STANDARDIZATION OF MACEDONIAN'S JUDICIAL PRACTICE WITH THE ECTHR JURISPRUDENCE

Elena ANDREEVSKA*

Abstract

The role of the Strasbourg Court acquires controlling dimension in the application of human rights. Measures taken at national level, should provide effective domestic remedies, to strengthen the national legal order and to bring it closer to compliance with the European Convention on Human Rights (ECHR) and the legal practice of the Court. Macedonia amended the Law on Courts in 2008, and accepted a very significant solution, thus enabling direct application of the ECHR case-law by the Supreme Court of the Republic of Macedonia, when deciding on trials within a reasonable time. However, should be keep in mind that the Committee of the Ministers, in 2004 already, noted that Convention is integral part of the national law in totality of the States Parties. The consequences of this integration are of primary importance in the context of Macedonian's judicial practice. Thus, a fundamental question which arises today consists in knowing if the national judge can really apply not only Convention but also the decisions of the Court, if necessary with the detriment of the contrary national law. In this respect, I took note with the country experiences where the decisions of the Court are applied directly by national authorities, the Macedonian legal system and in this context the needs of judicial reforms.

Keywords: *ECHR, ECtHR, Macedonia's legal system and the judiciary, Macedonian's judicial practice, subsidiarity.*

Introduction

The ECHR was drafted within the Council of Europe, a political organization founded in the aftermath of the Second World War in order to defend democracy, the rule of law, and human rights in Europe. The Convention is now more than 50 years old.[1] Since 1998, the European Court of Human Rights (ECtHR) has had exclusive jurisdiction to receive individual applications. The recognition of the right to individual application before the Court is compulsory for all Member States and the judgments of the ECtHR are binding.[2] In international human rights law, the European system is considered to be a model of effectiveness.[3] Its success is manifested in many ways, both in the effect it has had on domestic law[4] and in the increasing number of applications being lodged before the ECtHR that has over the years generated a rich and extensive human

* Professor, Ph.D., SEE-University, Tetovo, Republic of Macedonia (e-mail:e.andreevska@seeu.edu.mk).

[1] It opened for signature in Rome on 4 November 1950 and entered into force in September 1953.

[2] On the reform of the system by the 11th Protocol see, Drzemczewski A, The European Human Rights Convention: Protocol No. 11—Entry Into Force and First Year of Application' 21Human Rights Law Journal (2000) 1.

[3] See Ryssdall R, The Coming of Age of the European Convention of Human Rights' 18 European Human Rights Law Review (1996) 18.

[4] See Bernhard R, The convention and domestic law in Macdonald R, Matscher F, and Petzold H (eds) The European System for the Protection of Human Rights (1993) 25.

rights case law, unique in international law. Rolv Ryssdall, one of the Court's former presidents, described the ECtHR as 'a quasi-constitutional court for the whole of Europe'.[5]

In the last 10 years, however, the effectiveness of the European system has been under threat from two directions. First, the Court became a 'victim of its own success',[6] having difficulty managing the ever-increasing caseload.[7]This is partly to do with the increased awareness of the right to individual application within Contracting States and partly with the enlargement to Eastern Europe, following the collapse of the Eastern bloc.[8] Secondly, the enlargement to Eastern Europe raised questions about the human rights records of the new Member States and the Court's prospects of applying the same human rights standards to cases coming from the new members as those developed for the older western European ones.[9]

These developments only added to problems that the ECtHR was already facing in interpreting the ECHR. By looking at the relevant literature and the case law, one finds a series of important jurisprudential issues that have been raised in relation to the interpretation of the ECHR. One way or another, these issues point to the relationship between the two foundational principles of a supranational human rights system: state sovereignty on one hand and the universality of human rights on the other.

The problem of the length of judicial proceedings has become more and more important because for decades it has continued to be on the regular increase and has expanded geographically in Europe.[10] Upon close glance, the European situation can tentatively be characterized by distinguishing two groups of states affected in substantially different ways by the "malaise" of protracted proceedings.

A first group of states have shown apparent symptoms of a more serious stage of development of this "malaise" – a structural stage.[11] It affects widely and profoundly the whole organizational and functional system of judiciary bringing about multidimensional and persistently paralyzing effects and consequently a large-scale denial of fair trial. Such a situation has

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[5] Ryssdall R, The Coming of Age of the European Convention of Human Rights' 22.

[6] See Dembour MB, '"Finishing Off " Cases: ' Radical Solution to the Problem of the Expanding ECtHR Caseload' 5 *European Human Rights Law Review* (2002) 604.

[7] To solve the problem of the caseload, the system is currently under reform by Protocol 14, which opened for ratification in May 2004. One of the most controversial provisions in Protocol 14 is the introduction of a new admissibility criterion. According to the amended art 35 ECHR an application will be inadmissible 'if the applicant has not suffered a significant disadvantage'.

[8] Membership doubled within 14 years, from 23 in 1990, to 46 in 2004. These are: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova , Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the former Yugoslav Republic of Macedonia.

[9] See Leuprecht P, 'Innovations in the European System of Human Rights Protection: Is Enlargement Compatible with Reinforcement?' 8 *Transnational Law and Contemporary Problems* (1998) 313.

[10] The submission that excessive length of judicial proceedings is an all-European issue was made by O. Jacot-Guillarmod, "Rights Related to Good Administration of Justice (Article 6)", in R. St-J. Macdonald *et al.* (eds.), *The European System for the Protection of Human Rights*, Dordrecht-Boston-London: Martinus Nijhoff Publishers, 1993, pp. 394-395.

[11] The notion of "structural" phenomenon stems from the concept of "structural violence" submitted by Johan Galtung, who points to the profound and comprehensive nature of political, socioeconomic and cultural obstacles to the enjoyment of human rights. Another definition of structural violation was proposed by P. Jambrek, "Individual complaints v. structural violence: reactive and proactive role of the Strasbourg court of law", *In our hands. The effectiveness of human rights protection 50 years after the Universal Declaration.*
Proceedings, European regional colloquy (Strasbourg, 2-4 September 1998), Strasbourg: Council of Europe Publishing, 1998, pp. 75-81.

traditionally been discernible in Macedonia (albeit predominantly in civil cases).[12] A second group is made up of established and well-functioning democracies traditionally renowned for their efficient administrations of justice.[13]

From yet another perspective it is often submitted that most of the cases involving breaches of the "reasonable time" guarantee come from civil law jurisdictions and involve much longer periods of time than would normally be found in common law courts.[14] Such a "record-breaking" length of proceedings might actually be perceived in many other countries as a reflection of very high performance of the administration of justice.[15]

One may cautiously submit about the whole of Europe that excessively long judicial proceedings have been caused above all as a side-effect of gradual strengthening of the judiciary as the "third power". It has appeared to be a natural, though delayed, reaction against gradually increasing strength of the "second power". This process has thus been generated by the increased importance of the rule of law leading to increased calls for controls of the legality of government action by the courts as well as the development of complex economies and technological innovations calling for more conflict resolution by the state, including through the courts.[16]

The second category of powers demonstrates extensions of judicial guarantees to pre-judicial stages (e.g. determinations on pre-trial detention, their further extensions, appeal to courts against certain decisions of prosecutors in the course of the investigative stage of proceedings).

The third category of powers shows the extension of judicial guarantees to post-judicial phases, such as questions falling within the enforcement, executive and penitentiary proceedings, as reflected in the activities of bailiffs and penitentiary courts.

In brief, it may be submitted that we have to do with a fairly diversified range of causes of the lengthy judicial proceedings. Before addressing them they must first be precisely identified. Otherwise the recommended countermeasures may prove to be futile and ineffective.[17]

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[12] But it has recently made substantial progress in Austria, France, Croatia, Czech Republic, Greece, Hungary, Poland, Portugal, Slovakia, Ukraine, Russia and others.

[13] Nordic countries, Germany, the Netherlands, Ireland or the United Kingdom. Although some increase of length-of-proceedings cases has been recorded in these countries, on the whole however they still show the ability to counteract symptoms of unreasonable length of proceedings before their courts.

[14] See D.J. Harris, M. O'Boyle and C. Warbrick, *Law of the European Convention on Human Rights*, London, Dublin, Edinburgh: Butterworths, 1995, p. 229. Also, as established by the European Court of Human Rights, the very trial took place "between 28 June 1994 and 13 December 1996. It lasted for 313 court days, of which forty were taken up with legal argument, and was the longest trial (either civil or criminal) in English legal history". See *Final Decision as to the Admissibility of Application No. 68416/01, 6 April 2004*, pp. 8-9, and the judgment: Case of *Steel and Morris v. the United Kingdom,* judgment, 15 February 2005, para. 19. The complex character of this record-breaking trial is also reflected in the following facts: transcripts of the trial ran to about 20 000 pages, there were about 40 000 pages of documentary evidence, and in addition 130 witnesses gave oral evidence.

[15] Among the protracted proceedings the most "famous" is the Greek case of "olive grove", which within temporal jurisdiction of the European Court lasted "only" 9 years, although in the domestic proceedings it was instituted in 1933 – see the case of *Yagtzilar and others v. Greece,* judgment, 6 December 2001, paras. 27 and 31. Other well-known lengthy cases took, before reaching Strasbourg, 28 years – case of *Brigandi v. Italy* (19 February 1991); 18 years – case of *Tusa v. Italy* (27 February 1992) or 19 years – case of *Poiss v. Austria* (23 April 1987).

[16] The development of human rights protection largely through judicial guarantees contributed in itself to the increase of cases submitted to the courts, and consequently to longer duration of their judicial determinations.

[17] Macedonia made significant changes especially in the procedural legislation through creation of legal prerequisites for shortening of the court procedures. The implementation of the new Law on Misdemeanors, which provides basis for exemption of given type of typically administrative petty offences from court jurisdiction, should be important into the process of reducing of the number of cases.

1. The Legal System of the Republic of Macedonia: The Judiciary

Since the Macedonia implemented the European Convention of Human Rights,[18] judges and Scholars had to face the problem of the relationship between the rules of the Convention and those of the national sources of law. In particular, the core question is where to place the European Convention among the Macedonian sources of law.

In analogy with all other European Council member States, Macedonia was entitled to choose among four options: first, to either be bounded by the European Convention at the international level only, or, second, to recognize a constitutional significance to the Convention's rules, or, third, to regard them at an intermediate level between the Constitution and ... In accordance with Macedonian Constitution all ratified international legally binding instrument are at an intermediate level. Concerning the ECHR my opinion is that Macedonia should acknowledge a new position for the rules of the Convention and, at the same time, paved the way for a forthcoming constitutionalization of the Convention as a Constitutional charter of fundamental rights.

The Macedonian's Parliament has many competencies, of which most importantly: adoption and changing of the Constitution; adoption and interpretation of the laws; establishing taxes and other public expenditures; adoption of the budget of the Republic and its final account; ratification of international agreements.[19]

According to the Macedonian's Constitution,[20] the judiciary power is exercised by the courts, which are autonomous and independent.[21] The court system has a single organization, with no specialized courts. Emergency courts are prohibited. There are 27 Courts of First Instance, and three Courts of Appeal. The highest court is the Supreme Court of Macedonia. Courts must perform their adjudication function on the basis of the Constitution, the laws and international agreements ratified in accordance with the Constitution. A judge serves without restriction of his/ her term of office and he/she may be removed from office only in cases laid down in the Constitution. Judges enjoy immunity. The performance of the office of a judge is incompatible with other public office, profession or membership in a political party. Political organization and activity in the judiciary is prohibited. The court hearings and passing of verdicts are public, although the public may be excluded in cases determined by law. The courts try cases in chambers and only in cases determined by law. A single judge can try a case. Juries take part in trials in cases as determined by law. Special and independent role in the judiciary is given to the Judicial Council of the Republic, and the Office of the Public Prosecutor.

The Judicial Council of the Republic proposes to the Assembly the election and removal from office of judges in cases laid down by the Constitution, decides on the disciplinary accountability of judges, assesses the competence and ethics of judges in the performance of their

[18] Macedonia ratified the ECHR on 16 April, 1997. I want to emphasize the fact that, 13 years after the ratification of the European Human Rights Convention, which became a part of the national legislation, its implementation in Macedonia is far from satisfactory".

[19] The Parliament, until May 2006, has adopted most of the planned legislation and has realized the envisaged activities. With the adoption of the Law on Courts, the Law on the Judicial Council and the Law on the Academy for Training of Judges and Public Prosecutors has completed the legal framework in the area of the election of judges. The first elections for members of the Judicial Council were held, on which eight judges were elected to be members of this Body.

[20] The Constitution of the Republic of Macedonia with the Amendments has been adopted by the Parliament of the Republic of Macedonia in November 2001

[21] There are concerns about the independence and impartiality of the judiciary: no further progress was made in ensuring that existing legal provisions were implemented in practice. In this context it is important that graduates from the Academy for Training of Judges and Prosecutors be given priority in new recruitments. See EU Doc. *COM(2010)660.*

office, and proposes two judges in the Constitutional Court of Macedonia. The Judicial Council is composed of seven members that are elected by the Parliament from the ranks of outstanding members of the legal profession for a term of six years with the right to only one reelection.

According to the 14th constitutional amendment of 2001, three members of the Judicial Council are elected with an absolute majority of MPs, including an absolute majority of MPs who belong to the communities that are not a majority in the country. Members of the Judicial Council may not hold other public offices or professions and may not be members of a political party.

The Office of the Public Prosecutor is an autonomous state organ with single organization charged with the function of persecution of persons who have committed criminal and other offences as determined by law and with performing other duties as determined by law.[22]

The Constitutional Court of Macedonia is not part of the regular court system of the Republic, but a special organ of the Republic, which is established for the protection of the legal principles of constitutionality and legality. The Constitutional Court competencies include: decisions on the conformity of laws with the Constitution and on the conformity of other regulations and collective agreements with the Constitution and laws; protection of the freedoms and rights of the individual and citizen relating to the freedom of personal conviction, conscience, thought, and public expression of thought, political association and activity, and prohibition of discrimination of citizens on the basis of sex, race, religion, national, social, or political affiliation; decisions on conflicts of competencies between holders of offices in the legislative, executive and judicial branch of state power; decisions on conflicts of competency between the organs of the central government and organs of the units of self-government; decisions on the accountability of the President; decisions on the constitutionality of the programs and statutes of political parties and associations of citizens; and, decisions on other issues as determined by the Constitution. The Court has the power to repeal or invalidate a law if it determines that the law does not conform to the Constitution, as well as power to repeal or invalidate other regulations, collective agreements, statutes, or the program of a political party or association, if it determines that they do not conform to the Constitution or the laws. The decisions of the Court are final and executive. The Court is composed of nine judges, who are elected by the Parliament for a nine year term, without a right to reelection, and enjoy immunity during their term in office. [23]

2. Justice System Reforms

The process of transition of the Republic of Macedonia towards an economically developed, modern, democratic and legal state and civil society encountered certain weaknesses, hence, the need to intensify the reforms in all of the segments of societal life.

The weakness identified in the judicial system in the Republic of Macedonia, along with the directions of the future reforms and the specific actions are based upon numerous national and international analyses of the sector, comparative experience from countries with stable political systems, and, above all, on international standards stemming from relevant international documents.

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[22] The duties of the Office must be performed in accordance with the Constitution and the laws of the Republic. The Assembly appoints the Public Prosecutor for a term of six years and during his/her term he/she enjoys immunity. The office of Public Prosecutor is incompatible with the performance of any other public office, profession or membership in a political party.

[23] In accordance with the 15th constitutional amendment of 2001, three of the judges are elected with an absolute majority of MPs, including an absolute majority of the MPs who belong to the communities that are not a majority in the country. The judges in the Court must come from the ranks of outstanding members of the legal profession. They may not hold other public office, profession, or membership in a political party and may not be called for military service.

The analyses on the functioning of the judiciary in the Republic of Macedonia up to date identify a significant number of weaknesses, which address judicial independence, judicial efficiency and judicial accountability that reflects on:

- slow procedures and inaccessibility of justice;
- difficult and prolonged enforcement of final decisions in the civil cases ;
- overburdened judicial institutions with minor cases;
- unorganized case management;
- obsolete IT equipment and insufficient use of IT;
- insufficient coordination between the Supreme Court, State Judicial Council and the Ministry of Justice;
- insufficiently skilled human resources, in professional and ethical terms.

The problems with the judicial independence seems to be connected with :

- the actual Constitutional and legal solutions for selection of judges and appointment of Public Prosecutors enable political influences;
- absence of detailed criteria for financing courts and the Public Prosecution;
- poor economic situation of the judges and court's employees;

The problem with the judicial accountability seems to be connected with :

- the lack of continuous education system of judges, public prosecutors and other staff of the judiciary and the Public Prosecution;
- instances of unprofessional and unconscientiously behaviour and corruption;
- underdeveloped public relations.

Despite the acceptance of contemporary conceptual paradigms of fundamental human rights and freedoms and of the rule of law, the judiciary in the Republic of Macedonia is in a permanent state of crisis, which is reflected in the lengthy and inefficient court procedures, generating a general lack of trust in the judiciary, ultimately resulting in an obvious erosion of values of the legal order overall.[24]

In the second area, alleviating the caseload by liberating the courts from misdemeanor cases has produced only seemingly increased court efficiency. Regretfully, it has been exactly the misdemeanor system reform that has brought about additional chaos and legal uncertainty and it is especially concerning that large part of the proceedings before the state bodies do not satisfy the basic standards for fair procedure envisaged under Article 6 of the ECHR, while these procedures ultimately end with high fines. Thus far efforts to increase the efficiency of courts have not brought results. [25]

[24] Strategy aimed at enhancing the independence of the judiciary and at increasing the efficiency of courts has not yielded genuine results, in any of these two areas. Hence, one can witness concerns that many have articulated about the possibility that instead of a guarantor of the independence of the judiciary, the Judicial Council becomes the opposite - a body exposed to strong political pressures, a non-transparent body used as a tool of the executive power. It is exactly the Judicial Council and the Council of Public Prosecutors that have become in the practice an instrument for and a catalyst of the domination of politics over the judiciary, as confirmed by the use of party-based assessments and criteria for election of judges, or by the covert or open pressures on the judiciary in order that it adopts politically convenient decisions, all exasperated by the creation of a long lasting climate of uncertainty and threats among the ranks of judges.

[25] It is especially concerning that the country lacks a comprehensive strategy that would cover the overall system (the judiciary and the police). Not only that the deadlines under the Justice System Reform Strategy and the

There is no doubt that the independence of the judiciary is formally guaranteed by the legal framework. Recent judiciary reforms have aimed at reducing instances of political influence on judges and of political appointments. Ever since the reforms were initiated in 2005, the independence and efficiency of the judiciary have been gradually strengthened. However, politicians from the governing coalition have not refrained from influencing judges and ongoing court proceedings.[26] In 2008, the Judicial Council assumed full responsibility for recruiting judges and presidents of the courts and appointed 115 judges, including 12 presidents of courts, as well as the president of the Supreme Court. The problem with the inefficiency of the judiciary remained in 2010. Although the basic courts managed to reduce the very big backlog of enforcement and misdemeanor cases as well as administrative cases dealt with by the new Administrative Court, there are hundreds of thousands of unresolved cases.[27] The courts are overburdened with administrative work and are also expected to deal with a high number of misdemeanor trials.[28]

Conclusions

One of the most important and up-to-date matters that involve lawyers is to understand at which level the ECHR should be placed among the Macedonian sources of law. The matter intersects several fields, including International law, European law, Constitutional law, Criminal and Criminal Procedure law. Macedonia should acknowledge a new position for the rules of the Convention and, at the same time, paved the way for a constitutionalization of the Convention as a Constitutional charter of fundamental rights.

Once this matter will be solved, the research will focus on other topics in the field of criminal procedure which are related especially on the effects of ECtHR decisions which sentenced Macedonia because of the unlawfulness of a trial. The core question is: if a trial whose decision is final didn't respect an article of the Convention, how and through which legal instruments should that trial be renewed?

In this context, should be keep in mind that the CE's Committee of the Ministers, in 2004[29] already, noted that Convention is integral part of the national law in totality of States Parties. The consequences of this integration are of primary importance for Macedonia. Thus, a fundamental question which arises today consists in knowing if the Macedonian's judge can really apply not only Convention but also the decisions of the Court, which unfortunately doesn't corresponded with Macedonian's jurisprudence.

Strengthening of the principle of subsidiarity is an essential element of the "Interlaken process".[30] The Declaration of Interlaken emphasized that, reiterating "the obligation of the States to ensure primary protection of the rights and freedoms guaranteed by Convention" at the national

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accompanying Action Plan have long expired, but also the Police Reform Strategy (also with expired deadlines) has been designed and implemented independently from the justice system reform strategy.

[26] To a certain extent, these practices were noted by the EU Commission, which stated in its 2008, 2009 and 2010 Progress Report on Macedonia that "the Minister of Justice has made a number of public statements concerning the decisions of appointment of judges which could be perceived as an attempt to unduly influence the Judicial Council."

[27] See also Improving access to Justice, Helsinki Committee for Human Rights of RM, December 2009.

[28] While the number of judges and prosecutors has increased (632 and 187, respectively, compared to 597 and 186 in 2007), the number of employees in the judicial administration has dropped by 6%. Some lower courts still lack basic IT equipment, as do most of the public prosecutor's offices.

[29] 22 Mar 2011 **...** Committee of Ministers publishes decisions on the execution of judgments**.....** of the European Court of Human Rights of 8 July 2004.

[30] High Level Conference on the Future of the European Court of Human Rights Interlaken Declaration 19. February 2010.

level, while calling with a reinforcement of the principle of subsidiarity. By ratifying the Declaration and the Action plan adopted in Interlaken, the Committee of the Ministers raised the responsibility shared for the States Parties, the Court and the Committee of the Ministers in the implementation of the process thus launched.

On the national level, even if the international immediacy concerns the Government, the principle of subsidiarity implies a collective responsibility: all the national authorities are jointly and collectively persons responsible vis-a-vis the obligations undertaken by the State Parties of the Convention. That implies that as well at the regional or local level as well at the national level, the legislative powers must adopt laws in conformity with Convention and the executive powers must apply these laws in a way in conformity with Convention.

Another important pillar of subsidiarity - is the university education and the professional training. This formation is essential and it must touch all the people who, in one way or another, are brought to implement the ECHR.[31]

I come to the role of the Macedonian Parliament, which have to become a key element of the implementation of the principle of subsidiarity. The Parliament has to invest itself more in the thoughtful examination of the compatibility of the laws and the practices with the Convention, which can have a particularly positive preventive effect. In addition, the contribution of the Parliaments proves to be determining during the execution of many judgments, in particular the recent pilot judgments.

The setting up of effective remedy system is a complex and continuous process which implies at the same time the executive powers, legislature and judiciary. The introduction of a new internal remedy often requires negotiation and co-operation between various actors.[32]

The interpretative authority of the judgments delivered against other States has also an obvious relevance in the process of a complete and effective execution of a judgment of the Court: if the judgment indicates in general terms, the measure to be taken in the action plan to execute the judgment, it is often necessary to be based on general jurisprudence to refine this measurement concretely so that it is really effective and compatible with the requirements rising from Convention.

Finally, the Declaration of Interlaken recognizes it - and to my knowledge for the first time in such an explicit way in such a document -, the respect of the principle of subsidiarity relates to also the Court. For the Court, the principle of subsidiarity must be considered under two shutters. The first relates to the procedural subsidiarity, which wants that the Court shows a legal reserve ("judicial coilrestraint") in its examination of the rule of the exhaustion of internal grounds for appeal. The other shutter touches the material subsidiarity, which implies on the one hand that the Court should never set up in fourth authority it is indeed nor a revision or cassation, appelate jurisdiction - like, on the other hand, in the margin of appreciation which it is advisable to leave in the States. However, it is important to recall that this margin of appreciation is never unlimited. The task to decide *définivement* if there were or not violation of Convention always falls on the Court, guardian supreme of Convention. It is with it to bring corrective measures to sometimes

[31] See Recommendation (2004) 4. This recommendation refers to three complementary types of action, namely: the incorporation of appropriate education and training on the Convention and the case-law of the Court, notably in the framework of university law and political science studies, as well as professional training of legal and law enforcement professions; guaranteeing the effectiveness of the education and training, which implies in particular a proper training for teachers and trainers; and the encouragement of initiatives for the promotion of knowledge and/or awareness of the Convention system.

[32] The setting up of effective remedy system is a complex and continuous process which implies at the same time the executive powers, legislature and judiciary. The introduction of a new internal remedy often requires negotiation and co-operation between various actors.

erroneous interpretations of the national authorities, and which is charged to ensure an interpretation in conformity of Convention through all the European continent.[33]

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[33] See Republic of Macedonia, Ministry of Justice Council of Europe Macedonian Chairmanship 2010.