ANNUAL REPORT

THE WORK OF THE ADMINISTRATIVE COURT IN DECIDING CASES RELATING TO SOCIAL RIGHTS

January – December 2025



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Institute for Human Rights

ANNUAL REPORT ON THE WORK OF THE ADMINISTRATIVE COURT IN DECIDING CASES RELATING TO SOCIAL RIGHTS

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INTRODUCTION

During 2025, the Institute of Human Rights continued the systematic and continuous monitoring of the work of the Administrative Court of the Republic of North Macedonia, with a particular focus on the adjudication of cases related to the exercise and protection of social rights (registered in the court docket under the designation "U-4"). The Annual Report is based on data obtained through direct observation of public hearings, analysis of publicly available court decisions, and research into the relevant legal and institutional framework.

The primary purpose of this Annual Report is to summarise the key findings, observations, and recommendations arising from the monitoring of public hearings and judicial proceedings related to social rights. The analysis is grounded in the fundamental principles of judicial practice, namely efficiency, transparency, accountability, and the обеспечения of active participation of the parties to the proceedings. Through this approach, the Report aims not only to assess the performance of the Court, but also to offer concrete guidance for the further enhancement of access to justice.

The 2025 Annual Report has been prepared on the basis of:

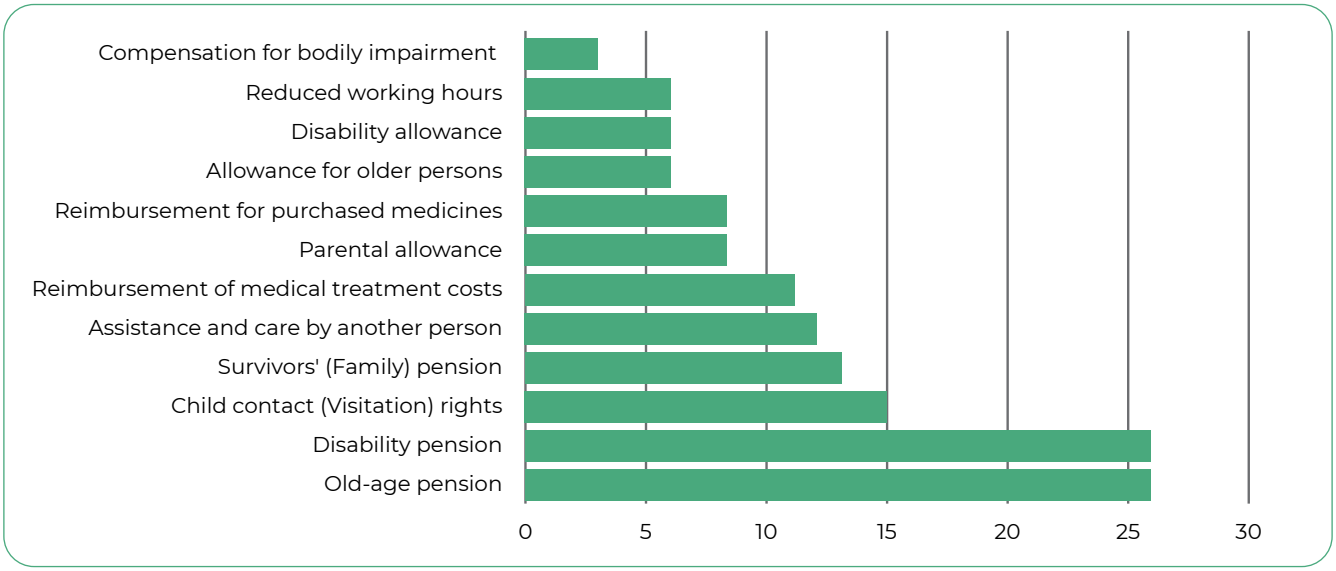
1. **Monitoring of public hearings** – analysis of the types of cases, their representation, and the manner in which they are handled by the Court;
2. **Access to public information** – data obtained from the Administrative Court regarding statistical indicators on the most frequently represented grounds for administrative disputes during the reporting year;
3. **Quantitative and qualitative data** – analysis of the annual caseload dynamics, the duration of judicial proceedings, and the manner of their resolution.

The results of the monitoring conducted in 2025 indicate noticeable improvements in the functioning of administrative judicial protection, alongside persisting structural weaknesses. An increase in the activity of the State Commission for Decision-Making in Second-Instance Administrative Proceedings has been observed, as well as more efficient case resolution resulting from their allocation to three judicial panels, enhanced transparency through digitalisation processes, and a more proactive role of judges in providing procedural guidance. Nevertheless, ongoing challenges remain, including the non-meritorious resolution of administrative disputes, significant inactivity on the part of the Ministry of Social Policy, Demography and Youth, insufficient familiarity of certain legal practitioners with administrative procedures, and a reduced number of court staff, all of which collectively contribute to delays in proceedings before the Administrative Court.

During 2025, a total of 140 public hearings were monitored, with particular emphasis on cases concerning pension and disability insurance rights, child contact (visitation) rights, parental allowance, health-related benefits, and other social protection entitlements. These cases clearly reflect the social and institutional context in which the Court operates, as well as the specific challenges faced by the most vulnerable groups of citizens, including persons with disabilities, members of the Roma community, single parents, and older persons.

This Report provides a comprehensive overview of the achievements and challenges in the work of the Administrative Court during 2025 and serves as a basis for formulating specific recommendations aimed at improving judicial practice and strengthening access to justice. The ultimate objective of the Report is to contribute to the development of a fair, efficient, and inclusive judicial system that consistently guarantees the rights of all citizens, with particular emphasis on the protection of vulnerable groups.

Chart 1: Number of Monitored Public Hearings, by Legal Basis



1. FINDINGS FROM THE MONITORING OF PUBLIC HEARINGS BEFORE THE ADMINISTRATIVE COURT OF THE REPUBLIC OF NORTH MACEDONIA

The monitoring of public hearings conducted during 2025 indicates an increased number of public hearings held before the Administrative Court of the Republic of North Macedonia, particularly in cases registered under the designation "U-4", which concern the exercise and protection of social rights. This increase is most likely the result of the fact that such cases are adjudicated by three judicial panels, contributing to a more intensive pace of proceedings, despite the Court having operated during this year with a significantly reduced number of staff, particularly court clerks and judicial assistants.

During the monitoring process, a significant presence was observed of parties who have been conducting administrative proceedings before the competent administrative authorities for many years, while their cases remain without final resolution. These cases point to the excessive length of administrative proceedings and the serious legal uncertainty faced by citizens. Accordingly, there is a justified expectation that the Administrative Court should, to a greater extent, proceed with the **merits-based adjudication** of administrative disputes, in order to ensure effective protection of rights and to prevent their long-term entanglement in administrative procedures. This approach corresponds to the fundamental purpose of the Law on Administrative Disputes and of public hearings themselves.

Furthermore, the monitoring highlights the need for the Administrative Court to make more proactive use of the statutory mechanisms available for sanctioning administrative authorities that fail to comply with its final and binding judgments, as well as in cases of unjustified failure to submit, or delays in submitting, the relevant case files. Such lack of diligence on the part of administrative authorities directly contributes to the prolongation of proceedings and undermines the principle of effective judicial protection. For this reason, the timely and consistent application of sanctioning mechanisms is of essential importance for reducing the duration of administrative disputes and strengthening legal certainty for citizens.

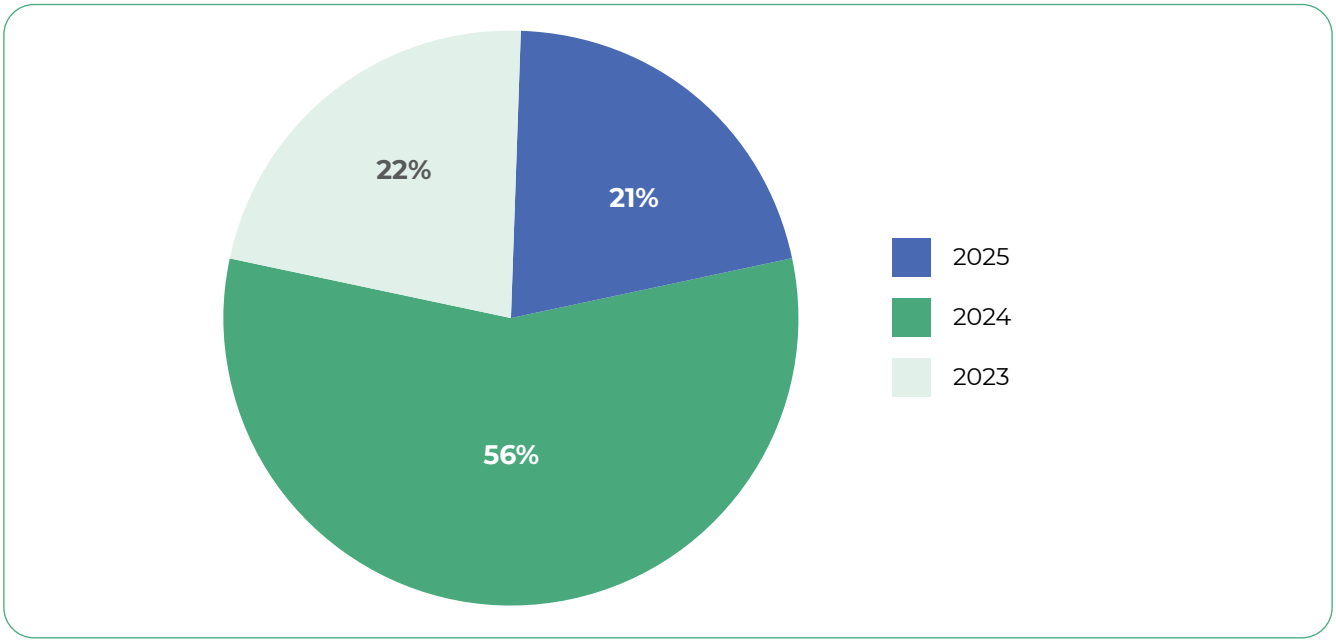
1.1. THE PRINCIPLE OF PROCEDURAL ECONOMY AND EFFICIENCY

The principle of procedural economy and efficiency[1], as enshrined in the Law on Administrative Disputes, requires administrative-judicial proceedings to be conducted in a timely and streamlined manner and at the lowest possible cost to the parties, with a view to ensuring effective and fair judicial protection. This principle is of particular importance in cases concerning social rights, where any delay in the proceedings directly affects the livelihood, security, and dignity of citizens. Although the principle is clearly established and indisputably serves the interests of the parties, the findings of the 2025 monitoring indicate that its practical application continues to be frequently undermined.

1 Article 7, Law on General Administrative Procedure, Official Gazette of the Republic of North Macedonia No. 124/2015, 23 July 2015

Out of the total number of public hearings monitored in 2025, 31 cases, or 22%, were cases registered as early as 2023, indicating the excessive length and repetitive nature of administrative-judicial proceedings. This situation most often stems from previously unresolved cases, non-merits-based decision-making, as well as the fact that a significant number of parties reappear in administrative disputes involving the same or similar factual circumstances. Furthermore, the limited human resources available to the Administrative Court of the Republic of North Macedonia, particularly within its professional services, have a negative impact on the speed and efficiency of proceedings.

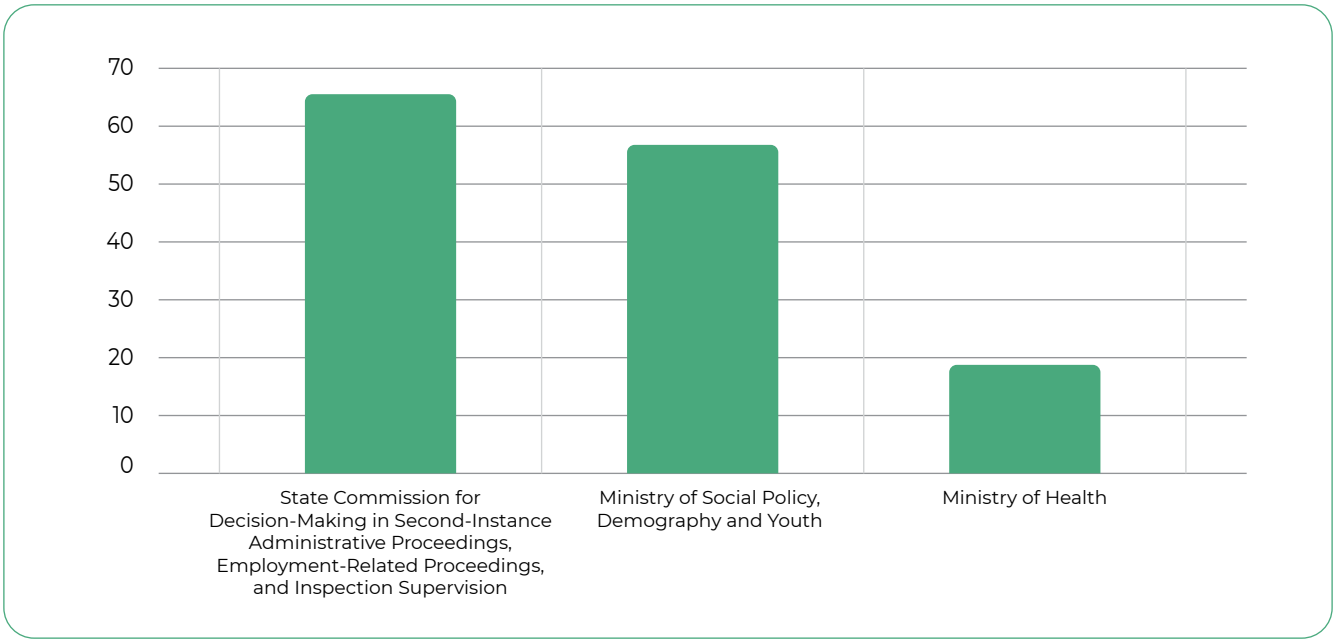
Chart 2: Year of Filing of Lawsuits in Cases Monitored in 2025



Persistent issues have also been identified in relation to the service of summonses for public hearings via the national postal service, especially with respect to claimants residing in Skopje, which frequently results in the adjournment of hearings. To date, no adequate and sustainable solution has been found to address this systemic problem. In addition, delays are often initiated by the claimants themselves or by their authorised representatives. Of particular concern is the fact that certain lawyers lack sufficient familiarity with the specificities of administrative procedure and administrative disputes, and frequently submit procedural motions characteristic of civil or criminal proceedings, despite the fact that administrative disputes are, as a rule, resolved within a single public hearing.

On the other hand, during 2025, a positive and proactive role was observed in the work of the State Commission for Decision-Making in Second-Instance Administrative Proceedings, Employment-Related Proceedings, and Inspection Supervision. Representatives of the Commission regularly attend public hearings, provide reasoned explanations of the adopted decisions, submit the relevant case documentation in a timely manner, and demonstrate an increased level of legal argumentation based on facts and evidence. At the same time, an increased number of upheld appeals has been recorded in the Commission's practice, contributing to a reduction in the number of lawsuits filed before the Administrative Court against decisions adopted by this body.

Chart 3: Most Frequently Defendant Authorities During the Reporting Year



By contrast, the Ministry of Social Policy, Demography and Youth continues to demonstrate serious inactivity in administrative-judicial proceedings, manifested through non-attendance at public hearings, the adoption of unreasoned and formalistic decisions, and the submission of statements of defence lacking concrete legal and factual arguments. Particularly problematic is the practice of adopting new administrative decisions concerning the same factual circumstances while the case is already pending before the Administrative Court, thereby rendering the challenged act devoid of legal effect due to the existence of a new administrative act. Such conduct indicates a disregard for judicial proceedings and the legal certainty of the parties, and it is further concerning that such practices generally remain without appropriate sanction by the Court.

Additionally, during 2025, a positive practice was observed in the conduct of the Ministry of Health, which attended a substantial number of public hearings before the Administrative Court. Representatives of the Ministry consistently presented clear, precise, and well-reasoned arguments in defence of the contested administrative acts, while the submitted statements of defence and the administrative decisions themselves were duly and thoroughly reasoned, based on relevant facts and evidence. This approach contributes to more efficient conduct of judicial proceedings, facilitates the Court's decision-making, enhances legal certainty for the parties, and represents a positive example of institutionally responsible and professional participation in administrative-judicial protection.

Overall, the 2025 monitoring demonstrates that, despite its clear statutory formulation, the principle of procedural economy and efficiency is still not applied consistently in administrative-judicial proceedings. Although positive practices and increased procedural dynamism have been observed in the work of the Administrative Court of the Republic of North Macedonia and certain second-instance bodies, protracted proceedings, non-merits-based decision-making, institutional inactivity, and limited human resources continue to seriously undermine the realisation of this principle. Accordingly, more proactive application of the statutory mechanisms is required in order to ensure timely and effective protection of citizens' rights.

1.2. THE PRINCIPLE OF TRANSPARENCY AND ACCOUNTABILITY

The principle of transparency and accountability constitutes one of the foundations for building trust in the judicial system and ensuring real and effective access to justice for citizens. In the context of the application of this principle, the Administrative Court of the Republic of North Macedonia continues to regularly publish information on scheduled public hearings on its website, under the section "Court Calendar."[2] This information, which includes the date, time, presiding judge, and legal basis of the case, enables timely and easy access for citizens, parties, and other interested stakeholders.

During 2025, a significant improvement was observed in the accuracy and content of the Court's website. Retired judges have finally been removed from the list of active judges, monthly and semi-annual reports on the Court's activities are regularly published, and the Annual Work Plan, as well as the Annual Case Management Plan, are publicly available. This practice contributes to increased institutional accountability and better public awareness of the Court's functioning.

Furthermore, in 2025, the Administrative Court initiated a digitalisation process, which includes the introduction of electronic service of documents with public authorities, the establishment of electronic court files, and the creation of a searchable database of court decisions. These measures represent a significant step forward in strengthening transparency, while also promoting the principles of efficiency and procedural economy in administrative-judicial proceedings, with a direct impact on reducing the duration of proceedings and enhancing legal certainty for the parties.

1.3. THE PRINCIPLE OF LEGALITY

The principle of legality[3] constitutes one of the fundamental principles in administrative disputes and serves as a guarantee of legal certainty for the parties. Pursuant to this principle, the Court decides an administrative dispute on the basis of the Constitution of the Republic of North Macedonia, the applicable laws, and international treaties ratified in accordance with the Constitution, ensuring consistency in its decisions and thereby guaranteeing the equal application of the law and protection against arbitrariness in adjudication.

Although, in practice, decisions are formally issued in accordance with the applicable laws, monitoring revealed divergent judicial practice among different judicial panels, even in cases involving the same factual circumstances, which raises serious questions regarding the application of relevant legal norms and consistency in decision-making. Furthermore, international treaties are almost entirely absent from references in judicial decisions, despite being an integral part of the legal order and an important source of law, particularly in cases concerning human and social rights.

Merits-based decision-making constitutes the rule rather than the exception in administrative disputes, particularly in situations where the same case, involving the same parties and an unchanged factual situation, is brought before the Administrative Court again. In such instances, the Court is obliged to decide on the merits and conclude the proceedings in order to provide effective judicial protection. However, in judicial practice, the Administrative Court very rarely decides on the merits, and instead most often issues partially-merits decisions, remanding cases back to the first-instance administrative authorities. This approach results in unjustified prolongation of proceedings and undermines the effectiveness of judicial protection.

2 Court Calendar: *http://www.vsrm.mk/wps/portal/usskopje/sud/kalendar/*

3 Article 7, Law on Administrative Disputes, Official Gazette of the Republic of North Macedonia No. 96/2019, 17 May 2019

Merits-based decision-making is most commonly applied in a limited number of cases in which the Administrative Court functions as the second-instance and final authority, such as cases related to local and parliamentary elections, decisions of the Judicial Council, and similar proceedings. In other cases, the Court could more easily and frequently decide on the merits if it had access to the complete case files and evidence from the administrative proceedings. However, administrative authorities often fail to submit complete files, despite their clear statutory obligation, knowing that this hinders merits-based adjudication. Despite the statutory authority to impose sanctions for such violations, the Administrative Court rarely employs these mechanisms, resulting in the parties alone bearing the negative consequences through prolonged proceedings and delayed realisation of their rights.

Another issue that seriously undermines the principle of legality is the insufficient expertise and training of officials, particularly in first-instance administrative bodies, which directly affects the quality of the decisions issued. In a large proportion of the cases analysed, decisions contain substantial deficiencies regarding the essential elements that an administrative decision must include, with particular problems observed in the reasoning. The reasoning is often inconsistent with the operative part of the decision and fails to clearly and logically connect the applied legal norms to the established factual circumstances. Moreover, the evidence cited by the authority in the decision does not correspond to the facts established in the proceedings, or is presented formally without substantive analysis, resulting in unlawful and unfounded decisions and increasing the need for judicial intervention.

During monitoring, a particularly serious violation of the principle of legality was observed in case **U-4-153/25**, in which the Higher Administrative Court adjudicated a complaint submitted by a first-instance administrative authority. Such conduct contravenes the Law on Administrative Disputes, as a first-instance state authority has neither the right to appeal nor the status of a party in an administrative dispute. Nevertheless, the Higher Administrative Court undertook merits-based consideration of the complaint and issued a decision in its favour, representing a serious deviation from the legal framework and raising concerns regarding consistent application of procedural rules, legal certainty, and equality of parties before the Court.

1.4. THE PRINCIPLE OF ACTIVE ASSISTANCE TO THE PARTY

The principle of active assistance to the party[4], as established in the Law on General Administrative Procedure (LGAP), obliges public authorities to ensure that parties are able to exercise and protect their rights and legal interests in the most effective and simplified manner possible. In accordance with this principle, the public authority has a duty to provide timely and clear information to the parties regarding the relevant legal provisions, their rights and obligations, the course of the administrative procedure, as well as the possible legal consequences of their actions or omissions. Furthermore, the authority is required to ensure access to the procedure through electronic means, and the lack of knowledge or legal literacy of the party must not operate to that party's detriment. The essence of this principle lies in the active role of the public authority in guiding and supporting the parties, particularly in situations where they do not possess sufficient legal knowledge or resources.

According to the monitoring conducted in 2025, this principle is frequently not respected by public authorities, especially at the first-instance level, where parties directly submit their applications for the exercise of rights. In a significant number of cases, it was established that parties do not receive adequate assistance when initiating and conducting administrative pro-

4 Article 17, Law on General Administrative Procedure, Official Gazette of the Republic of North Macedonia No. 124/2015, 23 July 2015

ceedings, particularly with regard to identifying which documents are required in order to exercise a specific right. This situation could be substantially improved if public authorities were to publicly and transparently publish the necessary information and document checklists on easily accessible websites, which is of particular importance for marginalised groups and persons seeking social assistance.

Additionally, during the monitoring process, a large number of parties reported inappropriate and offensive conduct by employees of first-instance authorities. Some parties stated that they had been verbally insulted and, in certain cases, even removed from the premises of the institutions, solely because they had repeatedly sought assistance or clarification in relation to the procedure. Particularly concerning is the fact that some of these individuals had not previously been informed of the required documentation, or had approached the authority exclusively in order to obtain support which, under the law, the public authority is obliged to provide.

The monitoring further indicates that public authorities rarely engage in active communication with parties in cases where the submitted documentation is incomplete. Instead of notifying the parties and granting them a reasonable time limit to supplement the evidence, authorities frequently adopt decisions rejecting applications on the grounds of "insufficient evidence," thereby directly violating the principle of active assistance. Moreover, cases have been observed in which public authorities fail to transmit complete case files to second-instance authorities, thus impeding the appeal proceedings to the detriment of the parties. As a rule, such conduct does not result in any sanctions.

Of particular concern is also the practice whereby public authorities, in cases requiring inspection or examination of the party, almost invariably demand the personal presence of citizens at the authority's premises, without first determining whether the party is in a position to attend. This constitutes a serious obstacle for persons who are immobile or have reduced mobility, as well as for citizens who do not reside in Skopje and are compelled to organise additional transportation and incur extra costs. Such practice runs contrary to the spirit and purpose of the principle of active assistance to the party.

The monitoring also points to a serious problem in the manner in which first-instance administrative authorities handle cases remitted for re-examination by the Administrative Court of the Republic of North Macedonia. In a significant number of cases, following the annulment of an administrative act and the remittal of the case for renewed proceedings, the case is no longer handled by the official who conducted the initial procedure. This practice leads to further delays, as the newly assigned official must familiarise themselves with the case from the beginning, without full knowledge of the actions previously undertaken, the established factual circumstances, and the specific deficiencies identified in the annulled procedure.

As a consequence, instead of the case being resolved more efficiently and in compliance with the guidance provided in the court judgment, the procedure is often conducted again in a purely formal manner, with a risk of repeating the same shortcomings. This directly affects the parties, who, despite the judgment rendered by the Administrative Court, do not receive the expected active assistance and timely protection of their rights, thereby calling into question the effectiveness of judicial protection and the very essence of the principle of active assistance to the party.

2. PARTICIPATION OF THE PARTIES IN THE PROCEEDINGS

The participation of the parties in administrative-judicial proceedings constitutes a fundamental guarantee for the exercise of the right to a fair trial and effective judicial protection. The active presence and involvement of both claimants and defendant authorities enable a comprehensive examination of the factual and legal issues, the application of the principle of adversarial proceedings, and the safeguarding of equality of arms. In administrative disputes, where courts often adjudicate on the basis of complex administrative procedures and extensive documentation, the participation of the parties is of decisive importance for clarifying the relevant circumstances and for the adoption of lawful and substantive decisions.

During the reporting period in 2025, an increased level of attendance by defendant authorities was observed at public hearings before the Administrative Court of the Republic of North Macedonia. Out of a total of 140 monitored public hearings, representatives of the defendant authority were present in 73 hearings, representing 52.1% of the cases. However, this increased attendance is attributable exclusively to the active participation of the State Commission for Decision-Making in Administrative Procedure, Employment-Related Procedure and Second-Instance Inspection Supervision, as well as the Ministry of Health, while the negative trend of non-attendance by the Ministry of Social Policy, Demography and Youth continues.

This increased presence of defendant authorities had a direct and positive impact on the quality of the proceedings, particularly with regard to the application of the adversarial principle. In a significant number of cases, during public hearings, claimants received concrete legal guidance and clarifications from representatives of the defendant authorities, which contributed to a more accessible and effective exercise of the claimed rights. At the same time, such participation facilitated the work of the court, as in cases where additional clarifications were required in relation to the subject matter, the defendant authority was able to provide immediate responses and explanations.

By contrast, cases in which the defendant authority is the Ministry of Social Policy, Demography and Youth continue to face serious procedural deficiencies. In addition to the almost complete absence of representatives of this authority from public hearings, complete case files are frequently not submitted, and the adopted administrative acts are formalistic in nature, containing insufficient and overly general reasoning. Furthermore, a practice has been observed whereby this authority, upon learning that a lawsuit has been filed before the Administrative Court, adopts a new decision based on the same factual circumstances, thereby removing the contested act from legal circulation. Such practice seriously undermines legal certainty and compromises the integrity of the judicial proceedings.

Of particular concern is the fact that in only 50.7% of the monitored public hearings the claimants were represented or attended with their authorised representatives. Given that the majority of these cases concern social rights and that the claimants belong to vulnerable and marginalised groups of citizens, this data indicates limited financial capacity to engage legal counsel, as well as insufficient awareness and underutilisation of the rights guaranteed under the Law on Free Legal Aid. This further underscores the need for a more proactive role of institutions in informing and supporting citizens, with a view to ensuring equal and effective access to justice.

3. FINDINGS FROM THE MONITORING OF PROCEEDINGS RELATING TO SOCIAL RIGHTS

The monitoring of proceedings relating to social rights is of crucial importance, as such proceedings have a direct impact on the subsistence and dignity of citizens, in particular those belonging to marginalised and vulnerable groups. The monitoring conducted before the Administrative Court revealed a range of systemic shortcomings, including non-compliance with the principle of active assistance to the party, insufficient transparency and access to information, inconsistent judicial practice, inadequately reasoned administrative acts, failure to submit complete case files, and limited access to legal aid. These deficiencies undermine legal certainty and effective access to justice. At the same time, certain positive developments were identified, including increased attendance and a more active role of defendant authorities at public hearings—particularly by the State Commission for Decision-Making in Administrative Procedure and by the Ministry of Health—improved transparency, the initiation of digitalisation processes, and the provision of practical legal guidance to parties aimed at facilitating a more effective exercise of their rights. The purpose of the monitoring is to identify both shortcomings and good practices, with a view to proposing measures to enhance efficiency, transparency, and respect for citizens' rights in proceedings concerning social rights.

3.1. DISABILITY PENSION

A disability pension constitutes a right within the system of social security and pension and disability insurance and represents a particularly sensitive issue, as it directly concerns persons who, due to a permanent impairment of their health or a reduced capacity for work, are unable to secure their subsistence through employment. The purpose of this right is to ensure social security, a dignified standard of living, and a minimum level of economic stability for persons with disabilities.

The right to a disability pension is exercised through an administrative procedure initiated by the submission of an application to the Pension and Disability Insurance Fund by the insured person, namely an individual who considers that, due to their health condition, they have lost or significantly reduced their capacity for work. The procedure includes medical assessment by competent commissions, the determination of disability, and an evaluation of whether the statutory conditions for the recognition of the right have been met. Any person covered by mandatory pension and disability insurance who considers that the legal conditions for disability have arisen may submit such an application.

Chart 4. Data obtained from the Administrative Court on the basis of a submitted Request for Access to Public Information, concerning cases related to disability pensions, for the period from 1 January 2025 to 1 November 2025 (Decision No. 0819 SPI No. 03-22/2025)[5]

Instituted cases *(2025)*	Decisions adopted *(2025)*	Appeals lodged before the Higher Administrative Court *(2025)*
36	**65** *(41 upheld; 17 dismissed; 6 rejected as inadmissible; 1 discontinued)*	**12**

According to the conducted monitoring, proceedings concerning the recognition of the right to a disability pension were the most prevalent and most frequently monitored during the reporting year. It was observed that a significant number of parties do not succeed in exercising this right, even in cases where the existence of disability is evident and could be established through personal examination. Of particular concern is the practice of the defendant authority to rely on assertions that "the fund for this ground has been exhausted" as a basis for rejecting applications. Such reasoning constitutes an impermissible argument and a serious systemic deficiency, as financial limitations must not operate to the detriment of rights guaranteed by law.

The monitoring further established that a considerable number of parties are insufficiently informed about the conditions under which the right to a disability pension may be exercised. Due to the lack of timely, clear, and easily accessible information—particularly through rapid and online channels—citizens frequently submit applications despite the fact that a disability pension is granted exclusively in cases where the disability completely precludes the further performance of work-related activities. In situations where the disability does not fully eliminate working capacity but significantly restricts it, parties may exercise other rights, such as the right to rehabilitation and the right to assistance and care by another person; however, they rarely receive adequate guidance on these alternatives from the competent authorities.

In addition, the monitoring identified serious concerns related to **the suspension of the right to a disability pension due to non-attendance at scheduled medical examinations**. In multiple cases, citizens timely notified the authorities that they were unable to attend the examination because they were immobile or had severely limited mobility and lacked a person who could accompany them or organise transportation. Nevertheless, administrative authorities adopted decisions suspending the right. This practice is particularly problematic given that administrative authorities have both the possibility and the obligation to conduct examinations at the **homes of citizens**. Such an approach would not only prevent additional burden and humiliation of persons with disabilities, but would also enable a direct assessment of their health and social circumstances. This formalistic approach, resulting in the loss of a right that is essential for basic subsistence, constitutes a serious violation of the principles of humanity, active assistance to the party, and protection of vulnerable categories of citizens.

5 Statistical data relating to the exercise of the rights to an old-age pension, survivor's pension, disability pension, social cash assistance, assistance and care by another person, parental allowance for a child, disability allowance, contact with children, unemployment benefit, and reimbursement of costs for hospital treatment and purchased medicines were obtained from the Administrative Court on the basis of a submitted Request for Access to Public Information (Decision No. 0819 SPI No. 03-22/25).

3.2. SURVIVOR'S PENSION

A survivor's pension constitutes a right arising from the system of pension and disability insurance, which is exercised following the death of an insured person or a pension beneficiary, with the aim of ensuring subsistence security for members of the deceased person's family who were financially dependent on them. This is a sensitive social right intended to protect the deceased's closest relatives, but one that is at the same time strictly regulated by statutory conditions.

The procedure for exercising the right to a survivor's pension is initiated by submitting an application to the competent authority, as a rule through the Pension and Disability Insurance Fund. Applications may be submitted by the spouse, an extramarital partner under conditions prescribed by law, children (minors, children in full-time education, as well as children with disabilities), and other members of the immediate family, provided that they meet the statutory requirements. It is important to emphasise that a survivor's pension is not inheritable by any close relative as such, but exclusively by persons and under conditions clearly defined by law—a fact which is often not sufficiently known to parties in practice.

Chart 5. Data obtained from the Administrative Court on the basis of a submitted Request for Access to Public Information, concerning cases related to survivor's pensions, for the period from 1 January 2025 to 1 November 2025 (Decision No. 0819 SPI No. 03-22/2025)

Instituted cases *(2025)*	**Decisions adopted** *(2025)*	**Appeals lodged before the Higher Administrative Court** *(2025)*
24	**21** *(12 upheld; 7 dismissed; 1 rejected as inadmissible; 1 discontinued)*	**5**

The monitoring showed that one of the most significant problems in this area is the insufficient level of information available to citizens regarding the conditions for acquiring the right to a survivor's pension and the course of the procedure as a whole. Parties frequently submit applications with the expectation that the right will be granted automatically, without being aware that they do not meet the statutory requirements. In addition, practice has shown instances where the survivor's pension is used as a substitute for employment, that is, as a source of social income, which does not correspond to the purpose of this right and constitutes a systemic issue.

A particular challenge also arises in judicial practice, where certain claims have been upheld due to minor and non-substantive formal deficiencies committed by administrative authorities. Although such decisions create expectations among parties, in substance the material conditions for the exercise of the right are not fulfilled. As a result, the same cases are remitted for renewed decision-making and reappear before the Administrative Court of the Republic of North Macedonia, often three or four times. This prolongs the proceedings, generates false expectations among citizens, and places an additional burden on the judicial system.

3.3. REDUCED WORKING HOURS

Reduced working hours constitute a right within the fields of pension and disability insurance and employment relations, enabling persons with reduced working capacity, due to illness or an acquired physical disability, to remain economically active while working a reduced number of hours. This right serves an important social and integrative function, as it allows individuals to preserve their employment engagement and dignity without being fully excluded from the labour market.

The procedure for exercising the right to work reduced hours is initiated by submitting an application to the competent administrative authority, most commonly through the Pension and Disability Insurance Fund, accompanied by extensive medical documentation and an assessment issued by the competent commission for determining working capacity. Within the procedure, it is assessed whether the individual's health condition allows the performance of work tasks on a reduced scale, in the absence of conditions for full disability.

The monitoring demonstrated that a significant number of citizens seek to exercise this right out of a desire to continue working and remain active, even though, due to illness or a recently acquired physical disability, they are no longer able to work full time. Despite this, applications for reduced working hours are, in the majority of cases, rejected by administrative authorities without clear and comprehensible reasoning. As a result, applicants remain uncertain as to the grounds for rejection, particularly in circumstances where they have submitted extensive medical documentation supporting their health condition and where, instead of applying for a disability pension, they demonstrate a willingness to accommodate the system and continue working at a reduced capacity.

A further problem lies in the administrative decisions themselves, which are often incomplete, formalistic, and lack a substantive analysis of the medical evidence. Due to these deficiencies, the Administrative Court frequently annuls such decisions and remits the cases for renewed decision-making; however, it rarely addresses the merits of the dispute, as procedural violations prevent substantive adjudication. Consequently, citizens wait for months or even years to exercise this right, during which time they are faced with the dilemma of either remaining without employment and income or continuing to work full time, which, given their health condition, constitutes a serious and often intolerable burden.

Furthermore, the monitoring indicated that **citizens are largely unaware of the right to work reduced hours and of the opportunities it offers**. Due to insufficient information and the absence of active assistance on the part of administrative authorities, the majority of parties are automatically directed towards submitting applications for disability pensions, even though, in reality, some of them retain residual working capacity. In this regard, it would be beneficial in the future to promote and actively apply this right, not only in the interest of citizens—who could remain economically active at least on a reduced basis (for example, four hours per day)—but also in the interest of institutions and the labour market itself, particularly in conditions of a pronounced shortage of human resources. Such an approach would contribute to improved social inclusion, reduced pressure on the pension system, and more efficient utilisation of human potential.

3.4. ASSISTANCE AND CARE BY ANOTHER PERSON

The right to assistance and care by another person constitutes one of the most sensitive social rights, intended for persons who, due to a permanent or long-term illness, disability, advanced age, or a seriously impaired health condition, are unable to perform basic daily life activities independently and require continuous or occasional care by another person. The purpose of this right is to ensure a minimum standard of dignified living and social security for persons who are in a state of increased dependency on external assistance.

The procedure for exercising this right is initiated by submitting an application to the competent first-instance authority, as a rule the Centre for Social Work, accompanied by relevant medical documentation. The administrative authority is obliged to conduct an on-site inspection and a professional assessment of the applicant's health and functional condition, most often through an expert commission, and to adopt a decision on the basis of the established factual situation. In the event of a negative decision, the party has the right to lodge an appeal and subsequently seek judicial protection in administrative dispute proceedings.

Chart 6. Data obtained from the Administrative Court on the basis of a submitted Request for Access to Public Information, concerning cases related to assistance and care by another person, for the period from 1 January 2025 to 1 November 2025 (Decision No. 0819 SPI No. 03-22/2025)

Instituted cases *(2025)*	**Decisions adopted** *(2025)*	**Appeals lodged before the Higher Administrative Court** *(2025)*
52	**46** *(25 upheld; 17 dismissed; 3 rejected as inadmissible; 1 discontinued)*	**14**

The monitoring revealed that citizens are frequently not adequately informed by officials about the manner and possibilities for exercising this right. In cases where the applicant's health condition has deteriorated, parties are not advised that it would be more appropriate to submit a new application supported by updated medical evidence. Instead, they are left to pursue proceedings that either last an unjustifiably long time or ultimately result in the dismissal of the claim in judicial proceedings, directly to the detriment of the applicants.

Serious problems were also identified in relation to the inspections carried out by administrative authorities. In multiple cases, inspections were not conducted by the expert commission in its full composition, as required by secondary legislation, nor were detailed records prepared clearly describing the factual circumstances. Instead, decisions were often based on a brief and superficial inspection, without a comprehensive assessment of the applicant's actual needs.

Moreover, even after cases are remitted for renewed decision-making by the Administrative Court, administrative authorities in a significant number of instances fail to conduct a new inspection. Rather, they formally state that an inspection has been carried out, relying on information from the previous proceedings, without an actual re-establishment of the factual situation. Such practice constitutes a serious violation of the rights of the parties, particularly given that these cases concern persons with an urgent and ongoing need for assistance and care.

In a substantial number of the monitored cases, it was established that administrative authorities conduct the proceedings on the basis of an incorrect or inappropriate diagnosis that does not correspond to the submitted medical documentation. Instead of taking into account the applicant's actual health condition, a diagnosis facilitating the rejection of the application is relied upon, which constitutes unlawful and improper conduct. This points either to serious professional incompetence or to the deliberate disregard of evidence by officials, particularly at the first-instance level.

4. RECOMMENDATIONS FOR IMPROVING ACCESS TO JUSTICE FOR CITIZENS BEFORE THE ADMINISTRATIVE COURT OF THE REPUBLIC OF NORTH MACEDONIA

- **To strengthen the application of merits-based adjudication by the Administrative Court**, particularly in cases that have been repeatedly remitted for renewed decision-making over several years and where the factual situation has already been fully established.
- **To ensure the consistent use of the Administrative Court's statutory powers to sanction administrative authorities** that fail to submit complete case files, do not comply with court judgments, or adopt new acts with the aim of removing the contested act from legal circulation.
- **To enhance the provision of active assistance to parties by administrative authorities**, through clear guidance on the required documentation, the rights that may be exercised, and the possible legal consequences of parties' actions or omissions.
- **To introduce an obligation to issue detailed, reasoned, and individualised administrative decisions**, containing a clear analysis of the evidence and the established facts, particularly in cases concerning social rights.
- **To strengthen professional training and continuous education of civil servants**, especially at the first-instance level, with a focus on administrative procedure, human rights standards, and working with vulnerable groups of citizens.
- **To establish clear protocols for inspections and medical examinations**, including a mandatory on-site inspection (at the party's place of residence) in cases involving immobile or persons with severely limited mobility.
- **To improve public awareness of social protection rights** (disability pension, survivor's pension, reduced working hours, assistance and care by another person) through clear, accessible, and up-to-date information published on the websites of the competent institutions.
- **To enhance the presence and active participation of the Ministry of Social Policy, Demography and Youth** in proceedings before the Administrative Court, with a view to improving the adversarial nature of proceedings, clarifying factual issues, and facilitating the work of the Court.
- **To accelerate and fully implement the digitalisation of administrative and judicial proceedings** (electronic service of documents, electronic case files, and a searchable database of court decisions), thereby improving the efficiency, transparency, and cost-effectiveness of proceedings.