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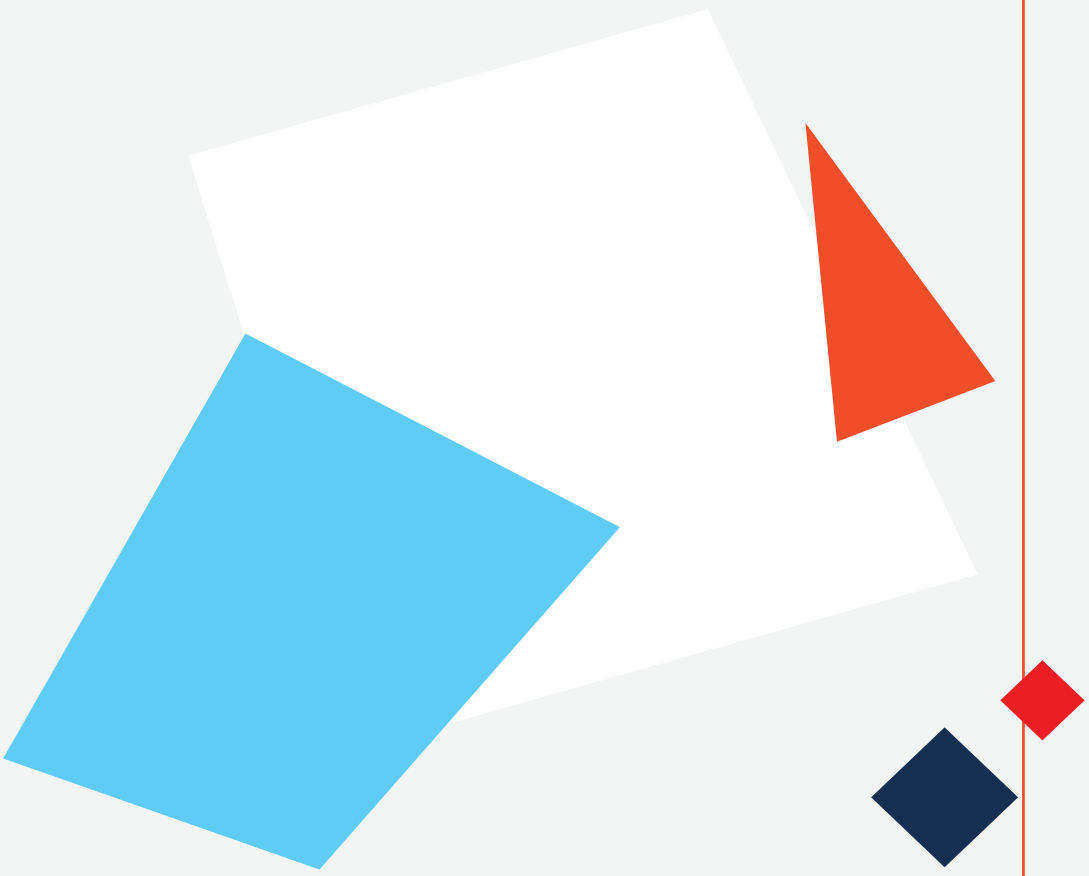

Annual insight

on EU rule of law

2025

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Introduction

The rule of law remains one of the European Union's (EU) foundational values and a central benchmark for both EU Member States and countries on the path toward accession. Respect for fundamental rights, democratic governance, legal certainty, non-discrimination, and accountability constitutes not only a formal requirement under the EU Treaties, but also a substantive condition for trust, social cohesion, and sustainable development. For candidate countries, alignment with these standards is increasingly assessed not only through legislative approximation, but also through the quality of implementation, institutional capacity, and the ability to respond to emerging policy challenges linked to digitalisation, sustainability, and social inclusion.

In recent years, the EU has significantly expanded its rule of law toolbox, extending its scope to new policy areas and introducing regulatory frameworks that address cross-cutting risks to fundamental rights and democratic governance. Instruments such as the EU Rule of Law Mechanism, the Corporate Sustainability Due Diligence Directive, the Artificial Intelligence Act, and the Digital Services and Digital Markets Acts reflect a broader understanding of the rule of law—one that goes beyond the functioning of courts and anti-corruption bodies, and increasingly encompasses corporate accountability, digital governance, data protection, equality, and social rights. For candidate countries such as North Macedonia, these developments represent both an obligation and an opportunity: an obligation to align with an evolving acquis, and an opportunity to modernise governance frameworks in line with EU values.

Within this context, the European Policy Institute – Skopje (EPI) continues to monitor, analyse, and contextualise key rule of law developments at the EU and national levels. Through its analytical work, EPI seeks to bridge EU-level policy debates with domestic reform processes, offering evidence-based assessments and policy recommendations relevant to decision-makers, civil society, and the wider public. This Annual Insight brings together four policy analyses that reflect this approach, focusing on areas where EU regulatory evolution intersects directly with North Macedonia's accession path.

The first analysis examines the EU's new Corporate Sustainability Due Diligence Directive (CSDDD), situating it within the broader business and human rights framework and assessing its implications for corporate accountability, environmental protection, and candidate countries. It explores both the transformative potential of the Directive and the challenges introduced by recent regulatory adjustments, with particular attention to North Macedonia's preparedness in the field of environmental, social, and governance (ESG) standards.

The second analysis addresses the rapidly evolving field of artificial intelligence and assesses North Macedonia's level of alignment with the EU AI Act. By examining the country's current regulatory landscape, institutional capacity, and data protection framework, the analysis highlights the legal, institutional, and technical reforms required to ensure responsible, rights-based AI governance in line with EU standards.

The third analysis focuses on recent amendments to the laws on primary and secondary education in North Macedonia, assessing their compatibility with EU non-discrimination directives and international human rights standards. It identifies areas of regression, analyses their potential consequences for inclusiveness and equality in education, and situates these developments within the broader context of EU accession and fundamental rights protection.

The fourth analysis examines the intersection between the rule of law, digital surveillance, personal data protection, and platform regulation. Note that while the EU has developed a sophisticated legal framework to regulate digital power, candidate countries such as North Macedonia face a structural gap between formal legal alignment and effective enforcement. The analysis explores how this gap affects privacy, democratic accountability, and the lived experience of fundamental rights in a digitalised society.

Taken together, the analyses in this Annual Insight illustrate how the rule of law is increasingly shaped by developments beyond traditional justice and home affairs policies. They underline the importance of viewing EU integration not as a purely technical exercise, but as a continuous process of safeguarding fundamental rights, strengthening institutions, and ensuring that legal alignment translates into tangible protections for citizens.

Business and Human Rights in the EU: Assessing the New Corporate Sustainability Due Diligence Directive (CSDDD)

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Introduction

On 25 July 2024, the Directive on Corporate Sustainability Due Diligence (Directive 2024/1760) entered into force. This directive, also known as the Mandatory Human Rights and Environmental Due Diligence Directive, includes an obligation for companies to develop and implement a transition plan for climate change mitigation, which aims to ensure, through best efforts, that the company's business model and strategy align with the transition to a sustainable economy and the goal of limiting global warming to 1.5°C in line with the Paris Agreement.[1]

For the first time in the EU, companies across all sectors will be legally required to ensure that their supply chains comply with human rights and environmental protection under the CSDDD. The directive seeks to integrate sustainability considerations into corporate governance and risk management. To achieve this, it mandates that companies implement due diligence measures throughout their supply chains, addressing any adverse human rights and environmental impacts arising from their operations, both within and outside the EU.[2]

This policy brief aims to provide an overview of the directive, examining its potential impacts and shortcomings, as well as its significance within the broader business and human rights movement. As part of this evolving framework, the directive plays a crucial role in ensuring corporate accountability for human rights and environmental protection.

1 Directive (EU) 2024/1760 of the European Parliament and of the Council on Corporate Sustainability Due Diligence, Article 1(1).
2 Lois Elshof, 'Corporate Sustainability Due Diligence and EU Competition Law' (2024) 15(315) Journal of European Competition Law & Practice p.168.

Section 1 introduces the concept of business and human rights, explaining its relevance in today's globalised economy—where a product manufactured in China, using raw materials from Zimbabwe, may be purchased by a Dutch national. This section will also discuss the principle of due diligence as a key mechanism for corporate responsibility. Section 2 provides an overview of the Corporate Sustainability Due Diligence Directive (CSDDD), outlining its core provisions, objectives, and expected impact. It critically examines its strengths and the concerns raised about its implementation and enforcement, including the Omnibus, and how the directive could impact candidate countries, specifically North Macedonia.

Finally, the conclusion will summarise the key insights, highlighting the directive's role in shaping corporate accountability and sustainability in the EU and beyond, especially with regard to candidate countries.

Business and Human Rights & the Concept of Due Diligence

Over the last few decades, business and human rights have attracted widespread attention in academia and practice.[3] This growing focus reflects the increasing recognition that corporations, as powerful global actors, play a significant role in shaping social, economic, and political landscapes. As multinational enterprises expand their operations across borders, their potential impact on human rights has become a subject of intense debate. It is therefore unsurprising that in the Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie observed:

> *"…[T]he root cause of the business and human rights predicament today lies in the governance gaps created by globalisation—between the scope and impact of economic forces and actors and the capacity of societies to manage their adverse consequences. These governance gaps provide the permissive environment for wrongful acts by companies of all kinds without adequate sanctioning or reparation…"*[4]

Consequently, discussions have evolved beyond state-centric approaches, emphasising the need to define corporate responsibilities in this context. This shift has prompted inquiries into how businesses can effectively uphold human rights standards, particularly in environments where state protection mechanisms are weak or absent. With this in mind, in legal systems where states create and enforce laws to safeguard individuals from human rights abuses, corporations fulfil their responsibility to respect human rights by adhering to these laws. However, when states themselves violate human rights or fail to provide sufficient legal protection, questions arise regarding the existence,

3 Letnar Černič and Michalakea, as cited in Vesna Coric, Ana Knezevic Bojovic, and Milica V. Matijevic, ***Potential of the EU Draft Directive on Corporate Sustainability Due Diligence to Contribute to a Coherent Framework of Corporate Accountability for Human Rights Violations*** (2023).

4 John Ruggie, ***Protect, Respect and Remedy: a Framework for Business and Human Rights*** (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, Human Rights Council, 8th session, Agenda item 3, 2008) UN Doc A/HRC/8/5.

nature, scope, obligations, and implementation of corporate human rights duties.[5] In such cases, companies may face a dilemma in determining the extent of their duty to prevent or address human rights violations, particularly when local laws are insufficient or when the state itself is involved in or tolerates abuses. This raises concerns about the effectiveness of voluntary corporate policies and their capacity to compensate for state failure.

The concept of due diligence has become an important element in defining and implementing human rights and environmental responsibilities. In the context of business and human rights, due diligence refers to the steps businesses must take to identify, prevent, and address any adverse human rights impacts resulting from their operations. This process is central to the United Nations' Guiding Principles on Business and Human Rights, which emphasise that businesses must conduct ongoing assessments of their activities, identify risks to human rights, and take appropriate measures to mitigate or eliminate them.[6]

Due diligence is a proactive and continuous process that not only allows businesses to identify potential risks but also ensures they take effective measures to prevent harm to human rights. By integrating human rights considerations into their decision-making and operations, businesses can prevent violations and mitigate negative impacts. However, ensuring that businesses genuinely prioritise human rights within their due diligence processes presents challenges. The notion of due diligence in business is often viewed through a risk management lens, focusing on minimising financial or reputational risks. This perspective can sometimes clash with the moral obligation of respecting human rights, which demands a deeper commitment beyond economic or legal considerations.[7]

For due diligence to be truly effective, it must be rooted in a genuine commitment to upholding human rights as a fundamental moral responsibility. This means that businesses should not treat human rights merely as a compliance requirement but as intrinsic to their corporate values. As such, the requirement for businesses to respect human rights goes beyond adhering to national laws—it encompasses an ethical responsibility to avoid harm, even in contexts where state protection is absent or weak.[8]

What is the Corporate Sustainability Due Diligence Directive?

The European Union's Corporate Sustainability Due Diligence Directive (CSDDD) is a pioneering regulatory effort designed to ensure that companies take comprehensive responsibility for human rights and environmental impacts throughout their operations and supply chains. This directive marks a significant step towards embedding sustainability into the fabric of corporate governance within the EU, and its adoption responds to increasing global concerns about the adverse effects of business activities on human rights and the environment.

5 Björn Fasterling and Geert Demuijnck, 'Human Rights in the Void? Due Diligence in the UN Guiding Principles on Business and Human Rights' (2013) 116 Journal of Business Ethics 799, 814.
6 Ibid.
7 Jonathan Bonnitcha and Robert McCorquodale, 'The Concept of "Due Diligence" in the UN Guiding Principles on Business and Human Rights' (2017) 28 *European Journal of International Law* 899.
8 Ibid.

The CSDDD, initially proposed by the European Commission on 23 February 2022 and formally approved in 2024, mandates that large companies operating within the EU—both inside and beyond its borders—integrate due diligence processes into their corporate governance structures. These processes are designed to identify, prevent, mitigate, and address any adverse human rights and environmental impacts arising from the companies' own activities, as well as those of their supply chains. The directive requires businesses to embed sustainability considerations at every level of decision-making, with an emphasis on preventing harm to human rights and combating environmental degradation.[9]

This legislative proposal builds on earlier international frameworks, such as the United Nations Guiding Principles on Business and Human Rights, and extends national regulatory efforts in countries like France, Germany, and the Netherlands.[10] Its goal is to establish a harmonised framework for corporate responsibility that not only respects the EU's climate objectives but also aligns with global sustainability efforts.[11] The CSDDD was introduced in response to growing concerns about the negative societal and environmental impacts that large corporations—especially multinational corporations (MNCs)—impose on human rights and the environment. These concerns stem from the complexities of modern, multi-tiered supply chains that often extend beyond the jurisdictional reach of any single state. Globalisation has facilitated the spread of business practices that, in many instances, fail to respect international human rights or environmental standards. The EU recognised the need to address this regulatory gap, which has allowed businesses to exploit loopholes and avoid responsibility for actions that adversely affect vulnerable populations and ecosystems.[12]

Additionally, the adoption of the directive is positioned within the broader policy context of the EU Green Deal, which aims to achieve climate neutrality by 2050. By requiring companies to implement due diligence processes throughout their operations and supply chains, the directive is designed to promote corporate accountability and bridge the governance gaps created by the transnational nature of modern businesses.[13]

The CSDDD offers several key benefits that contribute to advancing the EU's sustainability agenda:

- **Harmonisation and Regulatory Clarity**: One of the most significant advantages of the directive is its ability to establish uniform corporate sustainability due diligence processes across the EU. By setting common standards, the directive ensures that businesses in different member states adhere to the same expectations, thus reducing regulatory fragmentation and promoting a level playing field. This harmonisation not only facilitates compliance for businesses operating in multiple EU jurisdictions but also prevents competitive distortions resulting from differing national regulations.[14]

9 Vesna Coric, Ana Knezevic Bojovic and Milica V Matijevic, *Potential of the EU Draft Directive on Corporate Sustainability Due Diligence to Contribute to a Coherent Framework of Corporate Accountability for Human Rights Violations* (2023).

10 Maria Giovannone, 'The European Directive on 'Corporate Sustainability Due Diligence': The Potential for Social Dialogue, Workers' Information, and Participation Rights' (2024) *Italian Labour Law e-Journal*, Issue 1, Vol 17.

11 Supra note 3.

12 Alessio M Pacces, 'Civil Liability in the EU Corporate Sustainability Due Diligence Directive Proposal: A Law & Economics Analysis' (2023*) Law Working Paper* N° 691/2023.

13 Juan Dempere, Eseroghene Udjo and Paulo Mattos, 'The Entrepreneurial Impact of the European Directive on Corporate Sustainability Due Diligence' (2024) 14 *Administrative Sciences* 266.

14 Ibid.

- **Enhanced Risk Management**: The CSDDD's emphasis on due diligence provides companies with a structured approach to identifying and mitigating risks in their operations and supply chains. By proactively managing environmental and human rights risks, businesses can reduce their exposure to reputational damage, legal liabilities, and financial losses. The directive also encourages the adoption of progressive risk management practices that integrate sustainability considerations into corporate strategy.[15]
- **Corporate Accountability**: The directive strengthens the accountability of businesses for their human rights and environmental impacts. By making it mandatory for companies to take responsibility for ensuring that their supply chains comply with human rights and environmental standards, the CSDDD fosters a culture of transparency and ethical business practices. This regulatory approach is expected to enhance the EU's leadership role in advancing global sustainability standards.[16]
- **Innovation and Market Differentiation**: The directive's focus on sustainability may also drive innovation in green technologies and sustainable business practices. By aligning business strategies with sustainability goals, companies can gain a competitive advantage in markets that increasingly prioritise Environmental, Social, and Governance (ESG) criteria. Additionally, companies that demonstrate a commitment to sustainability may attract investments from stakeholders who prioritise ethical business conduct.[17]

While the CSDDD offers significant potential, it is not without its challenges and limitations.

- **Compliance Costs:** One of the CSDDD's perceived drawbacks is the financial and administrative burden it places on businesses, particularly its indirect impact on small and medium-sized enterprises (SMEs). The costs associated with implementing due diligence processes, including the establishment of monitoring systems, staff training, and continuous reporting, may be prohibitive for smaller companies that lack the resources of larger corporations. These costs could hamper innovation and create barriers to market entry for SMEs, thus limiting the directive's overall impact on fostering a diverse and competitive market.[18]
- **Limited Liability Effectiveness**: The civil liability provisions within the CSDDD, intended to ensure corporate accountability, have been criticised for their potential ineffectiveness in compelling businesses to internalise the adverse impacts of their activities. Critics argue that companies may be circumvent liability by selectively implementing due diligence measures, thus undermining the directive's ability to achieve its intended deterrent effect. The current liability framework may fail to fully address the complexity of global supply chains and the strategic use of limited liability by multinational corporations.[19]

15 Ibid.
16 Chantal Mak, 'Corporate Sustainability Due Diligence: More than Ticking the Boxes?' (2022) 29(3) *Maastricht Journal of European and Comparative Law* 301–303.
17 Supra note 3.
18 Supra note 14.
19 Alessio M Pacces, 'Civil Liability in the EU Corporate Sustainability Due Diligence Directive Proposal: A Law & Economics Analysis' (2023) *Law Working Paper* N° 691/2023.

- **Challenges in Monitoring and Enforcement:** Ensuring compliance with the CSDDD presents significant practical challenges. Supply chains are often complex, lacking transparency, and geographically dispersed, making it difficult for companies to assess and mitigate risks effectively across their entire network of suppliers. As a result, competent authorities overseeing its implementation may struggle to ensure that businesses fully meet their due diligence obligations, particularly in jurisdictions where human rights and environmental standards are weak or poorly enforced.[20]
- **Box-Ticking and Strategic Compliance:** There is also concern that companies may treat the CSDDD's due diligence requirements as a mere "tick-the-box" exercise, focusing on formal compliance rather than substantive action to address human rights and environmental harms. If companies view due diligence primarily as a legal obligation rather than an opportunity to drive meaningful change, the directive's effectiveness could be diminished. This risk is particularly relevant in contexts where businesses adhere only to legally required due diligence measures without committing to broader sustainability goals.[21]

The Omnibus and its Effect

However, it is also important to shed light on the recent Omnibus proposal, dated 26 February 2025. The proposal, which amends the Corporate Sustainability Due Diligence Directive (CSDDD), aims to streamline and simplify the current framework by introducing several key changes to ease the regulatory burden, especially for small and medium-sized enterprises (SMEs). This proposal aligns with the broader goal of ensuring that companies can transition smoothly towards sustainability without being overwhelmed by excessive reporting obligations. The main changes in this proposal include raising the employee threshold for mandatory reporting to 1,000, limiting due diligence obligations primarily to direct business partners, and extending the intervals between required monitoring assessments. Additionally, the proposal introduces greater flexibility in the reporting standards for companies that do not meet the new thresholds, allowing them to use simpler and more proportionate voluntary standards. It also removes the obligation for companies to terminate business relationships with partners causing adverse impacts, shifting the focus to alternative measures of redress. These adjustments are designed to simplify compliance, reduce costs, and provide companies with more flexibility while maintaining the core sustainability goals of the directive. However, raising the employee threshold to 1,000 employees could exempt many companies from mandatory reporting, particularly those still large enough to have significant sustainability impacts. The shift from requiring companies to sever ties with harmful partners to allowing alternative remedies could weaken accountability and delay meaningful action. Additionally, permitting SMEs to use voluntary standards risks leading to inconsistent and insufficient due diligence practices, potentially undermining the uniformity and rigour of the directive's goals. Ultimately, these adjustments may dilute the directive's ability to enforce robust corporate accountability for human rights and environmental protection. The proposal will now be considered by the European Parliament and the Council before adoption. The changes will enter into force once the co-legislators reach an agreement and the final text is published in the EU Official Journal.

20 Supra note 15.
21 Supra note 14.

The Directive's Impact Regarding Candidate Countries

Turning to the regional and domestic context of the directive, it is important to note that it will have significant implications for EU candidate countries, including North Macedonia, as these nations align their legal frameworks with EU regulations. While North Macedonia is not immediately required to comply with EU laws, the country's path to EU membership will require a gradual adaptation of its legal structures to bring them into alignment with EU standards. However, high-quality, well-integrated EU and UN regulations would benefit Southeast European countries, both EU member states and candidates. This is particularly relevant as, with the exception of Slovenia, these countries have so far failed to develop a coherent approach to assessing the impact of corporate activities on human rights and the rule of law. This gap is evident in the lack of National Action Plans on Business and Human Rights, as well as the absence of comprehensive policies or specific regulations on corporate accountability in countries including Serbia, Montenegro, Croatia, Bosnia and Herzegovina, North Macedonia, Greece, Turkey, and Albania.[22]

The regulatory framework for Environmental, Social, and Governance (ESG) reporting in North Macedonia is still in its early stages, with full implementation yet to occur. Existing laws governing corporate reporting do not specifically address these issues. The Company Law mandates that management boards prepare annual accounts, financial statements, and reports. While the law outlines the content of the annual report, it does not explicitly mention ESG-related matters.[23] Additionally, in North Macedonia, companies' human rights policies are either standalone documents or integrated into company standards such as the Code of Ethics or Supplier Code of Conduct, outlining their stance on human rights. Companies are encouraged to align their policies with the United Nations Global Compact. Of the 27 companies surveyed, 10 have public statements on human rights, with seven incorporating them into corporate standards such as the Code of Ethics or Corporate Governance Code (CGC). Two companies publish these statements on their websites, while one has a dedicated human rights document. However, only three companies extend their human rights commitments to their suppliers and business partners, while the others limit responsibility to management and employees. Referenced international human rights standards include the Universal Declaration of Human Rights, the UN Global Compact, ILO Conventions, OECD Corporate Governance Principles, and national laws such as the Anti-discrimination, Labor Law, and Workplace Harassment Protection legislation.[24]

22 Letnar Černič and Michalakea, as cited in Vesna Coric, Ana Knezevic Bojovic, and Milica V. Matijevic, ***Potential of the EU Draft Directive on Corporate Sustainability Due Diligence to Contribute to a Coherent Framework of Corporate Accountability for Human Rights Violations*** (2023).

23 Stefan Ristovski, ***Corporate Sustainability Reporting as a Mean for Engaged Private Sector: Regulatory Framework and Reporting Practices on Corporate Sustainability Reporting Practices in North Macedonia*** (European Policy Institute, 2022).

24 Ibid.

Conclusion

The Corporate Sustainability Due Diligence Directive (CSDDD) represents a substantial advancement in EU regulatory efforts to address the harmful impacts of business operations on human rights and the environment. By mandating due diligence processes throughout companies' operations and supply chains, the directive significantly elevates corporate accountability, setting a strong precedent for businesses to integrate sustainability into their governance models. However, the directive is not without its challenges, including concerns over compliance costs, the effectiveness of liability provisions, and the risk that companies may only implement superficial due diligence measures, which could undermine its intended deterrent effect.

For EU candidate countries such as North Macedonia, the CSDDD offers both a challenge and an opportunity. While the country is not immediately obligated to comply with the directive, it will need to align its legal framework with EU standards as part of its accession process. This alignment presents an opportunity to strengthen corporate governance, improve transparency, and foster a more sustainable business environment. However, North Macedonia faces significant challenges, including the absence of comprehensive national policies on human rights and business, weak environmental protection frameworks, and the need to build capacity for ESG reporting.

The Omnibus proposal introduces important adjustments aimed at reducing the regulatory burden, particularly for small and medium-sized enterprises (SMEs). By raising the employee threshold for mandatory reporting, simplifying compliance requirements, and allowing for alternative corrective measures instead of severing ties with harmful partners, the Omnibus seeks to make the CSDDD more practical for businesses. While these changes may make compliance more accessible for SMEs, there are concerns that they could weaken the directive's impact on corporate accountability, particularly regarding the comprehensive management of supply chain risks.

In conclusion, the CSDDD is a regulatory framework that will shape the future of corporate responsibility in the EU and its candidate countries. While its implementation presents both challenges and opportunities, the directive's role in promoting sustainable business practices and protecting human rights cannot be overstated. For North Macedonia and other candidate countries, aligning with the CSDDD is not just about regulatory compliance—it is an opportunity to take the lead in the global transition to a sustainable, ethical, and responsible economy.

Aligning North Macedonia's AI Policy with the EU: Bridging the Regulatory Gap

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Introduction

Artificial Intelligence (AI) technologies, including tools such as large language models, are becoming increasingly accessible and integrated into everyday life in North Macedonia. They are present not only in professional and industrial applications, but also in most of our smartphones and apps. This rapid adoption of AI tools, however, stands in contrast to the current legal landscape of North Macedonia, which currently lacks a specific regulatory framework to govern the development, deployment, or use of AI. This regulatory vacuum raises significant concerns, particularly in areas such as the protection of fundamental rights, data privacy, accountability, and transparency.

This analysis aims to explore how the European Union AI Act will influence North Macedonia's legal and institutional readiness for EU integration, with a focus on the necessary structural, legal, and institutional reforms the country must undertake to harmonise laws with EU standards. Without this alignment, the country risks regulatory fragmentation, decreased trust in AI systems, and potential delays in the accession process. Failure to harmonise national legislation with the acquis communautaire—specifically the AI Act in this case—would signal insufficient compliance with EU digital and data protection standards, undermine the country's credibility as an EU candidate and weaken its still-developing data protection framework.

Overview of the EU AI Act and Its Principles

Interest in and research on AI have grown exponentially over the past five years, with its applications permeating nearly every aspect of daily life, from marketing and social media to healthcare, education, and even government decision-making. While such integration offers benefits in terms of efficiency, innovation, and accessibility, it simultaneously raises concerns regarding privacy, accountability, and potential bias. Recognising the power and risks of AI, the EU acted early in establishing a regulatory foundation grounded in values such as trust, transparency, and fundamental rights. With the introduction of the Artificial Intelligence Act (AI Act), the EU became the first political entity to establish a comprehensive framework for regulating AI. This Act forms part of the expanding acquis communautaire that candidate countries are expected to adopt through the accession process.

The EU AI Act outlines a risk-based regulatory approach, classifying AI systems by risk level and the potential risk of harm to safety and fundamental rights. This imposes obligations on developers and users of AI systems, who are required to implement risk management, ensure compliance, and maintain oversight structures. These structures are reinforced by institutional arrangements for monitoring and enforcement;[25] however, many of these arrangements, as evidenced by the State Audit Office, are currently lacking in North Macedonia, where over EUR 6 million have been spent on forty-eight AI projects since 2018 without a single functional public sector implementation.[26]

The EU AI Act reflects the EU's broader commitment to trustworthy, human-centric, and ethical development of technology, grounded in foundational values such as the rule of law and democracy.[27] These principles are embedded in the Treaties and referenced in the Act's recitals, emphasising the importance of aligning AI development with the Union's Charter of Fundamental Rights.[28]

The AI Act introduces a risk-based regulatory model that classifies AI systems into four tiers: unacceptable risk, high risk, limited risk, and minimal risk. Systems deemed to pose an unacceptable risk are prohibited outright, including those that deploy subliminal techniques, exploit vulnerabilities of specific groups, or involve real-time remote biometric identification in publicly accessible spaces for law enforcement purposes, with narrowly defined exceptions.[29]

High-risk systems are permitted but are subject to strict requirements. These include AI systems designed for use in critical areas, such as education, employment, law enforcement, border control, and access to essential public services.[30] The Act mandates that these systems undergo conformity assessments, meet specific standards of data quality, ensure human oversight, and include mechanisms for transparency and accountability.[31] These obligations require, for example, that datasets

25 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 on harmonised rules on artificial intelligence (Artificial Intelligence Act), ***Official Journal of the European Union*** L 2024/1689, Arts. 25, 29.
26 Visive.ai, "Millions Spent on AI in North Macedonia, No Functional Projects Yet," ***Visive.ai***, accessed August 16, 2025, https://www.visive.ai/news/millions-spent-on-ai-in-north-macedonia-no-functional-projects-yet/.
27 European Commission, ***Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts***, COM(2021) 206 final, Recital 1.
28 Ibid, Recitals 1 and 5.
29 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L, 2024/1689, Article 5(1); Recitals 23–27.
30 Ibid., Annex III; Articles 6–7.
31 Ibid., Articles 8–15.

used for the training and development of the systems be relevant, representative and free from errors and bias; that human oversight ensures developers are in full control and able to halt operations at any given moment; and that transparency measures include clear instructions to ensure accountability in deployment and usage.[32]

Limited-risk AI systems, such as chatbots or emotion recognition systems, for example, must comply with transparency obligations, including informing users that they are interacting with an AI system.[33] On the other hand, minimal-risk AI systems, like AI-enabled spam filters or video game algorithms, remain largely unregulated but are equally encouraged to follow voluntary codes of conduct and adhere to ethical guidelines.[34]

The AI Act is extraterritorial in scope, which means it applies not only to providers and users within the EU, but also to those outside the EU whose AI systems affect people within the Union.[35] This has significant implications for third countries, including North Macedonia, which will need to begin aligning with the Act well before accession to avoid regulatory fragmentation and to facilitate access to the EU single market.

In essence, the AI Act regulates not only AI technologies but also provides a legal framework anchoring innovation in public trust, fundamental rights, and democratic oversight.[36] For candidate countries like North Macedonia, this Act is not just a future obligation under the acquis—it can be viewed as a guide for institutional modernisation and legal harmonisation. From the general application of the EU AI Act on 2 August 2026, with obligations for general-purpose AI models commencing on 2 August 2025 and full compliance required by 2 August 2027, candidate countries, such as North Macedonia, can use these milestones to guide the gradual alignment of their legal and institutional frameworks with EU standards.[37]

North Macedonia's Current Regulatory Landscape for AI

North Macedonia currently operates within a significant regulatory vacuum. Unlike many neighbouring countries, the country lacks specific legislation or even comprehensive, non-binding guidelines to govern the development, deployment, or overall use of AI technologies. While the Macedonian Fund for Innovation and Technology Development (FITD), in collaboration with the government, initiated efforts in 2021 to formulate a National Strategy for AI, tangible progress on a robust legislative framework has been conspicuously slow.[38] However, the introduction of the National ICT Strategy aims to bridge the digital divide by improving broadband infrastructure in underserved rural areas.[39]

32 Regulation (EU) 2024/1689, Artificial Intelligence Act, Articles 10–14.
33 Ibid., Article 52(1); Recital 70.
34 Ibid., Recital 71; Article 69.
35 Ibid., Article 2(1)(c); Recital 12.
36 Ibid., Recitals 1, 5, and 10.
37 European Parliament, ***The Timeline of Implementation of the AI Act***, 2025, https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA%282025%29772906.
38 Andrea Radonjanin, Andrea Lazarevska, and Filip Srbinoski, "Artificial Intelligence 2024 - Schoenherr," ***Schoenherr***. https://www.schoenherr.eu/media/0s3n4xde/schoenherr_chambers_north_macedonia.pdf.
39 Government of the Republic of North Macedonia, ***Draft National ICT Strategy 2023–2030***, Ministry of Information Society and Administration, accessed July 30, 2025, https://ener.gov.mk/PublicDocuments/Нацрт%20Национална%20ИКТ%20стратегија%202023-2030_Нацрт_id=71_version=1.pdf.

The strategy, in its fourth pillar, identifies AI as an emerging technology with transformative potential across sectors, emphasising the need to build institutional, legal, and technical capacity to support the future deployment of such technologies in line with EU standards.[40] While general digital development is being addressed, the absence of a dedicated AI framework could actively prolong North Macedonia's path to EU membership by necessitating extensive legislative overhauls and compliance efforts after the fact, potentially hindering economic integration and trust in its digital sector. The EU expects its prospective members to adopt its legal standards, and an absent or misaligned AI strategy would clearly signal a gap in regulatory readiness.

Despite the momentary lack of AI-specific legislation, North Macedonia has created a foundational legal framework for data protection. The Law on Personal Data Protection (LPDP)[41], which took effect in February 2020, demonstrates substantial harmonisation with the EU's General Data Protection Regulation (GDPR).[42] This alignment provides a starting point, given that data quality and privacy are central tenets of the EU AI Act's requirements for high-risk AI systems. Nevertheless, the LPDP alone proves insufficient to comprehensively address the inherent complexities and novel challenges presented by AI, and it can only be applied by analogy in cases involving AI, rather than being directly applicable. This inadequacy is particularly in relation to critical issues such as algorithmic bias, accountability for automated decision-making processes, and the broad application of AI across diverse economic and social sectors. Furthermore, questions pertaining to intellectual property rights for AI-generated works largely remain unresolved under the current Macedonian legal paradigm.[43]

The LPDP provides a foundational framework for addressing AI-related concerns in North Macedonia, despite the country's lack of specific AI legislation. Its broad definition of "processing of personal data" in Article 4, paragraph (1), point 2, encompassing automated means, allows the Personal Data Protection Agency (the Agency) to oversee AI systems handling personal data. Similarly, Article 4, paragraph (1), point 4's definition of "profiling" directly applies to many AI applications, establishing a legal basis for regulating predictive AI.[44]

Fundamental LPDP principles from Article 9, such as "lawfulness, fairness and transparency," and "accuracy," can be analogously applied to AI. This includes mitigating algorithmic bias under "accuracy" (Article 9, paragraph (1), point 4) and ensuring clear communication about AI decisions for "transparency" (Article 9, paragraph (1), point 1). Furthermore, data subjects' rights in Article 17, paragraph (2), point 6, and Article 18, paragraph (2), point 7, specifically address "automated decision-making process, including profiling," granting individuals the right to meaningful information about AI logic and consequences. This empowers them to understand and challenge algorithmic decisions. Finally, the Agency's broad powers under Article 66 to demand information and access personal data provide a crucial regulatory mechanism to investigate and enforce data protection

40 Ibid.

41 Law on Personal Data Protection, ***Official Gazette of the Republic of North Macedonia*** no. 42/20, with amendments no. 101/25.

42 DLA Piper, "Data protection laws in North Macedonia," ***DLA Piper Data Protection Laws of the World***, last modified January 17, 2024, https://www.dlapiperdataprotection.com/index.html?t=about&c=MK.

43 Andrea Radonjanin, Andrea Lazarevska, and Filip Srbinoski, "Artificial Intelligence 2024 - Schoenherr," ***Schoenherr***. https://www.schoenherr.eu/media/0s3n4xde/schoenherr_chambers_north_macedonia.pdf; Law on Personal Data Protection, ***Official Gazette of the Republic of North Macedonia*** no. 42/20, with amendments no. 101/25.

44 Ibid., Article 4.

compliance in AI-related cases. While not a substitute for dedicated AI legislation, the LPDP offers immediate legal avenues to address critical AI concerns within North Macedonia's current regulatory landscape.[45] North Macedonia's current approach to AI policy development lacks a framework for stakeholder consultation or multi-stakeholder dialogue. This absence limits the inclusion of diverse perspectives, which can result in policies that do not fully address the societal and technical challenges of AI. In the Netherlands, for example, multi-stakeholder consultations are conducted on AI guidelines and prohibited AI practices, involving government bodies, industry, and civil society to ensure broad input and participation.[46] This demonstrates that stakeholder engagement is necessary to produce policies that reflect multiple perspectives, ensure compliance, and allow for oversight. Without it, AI governance risks gaps in accountability and responsiveness.

Necessary Legal, Institutional, and Technical Changes for Alignment

North Macedonia currently lacks a dedicated legal framework for artificial intelligence. While broader digital transformation efforts are underway—most notably through the National ICT Strategy—the country still does not regulate AI-specific risks, responsibilities, or oversight mechanisms. The absence of legally defined safeguards, institutional capacity, and technical infrastructure creates a gap between North Macedonia's current position and the standards required by the EU AI Act.

Legal Changes

The absence of a dedicated national AI strategy means North Macedonia must start from scratch, requiring substantial political will, financial investment, and legal expertise to build a comprehensive regulatory framework. Securing adequate funding for these reforms will be a significant challenge, likely necessitating international support.

Given the complexity and breadth of the EU AI Act, North Macedonia should adopt a new, dedicated law on artificial intelligence rather than attempting to regulate AI solely through amendments to the existing Law on Personal Data Protection. While the LPDP addresses issues related to data governance and individual rights, it does not cover critical aspects such as risk classification, conformity assessments, or sector-specific obligations. A new legal instrument would provide clearer regulatory certainty and better alignment with EU requirements, while targeted amendments to existing sectoral laws would ensure full harmonisation.[47] This law should adopt a risk-based classification, mirroring the EU AI Act, and explicitly prohibit systems deemed to pose an unacceptable risk.[48]

45 Ibid., Articles 9, 17, 18, and 66.

46 Rijksoverheid, "Reactie op Consultatie AI Systemen," ***Rijksoverheid***, December 11, 2024, https://www.rijksoverheid.nl/documenten/rapporten/2024/12/11/reactie-consulatie-ai-systeem.

47 Andrea Lazarevska, Andrea Radonjanin, and Filip Srbinoski, "The Absence of AI Regulation in North Macedonia," *Chambers Global Practice Guides: Artificial Intelligence 2024*, Schoenherr, accessed August 10, 2025, https://www.schoenherr.eu/media/0s3n4xde/schoenherr_chambers_north_macedonia.pdf.

48 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L, 2024/1689, Article 5(1).

This legislation must also mandate fundamental rights impact assessments for high-risk AI systems before their deployment, providing a means to proactively address these harms and risks.[49] For systems classified as high-risk, North Macedonia will need to legislate requirements covering data governance (similar to those found in the LPDP), comprehensive technical documentation and record-keeping, and transparency and information provisions. This can include specifying requirements for post-market monitoring and reporting of serious incidents involving AI systems, ensuring ongoing compliance and accountability once systems become operational, that is, deployed and accessible to many users.[50] It must ensure meaningful human oversight, guarantee the technical robustness, accuracy, and cybersecurity of high-risk AI systems, and mandate the establishment of a robust risk management system. The new law must also establish transparency obligations for limited-risk AI systems, such as chatbots, and define a clear enforcement framework with designated national authorities and a system of penalties consistent with the EU Act, including provisions for redress mechanisms for affected individuals.[51] Beyond a general AI law, existing sector-specific legislation in areas such as healthcare, finance, employment, and education will need to be reviewed and amended to incorporate AI-specific provisions, ensuring consistency with the principles of the AI Act.

Institutional Changes

Implementing the AI Act requires strengthening and establishing new institutional capacities. North Macedonia will need to designate a competent national authority for AI oversight, potentially expanding its Personal Data Protection Agency (PDPA) or creating a dedicated AI body with multidisciplinary experts.[52] For high-risk AI systems or developers, independent third-party conformity assessment bodies must be accredited or established. However, the PDPA itself faces well-documented limitations. Its annual reports and the European Commission's most recent progress report identify persistent challenges such as limited staffing, insufficient funding, and a lack of technical infrastructure, which severely constrain its regulatory reach.[53] These shortcomings must be addressed as a matter of priority if the Agency is to assume the additional responsibilities outlined under the AI Act.

Extensive training is necessary for civil servants across all government sectors, including ministries, the judiciary, and procurement, to develop their understanding of both the legal requirements and technical implications of the AI Act.[54] Strong inter-agency coordination and public awareness initiatives are essential, including public-private partnerships, which can be incentivised in many ways, such as calls for outside investment in AI. In addition, the designated AI authority, whether new or existing, must be significantly equipped with human, financial, and technological resources to carry out its mission effectively.

49 Ibid, Article 29.
50 Ibid, Articles 10, 11, 13, 14, 15, 66.
51 Ibid., Articles 52, 60, 61, 62, and 71.
52 Ibid., Articles 60 and 61.
53 Republic of North Macedonia, ***Annual Report of the Agency for Personal Data Protection for 2023*** (Skopje: Agency for Personal Data Protection, 2024), https://dzlp.mk/mk/izveshtai; European Commission, ***North Macedonia 2024 Report***, SWD(2024) 621 final, Brussels, 5 June 2024, https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2024_en.
54 Ibid., Recital 70.

Building institutional capacity will demand coordinated efforts to train public officials and establish competent authorities to oversee AI deployment and compliance. These challenges present an opportunity for North Macedonia to enhance governance, attract investment, and foster innovation within a regulated and rights-respecting environment aligned with EU standards.[55]

Technical Changes

North Macedonia must address significant technical challenges. Developing or adopting detailed technical standards for AI development and deployment, consistent with European norms (including both explainable AI and interoperability), is vital.[56] Investment is needed to develop a national pool of AI experts, including ethics specialists, data scientists, and engineers, within both public and private sectors, as well as to bolster educational programs and AI research. A secure data infrastructure is of special importance for high-risk AI systems, potentially requiring investments in secure cloud computing and national data centres to mitigate cybersecurity risks.[57]

North Macedonia has already suffered multiple ransomware and phishing attacks against public institutions, such as the Health Insurance Fund in 2023 and the Ministries of Agriculture and Education in 2022, demonstrating vulnerabilities in cybersecurity and highlighting the heightened risk of AI systems being manipulated.[58] As AI becomes more integrated into public services, the potential for exploitation grows sharply, underscoring the urgent need for robust security and resilience.

Establishing or supporting AI testing and validation facilities, especially for high-risk system testing, is essential for compliance.[59] In parallel, North Macedonia must develop policies aimed at retaining its existing pool of digital and AI professionals, who are often drawn abroad by better-funded opportunities. Preventing brain drain through incentives, career development programs, and research funding will be key to building sustainable domestic capacity for AI governance and innovation, as the EU has recommended through its Talent Booster Mechanism and partnerships under the Global Gateway frameworks.[60]

55 European Commission, ***Supervising AI by Competent Authorities***, accessed August 10, 2025, https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/supervising-ai-competent-authorities_en.

56 Ibid., Article 41.

57 Ibid., Articles 10 and 15.

58 Balkan Investigative Reporting Network, "Cyber-enabled crime poses significant risks to South Eastern Europe: ransomware attacks hit North Macedonia's Health Insurance Fund and multiple ministries," ***Risk Bulletin***, March 2024; and Telegrafi.com, "Cyber-attacks on state institutions escalate, exposing citizens' data risks," ***Telegrafi***, April 2023

59 Stein, Merlin, Milan Gandhi, Theresa Kriecherbauer, Amin Oueslati, and Robert Trager. "Public vs Private Bodies: Who Should Run Advanced AI Evaluations and Audits? A Three-Step Logic Based on Case Studies of High-Risk Industries." arXiv, July 30, 2024. https://www.arxiv.org/abs/2407.20847v1

60 European Parliament, ***Report on Harnessing Talent in Europe's Regions***, A9-0325/2023, adopted 14 June 2023, especially Recitals R–P on talent retention strategies to counter brain drain; European Commission, ***Implementation of Global Gateway Agenda***, Communication COM(2023)715, 10 October 2023, §3 on Talent Partnerships and cooperation with third-country (non-EU) partners to prevent brain drain and support skills development.

Conclusion

The EU AI Act, grounded in human-centric values and a risk-based approach, serves as a vital framework for North Macedonia's alignment with the Union's digital and democratic standards. The current regulatory vacuum urgently calls for comprehensive legal reforms that mirror the Act's structure—introducing a dedicated AI law, establishing a competent national supervisory authority, and building institutional capacity across public administration and infrastructure. This includes strategic investments in AI expertise, secure data systems, and testing facilities to ensure both technical excellence and accountability. While complex, this process offers North Macedonia a transformative opportunity: to modernise its digital governance, foster innovation, attract sustainable investment, and accelerate its path to EU accession.

Most importantly, adopting this framework anchors the country's digital future in the protection of fundamental rights—ensuring that AI serves people, safeguards their dignity, and reinforces public trust in the rule of law.

Brief analysis of the amendments to the laws on primary and secondary education and their compliance with the EU directives on non-discrimination

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This analysis presents and assesses the recent amendments to the laws on primary and secondary education in the Republic of North Macedonia and their compliance with the EU non-discrimination directives. Based on the identified shortcomings, the analysis provides specific recommendations for harmonising the national legal framework with European standards, for strengthening the mechanisms for protection against discrimination, and for ensuring inclusive and equal education for all students.

Introduction and context

In 2025, the Assembly of the Republic of North Macedonia adopted several amendments to the Law on Primary Education and the Law on Secondary Education, which caused significant reactions from the civil society sector,[61] since they removed the grounds of discrimination such as gender, gender identity and sexual orientation, the reference to the Law on Prevention and Protection against Discrimination, as well as the topics concerning sexual and reproductive health and gender equality, and the young people have been left with no access to evidence-based health education. These amendments were adopted in a shortened procedure, without proper public debate and without the involvement of expert public. The main criticisms refer to the fact that the amendments relativise the existing mechanisms for protection against discrimination and violence, undermine the inclusiveness in education, and thus violate the constitutional rights to equal access to education for all, the right to equal treatment and the prohibition of discrimination.[62]

The amendments represent a departure from the European agenda – that is, a departure from the already established standards and principles enshrined in the Constitution of the Republic of North Macedonia, the Law on Prevention and Protection against Discrimination, as well as in relevant international documents, including the United Nations Sustainable Development Goals. In addition, these amendments do not comply with the following European Union directives: Directive 2000/78/EC, Directive 2004/113/EC and Directive 2006/54/EC.

Discrimination is any distinction, exclusion, restriction or preference on discriminatory bases (such as race, colour, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalised group, language, citizenship, social background, education, religion or religious belief, political opinion, other opinions, disability, age, family or marital status, economic status, health status, personal status and social status or any other basis), by acting or omitting to act, which aims at or results in preventing, restricting, recognising, enjoying or exercising the rights and freedoms of a particular person or group on an equal basis with others.[63] This covers all forms of discrimination

61 Network for protection against discrimination (MZD), „Барање за итно повлекување на измените на законите за основно и средно образование“ (Demanding immediate withdrawal of the amendments to the laws on primary and secondary education), 2024. Available at: https://mhc.org.mk/news/mrezhata-za-zashtita-od-diskriminacija-bara-itno-da-se-povlechat-zakonskite-izmeni-za-osnovno-i-sredno-obrazovanie/

Network for protection against discrimination (MZD), „ Јавна реакција: Здравјето, заштитата од насилство и дискриминација на младите не се приоритет за Владата и мнозинство на пратеници “ (Public reaction: Health and protection of young people against violence and discrimination are not a priority for the Government and the majority of MPs), 2025. Available at: https://mzd.mk/mk/vesti/reakcija/

Network for protection against discrimination (MZD), „ Насилството, дискриминацијата и незнаењето во формалното образование се новото „нормално“ што го промовираат Владата, Парламентот и Претседателката на државата“ (Violence, discrimination and ignorance in formal education represent the new “normal” promoted by the Government, Parliament and the President of the country), 2025. Available at: https://mzd.mk/mk/vesti/reakcija-2/

Coalition Margins, 02.04.2025, Facebook Post. Available at: https://www.facebook.com/CoalitionMargins/posts/pfbid02VrTmNpwTXCEG7K9yhofX7XTFf1juJVRdd5hh793VB6PVdyojKkqUN4BcQjtzbe1tl

62 Network for protection against discrimination (MZD) and Gender Equality Platform, „Повик до претседателката на РСМ за непотпишување на указите за измените во образованието“ (Urging the President of the RNM not to sign the decrees concerning the changes in education), 2025. Available at: https://mhc.org.mk/news/povik-do-pretsedatelkata-na-rsm-gordana-siljanovska-davkova-za-nepotpishuvanje-na-ukazite-za-shtetni-zakonski-izmeni-vo-obrazovanieto-i-dosledno-sproveduvanje-na-zalozhbite-za-rodova-ednakvost/

63 Law on Prevention and Protection against Discrimination, “Official Gazette of the Republic of North Macedonia”, No. 258/2020

including preventing adequate adaptation and accessibility and availability of infrastructure, goods and services. The Law on Prevention and Protection against Discrimination is applied by all state authorities, bodies of local self-government units, legal entities with public authorities and all other legal and natural persons in various areas, including education. The main institutions responsible for preventing and protecting against discrimination are the Commission for Prevention and Protection against Discrimination and the Ombudsperson.

In Macedonia, the most frequently established grounds of discrimination are national or ethnic origin, personality traits and social status, gender, gender identity, sexual orientation, political beliefs, disability, etc. Most of the established discriminatory actions occurred in the public sector, especially in the field of employment, education and access to public services, but there is also an increase in cases in the private sector and online space.[64]

The Macedonian education system, however, faces serious challenges in ensuring inclusiveness and equal treatment of pupils and students. A study conducted by the Youth Education Forum (YEF) in 2020 found that discrimination exists at all levels – from primary and secondary to higher education. It manifests itself through stereotypes, difficult access to education, or lower expectations of students belonging to marginalised groups. Students at the higher education institutions in North Macedonia often face discrimination on the basis of ethnic origin, gender identity, and sexual orientation. These findings indicate systemic challenges in developing an inclusive educational environment and emphasise the need for a comprehensive approach to promoting equality and effective protection against discrimination at all levels of education.[65]

LGBTIQ+ students in North Macedonia are often exposed to discrimination, verbal, and physical violence in educational institutions. Violence is often systematic, and schools rarely offer an adequate response or support, which contributes to further marginalisation and psychological consequences for these students.[66] Violence is normalised, and cases of harassment, sexual violence and bullying committed by minors are becoming more common – both in schools and in public spaces. Young people aged 15 to 18 are particularly exposed to such forms of violence, and LGBTI students are up to four times more likely to be bullied than their heterosexual peers. In addition, 15-year-olds with a homosexual or bisexual orientation suffer two or more times more often than their heterosexual peers, often with pronounced psychosomatic symptoms (74%), feelings of sadness and hopelessness (47%) or serious suicidal thoughts (30%).[67]

64 Commission for Prevention and Protection against Discrimination (2024). Годишен извештај за работата на Комисијата за 2024 година (2024 Annual report on the work of the Commission). Скопје: КСЗД. Available at: https://kszd.mk

65 Youth Educational Forum (YEF), „Дискриминација врз млади во високото образование" (Discrimination against young people in higher education), *2020.* Available at: https://mof.mk/diskriminacija-vo-visoko-obrazovanie/

66 ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, "LGBTI Youth in the Western Balkans: Mapping the Socio-Economic Situation and Needs", 2020. Available at: https://www.lgbti-era.org/sites/default/files/pdf-docs/era_youth_report_2020_final.pdf

67 HERA – Health Education and Research Association, „Истражување за родово базирано насилство врз младите и децата во Северна Македонија" (Survey on gender-based violence against young people and children in North Macedonia), 2023. Available at: https://hera.org.mk/wp-content/uploads/2023/03/Analiza-za-rodovo-nasilstvo-vrz-deca-i-mladi.pdf

Critical changes in the laws and potential consequences

In January 2025, the Assembly adopted amendments to the Law on Primary Education, which deleted some of the grounds of discrimination, such as gender, gender identity and sexual orientation. In addition, and related to this topic, paragraph 8 was added to Article 6, which refers to the prohibition of discrimination and physical separation of students on discriminatory grounds when enrolling and forming classes in primary schools without a legitimate or objectively justified purpose, in accordance with the Law on Prevention and Protection against Discrimination. These amendments provide reference to the Law on Prevention and Protection against Discrimination, and the terms gender equality, as well as sexual and reproductive health, are stated.[68]

With the amendments in April 2025, the Assembly adopted several amendments, whereby Article 5 Paragraph 8 and Article 16 Paragraph 8, which referred to the Law on Prevention and Protection against Discrimination, are amended by providing reference to the Constitution of the Republic of North Macedonia. Furthermore, in Article 48, the term sexual and reproductive health is deleted, and the term gender equality is replaced with equality between the sexes. This actually means amending the provisions that required schools to implement activities to promote gender equality, protection from bulling and domestic violence, as well as the introduction of comprehensive sexual education.[69] Moreover, an option is incorporated that allows parents to request for their children to be exempted from certain teaching contents, without clear criteria or procedures for that. With this approach, the possibility of selective access to knowledge is allowed, which directly affects topics related to human rights, health education, equality and diversity. At the same time, the competences of schools and educators in recognising and acting in cases of discrimination and violence are limited.[70]

The Law on Amending the Law on Secondary Education does not recognise discrimination as a form of violence and, apart from physical violence, does not recognise emotional, psychological and sexual abuse. The law completely fails to propose measures for promoting sexual and reproductive health among young people, despite the overwhelming data. In addition, the discrimination grounds have not been expanded, in accordance with the Law on Prevention and Protection against Discrimination, while having in mind the need to harmonise the legislation with the Law on Prevention and Protection against Discrimination.[71]

EU legal framework

These changes should be analysed in the context of the country's EU integration, especially in view of the obligations arising from the Acquis Communautaire.

As a EU candidate country, the Republic of North Macedonia has an obligation to harmonise its legislation with the EU directives, among which the key ones are the non-discrimination and equal

68 Law Amending the Law on Primary Education "Official Gazette of RNM", No. 3/2025)

69 Network for protection against discrimination (MZD). (11 April 2025). Насилството, дискриминацијата и незнаењето во формалното образование се новото „нормално" што го промовираат Владата, Парламентот и Претседателката на државата (Violence, discrimination and ignorance in formal education represent the new "normal" promoted by the Government, Parliament and the President of the country). Available at: https://mzd.mk/mk/vesti/reakcija-2/

70 Law Amending the Law on Primary Education ("Official Gazette of RNM"45/2025)

71 Law Amending the Law on Secondary Education "Official Gazette of RNM", No. 78/2025)

treatment directives, the Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, which represent the fundamental EU instruments for protection against discrimination.[72] Even though these directives do not formally regulate the area of formal education, their principles – equal treatment, non-discrimination and equal access – also apply to educational institutions, since they are public or private entities that provide services and shape social integration. The European case law, including the case law of the Court of Justice of the European Union, confirms that the principle of non-discrimination has horizontal effect in other areas, such as education, when they are related to equal access to resources, opportunities and services.[73]

In the context of harmonisation with the EU legal framework, instruments ensuring equal access to education without discrimination are also particularly relevant. Article 14 of the Charter of Fundamental Rights of the European Union guarantees that "everyone has the right to education and to have access to vocational and continuing training", which establishes the obligation of Member States (and candidate countries) to ensure an inclusive education system that is accessible to all.[74] In addition, Article 21 of the Charter of Fundamental Rights of the European Union explicitly prohibits any discrimination based on any ground, including sex, race, ethnic origin or religion. This Article applies horizontally to all areas regulated by the EU legislation, including education, where they are connected to the rights and obligations deriving from EU legislation.

The European Pillar of Social Rights, adopted by the European Commission, the European Parliament and the Council, confirms this in its Principle 1, according to which 'everyone has the right to quality and inclusive education, training and life-long learning'.[75]

Furthermore, the Sustainable Development Goal 4 (SDG 4) of the United Nations 2030 Agenda calls for 'ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all', a global standard also endorsed by the EU.[76] In the same context, Goal 5 (SDG 5) promotes gender equality and empowerment of all women and girls, mainstreaming the principle of non-discrimination in all areas, including education.[77]

72 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council of the European Union, 29 June 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L0043

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Council of the European Union, 27 November 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L0078

73 Court of Justice of the European Union. (2018). Case C-414/16, Egenberger, ECLI:EU:C:2018:257. Available at: https://curia.europa.eu/juris/liste.jsf?language=en&num=C-414/16

Court of Justice of the European Union. (2020). Case C-507/18, NH v Associazione Avvocatura per i diritti LGBTI – Rete Lenford, ECLI:EU:C:2020:289. Available at: https://curia.europa.eu/juris/liste.jsf?language=en&num=C-507/18

74 Charter of Fundamental Rights of the European Union, Article 14 – Right to education, Official Journal of the European Communities, 2000/C 364/01. Available at: https://fra.europa.eu/en/eu-charter/article/14-right-education

75 European Pillar of Social Rights, Principle 1 – Education, training and lifelong learning, European Commission, 2017. Available at: https://epsr-flashcards.eurohealthnet.eu/principle-1/

76 SDG 4 – Quality Education United Nations Sustainable Development Goal 4 – Quality Education, United Nations, 2015. Available at: https://sdgs.un.org/goals/goal4

77 SDG 5 – Gender Equality ***United Nations Sustainable Development Goal 5 – Gender Equality***, United Nations, 2015. Available at: https://sdgs.un.org/goals/goal5

It is also important to emphasise Article 14 of the Istanbul Convention,[78] which underlines the right to access to education and prevention of discrimination based on sex, which reinforces the obligation for gender-sensitive and inclusive education as part of national policies and legislation.

Compliance and negative implications analysis

The Law on Prevention and Protection against Discrimination[79] is already aligned with the following directives of the European Parliament and of the Council: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; and Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.[80]

The exclusion of these protected categories from the legal framework will result in absence of measures to prevent violence and harassment, thus sending a message that the exclusion and oppression of these groups in society is not punishable and to some extent encouraged. By deleting obligations for education on gender equality, non-violent behaviour and sexual education, the state is withdrawing from its key role in promoting tolerance, understanding and equal opportunities. Revoking the mechanisms for recognising and reporting discrimination, especially in situations where students are directly affected, represents a serious step backwards and diminishes significantly the level of protection expected from a democratic society.

In addition, allowing parental intervention in the curriculum without a justifiable basis creates a risk of selectiveness, discrimination and ideological influence on the education system. Of particular concern is the departure from Article 14 of the Istanbul Convention, which clearly imposes an obligation on the states to provide education that promotes gender equality, eliminates gender stereotypes and encourages non-violent behaviour. Instead of executing this obligation, the state, with these changes, weakens the capacity of schools to address gender-based violence, recognise discrimination and develop critical thinking among young people, as well as to promote acceptance and equality for all young people.

78 Istanbul Convention – Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe, 11 May 2011. Available at: https://www.coe.int/en/web/istanbul-convention

79 Law on Prevention and Protection against Discrimination, "Official Gazette of the Republic of North Macedonia", No. 258/2020

80 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Council of the European Union, 27 November 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L0078

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, Council of the European Union, 13 December 2004. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32004L0113

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, European Parliament and Council, 5 July 2006. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX-:32006L0054

The amendments to the Law on Secondary Education do not recognise discrimination as a form of violence and with the exception of physical violence they ignore emotional, psychological and sexual abuse. There are also no measures promoting sexual and reproductive health of young people, despite alarming data.[81] In addition, the grounds of discrimination have not been expanded in accordance with the Law on Prevention and Protection against Discrimination, which is necessary for the harmonisation of the legislation with the Law as well as with the relevant EU directives.

Conclusions and recommendations

The consequences of these changes may be long-term. This creates opportunities for institutionalised discrimination and segregation, especially against students from vulnerable categories – including children with disabilities, LGBTI+ youth and those from poor and socially marginalised families. In doing so, the state risks establishing an education system that does not provide equal treatment and normalises exclusion.

From the European integration perspective, this regression in the process of harmonisation with EU legislation in the field of education could be interpreted as a departure from the EU core values. The amendments require urgent revision, harmonisation with the Law on Prevention and Protection against Discrimination and the international documents.

In order to ensure compliance with the EU directives on non-discrimination and inclusive and equal education, it is necessary to reintroduce educational programmes on equality, including all discrimination grounds provided for in the Law on Prevention and Protection against Discrimination, full support for training of teachers in diversity, and consistent monitoring and sanctioning of discriminatory practices in schools. The active involvement of experts, civil society and of students in the development and implementation of education policies is key to building an inclusive and just education system. This process must involve open and transparent consultations, and not shortened procedures without public debates, as was the case with the latest amendments.

81 HERA – Health Education and Research Association, 2021. Младите и сексуалното и репродуктивно здравје: потреби и пристап до информации и услуги (Youth and sexual and reproductive health: needs and access to information and services). Available at: https://hera.org.mk/mladite-i-srz/

The Rule of Law and Digital Surveillance Personal Data, Privacy and Platform Regulation - North Macedonia's path to EU Integration -

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This analysis argues that while the EU has developed an advanced legal framework to regulate digital surveillance and platforms, countries like North Macedonia face a structural gap between legal alignment and real power, turning the rule of law into a formal rather than lived protection.

Introduction and context: How our daily clicks turn into power and profit?

Digital surveillance enters spaces that feel intimate for people. Smart watches sit on our wrists. Recommendation feeds follow our eyes. AI systems read patterns in our movements and clicks. We order food from our phones. We chat with our friends, family, and colleagues on social media platforms. Each of our daily social interactions is now digitalised. Companies turn all this into profit.

Smart wearables give a good entry point for digital surveillance. Wang writes about the "quantified body" and shows how people use devices to track health and performance (Wang, 2025). The most used smart wearable is the smartwatch, which counts steps, monitors heart rate, tracks sleep, and provides fitness scores. Many users feel that this helps them set goals, see their progress, and change their habits. The device speaks the language of empowerment and self-care. It promises control.

Social media gives another clear entry point. Instagram, TikTok, Facebook, and every other social media platform "invite" people to post photos of intimate moments, share their opinions, and express their feelings about political topics, products, services, and more. The feed shows everything in one continuous stream: friends, influencers, news, ads, politics, makeup, culture, sponsored posts, memes, art—endless, spectacle-like. In this "spectacle," people scroll, people like, share, and comment on content. They feel connected and informed. They build a public image of themselves and a sense of belonging in this virtual society. The platform speaks the language of community and expression. It promises visibility and inclusion.

AI tools add another layer. Chatbots answer questions, write theses, help with work reports, check grammar, offer psychological counselling, read astrological charts, and prepare funny photo manipulations. In-app AI filters change your face—making your eyes pop, adding freckles, and making your waist tiny.

Moreover, platforms like Wolt, Temu, Uber, and similar services show how this logic permeates everyday consumption and work. Wolt connects people with restaurants and couriers. Temu sells a wide range of affordable products directly through its app. Users order food or goods with a few taps. They track deliveries and receive constant deals and recommendations. This creates a sense of comfort and choice. Platforms promise speed and low prices for customers, alongside flexible income for workers.

Zuboff provides a broader context for this story. She describes "surveillance capitalism" as a new stage of capitalism. **In this stage, companies treat human experience as raw material.** They record behaviour, extract "behavioural surplus", train prediction models, and sell "prediction products" on markets for future behaviour (Zuboff, 2019). Wearables, social media, AI tools and other digital platforms fit this logic very well. They "record" daily life in detail. The platform's owner receives a continuous stream of behavioural data. This data can be connected to other sources, such as shopping history, geolocation, and social media activity. Platforms earn money as users share more and more of their personal, private, and social lives. In this process, the platform does not just react to human attention; it also organises, directs, fragments, and connects it with advertising companies through data previously extracted, analysed and organised. The same logic applies to sports, health, and productivity apps. The user believes they "check" the app freely, when in fact the app's design and notification system push them to return, compare, and adjust—thereby adding more data about their physiological life.

Although the main problem addressed in this analysis is the breach of privacy and the unauthorised extraction of personal data, it is important, with the rise of digital platforms, to raise the question of digital precarity. Santos places this in the framework of platform capitalism from the perspective of the semi-periphery (Santos, 2025). He shows how platforms support a model of capitalism that values flexibility, precarity, and constant self-promotion among workers, while deliberately choosing countries with weak labour and business regulations. In this model, people must act like small firms, which raises another legal issue regarding the regulation of workers' rights and security.

The digital consent

When "I accept" does not mean a real choice.

In practice, many companies design privacy notices and consent forms in ways that confuse users. People do not have the time, energy or specific knowledge to read twenty pages of legal language. They often click "accept" because they need the service. So they exchange their personal data for the digital product or service. The formal right exists, but the interface design makes it weak. The law assumes a rational subject that reads, decides, and controls data flows. The actual user acts within an environment that companies design to distract, confuse, and pressure them into "blindly" accepting. If we seriously want to protect people, we must connect data protection law with the actual practice.

European Union legal framework

The European Union tries to limit the harms of this system through law. The main law is the General Data Protection Regulation (GDPR), which plays a central role. The GDPR establishes fundamental principles for the processing of personal data, including lawfulness, fairness, transparency, purpose limitation, and data minimisation. The GDPR grants citizens rights such as access to their data, correction, deletion, and the right to object. In theory, it provides strong protection. As users, people can ask companies what data they hold, why they use it, and with whom they share it.

The EU also adopted the Artificial Intelligence Act, which regulates AI systems through a risk-based model. The Act bans certain uses, such as social scoring by public authorities, while classifying others as high-risk—for example, AI systems in education, employment, health care, or critical infrastructure. Developers of high-risk systems must follow strict rules: collect high-quality training data, test the system, keep logs, and allow human oversight. Some AI applications in wearables or platforms fall inside these categories. Health-related risk predictions, affective computing, and automated content ranking are examples of AI tools that can significantly impact individual rights and freedoms.

The AI Act, therefore, matters for the business model that Zuboff describes. It does not ban surveillance capitalism, but it sets limits on some AI practices and demands greater transparency and safety. It aims to reduce the most serious harms while still accepting that companies build prediction systems for profit. As a result, the law improves some conditions but does not fundamentally alter the logic of extraction.

The Digital Services Act and the Digital Markets Act focus more directly on platforms. The Digital Services Act imposes duties on online platforms, especially the very large ones. They must assess systemic risks, including the spread of illegal content, threats to fundamental rights, harm to minors, and negative impacts on democratic processes. They must provide clearer information about recommendation systems and grant greater access to platform data for researchers. The Digital Markets Act targets gatekeeper firms and seeks to curb unfair practices that block competition, such as self-preferencing or forced bundling of services.

These acts recognise that platform companies now hold a special place in the economy and in public life. Lawmakers no longer see them as neutral intermediaries. They treat them as powerful actors that shape speech, trade, and attention. Still, the focus stays on transparency, accountability, and competition. The acts do not question the idea that platforms can base their profits on targeted advertising and continuous monitoring.

North Macedonia as a legal semi-periphery: copying the rules, but missing the power

North Macedonia occupies an interesting position in this context. The country is not an EU member but follows the path of EU integration. In 2020, it adopted a new Law on Personal Data Protection that aligns with the GDPR and incorporates similar concepts and principles. The law sets rules for data controllers and processors and grants rights to data subjects. The Personal Data Protection Agency serves as a supervisory authority.

Citizens of North Macedonia, therefore, live in a space where the law closely resembles EU law. Nevertheless, the country occupies a semi-peripheral position in global capitalism, as Santos describes. The main issue is that big technology firms do not base their headquarters there. Local regulators have less power than their counterparts in large EU member states, and many people use services from companies that respond more to authorities in Brussels, Dublin, or Washington than to institutions in Skopje. **This creates a gap between formal legal alignment and real power.**

And… what next?

All of this raises a simple but tricky question. What does the rule of law mean in a world of platforms, data extraction and AI tools? It cannot mean only that a country copies EU laws into its own legal system. It must also mean that real people can use those laws in practice and that public institutions have the strength to enforce them.

On the most intimate level, people need space for a private life. They need room to make mistakes, rest, and think without being tracked. When every step, message, and search query becomes data for someone else, privacy does not exist in a meaningful way. The rule of law should protect that space. It should limit how far platforms and devices enter into personal life. It should also recognise that people often act under pressure and confusion, not as perfectly informed, rational subjects.

On the economic level, surveillance capitalism and platform capitalism will not disappear simply because lawmakers adopt new laws. These models grow from deeper structures. Investors demand constant growth. Companies compete for attention and data. In this race, every new metric and every new prediction looks attractive. If we take the rule of law seriously, we have to ask how to put real limits on this race. That includes stronger competition rules, clear bans on the most harmful practices and serious sanctions for violations, not just symbolic fines.

On the institutional level, countries like North Macedonia need support, not only obligations. EU institutions, regional networks, and civil society can build alliances to give local regulators greater weight. Researchers and journalists can use new access rights under the DSA to study in greater detail how platforms operate. Education programs can help people understand their digital rights and recognise patterns and manipulative designs. The rule of law then becomes a living practice, not just a line in a progress report to Brussels.

For North Macedonia, the path to EU integration can open two different futures. In one, the country merely copies the rules while global platforms retain the real power, and people accept constant tracking as the price of modern life. In the other, lawmakers, regulators, experts, and citizens use the EU framework as a tool to push back. They treat data protection, AI regulation, and platform obligations as part of a wider struggle for justice and democracy.

Digital surveillance will not stop on its own. Platforms will not relinquish profitable data flows out of the kindness of their hearts. If the rule of law is to retain any meaning in this context, it must stand on the side of the people, not extraction. It must protect the right to stay untracked, the right to disconnect, and the right to exist without constant scoring. Only then can North Macedonia enter the EU as more than a legal copy—as a society that understands the digital future it wants and is willing to fight for it.