



**SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF THE REPUBLIC OF NORTH
MACEDONIA (4th CYCLE)
46th session of the UPR Working Group
(29 April – 10 May 2024)**

Cover Page

Main submitting organisation:

1. **European Policy Institute (EPI)- Skopje** was founded in February 2011 as an association of citizens under the Law on associations and foundations. EPI's mission is, through high-quality research and proposals on European policy, to provide a sound base for debate and solutions, targeting decision-makers and the wider public. Program areas include: Democracy, institutions, law; Human rights and media; Enlargement and regional cooperation, foreign policy and security; Market and competitiveness; Social development/Diversity and cohesion; Network industries and environment. EPI's portfolio builds upon a decade-long experience in implementing more than 60 projects, predominantly in the area covered with the contribution, while also supporting CSO coalition building. It has founded and/or coordinated landmark civil society efforts such as Network 23, the blueprint initiative, as well as the shadow reporting on Chapter 23: Judiciary and Fundamental Rights in cooperation with its partners from Network 23 since 2015. Our shadow report on chapter 23 published annually since 2015 has been a key reference point for national and international stakeholders. In the last years, we have provided regular and structured rule of law monitoring, supported policy dialogue and public outreach, and worked on organisational

growth. Since 2018, EPI has been also the national research partner of the Fundamental Rights Agency of the EU, as we prepare regular outputs, including the national input for the Fundamental Rights Report on an annual basis. Since 2019, we are also part of the European network of legal experts in gender equality and non-discrimination, contributing annually to the country's status on gender equality and non-discrimination. As a member of the TEN regional network EPI has led several regional efforts of assessment of rule of law benchmarking, included also in the reports of the European Parliament Research Service. Our policy work was also included as a best-case practice of rule of law and CSOs networking in the evaluation of the European Commission.

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Other submitting organisations:

2. **Center for European Citizen Initiative** is an association of citizens founded in 2002 and one of its goals is the promotion and protection of human rights. It is an organisation of persons with disabilities and is a member of the National Assembly of Organizations of Persons with Disabilities.
3. **Double Hope** is a voluntary and independent citizens' association, which comes together in order to protect children and young people in accordance with the Convention on the Rights of the Child. Double Hope is focused on promoting tolerance, respect, and friendship, developing a community based on non-violence and respect, nurturing peace, love and equal chances for everybody.
4. **Legis** is a humanitarian and human rights-based organisation providing assistance to refugees and people in irregular migration, moving on the Western Balkan route since the beginning of the humanitarian refugee and migration crisis as early as 2014.
5. **Multikultura** is a leading civil rights organization promoting youth activism and participation in decision-making and development of cultural and inter-ethnic tolerance and cooperation, established in August 2000.
6. **National Network to End Violence against Women and Domestic Violence** was established in 2010 as a network of 21 member organizations working on gender-based and domestic violence, gender equality and women's rights. In the past 5 years, the Network's team was actively involved in the working groups for the drafting of the new Law on Violence against Women and Domestic Violence and the National Action Plan for the Implementation of the Istanbul Convention (2018-2023). The network published numerous analyses and reports in the field of women's rights and gender-based violence. From the beginning of 2020, started providing specialised services for women and children victims of GBV and DV, through the establishment of counselling centers for help and support of victims (currently manages four located in Skopje, Tetovo, Kavadarci and Bitola) and the Housing Program for Women victims of violence.

7. **Romaversitas** is a community of high school students, students and alumni with a recognizable identity who remain firmly connected to the Roma community in the leadership and progress of the wider society. Romaversitas is an actor in the creation of quality educated generations and a key organization that creates and leads a critical mass of high school students, students and alumni through support, personal and professional development, volunteerism, activism and leadership.
8. **Queer Center** is a community-engaged organization established in 2013 that aims to promote justice, freedom and equality for the members of the sexual and gender minorities in North Macedonia through the principles of accountability, solidarity and inclusivity. Our aims are: Establishment of research programs at local, national and regional level for generating data and knowledge about the needs and concerns of the sexual and gender minorities community; Support in the individual and collective building of a community of sexual and gender minorities in order for its members to be at the forefront of all our activities; Advocacy of policies and laws that address the needs of the sexual and gender minorities community, and ensure their protection; Building cooperation, partnerships and alliances with a variety of stakeholders in order to advance the status and the human rights of sexual and gender minorities in the country and beyond.
9. We have prepared this report to offer the Human Rights Council more precise insights into the human rights violations and limitations of the State's response since the last UPR cycle.
10. This document brings together the findings, conclusions and recommendations that emerged from the monitoring, analysis, interviews and reporting carried out by the European Policy Institute (EPI) – Skopje and the other submitting organisations.



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By

Main submitting organisation: European Policy Institute - Skopje

Other submitting organisations: Center for European Citizen Initiative, Double Hope, Legis, Multikultura, National Network to end violence against women and domestic violence, Romaversitas, and Queer Center.

Submitted on 11 October 2023

Skopje, October 2023

I. National Human Rights Institutions

a) Ombudsperson

1. Four recommendations received in the Third UPR Cycle referred to amending the Law on the Ombudsperson in line with the Paris Principles. However, these amendments are yet to be drafted and adopted.
2. In November 2020, the Parliament published the announcement for the election of a new Ombudsperson. Regrettably, the Parliament did not effectively promote this announcement to the public. Although the call was published in the 'Official Gazette' and three printed media outlets, it was notably absent from the official Parliament website for announcements. Furthermore, the information was not distributed in writing to the media, hindering the announcement's visibility. The Ombudsperson election process also lacked transparency. The decision was made from a pool of four candidates, yet their biographies were not publicly available. Furthermore, the Ombudsperson office is currently lacking five deputy-ombudsperson positions. These shortcomings resulted in the State's failure to assure the public of the impartiality of this institution. The trust in the Ombudsperson institution is below 50% among citizens due to perceived political influence in staffing and limited cooperation with civil society organisations (CSOs).¹ Additional reasons supporting this opinion are this institution's lack of financial and human resources.
3. Between 80% and 85% of the recommendations by Ombudsperson are accepted by the parties responsible for the violations.² While this achievement is essential for victims to get remedies, the Ombudsperson's reports lack disaggregated data on specific incidents. This lack of transparency makes it hard to understand their work thoroughly or if the same protection was provided for often and historically marginalised groups such as Roma or LGBTIQ.

b) Commission for Prevention and Protection against Discrimination (CPPD)

4. Following the previous Commission members' term conclusion, North Macedonia (MK) experienced a gap in its equality body's operation from August 2019 to January 2021. Shortly after the selection of new members, one resigned, and in November 2022, the President of CPPD also stepped down, prompting concerns about the impartiality of this body.

¹ Civil Rights Defenders. *Report on North Macedonia "Effectiveness of National Human Rights Institutions in the Western Balkans - Montenegro, North Macedonia, Serbia: Country Report on North Macedonia*. Available at this [link](#).

² Kanal 5 TV. *Memeti for PCE: Increased number of applications against mobbing at the workplace*. Available at this [link](#).

5. CPPD currently faces limited human and financial resources to ensure its functioning fully.³ The process for appointing new members was initiated twice by the Parliament without success, likely due to pressure to select members aligned with partisan influence. This ongoing challenge emphasises the necessity of appointing impartial and independent professionals solely based on merit.

Recommendations:

- **The Parliament should promptly appoint five deputy ombudspersons to prevent compromise in effectively enforcing human rights following the Law on Ombudsperson and international mechanisms.**
- **The Parliament should promptly select and appoint two positions in CPPD following the national Law and international standards to enhance the efficiency and effectiveness of its equality-related work.**
- **The State needs to address the persistent financial challenges, shortage of administrative staff, and the lack of budgetary independence of the CPPD. Further, the State should ensure a comprehensive review and rectification of inconsistencies in the current legal framework.**

II. Equality and Non-discrimination

6. In September 2022, a new Law on Budgets⁴ was adopted, signifying a notable step toward incorporating a gender perspective into state administration budgets. The objective is to address the diverse needs of all citizens by emphasising gender equality. While the concept of gender budgeting had been previously acknowledged in the Law on Equal Opportunities for Women and Men and the 2012 Strategy for Gender Responsive Budgeting, the new Law is slated to commence in 2025, leaving a significant gap without implementing gender-responsive budget practices.
7. In recent years, MK has proactively formulated and adopted various strategic documents to combat discrimination and advance equal opportunities. An exemplary effort is the adoption of the National Strategy for Equality and Non-Discrimination 2022-2026 (NES)⁵ by the Government in May 2022. The NES foresees the establishment of a National Coordinative Body led by the Ministry of Labour and Social Policy aimed at NES implementation. However, the NES does not state anything more specific about its composition, such as how the members will be selected, when/how often it should meet,

³ European Policy Institute. *Franet National contribution to the Fundamental Rights Report 2023 North Macedonia*. Available at this [link](#).

⁴ Official Gazette of Republic of North Macedonia No.203/2022. *Organic Budget Law*.

⁵ Ministry for Labour and Social Policy. *National Strategy for Equality and Non-Discrimination 2022-2026*. Available at this [link](#).

and similar. Furthermore, the funding of the NES activities is vaguely formulated.⁶ It includes only a reference to the state budget and international donors playing a risk to a comprehensive and high-quality realisation of activities.

8. In July 2022, the Gender Equality Strategy 2022-2027⁷ was adopted, establishing a framework for advancing gender equality and supporting women. Aligned with international standards, recommendations, and obligations, the strategy recognizes the pivotal role of gender equality in societal prosperity. However, the comprehensive implementation of the strategy is yet to materialise, signifying a crucial phase in translating its principles into tangible actions and measurable impact. For example, gender-sensitive and comprehensive sexuality education are yet to be implemented, as well as the access to biologically assisted fertilisation for single women.
9. The consultation process on the draft National Strategy for the Rights of Persons with Disabilities 2023-2030 concluded in June 2023. The strategy is still pending adoption, and its subsequent implementation has not been enforced. The delay in formalising and implementing the strategy raises concerns about timely realising rights and support for persons with disabilities.
10. A significant stride towards equal opportunities involves introducing paid maternity leave for female farmers. Initially, female farmers lacked this right under labour and health insurance laws. CSOs proposed amendments to rectify this, but state institutions disagreed. Instead, in February 2023, the government initiated a program to ensure social security for female farmers, including maternity allowances. Subsequently, in May 2023, a law amendment enabling paid maternity leave for female farmers passed the first phase of the legislative procedure in the Parliament. However, until the Law is adopted and enacted, female farmers will face insecurities and lack of adequate legal protection for their right to paid maternity leave.
11. Since 2019, the Ministry of Labour and Social Policy has been working on a draft Law on Gender Equality. In September 2022, a final draft was made public, sparking a backlash from anti-gender movements. The primary point of contention was the inclusive language in the draft law concerning gender identity. During this period, the Minister of Labour and Social Policy, influenced by the Macedonian Orthodox Church, yielded to pressure and approved a change in the draft law's language from gender-inclusive to gender-binary. This change raises concerns about the State's commitment to comprehensive gender equality and inclusivity.

Recommendations:

- **The State should provide a systemic solution concerning unpaid maternity leave for female farmers by swiftly adopting the Law amending and supplementing the Law on Health Insurance.**

⁶ European Policy Institute. *Franet National contribution to the Fundamental Rights Report 2023*. Available at this [link](#).

⁷ Ministry of Labour and Social Policy. *Gender Equality Strategy 2022-2027*. Available at this [link](#).

- **The State should urgently adopt the Law on Gender Equality in line with the EU and UN standards as a crucial measure to achieving comprehensive gender equality across sectors for women in all their diversity.**
- **The State should urgently adopt the National Strategy for the Rights of Persons with Disabilities 2023-2030 in alignment with the international standards.**

III. Freedom of expression and freedom of press

12. In 2023, MK improved its ranking on the Reporters Without Borders Media Freedom Index, advancing from 57th to 38th place out of 180 countries.⁸ However, significant challenges endure, including misinformation, declining media trust, and ongoing threats to independent journalists. These challenges are exacerbated by incidents of hostile behaviour from government officials. It is worrisome that this practice remains unaddressed by the State.
13. Positive steps include amendments to the Criminal Code⁹ in February 2023, which are offering enhanced protection for journalists and media workers by treating attacks against them as assaults on official persons, with stricter penalties for related criminal acts.
14. Amendments to the Law on Audio and Audiovisual Media Services relating to compliance with the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU were adopted on 20 July 2023. At the same time, the Ministry of Information Society and Public Administration (MIOA) started leading the process of amending the Law to include the re-introduction of state advertising. This process, thus far, is not transparent and imposes a significant risk of strengthening media clientelism and undermining editorial independence. Even though this initiative is contrary to the new European Media Freedom Act,¹⁰ the State continues to push through these legislative changes.
15. The Basic Public Prosecutor's Office in Skopje has taken a commendable step by appointing a dedicated public prosecutor to address cases related to journalists' safety. This initiative aims to streamline communication and coordination for incidents involving property damage to journalists and media workers during their work. However, it is noteworthy that the actual effect of this practice is yet to be witnessed.

⁸ Deutsche Welle. N, Macedonia Is Progressing in Media Freedom. Available at this [link](#).

⁹ Official Gazette of the Republic of Macedonia no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 и 248/18 and Official Gazette of Republic of North Macedonia no.36/23 и 188/23. *Criminal Code*. Available at this [link](#).

¹⁰ European Commission. *REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU*. Available at this [link](#).

Recommendations:

- **The State should adopt legal solutions to promote the diversity of quality media content and support independent and professional journalism in both the non-profit and private sectors, including introducing a media content pluralism fund.**
- **Law enforcement should take proactive measures to promote a secure environment for journalists, not only safeguarding journalists from physical harm but also creating an atmosphere that allows them to carry out their work without fear of intimidation or threats.**
- **The State should enhance the fight against fake news and misinformation by strengthening media independence, promoting pluralism, and increasing public awareness.**

IV. Violence against women (VAW) and domestic violence (DV)

16. The State is failing to fulfil its obligations to the international mechanisms. It is yet to prioritise the fight against VAW and DV despite the eight recommendations received in the Third UPR Cycle and obligations from the ratification of the Istanbul Convention.¹¹
17. The National Action Plan (NAP) 2018-2023¹² for implementing the Istanbul Convention was adopted five years ago. Unfortunately, the State has failed to implement the outlined activities within the defined time framework. This year, 2023, is the last year of NAP, and still more than 50% of the planned activities are not implemented, and some are not even initiated.¹³ Several institutions have not even prepared the annual operative plans, and they have not made them publicly available for those that have. Key institutions lack transparency, failing to publish annual operative plans and allocate funds for gender-based violence (GBV) prevention. The State's dependence on donor funds rather than a dedicated budget underscores a lack of systemic commitment.
18. The alignment of relevant legislation is falling behind. Since adopting the NAP, only two meaningful changes took place: the new Law on Prevention and Protection from VAW and

¹¹ Council of Europe. *Convention on preventing and combating violence against women and domestic violence*. Available at this [link](#).

¹² Ministry of Labour and Social Policy. *National Action Plan for implementing the Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republic of Macedonia 2018-2023*. Available at this [link](#).

¹³ National Network to End Violence against Women and Domestic Violence. *Report on the progress of North Macedonia in implementing the National action plan for the Istanbul Convention*. Available at this [link](#).

DV,¹⁴ adopted in January 2021 and amendments to the Criminal Code,¹⁵ adopted in February 2023. No other significant change was made to guarantee the implementation of the Istanbul Convention and improve the support for women in all their diversity who are victims of violence.¹⁶

19. Implementation of activities aimed at preventing VAW and DV is very poor or non-existent, i.e. missing conducted public awareness campaigns, modernization of the teaching contents used in the educational process, as well as continuous training and education for professionals from institutions working on GBV and DV, and specialised service providers as well.
20. Efforts to prevent violence, such as public awareness campaigns, educational content modernisation, and professional training for officers dealing with GBV and DV, are notably absent. Institutions responsible for NAP implementation lack transparency and often exclude CSOs, contrary to the obligations defined in the Convention, which hinders effective monitoring.
21. Before the Istanbul Convention ratification,¹⁷ only four shelter centres for domestic violence victims existed, with limited sustainability. Referral centers for sexual violence victims, initiated in 2018, face challenges in effectiveness, funding, and promotion. The specialised services announced by the Ministry of Labor and Social Policy lack normative standards, raising concerns about service quality.
22. Disturbingly, the Centers for Victims of sexual violence cater to only a fraction of women and girls in need, with this number being at least three times lower for those reporting incidents to the police. The Ministry of Health, responsible for funding, fails to meet its legal obligations and has significantly cut budgets over the last three years. Moreover, promotion and awareness efforts about these crucial centres are virtually non-existent, with the Ministry's engagement limited only to an annual campaign during the "16 days of activism to end GBV and DV." This stark lack of consistent promotion leaves women, girls, and the public uninformed about the support the centres provide throughout the rest of the year.
23. Establishing 11 new specialised services by the Ministry of Labour and Social Policy for women victims of GBV and DV is a positive step towards addressing a critical issue.

¹⁴ Official Gazette of Republic of North Macedonia no.24/21. *Law on Prevention and Protection from Violence Against Women and Domestic Violence*.

¹⁵ Official Gazette of the Republic of Macedonia no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 и 248/18 and Official Gazette of Republic of North Macedonia no.36/23 и 188/23. *Criminal Code*. Available at this [link](#).

¹⁶ National Network to End Violence against Women and Domestic Violence. *Gender aspect and victims of gender-based and domestic violence in the Law on Social Protection of the Republic of North Macedonia*. Available at this [link](#).

¹⁷ According to the Council of Europe's minimum standards for specialized services, there should be at least 1 National SOS Helpline providing 24/7 support in the languages in use; 1 family place per 10.000 inhabitants in Shelters for women victims of violence; minimum a Rape crisis center per 200.000 women; minimum 1 Center for victims of sexual violence per 400.000 women; and minimum 1 Counseling center (early intervention, psychological counselling, free legal aid) per 50.000 women. North Macedonia is not even close to fulfilling the above-mentioned minimum standards.

However, the absence of official standards and norms for the setup and operation of these services raises significant concerns. The lack of clear guidelines leaves uncertainties about the quality of services provided to women who have experienced violence. Field research¹⁸ conducted by National Network member organisations on the local level indicates that counselling centres, a substantial part of these services, operate within local Centers for Social Work. While staff at these centres have backgrounds in psychology and DV, they lack specialised skills for counselling victims of GBV and DV. This deficiency is especially alarming given that DV victims often need continuous and long-term support, and one-time psychological assistance may fall short of delivering the expected outcomes. The absence of established standards for these services leads to ineffective support for women who survived GBV and DV.

24. The Ministry spent over two years amending the Criminal Code, only allowing CSOs to contribute after the government's adoption in July 2021. In collaboration with women parliamentarians, the National Network to End Violence Against Women and Domestic Violence (National Network) submitted amendments that led to significant GBV and DV changes. Despite addressing crucial issues like rape and offences such as female genital mutilation, sexual harassment, stalking, and murder, gaps persist. Notably, the Criminal Code falls short of alignment with the Istanbul Convention, lacking criminalization for certain forms of violence, including psychological violence.
25. According to OSCE led survey¹⁹ psychological violence has the highest prevalence rate, with 44% of women having been subjected to this form of violence, followed by sexual harassment (30%), physical violence by a former or current intimate partner (10%), economic violence (10%), physical violence by a non-partner (6%) and sexual violence (2%). Furthermore, according to the Ministry of Labour and Social Policy reports, psychological violence has been the most prevalent in the last few years.²⁰
26. The National Network's monitoring revealed 34 femicides between 2017 and 2023.²¹ Disturbingly, in most of these cases, victims had reported instances of DV, yet institutions showed a complete lack of action, eventually resulting in femicide. This pattern undermines trust in institutions' ability to protect women, leading to many GBV and DV cases going unreported to the police.
27. Many reactions by the public followed a YouTube interview between a Youtuber and a former news presenter when the speaker elaborated on his first sexual experience, sharing instances of sexual violence to which the Youtuber reacted with laughter.²² The State's reaction was delayed and only after the reactions by the public and civil society.

¹⁸ All research conducted by the National Network members is available at this [link](#).

¹⁹ OSCE. *Well-being and safety of women - North Macedonia Results Report*. Available at this [link](#).

²⁰ Council of Europe. *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) - NORTH MACEDONIA*. Available at this [link](#).

²¹ National Network to End Violence against Women and Domestic Violence. *Analysis of femicides - murders of women in the Republic of North Macedonia*. Available at this [link](#).

²² Alsat. *Controversial "YouTube" Interview with Latas, Reaction of Mol and PPO*. Available at this [link](#).

The Platform for Gender Equality condemned the interview by stating it sends a message of normalising violent behaviour on a gender basis.²³ Journalists' associations also condemned speech that incites violence and stimulates gender discrimination in the interview, pointing out that freedom of speech implies responsibility and the existence of a high awareness of democratic principles and freedoms, rights and obligations in an open society. Still, when freedom of speech turns into or provokes criminal acts or any violation of civil and human rights, it is not freedom but aggression and should be treated as such.²⁴ Following the numerous reactions, the BPPO opened an investigation against the YouTuber and the speaker in the interview, based on Article 394 of the Criminal Code.²⁵ Finally, the YouTuber apologised for what was said during the interview and for giving the impression that he promotes rape and violence against women.²⁶ The court hearings are ongoing.²⁷

Recommendations:

- **The State should expedite the NAP 2018-2023 implementation for Istanbul Convention compliance, including formulating and making publicly available annual operative plans, allocating dedicated funds, and ensuring transparency.**
- **The State should urgently start the process for the preparation of a new NAP with close collaboration with CSOs.**
- **The State should ensure transparency in key institutions by publishing annual operative plans and allocating a dedicated budget for GBV prevention, moving away from reliance on donor funds.**
- **The State should promptly align the Criminal Code with the Istanbul Convention by addressing existing gaps, particularly criminalising psychological violence and forced marriage in collaboration with CSOs.**
- **The State should establish an independent expert body dedicated to aligning national legislation and practices with the recommendations and obligations of the Istanbul Convention and other relevant international documents to monitor the fulfilment of obligations by all relevant institutions to ensure sustained commitment and effective implementation of measures to combat GBV.**
- **The Ministry of Justice and the Academy for Judges and Prosecutors should introduce mandatory comprehensive training for police officers, judges,**

²³ Platform for Gender Equality. *Reaction to Lazarov's Podcast with Guest Latas*. Available at this [link](#).

²⁴ Sloboden Pecat. *Journalists' Association. Condemn Latas' Speech and "YouTuber" Inciting Violence*. Available at this [link](#).

²⁵ Telma TV. *The Prosecution Filed a Case after the Interview of Pavlović-Latas with the YouTuber Lazarov*. Available at this [link](#).

²⁶ Radio Mof. *YouTuber Lazarov: I Apologise for What You Heard in the Podcast, This Is a Serious Attack*. Available at this [link](#).

²⁷ 360 stepeni. *The First Hearing of the Trial against Latas and Lazarov Postponed*. Available at this [link](#).

prosecutors, and relevant legal professionals to ensure a consistent and systematic approach to tackling GBV and DV.

- **The Ministry of Labour and Social Policy should urgently develop and implement standards and operational procedures for specialised services to assist and support victims of GBV and DV, carefully designed to meet the specific needs of Women's CSOs and ensure adequate and high-quality support to victims.**

V. Rights of children

28. Following the 2019 amendments to the Law on Justice for Children, municipal prevention councils for child delinquency were foreseen to engage local communities in preventing child delinquency and aiding the treatment and reintegration of child offenders into society post-institutionalization. Regrettably, the legal obligation has not been fulfilled. In some municipalities, no municipal councils have been formed at all. In some, they have been formed, but they are not active, and in a very small part of the municipalities that have formed municipal councils, they are active.²⁸ The primary concern is the lack of financial resources allotted in local self-government budgets to support these activities. Specifically, only two municipalities allocated funds for council functioning, with a minimal amount (below 1,000 euros per year).²⁹

29. Mediation as a part of restorative justice, stipulated by the Law on Mediation and the Law on Justice for Children, is still only marginally used. In 2019, the mediation procedure was applied in 15 cases. Mediation was successful on seven occasions, or 46.6% of the recorded cases.³⁰ In 2020, the mediation procedure was applied in 11 cases, all ending with an agreement.³¹ In 2021, the mediation procedure was not applied even once, neither by the Public Prosecutor's offices nor by the courts,³² but in 2022, the situation improved with 6 cases in the Tetovo Primary Public Prosecutor's Office, all of which were resolved.³³ The mediators see the reason for the lack of knowledge and awareness of mediation in these proceedings primarily in the lack of interest of the competent prosecutors and judges to refer the parties to mediation, despite several appeals by the Chamber of Mediators.³⁴ Beneficiary mediators report that the State does not fulfil its obligation to provide compensation for subsidising mediation procedures mandated by the Law on Mediation.³⁵

²⁸ European Policy Institute. *Shadow Report for Chapter 23 for the Period October 2021- September 2022*. Available at this [link](#). European Policy Institute. *Shadow Report for Chapter 23 for the Period between April 2020 and September 2021*. Available at this [link](#).

²⁹ Institute for Strategic Research and Education. *Expenditure Analysis of the Adequacy, Efficiency, Effectiveness, and Equality of the Government Budget in the Area of Justice for Children in North Macedonia*. Available at this [link](#).

³⁰ European Policy Institute. *You Know, They are Just Children*. Available at this [link](#).

³¹ Ibid.

³² State Council for the Prevention of Child Delinquency and the Situation in the Area of Children's Rights and Child Delinquency. *Annual Report 2021*. An online version is unavailable.

³³ Response to FoI, Chamber of Mediators of the Republic of North Macedonia, 15.09.2023

³⁴ European Policy Institute. *Analysis of the Application of Mediation in North Macedonia*. Available at this [link](#).

³⁵ Ibid.

Furthermore, comprehensive education/specialised training on mediation in criminal proceedings against children is lacking, both for judges and prosecutors and for the mediators.³⁶

Recommendations:

- **The State should establish a fund in the state budget related to implementing the Law on Justice for Children.**
- **The State should urgently address the non-compliance with the Law on Justice for Children concerning municipal prevention councils, allocate sufficient financial resources to ensure the formation and active functioning of these councils in all municipalities, and implement measures to encourage the proactive engagement of local communities in preventing child delinquency.**
- **The State should encourage the use of mediation as part of restorative justice in criminal proceedings against children, including awareness campaigns and educational programs to enhance the knowledge and understanding of mediation procedures among prosecutors, judges, and other relevant stakeholders.**
- **The State should ensure timely and fair compensation for mediators as stipulated by the Law on Mediation, fostering a supportive environment for the effective implementation of mediation procedures.**

VI. Rights of Roma People

30. The reporting period marks a slight progression of the efforts to integrate the Roma population into healthcare, education, housing, and employment. However, there has not been a notable improvement in the quality of life for the Roma community.
31. Roma people in MK face high levels of non-registration, primarily due to the requirement to provide a residence address or a notary-certified statement indicating the use of an address. Consequently, many individuals residing in informal settlements lack identity documentation, leading to the non-registration of their newborns in the birth registry. Roma, without documentation, have no access to all other services, including health, education, employment, and housing.
32. In June 2023, a young Roma man unable to obtain a personal identity card tragically lost his life due to lack of access to health care. At age twenty, he passed away from untreated type 1 diabetes. This case underscores general institutional negligence toward Roma individuals without proper identification and lack of legal compliance by the State.³⁷

³⁶ Ibid.

³⁷ Macedonian Young Lawyers Association. *Our fellow citizen Memet Kamber, a twenty-year-old who was denied the right to have rights, died.* Available at this [link](#).

33. Despite numerous legal advancements, persons without documents in the birth register and persons without citizenship still face significant problems. Undocumented persons in the birth register and stateless persons who have a legal right to access social assistance in specific cases are still unable to exercise the right because the electronic banking system does not recognize their unique birth certificate number, which is temporary until they receive a regular civil registration number. Persons without birth certificates and stateless persons, after completing the entire legal procedure for obtaining personal identification documents, still the State fails to issue them a unique birth certificate number.
34. Despite amendments to the Social Protection Law allowing individuals covered by the Law for undocumented persons access to social protection, practical difficulties persist. Initially directed to the Social Welfare Center for social assistance or Guaranteed Minimum Income (GMP), individuals with a separate identification document faced challenges in exercising their rights related to social protection, health insurance, and more. Despite assurances from the Banking Association, these individuals, even with a decision from the Social Welfare Center, continue to encounter obstacles in accessing the promised rights, including social protection, education, healthcare, and employment. This situation highlights a failure to effectively implement legal provisions, leaving individuals without the intended benefits and support.
35. In February 2022, MK adopted the Roma Inclusion Strategy 2022-2030, influenced by the Poznań Declaration and the EU Strategic Framework for Roma. MK also adopted the National Action Plan for the Human Rights of Roma Women and Girls 2022-2024 to ensure equal access to rights, opportunities, resources, and power, aiming to achieve intersectional justice. However, the effective implementation of these policies is falling behind.
36. The Ministries of Education and Labour and Social Policy implemented projects in 18 municipalities to provide scholarships to Roma high school students and promote free preschool education for Roma children. This initiative benefited around 350 to 400 Roma children and employed 19 Roma caregivers.³⁸
37. Despite these efforts, a substantial portion of the Roma community still confronts high levels of discrimination and poverty. Roma representation in institutions is 1.3%, falling below the required 2.6%.³⁹ In this small percentage, Roma primarily hold lower-ranking positions. Moreover, significant issues such as Roma children begging, poverty, limited access to education, and substandard living conditions persist unresolved.

Recommendations:

- **The State should urgently address persistent challenges faced by the Roma community, including discrimination, poverty, limited education, employment and health access, and substandard living conditions, by ensuring the complete and**

³⁸ Kanal 5 TV. *Meeting Shahpaska - Cupi: Cooperation with REF continues with the aim of greater inclusion of Roma in all segments of social life.* Available at this [link](#).

³⁹ Observer.mk. *Civil society organisations demand systemic and lasting solutions for the problems of Roma.* Available at this [link](#).

timely implementation of initiatives outlined in the Strategy for Roma Inclusion 2022-2030 and the National Action Plan for the Protection, Promotion, and Fulfilment of the Human Rights of Roma Women and Girls 2022-2024, by defining progress indicators and allocating required resources.

- The State should ensure timely and effective implementation of the Law on Unregistered Persons in the Birth Register by harmonising relevant legislation, such as the Law on Permanent and Temporary Residence, to overcome the problem of non-registration and enable access to services for the Roma community.
- The State should facilitate programs to overcome systemic obstacles hindering Roma's participation in the labour market and increase access to employment, particularly for Roma women.

VII. Rights of LGBTIQ People

38. The reporting period marks some advancements in the rights of LGBTIQ people in MK, such as explicit recognition of sexual orientation and gender identity as protected grounds of discrimination and hate crimes, the successful organisation of the first three Pride parades, and the establishment of the Inter-Party Parliamentary Group on LGBTI. However, homophobia and transphobia are highly prevalent in MK society.
39. Hate speech based on sexual orientation and gender identity (SOGI) is among the most prevalent forms. The Criminal code, even though it recognises hate crimes on the grounds of SOGI, does not provide a comprehensive definition of hate speech, which leads to inadequate response in identifying and prosecuting such cases, leaving LGBTIQ people with no legal protection.
40. The level of impunity for SOGI-based hate speech in MK is concerning. Despite numerous reports, there have been no prosecutions or sanctions against those responsible for SOGI-based hate speech. Even when CSOs or LGBTIQ people report hate speech incidents, the Prosecutor's office dismisses these reports, claiming they lack grounds for action. This failure of the State, including law enforcement, the Prosecutor's Office, and the Ministry of Internal Affairs, nurtures a culture of impunity and puts the safety of LGBTIQ people at risk by not effectively addressing and prosecuting hate speech.⁴⁰
41. In recent years, positive developments have been made in addressing hate crimes against the LGBTIQ community. Notably, a perpetrator received a six-month prison sentence, and the Basic Public Prosecutor's Office (BPPO) in Skopje filed an indictment against another one.⁴¹ A more recent case in September 2023 saw the perpetrator of a violent act against an LGBTIQ activist being charged with a two-year prison sentence, with the case classified

⁴⁰ Queer Center. *Annual Report 2022*. Available at this [link](#).

⁴¹ ILGA Europe. *LGBTI Enlargement Review 2023*. Available at this [link](#).

as a hate crime based on sexual orientation.⁴² However, most hate crimes and other incidents of hatred remain unaddressed.

42. The long-awaited NAP for LGBTI, planned initially as a stand-alone document, was suggested by the Ministry of Labour and Social Policy and will be part of the National Strategy on Equality and Non-Discrimination 2022-2026. Unfortunately, that was not the case. The LGBTIQ people were not included in the policy and were left without a strategic approach to advancing their human rights.⁴³
43. The reporting period marks a rise of anti-gender narratives in the public discourse. The actors vary from informal groups to registered organisations, small political parties, and representatives of leading political parties. The most influential actor is the Macedonian Orthodox Church (MOC). Their tactics are based on misinformation and misinterpreting key concepts, such as gender and gender equality.
44. Considering the lack of political will in the governing structures, these groups contributed to the government revocation of the Draft Law on Civil Registry from the Parliament procedures failing to fulfil the obligation to the European Court of Human Rights based on the case *X v. North Macedonia* to provide "quick, transparent, and accessible" administrative procedure for legal gender recognition.⁴⁴ Furthermore, under the influence of MOC, the Ministry of Labour and Social Policy removed key language from the Draft Law on Gender Equality, leaving LGBTIQ people out.
45. The Mayor of Strumica declared that all memoranda signed with LGBTQ+ rights organisations would be nullified. The Mayor faced accusations of supporting the movement against gender equality and birth records laws.⁴⁵ The Platform for Gender Equality condemned this action, highlighting the potential polarisation and encouragement of hate speech and intolerance.⁴⁶ However, a similar condemnation did not come from any State institutions or representatives.
46. Despite some positive developments, SOGI-based discrimination, hate speech, and hate crimes persist, limiting LGBTIQ people from fulfilling their full human potential.

Recommendations:

- **The State should urgently update and adopt the National Action Plan on LGBTIQ people to provide a structural and systemic approach to tackling homophobia and transphobia, including access to rights and services as well as protection and prevention of discrimination, hate speech and hate crimes.**

⁴² LGBTI United. *Press release: Two years of prison for the perpetrator who attacked the activist Bekim Asani at Skanderbeg Square in Skopje*. Available at this [link](#).

⁴³ European Policy Institute. *Franet National contribution to the Fundamental Rights Report 2023*. Available at this [link](#).

⁴⁴ European Court of Human Rights, (2019). *Judgement on the merits and just satisfaction delivered by a Chamber. X v. The Former Yugoslav Republic of Macedonia, No. 29683/16 § 44, ECHR 1999-II*. Available at this [link](#).

⁴⁵ A1 On. *Kostadin Kostadinov Went to War with LGBT Organisations: Strumica Plastered with a "Crossed-out Rainbow"*. Available at this [link](#).

⁴⁶ Platform for Gender Equality. *The Function of the Mayor of the Municipality Is Not to Make Divisions in Civil Society into "Obedient" and "Disobedient" Organisations but to Work for the Good of All Citizens*. Available at this [link](#).

- **The State should expedite and strengthen the investigation and prosecution processes for SOGI-based hate speech and hate crimes by allocating resources, providing specialised training for law enforcement and prosecutors, establishing clear protocols to ensure swift and effective responses, and providing comprehensive remedies and support to victims.**
- **The State should urgently amend the Civil Registry Law to introduce a “quick, transparent, and accessible” administrative procedure for legal gender recognition based on the principle of self-determination.**
- **The State should take all necessary measures to tackle stigma and discrimination against LGBTIQ people, including public awareness campaigns, condemnation of hate speech by political leaders and influencers, introducing gender-sensitive and comprehensive sexuality education.**

VIII. Rights of refugees and migrants

47. The closure of the Balkan transit route for refugees and migrants has led to a humanitarian crisis, forcing individuals in irregular migration to navigate unsafe routes. The closed-border policy, influenced by EU externalisation strategies, has violated Article 26 of the 1951 Refugee Convention,⁴⁷ denying refugees and asylum-seekers the right to freedom of movement. The predominant use of criminal smuggling networks further exacerbates the situation, with victims facing detention, providing statements against smugglers, and subsequent push-backs to Greece, contrary to international refugee protection norms.
48. Asylum seekers in MK encounter significant barriers to entering the labour market. The existing Law on asylum and temporary protection prohibits asylum seekers from working except within the premises of the Center for Asylum Seekers, which does not have that possibility. The prolonged legal procedures, lasting up to three years per case,⁴⁸ leave asylum seekers financially unsupported and dependent on limited services, impeding their ability to access the open market. MK's non-ratification of the Convention on the Rights of Migrant Workers further compounds obstacles to employment.
49. Group push-backs towards Greece, amounting to mass expulsions, violate the principles of the 1951 Refugee Convention (Articles 3 and 32). Victims of organised crime groups involved in smuggling operations do not receive reparations, contrary to the rights guaranteed by the Criminal Code.

⁴⁷ Article 31 of the 1951 Convention contains the principle of non-penalization for illegal entry or stay, provided that they present themselves to the authorities without delay and show good cause for their illegal entry or presence). Similarly, Article 12 (1) of the ICCPR provides for the right to liberty of movement and freedom to choose one's place of residence for those 'lawfully' within the territory of a State.

⁴⁸ Since the Administrative Court gave 0 asylum statuses, the temporary status is revised annually, and people holding such status have difficulty receiving working permits and are avoided by employers.

Recommendations:

- **The State must recognise the push-backs as mass expulsions and ensure justice for the survivors of organised crime.**
- **The State should align the Law on Asylum and Temporary Protection with the Law on Labour, granting equal rights to asylum seekers.**
- **The State should sign and ratify the Convention on the Rights of Migrants and Their Families to facilitate broader access to the labour market for migrants and asylum seekers.**

IX. Persons with disabilities

50. In the third UPR cycle, MK received 14 recommendations on disability rights. However, the reporting period marks only partial fulfilment. The main progress has been made in completing the deinstitutionalization of persons with disabilities and adopting the Law on Primary Education, the Concept for Primary Education, and the Concept for Inclusive Education, providing personal assistants and special educators for children over six. However, implementing these laws is lagging as not all municipalities have sufficient numbers of personal assistants and special educators.
51. The Law on Primary Education does not include provisions for studying Braille and spatial orientation or sign language. Moreover, the schools lack assistive technology, and most are not accessible to people using a wheelchair. Neither the Law on Primary Education nor the Law on Secondary Education provides provisions for personal assistants to pupils with disabilities. All this limits the access to education for people with disabilities in MK.
52. Persons with disabilities encounter barriers in exercising their right to vote. Polling stations are often inaccessible to those with physical disabilities or visually impaired. Information during election campaigns is not sufficiently accessible for those with intellectual disabilities or sensory impairments. The right to secret and immediate elections is not adequately protected for persons accompanying individuals with disabilities.
53. Persons with disabilities face systemic neglect in disaster management, with no tailored early warning systems or protocols for evacuation. Legislation on crisis management lacks provisions for protecting persons with disabilities, especially those with physical or sensory impairments. Facilities where persons with disabilities reside, work, or study, are often not adequately accessible in case of evacuation. The absence of crisis plans at the municipal level compounds the lack of preparedness.
54. Discrimination against persons with disabilities, particularly women and girls, is underreported, highlighting a lack of an efficient data integration system. The Commission for Prevention and Protection against Discrimination has not issued general recommendations for non-discrimination in education, health, labour relations, and social protection for girls and women with disabilities.

Recommendations:

- **The State to ensure greater accessibility of school facilities, introduce specialised subjects for learning Braille and Sign language for children with visual and hearing impairments, and expand the employment of special educators in all municipalities.**
- **The State should adopt amendments to disaster management legislation, including provisions for persons with disabilities and developing inclusive protocols for protection and evacuation.**
- **The State should adopt by-laws ensuring accessibility at polling stations, amendments to the Electoral Code for accessible information, and robust protection of voting rights for persons with disabilities.**
- **The State should strengthen the data collection system and increase awareness among persons with disabilities to report discrimination.**
- **The State should take adequate measures to address multiple and intersectional forms of discrimination against persons with disabilities, especially women and girls.**