffing with security and additional personal protection as needed. The analysis indicates that quality continuous education should continue and improve, and continue to include more education to sensitize public prosecutors on issues of discrimination and gender equality.</p>
Section 3 - Independence	<p>According to the respondents, the independence of the public prosecution, in terms of ensuring equality of citizens before the law, is not fully ensured.</p> <p>Although most respondents agree that there are clear and objective criteria for the selection and dismissal of public prosecutors, most respondents consider that the procedures conducted by CPPRNM are not sufficiently transparent, objective and independent from outside influences.</p> <p>For the majority of respondents, there is political influence over the election and dismissal of public prosecutors.</p>

	<p>The allocated funds for the Public Prosecutor's Office (annual budget) are not sufficient for the successful performance of its function, and the salaries of public prosecutors, the service and other employees are not adequate and in line with the duties and responsibilities at the workplace.</p>
Section 4 - Responsibility	<p>The disciplinary procedure is prescribed by law, it is conducted objectively and fairly. The Public Prosecutor's Office is regularly supervised based on complaints. For the most part, public prosecutors act on mandatory instructions from senior public prosecutors, as well as by orders given by a senior prosecutor about decisions on appeal or complaint by a damaged party.</p> <p>There is a division in the respondents' attitudes towards compliance with the Code of Ethics for Prosecutors.</p>
Section 5 - Transparency	<p>This area has the lowest average rating compared to other areas and is rated at 2.58.</p> <p>There is a division in the respondents' views on whether the prosecution regularly informs the public. The capacity of the prosecution in terms of persons appointed and trained to communicate with the public and the media needs to be strengthened. The Public Prosecutor's Office should regularly report on cases involving a wider public interest. There is a dominant view that the presumption of innocence is respected in the reporting. Greater transparency of the Council of Public Prosecutors is needed and more frequent updating of the CPPRNM web site as well as the promotion of cooperation between the Public Prosecutor's Office and other state authorities, especially electronically.</p>

ANNEX 1

LEGAL FRAMEWORK, KEY PRINCIPLES, AND STANDARDS

Domestic legal framework

- **Constitution of the Republic of North Macedonia**

The Constitution specifies the position of the Public Prosecutor's Office¹³ (Article 106 Part III - Organization of the State Power) as the sole and autonomous state body that prosecutes perpetrators of crimes and other legally-established offenses that perform their functions on the basis and within Constitution and law. The function of the Public Prosecutor's Office is performed by the Public Prosecutor of the Republic of North Macedonia and public prosecutors based on the Constitution and laws and international treaties ratified under the Constitution.

The Public Prosecutor of the Republic of North Macedonia, from among the prominent lawyers, shall be appointed and dismissed by the Assembly of the Republic of North Macedonia for a term of six years with the right to be reappointed. The Public Prosecutors shall be elected by the Council of Public Prosecutors without limitation on the term of office.

The function of Public Prosecutor of the Republic of North Macedonia and Public Prosecutor is incompatible with membership in a political party or with other public functions and professions established by law. Political organization and action in the Public Prosecutor's Office are forbidden.

The competence, establishment, abolition, organization, and functioning of the Public Prosecutor's Office shall be regulated by a law adopted by a two-thirds majority vote of the total number of Representatives of the Parliament.

Article 106 of the Constitution of the Republic of North Macedonia provides for the Council of Public Prosecutors to be a body within the public prosecution system.¹⁴ This function is exercised by the Council within the framework of its competences *rationae materiae*, which are quite broad.

- **Law on the Public Prosecutor's Office** ("Official Gazette of the Republic of North Macedonia" No. 150/2007, 111/2008 and 198/2018)

This Law prescribes the competence, establishment, abolition, organization, and functioning of the Public Prosecutor's Office, as well as the grounds and procedure for termination and

¹³ Article 106 with amendments pursuant to Amendment XXX from 2005 and Amendment XXXIII from 2019: "The Public Prosecutor's Office is the only independent state body to prosecute the perpetrators of criminal offenses and other criminal offenses and performs other activities provided by law. The Public Prosecutor's Office performs its functions on the basis and within the framework of the Constitution and law. The public prosecutor shall be appointed and dismissed by the Assembly for a term of six years. "

¹⁴ Constitution of the RNM, Article 106 amended in accordance with Amendment XXX (Official Gazette of the RNM, No. 107/2005) and Amendment XXXIII (Official Gazette of the RNM, No. 6/2019).

dismissal of the Public Prosecutor of the Republic of North Macedonia and public prosecutors. According to the LPP, the public prosecutor performs his function legally, impartially and objectively, respects and protects the freedoms and rights of human and citizen and the rights of other legal entities and within its competencies, on behalf of society, takes care of the efficiency of the criminal justice system, ensures equality of the citizens before the law without any discrimination. There are general provisions in the law that prohibit discrimination on the grounds of sex, as well as the application of the principle of equitable representation of citizens belonging to all communities in the country in the election of public prosecutors (Art. 43).

The LPP most directly refers to the quality of work as a criterion for determining professionalism in the performance of the public prosecutor's office, referring to insufficient professionalism and expertise that affects the quality of work, as a result of ignorance or misapplication of laws, ratified international agreements and other regulations, poor quality drafting of public prosecutor's decisions and other writs, but also as to what it means to be reckless in the performance of the office of the public prosecutor (Art. 71).

The LPP contains provisions that clearly define the jurisdiction of the higher public prosecutor's office to supervise the work and treatment of specific cases in the lower public prosecution offices and define the purpose of the supervision of the work and treatment of specific cases. At the same time, the jurisdiction of the Public Prosecutor of the Republic of Macedonia to provide mandatory general written instructions to the Higher Public Prosecutor, the Basic Public Prosecutor for the prosecution of organized crime and corruption and the Basic Public Prosecutor is prescribed. Concerning liability, the law regulates grounds for dismissal, disciplinary violations, disciplinary measures, contains provisions regarding disciplinary proceedings and gives the Council of Public Prosecutors the power of appeal as a rule to adopt a Rulebook regulating the procedure for determining the responsibility of the public prosecutor.

The LPP explicitly stipulates that the Public Prosecutor's Office is obliged to inform the public of certain cases it is dealing with, especially if they are of a nature that gives rise to a wider public interest or are relevant to the performance of the public prosecutor's office for protection against criminal or other unlawful acts. The public and the media should be provided with access to information on the state of crime and other matters of general relevance to the work of the public prosecution, under conditions prescribed by law. The public is acquainted with the work of the prosecution and with the publication of an annual report on its work. The law also contains provisions regarding inter-institutional cooperation, namely the public prosecutor on matters of importance for the exercise of the function of prosecution, as well as on matters of detection of crimes and their perpetrators manages the co-operation and coordinates actions with other state authorities and legal entities. In this context, the Ministry of Internal Affairs, the Financial Police and the Customs Administration are obliged to immediately submit the documents, the evidence, as well as all the information obtained during the disclosure of all crimes and their perpetrators to the Public Prosecutor.

It should be emphasized that during the implementation of the Measurement of Perceptions of Public Prosecutor's Work, at the end of 2018, a new **Law on Public Prosecutor's Office**¹⁵ was adopted. The reasons for adopting a new law, besides aligning with the Law on Criminal Procedure, are aimed at implementing the measures provided for in the Strategy for Reform of the Judicial Sector, as well as implementing the GRECO Recommendations.

• **Law on the Council of Public Prosecutors of the Republic of North Macedonia** ("Official Gazette of the Republic of Northern Macedonia" No.150 / 2007 and 100/2011)

The legal provisions¹⁶ are generally based on relevant international standards for the public prosecutor's function.¹⁷ The Council of Public Prosecutors also has its own Rules of Procedure and acts under other bylaws adopted based on the law.¹⁸ Public Prosecutors in Basic Public Prosecution Offices are selected according to the Academy's rankings¹⁹ (Article 37 of the Law on the Council of Public Prosecutors).

The election and dismissal of public prosecutors shall be the responsibility of the Council. The Rules of Procedure of the Council of Public Prosecutors, as well as the relevant Rulebooks on the Procedure for Determining the Disciplinary Violation and Unprofessional and Unethical Performance of the Public Prosecutor's Office²⁰, were adopted to regulate the procedure for election and dismissal of the public prosecutors.

Normally, when electing the PP of the RNM, the Council has the authority to give its opinion in the procedure for the appointing of the public prosecutor of RNM by the Assembly of RNM. In 2017, in the process of appointing a Public Prosecutor of the Republic of North Macedonia, at the request of the Government, the Council gave its opinion on the candidates reported on the call for the appointment of a Public Prosecutor of the Republic of Macedonia. The PP of RNM was appointed from the candidates for whom the Council gave a favorable opinion.

The law stipulates that a public prosecutor may be dismissed based on a disciplinary procedure when it is found in a disciplinary procedure that he or she has committed a serious disciplinary offense that renders him or her unworthy of performing the public

¹⁵ Republic of Northern Macedonia, Ministry of Justice, "Draft Law on the Public Prosecutor's Office in Shortened Procedure", Skopje, 2019, available at:

<http://www.pravda.gov.mk/Upload/Documents/%D0%97%D0%88%D0%9E%20-%D0%9F%D1%80%D0%B0%D0%B2%D0%B4%D0%B0.pdf>, accessed 15.09.2019.

¹⁶ Law on the Council of Public Prosecutors, Article 9.

¹⁷ Declaration on minimum standards regarding the safety and security of public prosecutors and their families, International Association of Public Prosecutors, 2008; Guidelines on the Role of Prosecutors, VIII UN Congress, Havana, 1990; Professional Responsibility Standards and Statement of Essential Obligations and Rights of Prosecutors, International Association of Prosecutors, 1999; Status and Role of Public Prosecutors, UNODC; Guide, International Association of Public Prosecutors, UN, 2014.

¹⁸ Official Gazette of the RNM, no. 72/2010.

¹⁹ Article 37 of the Law on the Council of Public Prosecutors.

²⁰ Rulebook on the Procedure for Determining the Disciplinary Violation and Unprofessional and Unethical Performance of the Public Prosecutor's Office Adopted by the Council on 12.09.2008.

prosecutor's duty following the finality of the decision and due to unprofessional and reckless conduct of the office of the public prosecutor, established by law. The law specifies in detail what decisions the Council may make based on an appeal (to abolish, modify or uphold the decision of the Commission and in the case when it confirms the Commission's decision imposing a disciplinary measure, is empowered to make a separate decision, a decision concluding the termination of the public prosecutor duty. Against the decisions of the Council, the public prosecutor concerned has the right to bring an administrative dispute before a competent court.

- **Law on the Academy for Judges and Public Prosecutors** (Official Gazette of the Republic of Northern Macedonia No. 20/2015, 192/2015, 231/2015, 163/2018)

According to the Law, the function of the Academy remains the admission and professional development of the candidates for judges and public prosecutors, continuous training and improvement of the expertise of judges and public prosecutors, continuous training of the professional services in the judiciary and public prosecutor's office, as well as training of the entities participating in enforcement of the laws in the field of justice, that is, which perform an analytical activity in the field of judicial theory and practice.

- **Law on the Salaries of Public Prosecutors** (“Official Gazette of the Republic of Macedonia” No. 153/2009; 67/2010; 97/2010 and 231/2015).

This law prescribes the system of salaries, remunerations, other allowances and remuneration of public prosecutors. The public prosecutor has the right to a salary commensurate with the significance and reputation of the public prosecutor's office, the weight of his work and his responsibility. Salary may not be reduced by law or a decision of state authority, except in the case of disciplinary liability established by law. The funds for the salaries and allowances of the Public Prosecutor shall be provided from the Budget of the RNM. According to the law, the amount of the public prosecutor's salary is determined to depend on: the type of public prosecution; the department and type of cases it handles; internal duties in the public prosecution office; length of service; scientific-professional titles and specialization; and the results achieved in the performance of the office of the public prosecutor.

- **The Code of Ethics for Public Prosecutors in the Republic of North Macedonia**

(“Official Gazette of the Republic of North Macedonia” No. 194/2014 and 78/2019) provides that public prosecutors in the performance of their duties, in relations with other authorities, parties, and citizens, the public, as well as in their relations, are obliged to abide by the principles of legality, impartiality, diligence, and professional conduct, honesty, and impartiality, professionalism, dignity, and restraint. The 2019 amendments specifically stipulate the prevention of interests, whereby public prosecutors must not allow the marital, kin or friend relations they have with persons in the legislative and executive branch to influence their function and decision-making, and to act in a way that will raise public

suspicion about the work of public prosecutors, from such connections or influences. At the same time, it is stipulated that public prosecutors may, by way of exception, receive and give gifts only at protocol events relevant to the work of the Public Prosecutor's Office. The 2019 amendments make it possible for the Ethics Council to report to the Public Prosecutor's Office of the Republic of North Macedonia and the Higher Public Prosecutor of the Higher Public Prosecutor's Office to be considered as an initiative to establish disciplinary liability against the public prosecutor against whom the Ethics Council has decided.

- **Rulebook on the Procedure for Determining the Responsibility of the Public Prosecutor**, dated 12.09.2008, regulates the procedure for determining the disciplinary violation and unprofessional and reckless performance of the function of Public Prosecutor, regulating that the procedure is conducted lawfully, promptly and confidentially in a way that does not violate the public prosecutor's honor and dignity. The Rulebook specifies who may file a motion to initiate disciplinary proceedings, allows the public prosecutor against whom the motion to initiate a proceeding is submitted in writing within 5 days of notification, the Commission may adopt a conclusion concluding that no procedure or decision will be instituted to initiate disciplinary proceedings. The Commission is obliged to debate, collect the necessary files, inspect the records and perform other actions to establish the facts and circumstances. The persons present at the hearing may give their opinion on all the circumstances and facts. Against the decision of the Commission, the public prosecutor and the applicant have the right to appeal to the Council of Public Prosecutors.

- **The Rulebook on Determining the Manner of Supervising of the Work and the Actions of Public Prosecutors' Offices**, dated 25.09.2008, stipulates that supervision shall be carried out at least twice a year, usually at the end of the first semester and end of the current year, and if necessary many times, according to the evaluation of the higher public prosecution. The purpose of supervision is the promptness and neatness of the reception, filing, distribution and handling of cases and other writs, compliance with legal deadlines for drafting decisions, the quality of decisions and the professional and active participation of the public prosecutor in all stages of the procedure. According to the Rulebook, after the supervision, the Public Prosecutor's Office that performs the supervision is obliged to prepare a written report with all the findings of the supervision and a copy of the report is submitted to the Public Prosecutor's Office where the supervision is performed and to the Public Prosecutor of the Republic of North Macedonia.

- **Public Relations Manual**, dated 26.11.2018, prescribes the manner of public communication of the Public Prosecutor's Office of the Republic of North Macedonia, the Higher Public Prosecutor's Offices and the Basic Public Prosecutor's Offices. It is stated that communication with the public is realized through regular communication with the media,

through the website of the Public Prosecutor's Office of the Republic of North Macedonia and using other opportunities to inform the public as needed.

Strategic documents

- **Strategy for Reform of the Judiciary Sector for the period 2017-2022, with Action Plan**

The only strategic document that foresees measures and activities related to the further development of PPRNM is the Strategy for Reform of the Judicial Sector 2017-2022 with an Action Plan adopted by the Government of RNM in September 2017. One of the most important strategic goals in the area of the independence of the Public Prosecutor's Office is to establish legal criteria for (non) selection of AJPP graduates by CPPRNM, as well as establishing a legal obligation for CPPRNM, to respect the timetable of lists submitted by the Academy, at the election of public prosecutors. The decisions of the Council of Public Prosecutors on the election of judges and public prosecutors should be reasonably detailed and publicly announced, and the members of the Council of Public Prosecutors should be selected from among the most experienced judges and public prosecutors who meet the minimum requirements for performing the function of the public prosecutor in the higher prosecution offices.

Having in mind that the electronic case management system does not allow for electronic distribution to the uncertainty principle, the Strategy establishes an electronic distribution system that will contribute to the institutionalization of the principle of functional (personal, procedural) independence of the prosecutor. The lack of capacities for strategic planning, budgetary and financial management was also noted, and the strategy also stated that the special problem is the spatial indivisibility of the public prosecution offices from the courts.

According to the Strategy, the Council of Public Prosecutors should strengthen its role in ensuring the principle of prosecutors' functional independence from their superiors in the hierarchy, and most importantly, in the exercise of prosecutorial freedom of decision. It is necessary, according to the Strategy, to establish clear procedures for the public to operate through the public announcement and explanation of all decisions taken by the Council, in particular on selection, promotion, evaluation, disciplinary responsibility, dismissal, etc., of all activities of the Council on the Web Portal.

The Strategy notes the situation with the Public Prosecutor's Office, in light of the substantially amended and increased powers of the Public Prosecutor's Office under the new LCP, especially in the pre-trial procedure, but also during the other stages of the criminal procedure. Integrally, the Strategy states that no new Law on Public Prosecutor's Office has been adopted. It follows that the Public Prosecutor's Office functions based on non-compliant material and organizational regulations. Also, there is no quality staffing of the Public Prosecutor's Office.

Failure to inform investigative centers in the Public Prosecutor's Office, which should be a tool for the public prosecutor to take the necessary actions in the pre-trial procedure and represent a way to institutionalize cooperation between prosecutors and the police, is a serious problem.

There is an electronic case management system that does not allow for electronic distribution to the uncertainty principle. The case management system requires its consistent application and greater commitment and will on the part of public prosecutors and the public prosecutor's office, as well as complimentary technical resources. Its actual deployment, as well as the introduction of an electronic distribution system, will contribute to institutionalizing the principle of functional (personal, process) independence of the prosecutor. There is a high degree of malfunction with computers, scanners, servers, printers, and networks are in critical condition.

The lack of capacities for strategic planning, budgetary and financial management was noted.

A particular problem is the spatial separation of public prosecution offices from the courts. For this purpose, it is necessary to create the conditions for the successful execution of the work of the prosecution offices.

The Strategy states that, according to the CEPEJ Report, there is a lower rate of non-prosecutorial staff per prosecutor (1.0) compared to the European average of 1.6.

The prosecution grading system operates in such a way that the hierarchically appointed prosecutor evaluates the subordinate prosecutors. The criteria for evaluating public prosecutors are part of the bylaws of the Council of Public Prosecutors of the Republic of North Macedonia, where the emphasis is on quantitative rather than qualitative parameters. It is, therefore, necessary to separate the system of individual evaluation of prosecutors from the system of evaluation of the work of the prosecution as an institution and to regulate the procedure for establishing a disciplinary violation and for the unprofessional and reckless performance of the function of the public prosecutor by the Law on Public Prosecution.

For the proper functioning of the Public Prosecutor's Office, it is necessary to establish inter-institutional operational cooperation and synchronization with law enforcement agencies, courts, penitentiary institutions, and the Bar.

The Public Prosecutor's Office will monitor the judicial organization in the country. Insufficient activity in criminal investigations of the Public Prosecutor's Office as a whole, and of the PPO in particular for the prosecution of organized crime and corruption in cases of high political standing, due to the involvement of high-level political officials in the country, contributed to the establishment of a special prosecution office - Public Prosecutor's Office offenses related and arising from the content of the illegal interception of communications (SPP).

As something that directly affects quality, the strategy finds abuse of detention in lighter criminal offenses against the trend of the complete absence of detention when it comes to

corruption-related cases and political prosecutions prosecuted by the public prosecutor's office acts related to and resulting from the content of the illegal interception of communications.

Detention is also abused as a measure to force a suspect to plea bargain. The provisions on detention and the building of a system of uniform practices for judges and public prosecutors need to be further specified.

The Judicial Reform Strategy 2017-2022 views the judiciary and the public prosecutor's office from a relatively similar angle and points to the promotion of quality as well as the introduction of an evaluation system that must be focused on promoting the quality and work of the public prosecutor's office, according to the same criteria that apply to courts.

According to the strategy, the initial and continuous training of judges and public prosecutors in the AJPP should aim at maintaining the intellectual and professional capacity of judges and public prosecutors, upgrading them with new skills and knowledge, mastering changes to the laws, and any new regulations in the field in which they judge and work, stimulating international exchange of experience, using ECHR practice, legal writing and legal reasoning, etc., in one word, preventing their professional aging.

As strategic guidelines regarding *inter alia* with the quality of the work of public prosecutors, the strategy outlines: The harmonization of case law through increased training of judges within the AJPP for the analysis of published court decisions; Review criteria for evaluating judges and public prosecutors using comparative good practices and experiences. Evaluation should primarily be based on new objective quantitative and qualitative criteria and focus on professional skills, competence, integrity, and experience: professional expertise (knowledge of the law, ability to litigate, capacity to write well-reasoned judgments), personal ability (ability to handle assigned numbers of cases, ability to make decisions, openness to adopt new technologies), social skills, i.e. ability to mediate and demonstrate respect to the parties and, as a complement, possessing leadership ability and skills to those who are in positions where they are needed; Redefining the criteria for the promotion of a judge and public prosecutor, taking into account the length of the judicial/prosecutorial experience of the judge and public prosecutor, his / her assessment and the complexity of the cases he/she decides; Abolition of the electronic exams of the professional exams and introduction of the oral and written examinations of the candidates in front of the expert commissions, based on measurable and objective criteria for the assessment of their knowledge.

Regarding public prosecutors' responsibility, the strategic objective defines the establishment of functional and transparent mechanisms for public prosecutors' accountability, the establishment of objective and measurable criteria for determining public prosecutors' accountability, the pluralization of sanctions and the dismissal only for more severe and continuous disciplinary violations.

The strategy, regarding the transparency of the Public Prosecutor's Office as a strategic goal, defines strengthening of the capacities for public relations and equalization of the form of the annual reports on the work of the Public Prosecutor's Offices and CPPRNM.

• **Guidelines on the Role of Prosecutors, 1990** (Guidelines on the Role of Prosecutors, Adopted by the Eighth United Nations Congress on Crime Prevention and Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990), states that countries will: ensure that public prosecutors can perform their professional functions without intimidation, abuse, inappropriate interference or unfair exposure to civil, criminal or other liability. Furthermore, reasonable conditions for a public prosecutor's office, appropriate remuneration, and, where possible, the duration of the profession and retirement shall be governed by law. The promotion of prosecutors should be based on objective factors, in particular, professional qualifications, abilities, integrity, and experience, and will be decided fairly and objectively. The Guide to Public Prosecutors' Role states that in performing their duties, public prosecutors will perform their functions impartially, and will avoid political, social, religious, racial, cultural, sexual and other discrimination ... will protect the public interest objectively, deal confidentially with the cases they deal with, and will, in particular, take into account the prosecution of offenses committed by public officials, in particular corruption, abuse of power, gross violations of human rights, etc. The guidelines point to the need for disciplinary proceedings against public prosecutors to be prescribed by law, for conduct to be fair and expeditious, for prosecutors to have fair trial guarantees, for a hearing to be held, and for a decision to be appealed. Disciplinary offenses should be prescribed by law or derived from a code of professional conduct or other established ethical standards.

• **Declaration of Principles of Public Prosecutors, 1996**, (Medal Declaration of Principles concerning the Public Prosecutor, Naples, 02.03.1996) - stipulates that the independence of the Public Prosecutor's Office can be secured through the establishment of a Council of Public Prosecutors to enable prosecutors to be represented before and protected by other authorities.

• **Independence and Accountability of the Prosecution, Report from the European Network of Judicial and Prosecutorial Councils 2014-2016**, (*Independence and Accountability of the Prosecution ENCI Report 2014-2016*) - identifies several key indicators of public prosecution independence: objective and subjective independence. Objective independence can be external and internal. Indicators of external independence are the legal basis for independence, the organizational autonomy of public prosecutors, the financing of the public prosecutor's office, and the management of prosecutorial services. Further, in terms of a single public prosecutor, this external independence is manifested by the appointment of top positions, stability in the workplace, procedures established in the event of threats to individual prosecutors. Internal independence, on the other hand, concerns the organization of the prosecutorial hierarchical structure, a case-based decision,

general instructions for the investigation, the freedom to decide whether to press charges. Indicators of subjective independence of the public prosecutor's office and individual prosecutors according to the report are divided into the following categories: independence according to public perceptions, trust in the public prosecution, public perceptions of corruption in the prosecution, independence perceived by public prosecutors themselves. The report also divides the public prosecution's accountability indicators into the following categories: case distribution, complaints against prosecutors and the prosecution as a whole, periodic reports by the public prosecution, the prosecution's relations with the media, and the prosecution's external evaluation. The objective accountability of individual prosecutors, however, includes an applicable code of ethics, a process related to the removal or dismissal of a public prosecutor, whether public prosecutors are permitted to take outside action, and the reporting of these cases, and the degree of availability and comprehensibility of legal documents.

- **European Guidelines on Ethics and Conduct for Public Prosecutors, 2005** (European Guidelines on Ethics and Conduct for Public Prosecutors, The Budapest Guidelines, Conference of Prosecutors General of Europe on 31 May 2005) - stipulate that public prosecutors' basic duties are: obliged to perform their duties, including the duty to take action, always following relevant national and international law; to carry out their functions fairly, impartially, consistently and expeditiously with respect for and protection of human dignity and human rights; to take into account that they act on behalf of society and in the public interest, striving for a balance between the general interests of society and the interests and rights of the individual.

- **Recommendation CM / Rec (2012) 11 of the Committee of Ministers on the role of public prosecutors outside the criminal justice system** (Recommendation CM / Rec (2012) 11 of the Committee of Ministers to the role of public prosecutors outside the criminal justice system) - stipulates that for the role of public prosecutors outside the criminal justice system it is particularly important that public prosecutors' behavior is regulated by appropriate ethical codes or norms of professional conduct and indicates that the public prosecutor's office should adopt an approach to work that is transparent and open but with due respect of confidentiality duty.

- **Opinion No. 8 (2013) of the European Prosecutors' Consultative Council on the relationship between prosecutors and the media** (*Consultative Council of European Prosecutors, Opinion No.8(2013) on relations between prosecutors and the media, Yerevan, 8-9 October 2013*) contains the view that relations between prosecutors, the media and each party to a case can be understood as related to three basic sets of principles: principles that guarantee an appropriate balance between the need to ensure independent, impartial and transparent justice and the need to guarantee other fundamental rights; principles that protect the rights of individuals; and principles relating to legal procedures (e.g. equality of

arms and fair trial). Concerning freedom of expression and the press, it has been established that everyone, including participants in legal proceedings, has the right to freedom of expression. Prosecutors should respect professional secrecy, the duty of confidentiality and objectivity. When prosecutors appear in the media, they should pay attention to the risks that may arise for the prosecution's impartiality and integrity. Transparency in the performance of prosecutorial functions is a key component of the rule of law and one of the important safeguards for a fair trial and should allow the media to report on criminal and other legal proceedings. Applying the principle of transparency to the work of prosecutors is a way of securing public confidence, and the image of the prosecution service is an important element of public confidence. Information provided by prosecutors to the media should be clear, reliable and unambiguous. It states that prosecutors can provide information to the media at all stages of prosecution activities with due respect to legal provisions regarding the protection of personal data, privacy, dignity, the presumption of innocence, ethical rules of relations with other participants in proceedings, as well as legal provisions that prevent or limit the disclosure of certain information.

• **Opinion No. 9 (2014) of the Consultative Council of European Prosecutors: European Norms and Principles Concerning Public Prosecutors - Rome Charter** (Consultative Council of European Prosecutors, Opinion No.9 (2014), European norms and principles concerning prosecutors - Rome Charter, Strasbourg, 17 December 2014) - holds that in countries where public prosecutors are independent of the government, the country must take effective measures to ensure that the nature and scope of independence are law-based. The Chamber further notes that the European Court of Human Rights considered it necessary to emphasize that "in democratic societies, both judges and investigative bodies must remain free from political pressure". Prosecutors should be autonomous in their decision-making and, while cooperating with other institutions, they should perform their functions free of external pressure or interference by the executive authority of parliament, taking into account the principles of power-sharing and accountability. The court also invokes the question of the independence of public prosecutors in the context of general protection, such as the guarantees that ensure prosecutors' financial independence from their hierarchy and judicial control over prosecutorial acts. The Chamber considers that prosecutors' independence is not a prerogative or privilege that is in the interest of prosecutors, but a guarantee in the interests of fair, impartial and effective justice that protects the public and private interests of the persons concerned. Public prosecutors need to be independent not only of the executive and legislative branches but also of other actors and institutions, including those in the economy, finance, and the media. Prosecutors should also be independent in their cooperation with the police, the court, and other authorities. In countries where the law rules, where the structure of the public prosecution is hierarchical, the effectiveness of prosecution in terms of public prosecutors is strongly linked to transparent links of jurisdiction, accountability, and responsibility. It is important to develop adequate safeguards for non-interference with the activities of public prosecutors, which means ensuring that prosecutors' activities, especially during trials, are free from external pressures and unauthorized and unlawful internal pressures within the public prosecution itself. As regards the distribution and redistribution of cases, the requirements for

impartiality in the structure, responsibilities, and decision-making within the jurisdiction of public prosecutors should be taken into account. The Opinion states that a public prosecutor may be transferred to another job or region or transferred to another body only with his / her consent. Also, switching from one function to another without consent can only be possible if it is done under clear and transparent rules. It is legitimate for the executive authority to seek prosecution service for government policies contained in legislation, or decided by the executive authority, but that influence cannot be sustained by any individual prosecutor's decision. All such decisions must be independent of the public prosecutors. In carrying out their duties, prosecutors should respect the presumption of innocence, the right to a fair trial, equality of arms, the separation of powers, the independence of the courts, and the binding force of final judgments. They should focus on serving the community and should pay particular attention to the situation of vulnerable people, especially children and victims. In terms of training, they should be organized on an impartial basis and regularly and objectively evaluated for their effectiveness. Where appropriate, there may be joint training for judges, prosecutors and lawyers on matters of common interest which in turn contribute to improving the quality of justice, and the training itself should include both administrative staff and officials.

The Opinion also states that disciplinary proceedings and dismissals should be regulated by law, with transparent and objective criteria, following impartial procedures, excluding any discrimination and allowing for an impartial assessment of the decisions taken.

Transparency in the work of prosecutors is essential in a modern democracy. In this context, codes of professional ethics and conduct, based on international standards, should be adopted and published. At the same time, in the performance of their duties, prosecutors should respect the presumption of innocence, the right to a fair trial, equality of arms, the separation of powers, the independence of the courts and the binding force of final judicial decisions. They should pay particular attention to the situation of vulnerable people, especially children and victims. Prosecutors, as appropriate to the hierarchy, should report that they need to explain their actions or provide information to the public in a proactive manner, especially in cases requiring public attention and care; the information can be in the form of an annual report (general or for a particular aspect of the crime under their jurisdiction), explain the reasons for failure or error in the procedure or assessment or simply refer to some stage of the action.

• **Opinion No. 11 (2016) of the European Prosecutors' Advisory Council on the quality and efficiency of prosecutors including the fight against terrorism and serious and organized crime** (*Opinion No. 11(2016) of the CCPE: Quality and efficiency of prosecutors including when fighting terrorism and serious and organized crime 18 November 2016*) - states that the quality and efficiency of prosecutors' work depends not only on their talent and skills but also on the external factors that are largely beyond the control of prosecutors: legislative and court decisions, available resources and expectations of society. As a result, these factors deserve careful attention, especially from the perspective of their impact on the quality and efficiency of the prosecution's work. The availability of financial and other

resources has a direct impact on the quality and efficiency of prosecutors' work. In this context, the CCPE emphasizes, in particular, the need for adequate human and technical resources, adequate and consistent training, as well as the scope of social security packages provided to prosecutors commensurate with the importance of their mission. Therefore, in the opinion of prosecutors, prosecutors should have adequate human, financial and material resources to be able to review and investigate all relevant matters. The assistance of qualified personnel, adequate modern technical equipment, and other resources can relieve prosecutors of undue burden and therefore improve the quality of their work. Finally, in terms of monitoring and evaluating the work of public prosecutors, the opinion suggests that qualitative indicators should also be taken into account, such as proper and thorough investigation (when this is within the competence of the prosecutor), proper use of evidence, accurate construction of the indictment, professional conduct in court, etc. to complement the quantitative indicators. The request for speedy prosecution should take into account the safeguards provided for in Article 6 of the ECHR.

Therefore, as a real and ultimate goal, legal systems should provide a system of evaluation capable of assessing the quantitative and qualitative performance indicators of prosecutors that respects the fundamental principles of justice, following the ECHR and other international instruments.

• **Opinion No. 13 (2018) of the Consultative Council of European Prosecutors: Independence, Accountability, and Ethics of Prosecutors** (Consultative Council of European Prosecutors, Opinion No. 13 (2018), Independence, Accountability, and Ethics of Prosecutors, Strasbourg, 23 November 2018) - emphasizes the quality of ethical and professional standards that apply to prosecutors. According to the Opinion, respect for the rule of law requires the highest ethical and professional standards in prosecutors' behavior, both for judges and in the workplace and out of office, which ensures the confidentiality of social injustice. Prosecutors act on behalf of the people and in the public interest. Therefore, they must always maintain personal integrity and act under the law, fairly, impartially and objectively, respecting the fundamental rights and freedoms, including the presumption of innocence, the right to a fair trial and the principles of equality of arms, separation of powers and binding force of judicial decisions. They must be free from political or other influence. In particular, the opinion states: prosecutors should only be guided by the will to ensure compliance with the law and should always provide a clear, reasoned and transparent legal basis for their decisions; when overseeing investigations and/or police activities, prosecutors should strive to ensure those investigations are conducted independently and following the law and play an active role in protecting defense rights and ensuring equality of arms. In such cases, they shall ensure that all restrictions on individual liberties and privacy are necessary, appropriate and proportionate to the legitimate aim pursued, in particular in terrorism or other public security cases; prosecutors should try to ensure that all necessary and reasonable investigations are made before a prosecution decision can be made and act only when the case is based on evidence found to be credible and admissible. The prosecution should be firm, but fair and conducted, not above what is

stated in the evidence; prosecutors should not use evidence obtained with serious human rights abuses, ensure that such evidence is not accepted by the courts and that appropriate sanctions are taken against those responsible; training in ethics should be included in both initial and continuing education.

The Opinion states that being a responsible prosecutor implies behavior that is not arbitrarily acted upon; decisions are based on law; to argue discretionary decisions; to submit appropriate reports. Prosecutors' responsibility must not jeopardize their independence. Disciplinary proceedings against a public prosecutor must be based on law and instituted in the case of serious breaches of duty (negligence, breach of secrecy, anti-corruption rules, etc.), there must be prescribed grounds for liability, proceedings must be transparent, guarantee pre-determined criteria and be brought before a body that is independent of the executive, and the prosecutor concerned should be heard and allowed to defend himself with the assistance of advisers, to be protected from any political influence and be able to exercise the right to appeal to court; any disciplinary punishment must be necessary, appropriate and proportionate to the disciplinary offense. Concerning the ethics of prosecutors, this opinion states that "ethics" implies guidelines for establishing standards of conduct and practices, and compliance with ethical rules is a fundamental duty that should guide prosecutors' activities.

• **European Standards on the Independence of the Judiciary: Part II - Prosecution Service**

(European standards as regards the independence of the judicial system: Part II – The prosecution service, Venice Commission, Venice, 17-18 December 2010) - indicate that specific accountability instruments should be in place, and the submission of public reports by the Attorney General may be one of those instruments. Concerning discipline, it is stated that the discipline system is closely linked to the issue of the hierarchical organization of the public prosecution and disciplinary measures are usually initiated by the supervisor of the person concerned. During the procedure, the prosecutor should be heard. The decision on disciplinary liability should be appealed.

• **International Association of Prosecutors, Declaration of Minimum Standards on the Safety and Protection of Public Prosecutors and their Families, March 1, 2008 година**

(International Association of Prosecutors, Declaration on Minimum Standards Concerning the Security and Protection of Public Prosecutors and their Families, 1 March 2008) - the preamble to this Declaration states that public prosecutors play an essential role in maintaining the proper functioning of criminal justice and rule of law systems and may be at risk of endangering their lives, persons, or security intended to interfere with and undermine the rule of law. Keep this in mind, the public safety responsibility of prosecutors and their families is shared between the individual prosecutor, the prosecution authority and the relevant state authorities, given that states must take all necessary measures to protect public prosecutors and their families from threats to their safety, encourages public prosecutors and law enforcement authorities to seek implementation of the measures

provided for in this section. The normative part of the Declaration specifies the more detailed measures to be taken in this area.

- **European Network of Judicial Councils-ENCJ-Report 2014-2016 on Prosecution Independence and Accountability** (*European Network of Councils of the Judiciary ENCJ Report 2014-2016*) - in this report, which focuses more on judicial and prosecutorial councils, concerning employment, prosecutors must meet equivalent conditions for professional skills and training as judges. The quality of prosecution service personnel should provide professional prosecution, capable of assessing evidence following the law and protecting the rights of the defense and the rights of the victim and enforcing the rule of law. Budgets should match the prosecution's workload and cover actual costs. The statutory system offers more safeguards than usual. Budgets must be transparent and respond to the needs of prosecutors' offices. Prosecutors should be enabled to assess their needs, negotiate their budgets, and decide how to use allocations transparently to achieve the goals of prompt and quality justice. Procedures for evaluating the professional performance of prosecutors should be in the hands of a body or bodies independent of the government that directly involve a relevant number of members of the judiciary. Prosecutors' careers, professional evaluation, their progress, and their mobility are governed by transparent and objective criteria, such as competence and experience as well as based on objective criteria.

Reports of domestic and international authorities and organizations

- **2018 Annual Report of the Council of Public Prosecutors**

The Council of Public Prosecutors through the reception and handling of complaints filed against them due to dissatisfaction with the actions and decisions of public prosecutors, allegedly not acting or inappropriately acting upon criminal charges and not receiving reports from them for a long period, and are particularly dissatisfied with adopted decisions to reject criminal charges that are largely appealed to the Higher Public Prosecutor's Offices. In a small number of cases, complaints also apply to the statute of limitations on criminal prosecution. In some cases, misconduct has been reported by the Basic Public Prosecutor's Offices following the instructions of the Higher Public Prosecutor's Offices. The defendants as complainants are dissatisfied with the criminal proceedings against them, finding the charges against them to be biased and the result of unprofessional conduct by the public prosecutors. The defendants suggest withdrawing the charges, specifying them, or modifying the legal qualification of the crime, and so on. The complaints of the injured and the defendants also include requests for exclusion of public prosecutors, establishing disciplinary liability and dismissal. According to the report during the verification of the allegations in the petitions, omissions in the actions of the public prosecutors were found to

be of a formal nature, in small part omissions of an essential nature. Therefore, the higher public prosecution offices were instructed not to repeat such violations in the future, but it was concluded that they were not affected by the legality of the decisions taken.

- **Annual Report on the Work of the Public Prosecutor's Offices of the Republic of North Macedonia for 2018**

According to the annual report of the work of the Public Prosecutor's Offices, the quality of the work of the Public Prosecutor's Office is also reflected in the public prosecutor's decisions, where out of 8,688 indictments the convictions were rendered by the courts in a total of 7,978 or 90% of the cases, which do not include the 137 agreements concluded in the investigative procedure, summary procedure, and settlement upon indictment.

The quality of this annual report is also reflected among others in the pre-trial procedure by using other institutes under the law where quality evidence is collected during the pre-trial procedure, which enables the making of meritorious public prosecutorial decisions and the investigative procedure is used in complex and complex ways. items. The evidence obtained is used for concluding agreements or for filing charges.

- **European Commission report on North Macedonia for 2019 (SWD (2019) 218, 29.05.2019)**

The European Commission's progress report on the Republic of North Macedonia for 2019 notes that the Assembly has elected two lawyers as new members of the Council of Public Prosecutors, and planned changes to the Law on the Council of Public Prosecutors have yet to be adopted. The council still lacks sufficient human and financial resources and has no special budget, which calls into question its independence from the State Public Prosecutor's Office. The Council has not increased its transparency by making appointments that have not yet been reasoned and should exercise its role proactively.

The report found that the Council of Public Prosecutors appointed 25 prosecutors at various levels and allowed 21 prosecutors to carry out their tasks beyond the retirement age to address the shortage of staff. The Report states that CPPRNM needs to improve the transparency of their work and ensure respect for meritocracy in appointments and promotions. The Commission notes that "consistent implementation of the new legal framework is essential for the coming period". An electronic system for the distribution of court cases has been set up in the Public Prosecutor's Office, but it must become more efficient.

According to the report, in terms of quality, there is a certain level of preparation in the fight against organized crime. But efforts are needed to implement strategies against organized crime and to actively measure their impact. Some progress has been made in fulfilling last year's recommendations by further improving performance, enhancing law enforcement co-operation and significantly improving operational capacity to combat

trafficking. Further progress has been made at the operational level by improving the effectiveness of the National Coordination Centre for Combating Organized Crime and participating in joint operations with the EU Member States and neighboring countries. However, more needs to be done to assess the threats and prioritize the fight against money laundering and financial crimes. Coordination remains crucial for all stakeholders involved in the fight against organized crime. In the coming year, the country should particularly: based on improved threat assessment capacity, further strengthen the number of investigations, prosecutions and convictions for organized crime and money laundering and show the ability to effectively dismantle organized criminal networks.

According to the Report, Adoption of the 2018-2020 Strategy to Strengthen the Capacity to Conduct Financial Investigation and Confiscation of Property together with an Action Plan in February 2018 is a positive step towards introducing a systematic fundraising approach. It complements the National Strategy 2017-2019 to combat money laundering and financing of terrorism and the National Strategy for Medicines 2014-2020. It is necessary to establish separate organizational units for conducting financial investigations in the Public Prosecutor's Office, the Ministry of Internal Affairs, the Financial Police Directorate and the Customs Administration. Its implementation is ongoing. Four investigative centers are also set up in the public prosecutor's office. Organized crime and corruption should be prioritized over the prosecution's human resources. The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption does not have enough public prosecutors (only 10 of the 15 posts envisaged are filled). Interoperability has been established between the police, the public prosecution and other law enforcement bodies and its implementation should be monitored. Implementation of merit-based employment policy and a career system as required by law requires constant oversight.

Law enforcement and prosecution authorities need to further build operational capacity, including for the systematic conduct of financial investigations. Despite some progress, there is still a need to further improve coordination, operational capacity, and systemic data exchange.

• **Report of the Venice Commission CDL-AD (2010) 040 of 03 January 2011 on the Independence and Accountability of Prosecutors** (*Venice Commission CDL-AD(2010)040, Independence and accountability of prosecutors*) - the report notes the quality that because the prosecutor acts on behalf of society as a whole and because of the serious consequences of a criminal conviction, he must act to a higher standard than a litigant in civil matters, fairly and impartially. Even in systems that do not regard the prosecutor as part of the judiciary, the prosecutor is expected to act judicially. It further states that it is not for the prosecutor to secure a conviction at any cost. The prosecutor must make all the credible evidence available to the court and cannot choose what is appropriate. The prosecutor must disclose all relevant evidence to the defendant, not just evidence favoring the prosecution's case. When evidence that tends to favor the defendant cannot be disclosed (for example, because it may endanger the safety of another person) it may be the duty of the prosecutor to terminate the prosecution. Because of the serious consequences

for the individual of the criminal trial, even the one that results in an acquittal, the prosecutor must act fairly in deciding whether to prosecute and on what charges. The prosecutor may be subject to certain restrictions to protect his or her impartiality and integrity. These duties indicate the need to hire appropriate persons with high status and good character as prosecutors. The qualities required by the prosecutor are similar to those of a judge and require appropriate procedures for appointment and promotion.