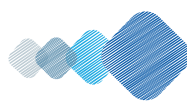


Rule of Law in View of EU Accession

Quarterly brief

January – March 2022



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This brief summarises the key developments in relation to rule of law in view of EU accession in North Macedonia for the period January – March 2022. It includes **the monitoring of the fundamentals of EU accession, including key developments in the functioning of democratic institutions, public administration reform and chapter 23: Judiciary and Fundamental rights**. The brief is based on regular monitoring of the key institutions, desk review of available information as well as requests for free access to public information.¹

Key developments

- » Parliamentary Committee on Political System and Inter-Community Relations has started discussing the Draft Law on Amendments to the Electoral Code, with a proposal for a proportional model, without an election threshold, with the D’hondt model of distribution of mandates where the state would be one constituency.
- » The data from the census were published at the end of March 2022, indicating that the population has decreased by about 10%.
- » With the election of the new Government and the appointment of the new minister of justice, the preparation of the new Judicial Strategy 2023-2027 was announced. A new Deputy Prime Minister (DPM) for good governance was appointed, taking on a position that was previously titled as DPM for Fighting Corruption and Crime, Sustainable Development and Human Resources.
- » With the entry into force of the new Law on Mediation under the slogan “There is a solution”, a campaign was announced to promote mediation as an alternative way of resolving disputes, and deadlines were set for the adoption of bylaws, along with the appointment of the National Mediation Coordinator and its members. However, the selection procedure has not yet begun.
- » The Board of the Association of Judges adopted a Strategy for improving the material status of judges 2022-2024 and formed a working group that will prepare new requests to the institutions with specific deadlines for implementation.
- » North Macedonia was ranked 87th in the world with 39 index points, whereas in the previous year it was in 111th place with 35 index points at the latest Transparency International Corruption Perception Index, showing progress owing to the prosecution of high-level corruption and strengthened oversight bodies.
- » The Government has enabled all persons with disabilities enrolled in the first, second and third cycle of studies at public higher education institutions to be exempted from co-payments. Additionally, persons with the status of children without parents and parental care, the unemployed parents of children and the persons with the status of war invalids are also exempted from tuition co-payment.
- » The Government withdrew the Draft-Law on Amending the Law on Civil Registry, with the explanation that the law should be finalized.
- » The Strategy for Roma Inclusion 2022-2030 was adopted.

¹ In cases when requests for public information were sent, the reporting period may be shorter. Such cases are clearly noted in the text of the brief.



List of abbreviations

AJPP	Academy for Judges and Public Prosecutors
BPPO	Basic Public Prosecutor's Office
BPPO POCC	Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption
CAF	Common Assessment Framework
CEA	Committee for Elections and Appointments
CPPD	Commission for Prevention and Protection against Discrimination
CSO	Civil Society Organisations
DMS	Document Management System
EC	European Commission
ECtHR	European Court of Human Rights
ENER	National Electronic Register of Regulations
EU	European Union
HRM	Human resources management
IMF	International Monetary Fund
IRL	Investigative Reporting Lab
LGBTI	Lesbian, gay, bisexual, trans and intersex persons
LPDP	Law on Personal Data Protection
MISA	Ministry of Information Society and Administration
MLSP	Ministry of Labour and Social Policy
MOI	Ministry of Interior
MoJ	Ministry of Justice
MP	Member of Parliament
NGO	Non-Governmental Organisation
PAR	Public Administration Reform
PDC	Policy development and co-ordination
PDPA	Personal Data Protection Agency
PFM	Public Finance Management
PPO	Public Prosecutor's Office
SCPC	State Commission for the Prevention of Corruption
SD	Service delivery
SEI	State Education Inspectorate
SIGMA	Support for Improvement in Governance and Management
SPO	Public Prosecutor's Office for Prosecution of Criminal Offenses Related to and Arising from the Content of Illegal Interception of Communications (Special Public Prosecutor's Office)
VMRO-DPMNE	Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity



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Functioning of democratic institutions



Elections

During the reporting period, discussions were held on the topic of electoral code reform as a response to the demands of the smaller political parties represented in the assembly² for the introduction of changes in the electoral code, more specifically for the country to be one constituency, with a proportional electoral model and without a threshold.³ Earlier this year MPs from five smaller parties in the ruling coalition offered further conditional support to the new government with amendments to the electoral code due within three months.⁴

A recent survey of political parties' and citizens views on one-constituency "shows that most political parties agree with the introduction of one constituency (with the exception of the Albanian party bloc)."⁵ The citizens think the same, but they still harbour strong negative attitudes and disappointment towards political parties regarding the way the parties represent the interests of the citizens.⁶

By the end of March the Committee on Political System and Inter-Community Relations held a session on the Draft Law on Amendments to the Electoral Code⁷ with members of the commission supporting the first phase of the proposal for a proportional model, without an election threshold, with the D'hondt model of distribution of mandates where the state would be one constituency.⁸

2 "Demokratski Sojuz: Radical Reform of Electoral Rules (Демократски Сојуз: Коренити реформи на изборните правила)," *Official Website of the Political Party Demokratski Sojuz*, January 29, 2022, shorturl.at/rOPRV.

3 "Will the change of the election model bring radicals in the parliament and inflation of clientelism?!(Промената на изборниот модел ќе донесе радикали во парламентот и инфлација на клиентелизам?)" *Deutsche Welle-North Macedonia*, January 21, 2022, <https://bit.ly/35qNFAv>.

4 "Five Parties Conditioned Their Support for the Government (Пет партии ја условија поддршката за Владата)," *Deutsche Welle* January 14, 2022, <https://bit.ly/3xdbpUr>.

5 Zlatko Atanasov et al., "The Electoral System of the Republic of North Macedonia: How to Ensure Equal and Fair Representation in the Assembly (Изборниот систем на Република Северна Македонија: Како да се обезбеди рамноправна и фер застапеност во Собранието)" (National Democratic Institute (NDI), February 2022), <https://bit.ly/3tM7TgC>.

6 Ibid.

7 "Session No. 39 of the Committee on Political System and Inter-Community Relations Scheduled for March 22, 2022 at 10:00 AM (Седница бр. 39 на Комисија за политички систем и односи меѓу заедниците, закажана за 22.03.2022 година во 10:00 часот)," *Official Website of the Assembly of the Republic of North Macedonia*, <https://bit.ly/3J85Ysj>.

8 Ibid.

Parliament

Key discussion points in Parliament revolved around abolishing the Przino Government, appanage, and the minimum wage. VMRO-DPMNE's proposal to abolish the Przino Government Agreement was not accepted by the majority of MPs (32 voted for; 55 were against).⁹ The request for rejection of this agreement came from the largest opposition party in Parliament and the country, VMRO-DPMNE. The request to abolish the appanage of MPs was also rejected. The draft law was proposed by one of the smaller opposition parties in Parliament¹⁰ and only 16 MPs voted to abolish the appanage.¹¹ As per the law on minimum wage, parliament unanimously accepted the proposal of the government to adopt the amendments in a shortened procedure.¹²

In terms of the functioning of Parliament, several parliamentary committees were blocked as a result of the 2021 local elections.¹³ Several MPs have transferred from Parliament to local government, and there has been a change of the power distribution within the committees. Thus, the composition of the committees does not reflect the new situation between the government and the opposition.¹⁴

This in turn has resulted in a blockade of the Legislative Committee, the committee that elects the judges to the Constitutional Court. Due to the perilousness posed by the lack of vacancies for judges, the President of the Constitutional Court sent a request to the President of the Assembly of North Macedonia, asking for his help to push for a meeting be held as soon as possible to select judges of the competent commission.¹⁵

The President of the Assembly, aiming to unblock the work of the Committee for Elections and Appointments proposed the dismissal of the MP that is no longer part of the ruling government coalition. At the beginning of March 2022, a Session of the Assembly was held¹⁶ regarding the proposal put forth by the President of the Assembly for dismissal of the MP, where after a three-day debate, with 61 votes in favour and without the presence of the opposition, the MP in question was dismissed¹⁷ as a member of the committee.

9 "The Government Is Cowardly Running Away from the Abolition of the Przino Government (Власта кукавички бега од укинување на Пржинската Влада)," *Official Website of the Political Party VMRO-DPMNE*, February 10, 2022, <https://bit.ly/35zр3рF>; Krmov: Draft-Law for Abolition of Appanage Submitted - The Government Is Trying to Adopt Appanage Irregularly (Крмов: Поднесен Предлог-Закон за укинување на апанажа – Власта се обидува неделовнички да усвои апанаж)," *Official Website of the Political Party Levica*, January 25, 2022, <https://bit.ly/3sPgLTK>.

10 Krmov: Draft-Law for Abolition of Appanage Submitted- The Government Is Trying to Adopt Appanage Irregularly (Крмов: Поднесен Предлог-Закон за укинување на апанажа – Власта се обидува неделовнички да усвои апанаж)," *Official Website of the Political Party Levica*, January 25, 2022, <https://bit.ly/3sPgLTK>

11 "MPs Agree When It Comes to Their Pockets. Only 16 MPs Voted against Abolishing the Appanage (Пратениците сложни кога се работи за нивниот џеб. Само 16 пратеници гласаа против укинувањето на апанажата)," *Plusinfo.Mk*, February 10, 2022, <https://bit.ly/3НТР1Rw>.

12 "Session no. 62 of the Assembly of R. North Macedonia, scheduled for February 10, 2022 at 11:00 AM (Седница бр. 62 на Собранието на Р. Северна Македонија, закажана за 10.02.2022 година во 11:00 часот)," *Official Website of The Assembly of The Republic of North Macedonia*, <https://bit.ly/3tDihHo>.

13 State Election Commission (Државна изборна комисија), "Local Elections 2021 (Локални Избори 2021)", October 31, 2021" March 11, 2021, <https://bit.ly/3IVqsVF>.

14 "Committees in the Parliament Have Not Been Working for Months, VMRO-DPMNE Does Not See Any Guilt (Комисии во Собранието не работат со месеци, ВМРО-ДПМНЕ не гледа кај себе вина)," *Nezavisen.Mk*, February 14, 2022, <https://bit.ly/3рLGCтI>.

15 "Announcement: The President of the Constitutional Court, Dobrila Kacarska Sent a Letter to the President of the Assembly, Talat Xhaferi (Соопштение: Претседателката на Уставниот суд, Добрила Кацарска испрати писмо до претседателот на Собранието, Талат Џафери)," *Official Website of the Constitutional Court of the Republic of North Macedonia*, February 7, 2022, <http://ustavensud.mk/?p=21722>.

16 Session No.64 at the Assembly of R. North Macedonia Scheduled On 01.03.2022 at 11:00 AM (Седница бр.64 На Собрание На Р. Северна Македонија закажана на 01.03.2022 година во 11:00 часот)," *Official Website of the Assembly of the Republic of North Macedonia*, <https://bit.ly/3j2HaqZ>.

17 "Zendeli Dismissed with 61 Votes, without Opposition (Зендели разрешен со 61 глас, без опозиција)," *Fokus*, March 3, 2022, <https://bit.ly/3K6LPEk>.

Parliament reviewed the EC's Country Report four months after its publication. EU Ambassador Geer noted that the Electoral Code should be revised immediately, the European flag should not be misused and that there should be less use of shortened procedure but also Parliament must strengthen its role and engage in constructive dialogue between the parties.¹⁸

Governance

There was a restructuring within the government,¹⁹ with several new ministers having been appointed, as well as the Office of the Deputy Prime Minister for Fighting Corruption being restructured and renamed as the Office of the Deputy Prime Minister for Policy and Good Governance.²⁰ The newly-appointed Prime Minister has announced that the portfolio of the new Deputy Prime Minister as of 17th January 2022 will deal with good governance, and it will also cover establishing standards in institutions, knowledge transfer and digitalisation processes in order to reduce human error interference. It was noted that the fight against corruption should be dealt with by the Ministry of Justice (MoJ) and the Ministry of Interior (MoI).

According to the Transparency International Corruption Perceptions Index,²¹ the country has improved its public perception in the fight against corruption, and went from 111th position to 87th in one year.²² The country has also improved its democracy after moving out of the category of "hybrid regimes" according to the Economist Index of Democracy.²³ In 2021 Macedonia rose five places, from 78th in 2020 to 73rd place in 2021 and is now in the category of "flawed democracies."

Two decades after the last national census, the country has finally conducted a census on the population and households.²⁴ This undertaking was completed in September 2021, while the data was published at the end of March 2022. One of the main conclusions that can be drawn from the census is that the population has shrunk by about 10%. Even though the government claimed this process was a successful one, the opposition has raised concerns, saying they deem the census incomplete. Namely, VMRO DPMNE claims that 7.2% of the population have not been registered and that the data has been taken from databases.²⁵ Non-majority communities have also voiced their dissatisfaction with the process.²⁶

18 "The European Commission Report for 2021 was Presented (Презентиран е Извештајот на Европската комисија за 2021 година)," *Official Website of the Assembly of The Republic of North Macedonia*, February 17, 2022, <https://bit.ly/3pOSpHs>.

19 Session No.60 of the Assembly of R. North Macedonia Scheduled On 15.01.2022, 2022 at 11:00 AM (Седница бр. 60 на Собрание на Р. Северна Македонија закажана на 15.01.2022 година во 11:00 часот)," *Official Website of the Assembly of the Republic of North Macedonia*, <https://bit.ly/35CVNy9>.

20 "Grkovska Appointed Deputy Prime Minister for Good Governance, Not Anti-Corruption (Грковска именувана за вицепремиерка за добро владеење, а не за борба против корупцијата)," *360 Stepeni*, January 17, 2022, <https://bit.ly/3vPca5p>.

21 <https://www.transparency.org/en/>

22 Transparency International, "Corruption Perception Index 2021" (2021) < 2021 Corruption Perceptions Index- Explore the...- Transparency.org

23 The Economist Intelligence Unit, "Democracy Index 2021- North Macedonia," February 10, 2022, 2022, <https://www.eiu.com/n/democracy-index-2021-less-than-half-the-world-lives-in-a-democracy/>.

24 State Statistical Office, "The Total Resident Population of the Republic of Northern Macedonia Is 1,836,713 Inhabitants (Вкупното резидентно население на Република Северна Македонија изнесува 1 836 713 жители)," March 30, 2022, <https://bit.ly/3uXfl3D>.

25 "Milososki: The Census Figures Are Overwhelming, and the Operation Is Incomplete (Милошоски: Бројките од пописот се поразителни, а операцијата некомплетна)," *Official Website of the Political Party VMRO-DPMNE*, March 30, 2022, <https://bit.ly/3x2P77G>.

26 "Turkish Movement Party Urges Law on Language Use to Be Properly Implemented According to Census Results (Партијата за движење на Турците бара Законот за употреба на јазиците да се имплементира соодветно според резултатите од пописот)," *360 Stepeni*, March 31, 2022, <https://bit.ly/3LA5VqG>.

Civil Society

By the end of December 2021, the government had adopted the Strategy of the Government of the Republic of North Macedonia for Cooperation and Development of Civil Society, with Action Plan 2022-2024.²⁷ The strategy has identified the following priorities: improvement of the legal framework for civil society organisations; strengthening the institutional framework and practices of cooperation between the Government of the Republic of North Macedonia, state administration bodies and civil society organisations, establishing a tax framework that meets the specifics of the work of civil society organisations and enables their development, as well as improving the state funding system of civil society organisations.

On the fourth session²⁸ of the Council for Cooperation between the government and civil society held in February 2022 it was determined that the financial support to CSOs from the annual state budget have been removed. According to the government representative in the council, the reason is “that due to the negative opinion received from the Ministry of Finance, the draft program for financing the program activities of associations and foundations for 2022 has been removed from the Agenda of the Second (thematic) session of the General Collegium of State Secretaries,” which stopped the government procedure regarding its review and adoption. It was additionally announced that “the funds in the budget of the Government of the Republic of North Macedonia for 2022 from item 463-transfers to non-governmental organisations are intended for the Red Cross of the Republic of North Macedonia.”²⁹ It was pointed out by the CSOs that “this procedure sets a precedent and it is inadmissible without consulting the Council for Cooperation between the government and civil society to allocate the funds from the government budget intended for financing program activities of associations and foundations to the Red Cross, which is funded every year from other sources.”³⁰

As a conclusion, the decision was made that after the session of the Council for Cooperation between the Government and Civil Society, the Unit for Cooperation with Non-Governmental Organisations of the General Secretariat should prepare and submit to the members of the council a draft text of the request for consideration and adoption of the proposed program for financing the program activities of the associations and foundations for 2022. At the last session of the Council for Cooperation between the Government and Civil Society, it was concluded that the Prime Minister sent a letter notifying the council that this issue will continue inter-institutionally, and therefore to try to find a possible and mutually acceptable solution.³⁰ This decision was deemed unacceptable by civil society organisations, so the council decided to send a letter of protest to the Ministry of Finance and held a press conference.³¹

27 “The Strategy of the Government of the Republic of North Macedonia for Cooperation with and Development of Civil Society 2022-2024 (Стратегијата на Владата на Република Северна Македонија за соработка со и развој на граѓанското општество 2022-2024)” (Government of the Republic of North Macedonia, Department for Cooperation with Non-Governmental Organizations, December 28, 2021), <https://bit.ly/3tzL0g6>.

28 Held on 10.02.2022 <https://www.nvosorabotka.gov.mk/?q=mk/node/696>

29 Council for Cooperation between the Government and Civil Society, “MINUTES from the Fourth Session of the Council for Cooperation between the Government and the Civil Society, held on 10.02.2022 (3 А П И С Н И К од четвртата седница на Советот за соработка меѓу Владата и граѓанското општество, одржана на 10.02.2022 Година),” February 10, 2022, <https://bit.ly/3u2vR8y>.

30 “MINUTES from the Fifth Session of the Council for Cooperation between the Government and the Civil Society, Held on March 17, 2022 (3 А П И С Н И К од петтата седница на Советот за соработка меѓу Владата и граѓанското општество, одржана на 17.03.2022 година)” (Council for Cooperation between the Government and Civil Society, March 2022), <https://bit.ly/3uQyUQh>.

31 “The Council for Cooperation between the Government and the Civil Society Requests an Urgent Rebalance of the Budget of the General Secretariat of the Government for Financing of Associations and Foundations for 2022,” *Official Website of Foundation Open Society - Macedonia*, March 24, 2022, <https://bit.ly/3j3F6yZ>.

In addition, the government has cut funding for HIV prevention in the country by as much as 40%, to which civil society organisations have responded by calling for a change in the decision to cut funding.³² At the same time civil society organisations arranged a peaceful protest in front of the Ministry of Health and announced there would be larger protests if the government adheres to its decision.³³

Attacks on NGOs occurred at the beginning of the year with an employee of an NGO physically assaulted as a result of fake news related to the organisation's efforts to introduce the topic of "comprehensive sexual education" in primary education.³⁴ Regarding the attack, the Ministry of Interior reacted by stating that the police "are taking measures to clear up yesterday's incident in the non-governmental organisation, where an employee was insulted and threatened."³⁵ The President of the country also reacted, expressing support for the employee as well as for the organisation itself.³⁶

As far as citizens and civil society are concerned, according to the polls, support for European integration has decreased, so the perceived influence of the EU in North Macedonia has decreased to its lowest ranking in recent years (from 44.8% in 2019 to 9.5% in 2021). Only a few ethnic Macedonians see the EU as the most influential entity (7.8%). Additionally, citizens' perception of the EU as the country's largest ally has decreased from 43.2% in 2019 to 13.1% in 2021. At the same time, the percentage of respondents who chose not to answer this question has increased from 1.3% in 2020 to 17.6% in 2021.³⁷

Civilian oversight of the security/intelligence sector

On the 7th February, the Parliamentary Commission for Supervision of the Work of the National Security Agency and the Intelligence Agency, led by the MP Ljupcho Prendzov, inspected the premises of the National Security Agency.³⁸

32 Council for Cooperation between the Government and Civil Society, "Council for Cooperation between Government and Civil Society Organizations Demands Change of the Decision That Cuts the Funds for HIV Protection for 2022 (Советот за соработка меѓу Владата и ГО бара промена на одлуката со која се кратат средствата за заштита од ХИВ за 2022 година)," March 22, 2022, <https://epi.org.mk/post/20618>.

33 Kanal 5, "NGOs Protest in Front of the Ministry of Health, Demanding an Increase in the Budget for HIV (Невладините на протест пред Министерството за здравство, бараат да се зголеми буџетот за ХИВ)," March 17, 2022, <https://bit.ly/3x2yr01>.

34 "HERA Warns: Lies and Online Hate Speech Have Turned into an Attack and a Threat to Life for HERA Employees (ХЕРА алармира: Лажите и говорот на омраза онлајн се претворија во напад и закана по живот за вработените во ХЕРА)," *Official Website of HERA - Association for Health Education and Research*, January 14, 2022, <https://bit.ly/3Cm8sS4>.

35 "Ministry of Internal Affairs: We Are Taking Measures against a Person Who Threatened and Insulted an Employee in HERA (МВР: Преземаме мерки против лице што се заканувало и навредувало вработена во Хера)," *Sloboden Pecat*, January 14, 2022, <https://bit.ly/3vSQUr>.

36 Official Facebook page of the President of the Republic of North Macedonia., <https://www.facebook.com/SPendarovski/posts/488452982645617>.

37 "A Big Drop in the Citizens' Perception of the EU Influence in North Macedonia (Голем пад во перцепцијата на граѓаните за влијанието на ЕУ во Северна Македонија)," *Official Website of the Institute for Democracy Societas Civilis Skopje*, February 24, 2022, <https://bit.ly/3pN4UmL>.

38 "Supervisory Visit to the Commission for Supervision of the Work of ANB and AR (Надзорна посета на Комисијата за надзор над работата на АНБ и АР)," *Official Website of the Assembly of the Republic of North Macedonia*, February 8, 2022, <https://bit.ly/3hMAaOv>.

Public Administration Reform

With the new government³⁹ and with several new ministers appointed, there was also a change in the Ministry of Information Society and Administration (MISA),⁴⁰ the main institution for implementing the public administration reforms. The new minister comes from the political party Alternativa, which managed to negotiate three ministerial posts after the government was reshuffled.⁴¹

After two years, SIGMA published the report (for 2021) from the monitoring of the public administration in North Macedonia.⁴² The main conclusion is that the country “has made some progress in public administration reform (PAR) in recent years,”⁴³ with four (out of the six) areas being improved,⁴⁴ while the remaining two⁴⁵ “show a slight decline compared to 2017.”

In the area of human resources management (HRM), the SCPC, in accordance with the defined legal competence of the law on prevention of corruption and conflict of interest, signed the Integrity Policy which should motivate for other institutions to become involved in anti-corruption policies. A “pilot program for mentoring of five institutions is underway - the Ministry of Information Society and Administration, the State Audit Office, the Inspection Council, the Agency for Protection of the Right to Free Access to Public Information and the SCPC.”⁴⁶

When it comes to the area of service delivery (SD), the process of digitalisation is high on the agenda of the new minister. In a recent interview he announced some of his program activities stating that “specific activities that follow are the establishment of 135 new e-Services on the National Portal for e-Services, the establishment of a Document Management System (DMS) with a number of institutions, using digital identification for 150,000 citizens.”⁴⁷

As of January 2022, MISA has been the coordinator in the field of quality management and began with the implementation of activities envisaged for the implementation of the Common Assessment Framework (CAF model), which is a European model for improving public organisations through self-assessment.⁴⁸ This means that MISA is the first institution in our country that has started with the implementation of CAF 2020.

39 Session No.60 of the Assembly of R. North Macedonia Scheduled On 15.01.2022, 2022 At 11:00 AM (Седница бр. 60 на Собрание на Р. Северна Македонија закажана на 15.01.2022 година во 11:00 часот),” *Official Website of the Assembly of the Republic of North Macedonia*, <https://bit.ly/35CVNy9>.

40 “Handover of the Position Minister of Information Society and Administration,” *Official Website of the Ministry of Information Society and Administration*, January 17, 2022, <https://www.mioa.gov.mk/?q=en/node/3767>.

41 “Alternativa Was Given Three Ministers and Deputy Ministers, but in a Government with a New Prime Minister in Place of Zaev (Алтернатива доби тројца министри и заменици-министри, но во влада со нов мандатар на местото на Заев),” December 5, 2021, <https://bit.ly/36MnDJ3>.

42 SIGMA (Support for Improvement in Governance and Management), “Monitoring Report the Principles of Public Administration REPUBLIC OF NORTH MACEDONIA,” November 2021, <https://bit.ly/3sNY2aB>.

43 Ibid. page. 8

44 Those areas are: Strategic Framework for PAR; Accountability; Providing services; and Public Financial Management.

45 Policy development and co-ordination (PDC) and public service and human resource management (HRM) are the lowest in the region.

46 “The SCPC, as a Leader in the Integrity System, Signed the Integrity Policy (ДКСК како предводник во системот на интегритет, ја потпиша Политиката на интегритет),” *Official Website of the State Commission for Prevention of Corruption*, February 11, 2022, <https://bit.ly/3MvUMsd>.

47 “Minister Aliti for Frontline: We Continue with Departmentalization, We Introduce 135 New e-Services, Digital Identification for 150,000 Citizens (Министерот Алити за Фронтлајн: Продолжуваме со департизација, воведуваме 135 нови е-услуги, дигитална идентификација за 150.000 граѓани),” *Fronline.Mk*, February 8, 2022.

48 “MIOA First Starts with the Implementation of CAF 2020 in Our Country (МИОА прво кај нас започнува со имплементација на CAF 2020),” *Official Website of the Ministry of Information Society and Administration*, January 27, 2022, <https://www.mioa.gov.mk/?q=mk/node/3780>.

Regarding the area of public finance management (PFM) in order to improve the management of public finances the Economic Reform Program 2022 – 2024 was adopted by the Government of the Republic of North Macedonia on 28th January, 2022.⁴⁹ Along with the Strategy for Development of the Financial Market.⁵⁰ The strategy envisages more opportunities for financing projects for companies, increased supply of investment instruments, as well as attracting foreign investors as the main goals of the financial market development strategy. Progress in the area of PFM has also been welcomed by the International Monetary Fund (IMF). The IMF has welcomed the fiscal policies, stating that “they have contributed to the recovery of the economy and the preservation of jobs.”⁵¹

At the beginning of February, the Auditor General had a meeting with the Deputy Prime Minister in charge of good governance policies, and informed the Deputy Prime Minister that a new draft law regarding the state audit is being prepared, “with implemented solutions to all previously detected systemic flaws, which seeks to enable operational and financial independence of the State Audit Office.”⁵²

At the end of March, MISA published the annual report on public sector employees for 2021. Contrary to last year’s report, the number of employees in the public sector has increased slightly by 905. Even though there has been a small increase in the number of new employees, there has been a reduction in the number of employees in state institutions. In 2020, 15,945 people were employed, and in 2021 the number was 15,302, which is a decrease of 643 jobs.⁵³

A few years after the launch of the Support to State Reorganisation Project supported by the European Union, the Synthesis Report on State Reorganisation was published. The report aims to optimise the institutional framework, to enhance public service delivery and to strengthen ethics, integrity, transparency and accountability of public administration with the purpose being to streamline and optimise institutional framework, eliminate overlapping competencies and ensure effective lines of accountability.⁵⁴

49 “Economic Reform Program 2022- 2024 (Програма на економски реформи 2022- 2024),” *Official Website of the Ministry of Finance*, <https://bit.ly/3HUrY9t>.

50 “MF: With the Financial Market Development Strategy to Alternative Financing Opportunities for Companies, More Investment Opportunities for Households and Foreign Investors (МФ: Со Стратегијата за развој на финансискиот пазар до алтернативни можности за финансирање на компаниите, повеќе можности за инвестирање на домаќинствата и странски инвеститори),” *Official Website of the Ministry of Finance*, February 9, 2022, <https://bit.ly/3INRjDb>.

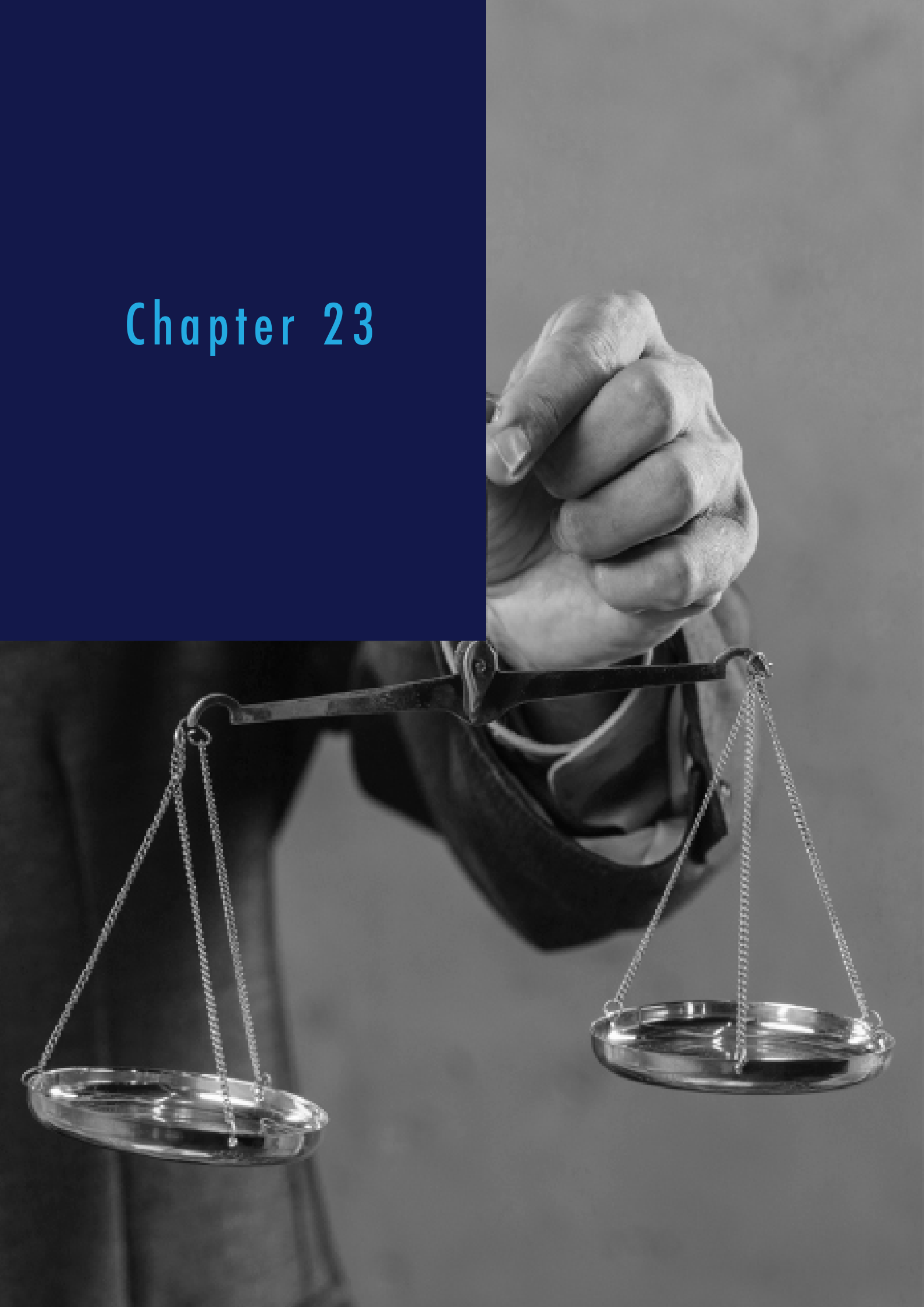
51 “IMF Welcomes Fiscal Policies- They Have Helped Boost the Economy and Save Jobs (ММФ ги поздравува фискалните политики – истите придонесоа кон закрепнување на економијата и зачувување на работните места),” *Official Website of the Ministry of Finance*, February 16, 2022, <https://bit.ly/3KojYEb>.

52 “Joint Efforts in the Prevention and Fight against Corruption (Заеднички заложби во превенцијата и борбата против корупција),” *Official Website of the State Audit Office*, February 10, 2022, <https://bit.ly/3Ks7LJH>.

53 “The Report on the Employees in the Public Sector for 2021 Was Presented (Презентиран извештајот за вработените во јавниот сектор за 2021 година),” *Official Website of the Ministry of Information Society and Administration*, March 31, 2022, <https://bit.ly/3qXlBwb>.

54 Dace Gruberte – horizontal functional analysis, Aleksandrs Antonovs – state reorganisation, and Gunter Kube- visualisation, “Support to State Reorganisation: Synthesis Report on State Reorganisation Skopje, Republic of North Macedonia,” November 3, 2021, <https://bit.ly/3j5dY2K>.

Chapter 23



Functioning of the judiciary

Strategic documents

With the election of the new Government⁵⁵ and the appointment of the new minister of justice, the preparation of the new Judicial Strategy 2023-2027 was announced.⁵⁶ In that regard the minister had two meetings with civil society organisations.⁵⁷

On March 31, 2022 a session of the Council for Reform of the Judicial Sector was held⁵⁸ at which the annual report on the implementation of the Strategy for Reform of the Judicial Sector 2017-2022 for 2021 was adopted.⁵⁹ Also, the activities for digitalisation in the judiciary were reviewed, the new Law on Expertise was presented and information on the preparation of the Civil Code was shared.⁶⁰

Management bodies

The Judicial Council and the Council of Public Prosecutors regularly publish announcements on their respective websites.⁶¹

The spatial conditions of the Council of Public Prosecutors need to be improved and to be accessible for persons with disabilities.⁶²

In March 2022, the Judicial Council published a notification to an authorised whistleblower, as well as a procedure for receiving whistleblower reports.⁶³

Independence and impartiality

The Board of the Association of Judges adopted a Strategy for improving the material status of judges 2022-2024 and formed a working group that will prepare new requests to the institutions with specific deadlines for implementation.⁶⁴ Despite the agreement being made in June 2021 between the Ministry of Justice and the Association of Judges for a phased increase of judges' salaries by 15%, with a 10% increase scheduled for last year⁶⁵, this increase has yet to be implemented by the Government.⁶⁶

55 'The Assembly elected the new Government, Kovacevski is the Prime Minister (Собранието ја избра новата Влада, Ковачевски е премиер)', *Radio Free Europe*, 16 January 2022, <https://bit.ly/3x6vFqR>.

56 'Tupancheski Announced a New Strategy for the Judiciary 2023-2027 at a Meeting with Gere (Нова Стратегија за правосудството 2023-2027 најавил Тупанчески на средба со Гир)', *360 Stepeni*, 9 February 2022, <https://bit.ly/36VQg6D>.

57 In February a meeting with representatives from the European Policy Institute was held, while in March a working meeting with representatives of the Blueprint Group for Judicial Reform was held.

58 'Invitation to the Online Session of the Judicial Sector Reform Council, 31.03.2022 (Покана за онлајн седницата на Советот за реформа на правосуден сектор, 31.03.2022)', March 2022.

59 Ministry of Justice, 'Only through Joint and Dedicated Work Can We Establish a Stable, Efficient and, above All, Independent Judicial System (Само со заедничка и посветена работа може да воспоставиме еден стабилен, ефикасен и првенствено независен правосуден систем)', 31 March 2022, <https://www.pravda.gov.mk/vest/6331>.

60 Ministry of Justice, 'Only through Joint and Dedicated Work Can We Establish a Stable, Efficient and, above All, Independent Judicial System (Само со заедничка и посветена работа може да воспоставиме еден стабилен, ефикасен и првенствено независен правосуден систем)' 31 March 2022, <https://www.pravda.gov.mk/vest/6331>.

61 According to the monitoring of the websites of both Councils.

62 Blueprint group for Judicial Reforms, 'Conference "Advancing Judicial Reforms- Towards Restoring Citizens' Trust in the Judicial System"' (Aleksandar Palace- Skopje, 29 March 2022).

63 Судски совет на Република Северна Македонија, 'Other Documents (останати документи)', shorturl.at/dfCN7.

64 Ibid

65 'Judges' Salaries Will Increase by 15% (Платите на судиите ќе се зголемат за 15 отсто)', *Pravdiko*, 14 June 2021, <https://bit.ly/3KlITf5>.

66 Meeting of the Board of the Association of Judges on 10 February 2022, <https://bit.ly/3sk7LW3>.

As part of the plan for digitalisation of the judiciary and the Strategy for Information and Communication Technology in the Judiciary for 2019-2024⁶⁷ a rulebook on electronic distribution of cases through the prosecutor's offices was adopted.⁶⁸ Additionally, the courtrooms of the five pilot courts⁶⁹ were equipped with pertinent IT equipment.⁷⁰ Regarding the operationalisation of the activities for interconnection and exchange of data between the judicial institutions, agreements for exchange of data were signed with the state institutions, which accomplish 50% of the data exchange on a daily basis.⁷¹

The Council for an Open Judiciary was established on March 30 2022 and it is a body composed of one representative from each court instance and representatives of the Judicial Council, the AJPP as well as representatives of the Association of Judges and the Association of Judicial Administration and representatives of four associations of citizens.⁷²

According to the Ombudsman's report for 2021,⁷³ most of the received complaints are in the field of judiciary (436 complaints or 16.3% of the total received complaints).

Accountability

In the period January - February 2022, the Judicial Council did not dismiss judges or presidents of courts,⁷⁴ while three public prosecutors were dismissed.⁷⁵

Unlike 2021, in the period January - February 2022, three disciplinary proceedings were initiated against public prosecutors. In March 2022, the Public Prosecutor issued a decision for the removal from office of the Public Prosecutor from the BPPPO Skopje due to reasonable suspicion for a serious disciplinary violation.⁷⁶

39 complaints were submitted to the Council of Public Prosecutors in the period January - February 2022 by citizens and legal entities.⁷⁷

67 'Strategy for Information and Communication Technology in the Judiciary for 2019-2024 (Revised Strategy) (Стратегија за информатичко-комуникациска технологија во правосудството за 2019-2024 Година (Ревидирана Стратегија))' (Ministry of Justice, February 2019), shorturl.at/mrvB6.

68 'Rulebook on the Manner of Distribution of Cases in the Public Prosecutor's Offices through the System for Electronic Distribution of Cases (Правилник за начинот на распределба на предметите во јавните обвинителства преку Системот за електронска распределба на предметите)', Official Gazette of the Republic of North Macedonia No. 31/2022.

69 Basic court Kavadarci, Basic court Shtip, Basic court Strumica, Basic Criminal court and Basic Civil court.

70 'Turanceski: As of Today, Online Trials Are Becoming a Reality for the Macedonian Judiciary (Тупанчески: Од денес онлајн судењата стануваат реалност и за македонското судство)', *Official Website of the Ministry of Justice*, 2 March 2022, <https://bit.ly/3jw876R>.

71 'Turanceski: The Commitment to a Modern and Efficient Judiciary Is Slowly but Surely Yielding Results', *Official Website of the Ministry of Justice*, 10 March 2022, <https://www.pravda.gov.mk/vest/6320>.

72 Akademik.mk, 'Established Council for an open judiciary and signed Declaration for an open judiciary (Основан Советот за отворено судство и потпишана Декларацијата за Отворено судство)', 31 March 2022, <https://akademik.mk/osnovan-sovetot-za-otvoreno-sudstvo-i-potpishana-deklaratsijata-za-otvoreno-sudstvo/>.

73 Ombudsman of the Republic of North Macedonia, 'Presentation of the Annual Report of the Ombudsman for 2021 (Презентација на Годишниот извештај на Народниот правобранител за 2021 Година)', shorturl.at/gmqHZ.

74 Judicial Council of the Republic of North Macedonia, 'Submission of Public Information (Доставување на информации од јавен карактер)', 11 March 2022.

75 The data on dismissed public prosecutors for the period January and February were obtained from the Council of Public Prosecutors upon request for free access to information. The last dismissal of a public prosecutor in March is shown by following the Council's website. Council of Public Prosecutors, 'At Yesterday's 50th Session, the Council of Public Prosecutors of the Republic of North Macedonia Made the Following Decisions (На вчерашната 50-Та Седница, Советот на Јавните Обвинители на РСМ, ги донесе следните одлуки)', March 2022, <https://bit.ly/37mkk1f>.

76 A1on, 'Removed from Office, the Public Prosecutor Brought Cases to Time barring (Јавен обвинител отстранет од функција, доведувал предмети до застареност)', March 2022, <https://a1on.mk/macedonia/javen-obvinitel-otstranet-od-funkcijata-poradi-disciplinska-postapka-dovel-predmeti-do-zastaruvanje/>.

77 Council of Public Prosecutors, 'Submission of Public Information (Доставување на информации од јавен карактер)', 17 March 2022.

SCPC has opened three cases against a Public Prosecutor at the BPPO in Gostivar. In one of the cases, the SCPC is investigating whether there was corruption in the settlement for a traffic accident with fatal consequences.⁷⁸

Professionalism and competence

On March 17 2022, the Council of Public Prosecutors decided to elect five public prosecutors to the BPPO for Organised Crime and Corruption. The session was open which helps to improve transparency and addresses the remark from the last EC Country Report.⁷⁹ At the session, the Council re-elected the prosecutors who in January 2018 applied for positions within the BPPO POCC.

In the period January - February 2022, the Judicial Council did not elect judges or presidents of courts.⁸⁰

The new draft law on the Academy for Judges and Public Prosecutors⁸¹, which was adopted by the Government in June 2021, is still in parliamentary procedure due to it being blocked by VMRO-DPMNE on the grounds that the draft law violates the procedures and abuses the European flag. Namely, VMRO-DPMNE has requested its withdrawal.⁸²

Quality of justice

With the entry into force of the new Law on Mediation in January 2022,⁸³ the Ministry of Justice under the slogan "There is a Solution" announced the start of a campaign to promote mediation as an alternative way of resolving disputes and raise awareness among citizens about its benefits.⁸⁴

The deadline for adoption of the by-laws of the Law on Mediation⁸⁵ along with the appointment of the National Coordinator for Mediation and its members is three months. Prior to the publication of this brief, the national coordinator has not been appointed and the procedure for election of members of the Council has not been initiated.

Although the adoption of a new Law on Civil Procedure was one of the priorities of the European Commission,⁸⁶ this law is still in parliamentary procedure.⁸⁷ The amendments to the Criminal Code related to the Istanbul Convention are also in the parliamentary procedure.⁸⁸

78 telma.com.mk, 'The Anti-Corruption Commission Has Three Open Cases for the Gostivar Prosecutor Arsim Ademi (Антикорупциската комисија има три отворени предмети за гостиварскиот обвинител Арсим Адеми)', 14 March 2022, <https://bit.ly/3xbhaCa>.

79 European Commission, 'North Macedonia 2021 Report', Commission Staff Working Document (Strasbourg, 19 October 2021), https://ec.europa.eu/neighbourhood-enlargement/north-macedonia-report-2021_en.

80 Judicial Council of the Republic of North Macedonia, 'Submission of Public Information (Доставување на информации од јавен карактер)'.

81 Assembly of R. North Macedonia, 'Materials- Draft-Law on the Academy for Judges and Public Prosecutors' <<https://www.sobranie.mk/materialdetails.aspx?materialId=543628f3-2109-4bd5-8b99-22d543901888>>.

82 'Tensive at the Parliamentary Committee on Political System, VMRO-DPMNE Does Not Allow Debate on the Draft Law on the Academy of Judges and Public Prosecutors (Тензично на собраниската Комисија за политички систем, ВМРО-ДПМНЕ не дозволува расправа за предлог законот за Академија на судии и јавни обвинители)', *Telma TV*, 9 February 2022, <https://bit.ly/3hjlDt8>.

83 'Law on Mediation (Закон за Медијација)', Official Gazette of the Republic of North Macedonia No. 294/2022.

84 'Maricic Announces "There Is a Solution" Campaign: Mediation Is Faster and More Economical Procedure (Маричиќ ја најави кампањата „Има Решение“: Медијацијата е побрза и поекономична постапка)', *Official Website of the Government of the Republic of North Macedonia*, 14 January 2022, <https://vlada.mk/node/27370>.

85 Law on Mediation (Закон за медијација).

86 European Commission, 'North Macedonia 2021 Report'.

87 Assembly of the Republic of North Macedonia, 'Materials (материјали)', <https://bit.ly/3v2hK29>.

88 Assembly of the Republic of North Macedonia, 'Materials- Draft-Law Amending the Criminal Code (материјали- предлог на Закон за изменување и дополнување на Кривичниот законик)', <https://bit.ly/3xi9cno>.

In the following period, in addition to the preparation of a new Criminal code, the preparation of the new Civil code in line with the current Judicial Strategy was announced.⁸⁹

The proactive role of the Supreme Court and fulfilling its role of providing a unified case law is to be welcomed.⁹⁰ In the reporting period, the Supreme Court held a total of five general sessions.

A significant step towards improving the quality of justice was the first-instance verdict rendered by the Basic Court in Veles in the case of a 23-year-old, who killed her unmarried husband in self-defence as a result of domestic violence. Initially, the Veles PPO filed an indictment⁹¹ classifying the case as manslaughter⁹² which was met with severe reactions by CSOs.⁹³ Guided by the evidence presented at the main hearing, the Basic Court in Veles passed an acquittal, arguing that the crime was committed in self-defence.⁹⁴ The prosecution decided to appeal the acquittal verdict.⁹⁵

The AJPP continuously works to improve the quality of trainings and introduces additional topics, based on the conducted evaluations and proposals submitted by the Judicial Council, the Council of Public Prosecutors, experts and CSOs. The AJPP held 27 training sessions on different topics in the reporting period.⁹⁶

Efficiency

Courts and the PPOs face a shortage of judges and public prosecutors, as well as a lack of professional/support staff.⁹⁷ There is also a need for technical improvement of the conditions in the courts and PPOs, and appropriate implementation of the digitalisation plan.⁹⁸ In the reporting period, the courtrooms of the five pilot courts⁹⁹ were equipped with pertinent IT equipment.¹⁰⁰

89 Ministry of Justice, 'Only through Joint and Dedicated Work Can We Establish a Stable, Efficient and, above All, Independent Judicial System (Само со заедничка и посветена работа може да воспоставиме еден стабилен, ефикасен и првенствено независен правосуден систем.)' shorturl.at/bvxM0.

90 According to the monitoring of the work of the Supreme Court and a review of the website of the court: *Court Portal - Supreme Court (Судски Портал - Врховен Суд)*, shorturl.at/ctNPV.

91 'Charge of Murder at a Moment in Veles (Обвинение за убиство на миг во Велес)', *Official Website of the Public Prosecutor's Office of the Republic of North Macedonia*, 2 February 2022, <https://jorm.gov.mk/obvinenie-za-ubistvo-na-mig-vo-veles/>.

92 Article 125 of the 'Criminal Code (Кривичен законик)', *Official Gazette of the Republic of Macedonia* No. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/2018.

93 'Reaction: BPPO Veles to Immediately Change the Decision in the Case of Pale Iloska and to Use the Provision of Self-Defense Envisaged in the Law (Реакција: ОЈО Велес итно да ја смени одлуката во случајот на Пале Илоска и да го искористи институтот нужна одбрана)', *Official Website of the Gender Equality Platform*, 4 February 2022, shorturl.at/iEIP5.

94 Article 9 of the Criminal Code (Кривичен законик).

95 'The Veles Prosecutor's Office Filed an Appeal against Pale's Acquittal (Велешкото обвинителство поднесе жалба против ослободителната пресуда на Пале)', *Fokus*, 14 March 2022, <https://bit.ly/3Jg1oYX>.

96 Academy for Judges and Public Prosecutors, 'Submission of Public Information (Доставување на информации од јавен карактер)', 11 March 2022.

97 Blueprint group for Judicial Reforms, 'Conference "Advancing Judicial Reforms- Towards Restoring Citizens' Trust in the Judicial System"'.
98 Ibid.

99 Basic court Kavadarci, Basic court Shtip, Basic court Strumica, Basic Criminal court and Basic Civil court.

100 'Turanceski: As of Today, Online Trials Are Becoming a Reality for the Macedonian Judiciary (Тупанчески: Од денес онлајн судењата стануваат реалност и за македонското судство)'.

Fight against corruption

North Macedonia was ranked 87th in the world with 39 index points, whereas in the previous year it was in 111th place with 35 index points at the latest Transparency International Corruption Perception Index.¹⁰¹ The prosecution of high-level corruption and strengthened oversight bodies have been noted as crucial for North Macedonia's progress and increase in ranking position.¹⁰²

Institutional framework

With the government restructuring in January 2022, a new Deputy Prime Minister (DPM) for good governance was appointed, taking on a position that was previously titled as DPM for Fighting Corruption and Crime, Sustainable Development and Human Resources.¹⁰³

The anti-corruption plan 2022 has been prepared with four key pillars: digitalisation, an independent and efficient judiciary, professionalisation of institutions and preventive measures to fight corruption.¹⁰⁴

In March 2022 the State Public Prosecutor and the Chief State Auditor signed a memorandum to strengthen inter-institutional communication.¹⁰⁵

State Commission for Prevention of Corruption

In the first two months of 2022, the SCPC started a total of 128 cases due to suspicions of corrupt behaviour, abuse of public office, conflict of interest and recording and monitoring the assets and interests.

Of these, 124 cases were initiated after applications submitted by citizens, and four cases upon the SCPCs own initiative. In the area of corruption and abuse of public office, 104 cases were initiated, of which 101 were based on citizens' reports and three upon the SCPCs own initiative. Moreover, 18 cases in the field of conflict of interest were started, all upon reports from citizens. The SCPC has also initiated six cases in the field of recording and monitoring the assets and interests, of which five were initiated from reports by the citizens and one upon the SCPCs own initiative.¹⁰⁶

In the reporting period the SCPC, upon its own initiative, opened three cases against the Gostivar Public Prosecutor.¹⁰⁷ Moreover, at the session held on 15 February 2022, the SCPC stated that it would analyse the awarding of sports vouchers and asked the Public Prosecutor's Office to initiate criminal proceedings against former and current mayors.¹⁰⁸

101 Transparency International, "Corruption Perception Index 2021" (2021) < 2021 Corruption Perceptions Index- Explore the... - Transparency.org

102 Ibid.

103 'Nikolovski Handed over the Post of Deputy Prime Minister to Grkovska (Николовски ја предаде функцијата вицепремиер на Грковска)', *Official Website of the Government of the Republic of North Macedonia*, 17 January 2022, <https://vlada.mk/node/27401>.

104 Ibid.

105 Akademik.mk, 'Strengthening the Institutional Communication between the Public Prosecutor's Office and the State Audit Office (Зажакнување на институционалната комуникација меѓу Јавното обвинителство и Државниот завод за ревизија)', 10 March 2022, <https://bit.ly/3NR1kSZ>.

106 State Commission for Prevention of Corruption, 'Submission of Public Information (Доставување на информации од јавен карактер)', 21 March 2022.

107 telma.com.mk, 'The Anti-Corruption Commission Has Three Open Cases for the Gostivar Prosecutor Arsim Ademi (Антикорупциската комисија има три отворени предмети за гостиварскиот обвинител Арсим Адеми)'.

108 Civil media, 'SCPC Will Analyze the Awarding of Sports Vouchers, Requires the Public Prosecutor's Office to Initiate Criminal Proceedings against Former and Current Mayors (ДКСК ќе го анализира доделувањето на спортските ваучери, бара ОЈО да поведе кривична постапка против поранешни и сегашни градоначалници)', 15 February 2022, <https://bit.ly/3KhKKcl>. 'Palermo Affair: When Will State Officials Show Evidence That They Paid for It Themselves? (Афера Палермо: Кога ќе покажат високите функционери докази дека сами платиле?)', 24 *Vesti*, 26 March 2022, shorturl.at/emyAV.

The Public Prosecutor's Office

Four new investigation centres in the prosecutor's offices are foreseen, together with appropriate staffing.¹⁰⁹

In the reporting period, a rulebook on the manner of distribution of cases in the public prosecutor's offices through the system for electronic distribution of cases was published.¹¹⁰

Three days after the release of the documentary "Swiss Secrets" by the Investigative Reporting Laboratory (IRL),¹¹¹ BPPPO POCC announced it would open a pre-trial investigation into the accounts of two Macedonian businessmen (one of whom is a former deputy prime minister) and one Swedish investor. Specifically, the published documentary contains details according to which the two Macedonian businessmen owned private accounts in Switzerland, and performed multimillion-dollar transactions.¹¹²

Regarding the cases taken over by the former SPO and the efficiency of the criminal proceedings, there was a turning point in the "Toplik" and "Titanic" cases. Specifically, the guilty plea of eight members of the group being tried in the "Titanic" case¹¹³ was followed by the verdicts.¹¹⁴ The trial of former Prime Minister Nikola Gruevski and the other defendants who did not plead guilty continues.¹¹⁵

The main hearing for the "Toplik" case took place on 16 February 2022 where the¹¹⁶ prosecutor, in accordance with the evidence presented in his closing remarks at a court hearing, demanded that the former Minister of Transport and Communications and the five other former members of the Public Procurement Commission in the same ministry be sentenced to prison.¹¹⁷

More than a year after the first-instance verdict, a public hearing on the mass wiretapping case Target-Fortress, began in March 2022 at the Appellate Court Skopje.¹¹⁸

In March 2022, we noted the following developments in terms of high profile cases of corruption: in the "Software" case,¹¹⁹ there were introductory words,¹²⁰ while closing remarks¹²¹ were given in the "International Union" case.¹²²

109 'Nikolovski Handed over the Post of Deputy Prime Minister to Grkovska (Николовски ја предаде функцијата вицепремиер на Грковска)', *Official Website of the Government of the Republic of North Macedonia*, 17 January 2022, <https://vlada.mk/node/27401>.

110 Rulebook on the manner of distribution of cases in the public prosecutor's offices through the system for electronic distribution of cases (Правилник за начинот на распределба на предметите во јавните обвинителства преку системот за електронска распределба на предметите).

111 https://www.youtube.com/watch?v=CHTWJ_I5RUw&t=17s

112 'Prosecution Opens Pre-Investigation Procedure for Jordanov, Mehandziski and Kling's Accounts (Обвинителството отвора предистражна постапка за сметките на Јорданов, Механџиски и Клинг)', *nezavisen.mk*, 23 February 2022, <https://bit.ly/3Km99xN>.

113 'Who Will Sink with "Titanic": Janakieski, Jankuloska and Protoger Pleaded Guilty to Electoral Abuses (Кoj ќе потоне со „Титаник“: Јанакиески, Јанкулошка и Протоџер признаа вина за изборните злоупотреби)', *Deutsche Welle*, 11 February 2022, shorturl.at/fipA1.

114 '"Titanic" Verdict: Janakieski Sentenced to 4.5 Years, Jankuloska to 2.5 Years in Prison (Пресуда „Титаник“: Јанакиески осуден на 4,5 години, Јанкулошка на 2,5 години затвор)', *Deutsche Welle*, 28 February 2022, shorturl.at/hCGIO.

115 Ibid.

116 'The "Toplik" Case before a Court Decision (Случајот „Топлик“ пред судска разрешница)', *TV 24*, 16 February 2022, <https://bit.ly/3r8bSn3>.

117 Ibid.

118 'A Public Hearing on the Verdict on Mass Wiretapping Is Underway on Appeal (Во Апелација Тече Јавна Седница За Пресудата За Масовното Прислушување)', *360 stepeni*, March 2022, <https://bit.ly/3DN7TBv>.

119 sloboden pecat, 'Introductory Words in the "Software" Case (Воведни зборови во случајот „Софтвери“)', 14 March 2022, <https://bit.ly/3ugl2i0>.

120 Former Secretary General of the Government Rashkovski stressed that he does not feel guilty, while prosecutor Ruskoska claims she will prove that he abused his office for enrichment.

121 The defendant Bojan Jovanovski stressed that he did not feel guilty.

122 'Closing Remarks of Bojan Jovanovski in the Case "International Union" (Завршни зборови на Бојан Јовановски во случајот „Меѓународен сојуз“)', *Telma TV*, 18 March 2022, <https://bit.ly/36UuO15>.

Legal framework

The amendments to the Criminal Code, for which a public debate started in Parliament in December 2021, envisage full harmonisation with the Istanbul Convention.¹²³ The new text of the Criminal Code which are under preparation will provide harmonisation with EU directives in the field of punishment, redefining the crimes related to terrorism in accordance with international standards, as well as the introduction of new crimes related to environmental protection.¹²⁴

The new law on criminal procedure has not yet been adopted, despite deadlines provided in the Strategy for Reform of the Judicial Sector 2017 - 2022.¹²⁵

The Law on the Origin of Assets¹²⁶ is still in preparation.¹²⁷

Fundamental rights

Case law of the European Court for Human Rights

According to the latest updates of the Press Country Profile of the ECtHR, during 2021 it dealt with 368 cases concerning North Macedonia of which 362 were declared inadmissible, or struck out. It delivered six judgments (concerning six applications), five of which found at least one violation of the right to a fair trial envisaged in Article 6 of the ECtHR.¹²⁸

The Ombudsman

In the first two months of 2022, 268 complaints were submitted to the Ombudsman, most of which (40) related to the judiciary. However, during these months, only one procedure was initiated on its own initiative.¹²⁹

In January 2022, the Ombudsman¹³⁰ presented the Monitoring Report on the implementation of the principle of equitable representation for 2020¹³¹, which was published in December 2021. According to

123 Assembly of the Republic of North Macedonia, 'Materials- Draft-Law Amending the Criminal Code (материјали- Предлог на Закон за изменување и дополнување на Кривичниот законик)'.

124 Elena Georgievska et al., 'Implementation of the Justice Sector Reform Strategy (2018–2022) in 2021: Shadow Report (Спроведувањето на Стратегијата за реформа на правосудниот сектор (2018–2022) во 2021 година: Извештај во сенка)', March, 2022.

125 Georgievska et al.

126 Iva Conevska Vangelova and Ismail Kamberi, 'Shadow Report for Chapter 23 for the Period between April 2020 and September 2021', Skopje 2021, 47, <https://bit.ly/3DQ0hOx>.

127 Ivanovska: The state should protect the citizens on whose behalf the politicians want to transfer property (Ивановска: Државата да ги заштити граѓаните на чие име политичарите бараат да префрлат имот), *Sloboden pecat*, <https://bit.ly/3LOo448>.

128 European Court of Human Rights, Press Country Profile – The Republic of North Macedonia (2022) <https://echr.coe.int/Documents/CP_Republic_of_North_Macedonia_ENG.pdf> accessed 19 February 2022.

129 The Ombudsman, 'Submission of Public Information (Доставување на информации од јавен карактер)', 30 March 2022.

130 'Press Conference of the Ombudsman Mr. Nasser Ziberi on the Situation with the Degree of Respect for the Principle of Adequate and Equitable Representation of Communities (Прес- конференција на Народниот правобранител г. Насер Зибири за состојбата со степенот на почитување на начелото на соодветна и правична застапеност на заедниците)', *Official Website of the Ombudsperson of the Republic of North Macedonia*, 28 January 2022, shorturl.at/aexCY.

131 The Ombudsperson of the Republic of North Macedonia, 'Report on Monitoring the Situation with the Application of the Principle of Adequate and Equitable Representation for 2020 (Извештај за следењето на состојбата со примената на начелото на соодветна и правична застапеност за 2020 Година)', December 2021, <https://bit.ly/3ra6jnZ>.

the report for the period 2007 - 2020, there has been an overall improvement in terms of respecting the constitutional commitment;¹³² however, the trend of unsatisfactory representation of smaller communities in the ministries still exists, especially in managerial positions.¹³³ In addition, the application of the principle of equitable representation is not respected in the judiciary and prosecution.¹³⁴ The Ombudsman also presented the findings of the Special Report on the situation regarding gender representation of employees in the public sector in 2020, with the findings showing an improvement in the level of gender equality, unlike previous years, except in regard to managerial positions.

On the occasion of the European Day of Victims of Crime the Ombudsman's Office highlighted the latest official data on victims of human trafficking for 2021. Specifically, 48 victims of human trafficking were discovered last year.¹³⁵

During the annual presentation of the Ombudsman's Annual Report 2021, the Ombudsman pointed out that in the past year they had received a total of 3,075 cases, with a procedure having been initiated for 2,085 (or 67.80%) of the total cases. Additionally, in 755 (35.82%) of them the violation of human rights and freedoms was ascertained.¹³⁶

Prison and detention facilities

The Ombudsman pointed out that the problem of adequate health care of convicts/detainees has not been solved. Almost half of the institutions still do not have a doctor. In order to overcome this issue, some of these institutions hire doctors themselves, so as not to leave convicts/detainees without access to primary health care.¹³⁷

Personal data protection

In the first two months of 2022, PDPA implemented 66 given directions, notifications, and responses of controllers regarding the perception of risks, rules, protection measures and rights regarding the processing of personal data; one consultation (guidelines) on a draft law, in order for the state authorities and state bodies to more easily implement the values for personal data protection according to the rules provided in the Law on Personal Data Protection; three indications to state government bodies and state bodies regarding regulations and other legal instruments published in the Official Gazette; two opinions regarding draft laws, by-laws and other materials in the field of personal data protection.¹³⁸

132 Ibid.

133 The Ombudsperson of the Republic of North Macedonia, 'Report on Monitoring the Situation with the Application of the Principle of Adequate and Equitable Representation for 2020 (Извештај за следењето на состојбата со примената на начелото на соодветна и правична застапеност за 2020 Година)'.

134 Ibid.

135 'How to Better Prevent and Protect in the Fight against Human Trafficking? An Event Organized within the Organized Crime Radar for the Western Balkans (Како до подобра превенција и заштита при борбата против трговија со луѓе? Настан организиран во рамки на радарот за организиран криминал за Западен Балкан)', *Official Website of The Institute for Democracy Societas Civilis Skopje*, 22 February 2022, <https://bit.ly/3LOdYQY>.

136 Ombudsman of the Republic of North Macedonia, 'Presentation of the Annual Report of the Ombudsman for 2021 (Презентација На Годишниот извештај на Народниот правобранител за 2021 Година)'.

137 The Ombudsperson of the Republic of North Macedonia, '2021 Annual Report on the Level of Ensuring Compliance, Promotion and Protection of Human Rights and Freedoms (Годишен извештај за степенот на обезбедувањето почитување, унапредување и заштита на човековите слободи и права 2021)', March 2022, <http://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2021/GI-2021.pdf>.

138 Personal Data Protection Agency of the Republic of North Macedonia (Агенција за заштита на личните податоци на Република Северна Македонија), 'Submission of Public Information (Доставување на информации од јавен карактер)', *March 29, 2022*.

PDDA in January and February 2022 conducted a total of 39 inspections, of which nine were regular, 13 unannounced and 17 control inspections. In addition, it conducted 24 electronic supervisions of which nine regular and 15 control supervisions.¹³⁹

Out of 50 complaints submitted to the Sector for Legal and General Affairs for the period January - February 2022, the most are from individuals that refer to social networks (40), namely fake and hacked profiles, complaints that refer to the publication of other people's photos, videos and audio recordings of other people's profiles on social media. The other complaints are for processing personal data through video surveillance systems (four), direct marketing (three), postal services (two) and exercising the rights of the subjects of personal data (one).¹⁴⁰

PDDA published a guide on the legality of personal data processing,¹⁴¹ and adopted a methodology for harmonisation of the sectoral legislation with the LPDP.¹⁴²

PDDA signed a memorandum of cooperation with the State Labour Inspectorate¹⁴³ and the State Commission for deciding in the second instance in the field of inspection and misdemeanour procedure.¹⁴⁴

PDDA issued a statement¹⁴⁵ of great public importance concerning the information¹⁴⁶ about publishing decisions for persons who should be isolated due to testing positive for COVID-19 on the website of the State Sanitary and Health Inspectorate and in the Official Gazette, for the purpose of electronic issuance of decisions. Specifically, APPD stated that the publication of the decisions is not correlated with the principle of legality, fairness and transparency.

Freedom of thought, conscience, and religion

The temporary stay of members of the Jewish religious group Lev Tahor, who arrived in North Macedonia from Bosnia and Herzegovina in February 2022, stirred-up a series of incidents and increased hate speech. Even though MOI, i.e. the National Security Agency, explained that this group has a temporary

139 Ibid.

140 Personal Data Protection Agency of the Republic of North Macedonia (Агенција за заштита на личните податоци на Република Северна Македонија), 'Submission of Public Information (Доставување На Информации Од Јавен Карактер)'.

141 'Guide to the Legality of Personal Data Processing (Водич за законитоста на обработката на личните податоци)' (The Directorate for Personal Data Protection, 28 January 2022), <https://bit.ly/3uhp4I5>.

142 'Methodology for Harmonization of the Sectoral Legislation with the Law on Personal Data Protection (Методологија за хармонизација на секторската легислатива со Законот за заштита на личните податоци)', Official Gazette of the Republic of North Macedonia No. 38/22. The methodology contains guidelines that regulate the actions of the ministries in the processes of harmonization of the sectoral legislation, which includes the process of reviewing the existing laws, as well as the process of implementing the Law Impact Assessment in terms of personal data protection, which are in line with the positive experiences from the practice in the European Union and its member states, as well as its legislation.

143 'Memorandum of Cooperation Signed between the Agency for Personal Data Protection and the State Labor Inspectorate (Потпишан меморандум за соработка помеѓу агенцијата за заштита на личните податоци и државниот инспекторат за труд)', *Official Website of the Agency for Personal Data Protection*, 16 February 2022, shorturl.at/cemE8.

144 'Signed Memorandum of Cooperation between the Agency for Personal Data Protection and the State Commission for Deciding in the Second Instance in the Field of Inspection and Misdemeanour Procedure (Потпишан меморандум за соработка помеѓу Агенцијата за заштита на личните податоци и Државната комисија за одлучување во втор степен во областа на инспекцискиот надзор и прекршочната постапка)', *Official Website of the Agency for Personal Data Protection*, 24 February 2022, shorturl.at/hmIL4.

145 'Announcement Regarding the Information for Publishing the Decisions for the Persons Who Should Be in Isolation (Соопштение по однос на информациите за објавување на решенијата за лицата кои треба да бидат во изолација)', *Official Website of the Agency for Personal Data Protection*, 3 February 2022, shorturl.at/insIS.

146 'Decisions on Persons to Be Isolated Will Be Posted on the SSHI Website (Решенијата за лицата кои треба да бидат во изолација ќе се објавуваат на веб страницата на ДСЗИ)', *MIA – Media Information Agency*, 1 February 2022, <https://bit.ly/3jecfZ2>.

and regulated stay in the country¹⁴⁷ and that it does not pose any danger to the safety of citizens of the country, it did not prevent outbursts of hatred that endangered members of the group's safety. The pressure they faced in Kumanovo continued in Skopje¹⁴⁸, where several hotels refused to accommodate the group¹⁴⁹, and its member publicly complained that the police were more of a hinderance than a help.¹⁵⁰ The CPPD initiated a procedure for protection against discrimination of the religious group.¹⁵¹

Freedom of expression

By submitting the Draft Law on Amending the Law on Civil Registry to Parliament and it being blocked in the parliamentary procedures by both ruling and opposition MPs, a great deal of fake news began to circulate in the media and statements were shared by politicians that were not based on accurate information. Some fake news about the above,¹⁵² were addressed and clarified by the National Network for Combating Homophobia and Transphobia.¹⁵³ In order to raise awareness of the consequences of discrimination and harassing speech and to promote independent, professional and ethical reporting the Council for Media Ethics and the CPPD signed a memorandum of cooperation.¹⁵⁴

Vulnerable groups and principle of non-discrimination

In the first two months of 2022 the CPPD received 31 complaints for establishing discrimination. Discrimination was established for 20 of them, 10 of which are in the field of public information and media (including social media), four are in the field of work and labour relations, three in the access to goods and services, two in the field of education, and one in the field of sports. In the opinions given by the CPPD, discrimination on several grounds at the same time has been determined, i.e. the number is greater than the total number of complaints. Specifically, most of the opinions on established discrimination are based on belonging to a marginalised group (11), personal status and social status (nine) and sex and sexual orientation (eight).¹⁵⁵ A parents' petition against an 11-year-old child with Down Syndrome, to be separated from the class in which she had studied until then, with the explanation that she was "aggressive", whose case was first reported on social media, initially by her father, was met with a great

147 'The Members of "Lev Tahor" Have a Temporary Residence- the Government Called for Tolerance (Членовите на „Лев Тахор“ имаат привремен престој- власта повика на толеранција)', *Radio Free Europe*, 16 February 2022, shorturl.at/nLPRY.

148 'The Jewish Group from Kumanovo Has Been Transferred to Skopje, the Ministry of Interior Appeals for Tolerance (Еврејската група од Куманово е префрлена во Скопје, МВР апелира на толеранција)', *Telma TV*, 15 February 2022, shorturl.at/borCU.

149 'Several Hotels in Skopje Refused to Accept the Jewish Group (Неколку хотели во Скопје одбиле да ја примат еврејската група)', *Faktor.Mk*, 15 February 2022, <https://bit.ly/3LHkwk4>.

150 'Xenophobia Is Not an Incidental Phenomenon in Our Society (Ксенофобијата не е инцидентна појава во нашето општество)', *Official Website of Helsinki Committee for Human Rights of the Republic of Macedonia*, 16 February 2022, <https://bit.ly/35MN38C>.

151 In accordance with Article 21 paragraph 1 of the 'Law on Prevention and Protection against Discrimination (Закон за спречување и заштита од дискриминација)', *Official Gazette of the Republic of North Macedonia No. 258/2020*.

152 The news that the adoption of the Law on Civil Registry is an introduction to same-sex marriage which is completely incorrect, because the bill provides for a mandatory divorce for all who want to access legal recognition of gender. Moreover, that the implementation of this law will have budgetary implications, and any other negative impacts on the general public. Furthermore, the spread of panic that this law can contribute to widespread abuse, without checking the practice in countries where these laws have been in force for a long time and where no abuse of legal recognition of gender has been found so far.

153 'The Network for Combating Homophobia and Transphobia Condemns the Decision to Withdraw the Proposal for Amendments to the Law on Personal Records (Мрежата за борба против хомофобија и трансфобија ја осудува Одлуката за повлекување на предлогот за изменување и дополнување на Законот за матична евиденција)', *TV 21*, 22 March 2022, <https://bit.ly/3raynaR>.

154 'Memorandum of Cooperation Signed between the Commission for Prevention and Protection against Discrimination and the Ministry of Interior (Потпишан меморандум за соработка меѓу Комисијата за спречување и заштита од дискриминација и Министерството за внатрешни работи)', *Official Website of the Commission for Prevention and Protection against Discrimination (blog)*, 9 March 2022, <https://bit.ly/3KhG46x>.

155 Commission for Prevention and Protection against Discrimination, 'Submission of Public Information (Доставување на информации од јавен карактер)', 12 April 2022.

response by the general public. The CPPD reacted immediately to the case, which opened an ex officio segregation procedure and stated that it would inspect the school, as well as that it had already established contact with the Mayor of Gostivar and the school principal.¹⁵⁶ The case is also being investigated by the Ombudsman, who is opening a procedure on his own initiative.¹⁵⁷ After some fiery reactions, the Minister of Labor and Social Policy and the Minister of Education and Science, Jeton Shaqiri, met with the parents at a meeting also attended by the principals of the Center for Social Work, Gostivar and the school. After the meeting, the Minister pointed out that the problems have been overcome and the girl will be back to school.¹⁵⁸ On the same day the State Education Inspectorate, after an inspection of the school, issued a statement that all those involved in the educational process were instructed to take appropriate measures and activities and to adopt specially prepared plans and programs for inclusion in the educational process.¹⁵⁹

As part of the activities to improve the quality of its work, the CPPD signed a memorandum of cooperation with MOI which specifies the exchange of information and data, as well as foreseeing a number of different forms of joint action.¹⁶⁰

The CPPD has contributed to the European Commission's consultations on the development of standards for equality bodies.¹⁶¹

The Government has adopted a decree on the right of persons with disabilities to be exempt from tuition fees.¹⁶² Specifically, the Government has enabled all persons with disabilities enrolled in the first, second and third cycle of studies at public higher education institutions to be exempted from co-payments. Additionally, persons with the status of children without parents and parental care, the unemployed parents of children and the persons with the status of war invalids are also exempted from tuition co-payment.¹⁶³

Gender

For the first two months of the year, the CPPD has determined gender discrimination for a total of two cases and discrimination on the basis of gender identity for a total of seven cases.¹⁶⁴

156 'Ex Officio Procedure for Segregation of the Fourth Grader Embla from Gostivar (Отворена постапка по службена должност за сегрегација На четвртоодделенката Ембла од Гостивар)', *Official webpage of The Commission for Prevention and Protection against Discrimination*, 3 February 2022, shorturl.at/yOQZ0.

157 'The Case of the Student Embla from Gostivar Will Be Examined by the Ombudsman (Случајот За Ученичката Ембла Од Гостивар Ќе Го Испитува Народниот Правобранител)', *360 Stepeni*, 3 February 2022, <https://bit.ly/3KhLKO0>.

158 'Trenchevska: Inclusion Gives Children with Disabilities a Chance to Contribute to Society in the Future (Тренчевска: Инклузијата Им Дава Шанса На Децата Со Попреченост Во Иднина Да Придонесуваат Во Општеството)', *Official Website of the Ministry of Labor and Social Policy* (blog), 3 February 2022, <https://bit.ly/38DvIAI>.

159 'Identified Omissions in the Case of Embla from Gostivar (Утврдени пропусти во случајот со Ембла од Гостивар)', *Fokus*, 7 February 2022, <https://bit.ly/3v4btD4>.

160 'Memorandum of Cooperation Signed between the Commission for Prevention and Protection against Discrimination and the Ministry of Interior (Потпишан меморандум за соработка меѓу Комисијата за спречување и заштита од дискриминација и Министерството за внатрешни работи)'.

161 Commission for Prevention and Protection against Discrimination, 'Importance, Role and Challenges for Equality Bodies in the Promotion of Equality and the Fight against Discrimination Contribution to the Public Consultation Process "Equality Bodies – Binding Standards"', 16 March 2022, <https://kszd.mk/wp-content/uploads/2022/03/CPPD-Contribution-EC.pdf>.

162 'Decree on the Right of Persons with Disabilities and Other Persons to Be Exempted from Tuition Fees (Уредба за правото на лицата со инвалидност и други лица да бидат ослободени од партиципација за студирање)', *Official Gazette of the Republic of North Macedonia* No. 61/2022.

163 Ibid.

164 Commission for Prevention and Protection against Discrimination, 'Submission of Public Information (Доставување на информации од јавен карактер)', 12 April 2022.

In March 2022, the resolution of the “Public Room” case¹⁶⁵ in the first instance and the four-year prison sentence given to the defendants¹⁶⁶ reiterated distrust in the institutions and the need to urgently adopt the announced amendments to the Criminal Code that would prosecute all forms of sexual harassment.¹⁶⁷ The CSOs expressed their deep dissatisfaction with the resolution of the case by the court, setting a sentence twice the length of the established legal minimum.¹⁶⁸

With the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence, the competencies of the local government in this field were set.¹⁶⁹ In this regard, the opening of a Regional Advisory Center for Assistance and Support to Women and Children Victims of Gender Based and Domestic Violence in the Pelagonija Region has been announced.¹⁷⁰

The Government reviewed and accepted the National Action Plan for protection, promotion and fulfillment of human rights of Roma women and girls 2022-2024.¹⁷¹

Hate speech

According to a report from the monitoring of online hate speech against Roma, conducted by the Institute for Research and Policy Analysis “Romalítico” and the Regional Roma Educational Youth Association (RROMA),¹⁷² it was found that the most common online hate speech against Roma is found on Facebook. A recommendation was also made that the institutions should be introduced with the term ‘anti-Gypsyism’ as a specific form of racism against Roma. This term has been officially accepted by the Government in the new Roma Strategy.¹⁷³

LGBTI +

For the first two months of the 2022, the CPPD found gender discrimination on the basis of sexual orientation for a total of eight cases.¹⁷⁴

165 The private group channel on the “Telegram” application, in which photos and personal data of women with pornographic connotations were published, was discovered in early 2021. It became known to the public as “Public Room” when victims alerted to the abuse on social networks by stalkers and the demean of their experiences and inaction by the police.

166 ‘The Defendants for the “Public Room” Received Four Years in Prison (Обвинетите За „Јавна соба“ добија по четири години затвор)’, *Radio MOF*, 11 March 2022, <https://www.radiomof.mk/obvinetite-za-javna-soba-dobija-po-chetiri-godini-zatvor/>.

167 The amendments to the Criminal Code, which were submitted by the Government in September 2021 and for which a public debate was started in the Parliament in December 2021, envisage full harmonization with the Istanbul Convention.

168 Article 193 of the Criminal Code (Кривичен Законик).

169 Article 21 of the ‘Law on Prevention and Protection from Violence against Women and Domestic Violence (Законот за спречување и заштита од насилство врз жените и семејно насилство)’, *Official Gazette of the Republic of North Macedonia* No. 24/2021.

170 ‘Bitola Receives Regional Advisory Center for Assistance and Support to Women and Children Victims of Gender Based and Domestic Violence (Битола добива Регионален советодавен центар за помош и поддршка на жени и деца жртви на родово базирано и семејно насилство)’, *Official Website of the Municipality of Bitola*, 7 March 2022, <https://bit.ly/3DQgun5>.

171 Ministry of Labor and Social Policy, ‘National Action Plan for Protection, Promotion and Fulfillment of Human Rights of Roma Women and Girls 2022-2024 (Национален акциски план за заштита, унапредување и исполнување на човековите права на жените и девојките Ромки 2022-2024)’, November 2021, shorturl.at/dorLZ.

172 Regional Roma Educational Youth Association ‘PROMA’ and Institute for Research & Policy Analyses “Romalítico”, ‘Macedonian Report on Monitoring Online Hate Speech against Roma (Македонски извештај од мониторинг на онлајн говорот на омраза кон Ромите)’, December 2021, <https://bit.ly/3DMSMb4>.

173 ‘Conference “Hate Speech against the Roma Community in the Online Sphere as Part of Anti-Gypsyism” (Одржана конференцијата “Говор На омраза кон Ромската заедница во онлајн сферата како дел од антициганизмот)’, *Official Website of the Institute for Research & Policy Analyses - Romalítico*, 18 February 2022, <https://romalitico.org/index.php/en/vesti/93-news/press-releases/471-konferencija-govor-omraza-kon-romi-mediumi>.

174 Commission for Prevention and Protection against Discrimination, ‘Submission of Public Information (Доставување на информации од јавен карактер)’, 12 April 2022.

The Government withdrew the Draft Law on Amending the Law on Civil Registry¹⁷⁵, one day before it was to be reviewed by the Committee on the Political System and Inter-Community Relations. For a year, the law was blocked in the parliamentary procedures by both ruling and opposition MPs. The reasoning by the Government for this act is that the law should be finalised. According to Deputy Prime Minister Artan Grubi, “the bill was withdrawn because a citizen won a lawsuit in Strasbourg and needs amended to comply with the court rulings.”¹⁷⁶ The National Network for Combating Homophobia and Transphobia strongly condemns the Government’s decision to withdraw the bill. According to the Network, the Government fails to fulfil the obligation which arises from the Judgment of the European Court of Human Rights, X against North Macedonia for changing the sex entries in the registry.¹⁷⁷

Roma

The Government of the Republic of North Macedonia at its fourteenth session¹⁷⁸ reviewed and adopted the Strategy for Roma Inclusion 2022-2030.¹⁷⁹ The new strategy was guided by the commitments of the Poznan Declaration for the Western Balkan countries for the integration of Roma within the EU enlargement process,¹⁸⁰ and following the guidelines provided by the EU Strategic Framework for Roma.¹⁸¹ Additionally, the Government reviewed and accepted the National Action Plan for protection, promotion and fulfilment of human rights of Roma women and girls 2022-2024 at the proposal of the Ministry of Labor and Social Policy.¹⁸²

In accordance with the aforementioned, a two-day working meeting was held, which was attended by representatives of the Government, Parliament, international and civil society organisations.¹⁸³ The Minister of Labour and Social Policy presented the projects and legal solutions aimed at achieving specific goals especially in areas such as education, employment, housing and the provision of personal documents for persons who do not have them.¹⁸⁴ Preparations for the implementation of the green and digital agenda and the ways for the inclusion of the Roma in them were also emphasised at the meeting.¹⁸⁵

175 ENER, ‘Draft-Law Amending the Law on Civil Registry (Предлог на Закон за изменување и дополнување на Законот за матична евиденција)’, 2019, <https://bit.ly/3JjKitk>.

176 ‘Government Draft Law on Gender Reassignment Withdrawn by Notary Declaration (Повлечен владиниот предлог Закон за промена на полот со нотарска изјава)’, *TV 24*, 22 March 2022, <https://bit.ly/3ra8FTQ>.

177 ‘The Network for Combating Homophobia and Transphobia Condemns the Decision to Withdraw the Proposal for Amendments to the Law on Personal Records (Мрежата за борба против хомофобија и трансфобија ја осудува Одлуката за повлекување на Предлогот за изменување и дополнување на Законот за матична евиденција)’, shorturl.at/lu002.

178 <https://vlada.mk/node/27774>.

179 ‘Strategy for Roma Inclusion 2022-2030 (Стратегија за инклузија на Ромите 2022-2030)’ (Government of the Republic of North Macedonia).

180 Regional Cooperation Council, ‘Declaration of the Western Balkan Partners on Roma Integration in the EU Enlargement Process’ (5 July 2019) <<https://www.rcc.int/romaintegration2020/files/admin/docs/866ab25893dd6d9271ebccbfd195349e.pdf>>.

181 European Commission, ‘Guidelines for Planning and Implementing National Roma Strategic Frameworks’

182 ‘Thirty-Fourth Government Session: Loosening Restrictive Measures to Prevent the Spread of Coronavirus (Триесет и четврта Владина седница: Олабавување на рестриктивните мерки за спречување на ширење на коронавирусот)’.

183 ‘Trenchevska: Full Inclusion of Roma in Society Is an Obligation We Work on Together (Тренчевска: Целосна инклузија на Ромите во општеството е обврска на која заедно работиме)’, *Official Website of the Ministry of Labour and Social Policy*, 24 February 2022, <https://bit.ly/3r8AMmv>.

184 The inclusion of 400 Roma children in the process of pre-school education with free stay in kindergartens, 700 scholarships for Roma high school students per year, the high employment rate of Roma in state and public administration, housing support, in terms of legalization of their homes, all stated as implemented goals that the Ministry together with the partners has been working on in the past period.

185 Inclusion of Roma in the digital agenda primarily by raising access to digital assets, digital literacy, support for Roma children in the field of education, labor market in terms of acquiring and using appropriate skills, as well as supporting Roma entrepreneurs to digitize their activities. In the area of the green agenda, Roma’s inclusion in the circular economy, with the transformation of management systems for various types of waste and other resources, and inclusion in innovative renewable energy models.

However, housing for Roma has remained an issue of concern. The Helsinki Committee for Human Rights reported that several Roma families face a return to social risk. Namely, they received a decision from the MLSP to leave their temporary stay in the reception centre Vizbegovo, without making plans for their further integration into society.¹⁸⁶ The purpose of the placement of Roma from Kale in temporary shelters in the reception centre in Vizbegovo was to help them in their inclusion in the labour market, to provide them with social protection and health care, identification documents, for the children to be included in the education system and to find a permanent solution regarding their housing, with the ultimate goal of lifting them out of poverty. Their eviction at this time without any housing assistance plan, at least for a period of time after eviction from the reception centre, will immediately return them to poverty. Additionally, presenting the annual report for 2021, the Ombudsman pointed out that the Roma families whose improvised dwellings were burned down in November 2021 in Gostivar, are still without adequate accommodation.¹⁸⁷ The CPPD has acted on a complaint lodged by the European Centre for Roma Rights in Brussels regarding segregation on the basis of ethnicity¹⁸⁸ and has adopted a general recommendation¹⁸⁹ concerning local authorities, school principals, the Ministry of Education and Science and the SEI.

186 'Roma Families Are Facing Forced Eviction from the Reception Center in Vizbegovo (Ромски семејства се соочуваат со присилно иселување од прифатниот центар во Визбегово)', *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 30 March 2022, <https://bit.ly/3r45dKD>.

187 The Ombudsperson of the Republic of North Macedonia, '2021 Annual Report on the Level of Ensuring Compliance, Promotion and Protection of Human Rights and Freedoms (Годишен извештај за степенот на обезбедувањето почитување, унапредување и заштита на човековите слободи и права 2021)'.

188 'Adopted a General Recommendation for Desegregation of Roma Children When Enrolling in Schools (Донесена општа препорака за десегрегација на децата Роми при упис во училиштата)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 11 February 2022, shorturl.at/ovDRY.

189 'Opinion (Мислење)' (Commission for Prevention and Protection against Discrimination, 8 February 2022), <https://bit.ly/3NR2hL3>.

