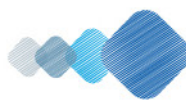


Rule of Law in View of EU Accession

Quarterly brief

January – March 2023



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This brief summarises the key developments about the rule of law in view of EU accession in North Macedonia from January to March 2023. It includes monitoring the fundamentals of EU accession, including key developments in the functioning of democratic institutions, public administration reform and chapter 23: judiciary and fundamental rights.

Key developments

- » Parliament ratified the agreement on FRONTEX, which will enter into force on April 1st, 2023;
- » The government was reconstructed at the beginning of this year. At the end of February and early March, Alliance for Albanians entered the ruling majority; the Assembly elected the four new ministers and their deputies;
- » In the latest Freedoms of the World 2023 report, North Macedonia scored 68 and is ranked as a partly free country, similar to last year, when the total score was 67;
- » The signing of the contract for constructing Corridors 8 and 10 with 'Bechtel and Enka' has raised many public and expert community concerns. The Public Prosecutor's Office for Organized Crime established a case regarding the companies selected for project supervision;
- » Regarding the constitutional changes required for opening the First Cluster in the EU accession negotiations, the Government created a working committee in the Ministry of Justice to draft the amendments. The main opposition party VMRO-DPMNE refused to participate in this group;
- » The Government presented a proposal for models for including civil society organisations in the accession negotiations with the European Union;
- » At the beginning of the year, the mandatory application of the case management system in the public prosecutor's offices began;
- » The Judicial Council determined that the trial teams for the 'Target-Tvrđina' and 'Trezor' cases from the Skopje Court of Appeal made omissions and unjustifiably delayed the instances, thus violating the legally given deadlines. The examination of whether there are grounds for establishing accountability for judges will continue; In parallel, the Skopje Court of Appeal confirmed the acquittal of the same defendant in the 'Tortura' case and replaced the prison sentence for 'Placovi na Vodno' with a suspended one. In addition, with the postponement of the hearing on March 30th due to the absence of a large part of the parties, the 'Titanik 2' case became statute-barred;
- » Finally, the Judicial Council started with the application of the new criteria for the selection of judges in higher courts and the selection of the presidents of the courts after the extraordinary evaluation of the candidates for judges and presidents of the courts;
- » By establishing a duality in the regulation of the basis of the salary of the elected and appointed persons, the Constitutional Court abolished the articles, which until now determined a certain fixed amount as the basis for determining the officials' salaries. The article remains in force, according to which the average salary paid in the last year according to the State Statistics Office is taken as the basis by multiplying the basis by the determined coefficient and increasing it according to the percentage of working experience, from 2.2. up to 4.5 per cent. This makes it possible to increase the salaries of state officials by as much as 78 per cent;
- » North Macedonia was ranked 85th in the world with 40 index points at the latest Transparency International Corruption Perception Index;
- » The long-awaited amendments to the Criminal Code were adopted in February;
- » At its 118th session, the Government of the Republic of North Macedonia reviewed and adopted the action plan to realise and implement the National Strategy for Equality and Non-discrimination 2022-2026;
- » In January, the Minister of Labour and Social Policy, the Minister of Health and the Minister of Education and Science signed the Rulebook for Functional Assessment of Children and Youth with Disabilities;
- » Following the reactions of agricultural organisations and other NGOs supporting them on the systemic problem of a lack of paid maternity leave for women working in the agricultural sector, the Government adopted a program to ensure social security for women who perform agrarian activities.



List of Abbreviations

AAVMS	Agency for Audio and Audiovisual Media Services
AJM	Association of Journalists of Macedonia
AJPP	Academy for Judges and Public Prosecutors
BPPOPOCC	Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption
CPPD	Commission for Prevention and Protection against Discrimination
CSO	Civil society organization
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EPI	European Policy Institute
EU	European Union
FRONTEX	European Border and Coast Guard Agency
LGBTI	Lesbian, gay, bisexual, trans and intersex communities
MECM	Media Ethics Council in Macedonia
MEP	Member of European Parliament
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
MISA	Ministry of Information Society and Administration
MLSP	Ministry of Labour & Social Policy
MOI	Ministry of Interior Affairs
MOJ	Ministry of Justice
NDI	National Democratic Institute
NGO	Non-governmental organisation
NSA	National Security Agency
ODIHR	Office for Democratic Institutions and Human Right
OECD	Organisation for Economic Co-operation and Development
OSCE	OSCE - Organization for Security and Co-operation in Europe
PAR	Public Administration Reform
PDPA	Personal Data Protection Agency
PPO	Public Prosecutor's Office
SAO	State Audit Office
SCPC	State Commission for the Prevention of Corruption
SEC	State Election Commission
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)
SSNM	Independent Union of Journalists and Media Workers
TAIEX	Technical Assistance and Information Exchange instrument of the European Commission
VMRO-DPMNE	Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity



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Functioning of democratic institutions



Elections

The State Election Commission (SEC) has started a procedure for establishing an Election Training Centre, which will begin functioning by the spring of 2024. The idea for this centre was obtained after conducting a feasibility study for establishing such a training centre, during which it was discussed with representatives of several stakeholders in the elections, internal, i.e. electoral authorities, SEC, municipal electoral authorities, election boards, certified trainers of the SEC, and external representatives of political parties, CSOs, and the media.¹

The goal of this centre, in addition to providing training, will also be to conduct research for the needs of the public, which would include comparative views of various aspects of the electoral process, such as the models for voting abroad and the use of electoral technology.²

In mid-March, the Ministry of Justice, together with NDI North Macedonia, organised a conference to discuss electoral reforms, including the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), together with representatives of 15 political parties, state institutions, the academic community, civil society and international organisations.³

Parliament

At the beginning of the year, the National Council for European Integrations held a session where the program and priorities of the Swedish Presidency with the Council of the European Union for January-June 2023 were presented by the Ambassador of the Kingdom of Sweden. The challenges that lie ahead for the country in terms of European integration, the dynamics of reforms, the rule of law, organised crime and corruption, the security of the Union during the current Russian aggression in Ukraine, the common security and foreign policy, dealing with high inflation and the price of energy that directly affects citizens and companies have been discussed on the session.⁴

In February, Parliament ratified the agreement on FRONTEX.⁵ The agreement with North Macedonia was signed on October 26th, 2022, and will enter into force on April 1st, 2023.⁶

1 'Guguchevska for MIA: SEC Is Working on Establishing a Center for Training for Elections, Which Should Start Functioning by the Spring of 2024 (Гугучевска за МИА: ДИК работи на формирање Центар за обуки за избори, што треба да почне да функционира до пролетта 2024)', *MIA - Media Information Agency*, 21 January 2023, <https://bit.ly/3MbFMCh>.

2 Ibid.

3 'Loga: I Call on All Political Parties, with Consensus, to Pass a New Electoral Code (Лога: Ги повикувам сите политички партии, со консензус да донесеме нов Изборен законик)', *Official Website of the Ministry of Justice*, 14 March 2023, <https://pravda.gov.mk/vest/6488>.

4 'NCEI Session: The Priorities of the Swedish EU Presidency Were Presented (Седница на НСЕИ: Презентирани приоритетите на шведското претседателство со ЕУ)', *Official Website of the Assembly of the Republic of North Macedonia*, 9 January 2023, <https://www.sobranie.mk/ns-newsarticle-sednica-na-nsei-prezentirani-prioritetite-na-svedskoto-pretседatelstvo-so-eu.nspх>.

5 'Amendments to the Criminal Code Were Adopted and the Agreement on FRONTEX Was Ratified (Донесени дополнувања на Кривичниот законик и ратификуван Договорот за ФРОНТЕКС)', *Official Website of the Assembly of the Republic of North Macedonia*, 13 February 2023, <https://www.sobranie.mk/ns-newsarticle-doneseni-dopolnuvana-na-krivicniot-zakonik-i-ratifikuvan-dogovorot-za-fronteksj.nspх>.

6 'Border Management: EU Concludes Agreement with North Macedonia on Frontex Cooperation', *Official Website of the Council of the EU and the European Council*, 24 February 2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/02/24/border-management-eu-concludes-agreement-with-north-macedonia-on-frontex-cooperation/#:~:text=As%20of%201st%20April%2C%20Frontex,at%20the%20EU's%20external%20borders>.

Governance

In February, the Prime Minister proposed the reconstruction of the Government.⁷ Although initially, according to the Prime Minister, no reconstruction was planned,⁸ in the first months of the year, after the political turmoil in the government, the Prime Minister submitted a proposal for the reconstruction of the government to the Parliament at the beginning of February.⁹ The turmoil led to the exit of one minor coalition partner,¹⁰ from the government, who was immediately replaced by another¹¹. The prime minister said that Alternativa, which was in the Government until February, was given a choice to stay in the ruling majority;¹² however, they noted that the ruling coalition did not fulfil its obligations and decided to leave the Government.¹³ The new party that entered the ruling majority, Alliance for Albanians, said that they entered the Government to help the country stabilise the political arena, increase the efficiency of the Assembly and the institutions on the road to EU.¹⁴ At the end of February, the Assembly elected the four new ministers¹⁵ and in the beginning of March their deputies.¹⁶

The political turmoil within the government stemmed from the political upheaval within the DUI party. A faction of the party, known as the 'Fiery Group,' expressed dissatisfaction with the party's ministers and demanded changes. They specifically opposed the current first deputy prime minister, Artan Grubi, and feared he had too much control over decision-making within the party.¹⁷ In March, the group officially announced that they would function as a separate faction within the party,¹⁸ as they felt they did not influence the party's decisions, which they believed were solely made by the current ministers.

7 'The Proposal for the Reconstruction of the Government Submitted to the Parliament (Предлогот за реконструкција на Владата доставен во Собранието)', *Radio Free Europe*, 11 February 2023, <https://www.slobodnaevropa.mk/a/32266593.html>.

8 'There Is No Reconstruction of the Government, Parliamentary Elections in 2024, Says Kovacevski (Нема реконструкција на Владата, парламентарни избори во 2024, вели Ковачевски)', *Kanal 5*, 21 December 2022, <https://kanal5.com.mk/nema-rekonstrukcija-na-vladata-parlamentarni-izbori-vo-2024-veli-kovachevski/a561088>.

9 'Prime Minister Kovacevski Submitted to the Parliament the Proposal for the Reconstruction of the Government (Премиерот Ковачевски го достави до Собранието предлогот за реконструкција на Владата)', 11 February 2023, <https://kanal5.com.mk/premierot-kovachevski-go-dostavi-do-sobranieto-predlogot-za-rekonstrukcija-na-vladata/a568056>.

10 'Alternativa Leaves the Government Coalition (Алтернатива ја напушта владината коалиција)', *Radio Free Europe*, 11 February 2023, <https://www.slobodnaevropa.mk/a/32267791.html>.

11 'Alliance for Albanians Has Decided - It Enters the Government (Алијанса за Албанците одлучи - влегува во Влада)', *Radio Free Europe*, 9 February 2023, <https://www.slobodnaevropa.mk/a/32264280.html>.

12 'Kovacevski Says That for Alternativa, Which Is in the Government, the Door Is Open (Ковачевски вели дека за Алтернатива, која е во Владата, вратата е отворена)', *Mkd.Mk*, 9 February 2023, <https://www.mkd.mk/node/507380>.

13 'Alternativa Leaves the Government Coalition (Алтернатива ја напушта владината коалиција)', *Radio Free Europe*, 11 February 2023, <https://www.slobodnaevropa.mk/a/32267791.html>.

14 'Alijansa Enters the Government (Алијанса влегува во Владата)', *Voice of America*, 9 February 2023, <https://mk.voanews.com/a/6956328.html>.

15 'The Assembly Elected New Ministers in Four Departments of the Government (Собранието избра нови министри во четири ресори на Владата)', *Official Website of the Assembly of the Republic of North Macedonia*, 27 February 2023, <https://www.sobranie.mk/ns-newsarticle-sobranieto-izbra-novi-ministri-vo-cetiri-resori-na-vladata.nspх>.

16 'New deputy ministers were elected in five government departments (Избрани нови заменик-министри во пет владини ресори)', *Official Website of the Assembly of the Republic of North Macedonia*, 3 March 2023, <https://www.sobranie.mk/ns-newsarticle-sobranieto-izbra-novi-ministri-vo-cetiri-resori-na-vladata.nspх>.

17 'Press of the "Fiery Group": Mejteti Said That Grubi Can No Longer Be Dealt with (Прес на „Огнената група“: Мејети рече дека со Груби повеќе не може да се работи)', *Faktor*, 27 December 2022, <https://faktor.mk/pres-na-ognenata-grupa-medziti-reche-deka-so-grubi-povekje-ne-moze-da-se-raboti>.

18 "'The Fiery' Are Going as a Faction, Ahmeti Told Them That There Are No Factions in DUI „Огнените“ одат како фракција, Ахмети им порача дека во ДУИ фракции не постојат', *Voice of America*, 1 April 2023, <https://mk.voanews.com/a/ognenite-odat-kako-frakcija-ahmeti-im-poracha-deka-vo-dui-frakcii-ne-posto%D1%98at-/7032132.html>.

In the latest *Freedom of the World 2023* Freedom House report, North Macedonia scored 68 and is ranked as a partly free country. It's a result similar to last year's when the total score was 67.¹⁹ Regarding the democratic status, North Macedonia is ranked in the group of states in transition, something that is also reflected in our ratings from 'Freedom House' since 2017, when Macedonia reached the bottom with 57 points, it has been progressing regularly, but very little, with one point per year.²⁰

One of the most significant things that happened in this reporting period, which caused many reactions in public, was the signing of the contract for the construction of Corridors 8 and 10 with 'Bechtel and Enka'²¹. The consortium will build the highways in the country in the next five years, with the deal worth more than 1.3 billion euros. However, multiple questions still need to be answered regarding this project. The Public Prosecutor's Office for Organized Crime established a case regarding the companies selected for project supervision.²² According to media reports, staggering sums are foreseen as monthly and one-time fees for supervision. The media also found out that in the publicly available documents, there is no evidence for 23 out of 81 experts - which of the winning companies of the tender or the subcontractors hired them. One of the companies stated that there are 32 permanently employed persons, of which 27 are permanently employed engineers, which contradicts what is written in the annual account for the company submitted to the Central Registry, where it is stated that in 2022 on average, it had only two employees.²³ For another company, initially on November 24th, 2020, the Government decided to prohibit all state institutions and municipalities from engaging in tenders over one million euro due to illegal, unethical, and irresponsible behaviour in supervising works on the Kumanovo - Belakovce railway. However, as reported by the media, the decision was revoked on February 9th, 2021.²⁴

Regarding the constitutional changes required for opening the First Cluster in the EU accession negotiations, the government created a working committee in the Ministry of Justice to draft the amendments.²⁵ However, the main opposition party VMRO-DPMNE refused to participate in this group, stating that the process is illegitimate and that they will not give support to the process.²⁶

January saw the worsening of the relations between North Macedonia and Bulgaria. During the commemoration of Mara Buneva, a revolutionary, by the Bulgarian MEP Angel Dzhambazki, in the middle of Skopje, denied the existence of the Macedonian people.²⁷ He said that Macedonians and Bulgarians are

19 'FREEDOM IN THE WORLD 2023: North Macedonia', *Official Website of the Freedom House*, <https://freedomhouse.org/country/north-macedonia/freedom-world/2023>.

20 'Freedom House' Ranked Macedonia as a "Partly Free" Country „Фридом хаус“ ја рангираше Македонија како „делумно слободна држава“, *Nezavisen.Mk*, 9 March 2023, <https://nezavisen.mk/fridom-haus-ja-rangirashe-makedonija-kako-delumno-slobodna-drzhava/>.

21 '(VIDEO) The Contract Signed with "Bechtel and Enka" for Corridors 8 and 10-d: For the Government, This Is a Historic Project ((ВИДЕО) Потпишан договорот со „Бехтел и Енка“ за коридорите 8 и 10-д: За Владата ова е историски проект)', *360 Stepeni*, 8 March 2023, <https://360stepeni.mk/video-potpishan-dogovorot-so-behtel-i-enka-za-koridorite-8-i-10-d-za-vladata-ova-e-istoriski-proekt/>.

22 'Islam Abazi's Prosecutor's Office Opened a Case on the Surveillance of "Bechtel and Enka" (Обвинителството на Ислам Абази отвори предмет за надзорот на „Бехтел и Енка“)', *360 Stepeni*, 28 March 2023, <https://360stepeni.mk/obvinitelstvoto-na-islam-abazi-otvori-predmet-za-nadzorot-na-behtel-i-enka/>.

23 Ibid.

24 'Companies Associated with a Person with a Criminal Record Will Supervise Bechtel and Enka (Компании поврзани со лице со криминално досие ќе вршат надзор на Бехтел и Енка)', *Alsats M*, 3 March 2023, <https://alsat.mk/mk/kompanii-povrzani-so-litse-so-kriminalno-dosie-ke-vrshat-nadzor-na-behtel-i-enka/>.

25 'Maricic: An Expert Group Will Be Formed for the Constitutional Amendments (Маричиќ: Ќе се формира експертска група за уставните измени)', *A1 On*, 16 March 2023, <https://a1on.mk/macedonia/marichikj-kje-se-formira-ekspertska-grupa-za-ustavnite-izmeni/>.

26 'VMRO-DPMNE Refuses to Appoint Experts to the Constitutional Amendment Group (ВМРО-ДПМНЕ одбива да назначи експерти во групата за уставни измени)', *360 Stepeni*, 21 March 2023, <https://360stepeni.mk/vmro-dpmne-odbiva-da-naznachi-eksperti-vo-grupata-za-ustavni-izmeni/>.

27 'Djambaski from the Center of Skopje: Long Live Bulgarian Macedonia! (Џамбаски од центарот на Скопје: Да живее бугарска Македонија!)', *Fokus*, 14 January 2023, <https://fokus.mk/dhambaski-od-tsentarot-na-skopje-da-zhivее-bugaraska-makedonija/>.

the same people, living in two countries and claimed that the “Serbian” politicians continue the policy of “genocide” against Bulgarians.²⁸ The Ministry of Foreign Affairs of North Macedonia condemned these statements.²⁹ At the same time, President Stevo Pendarovski asked Dzhambazki to be declared persona non grata.³⁰

The relations between the countries reached a new low after an incident in Ohrid when the secretary of the Bulgarian club in Ohrid was injured in a bar-fight.³¹ After the incident, Bulgaria demanded better protection for the Bulgarians in North Macedonia and sent an army plane to pick up the injured to be treated in Bulgaria.³²

These two events fueled discussions on social networks and created tension on the eve of Goce Delchev’s birthday in February.³³ On the day of the birthday of the revolutionary, February 4th, there was a high police presence near the burial site. On the border between North Macedonia and Bulgaria, the system for controlling the border crossing crashed,³⁴ which caused delays, and fewer Bulgarians were able to cross the border and get to Skopje. Three Bulgarians were arrested at the border crossing after scuffling with the police.³⁵

Civil Society

In the reporting period, the Government presented models for including civil society organisations in the accession negotiations with the European Union. In March, the Secretariat for European Affairs held a conference titled ‘Civil Organisations - Catalysts of the European Integration of North Macedonia.’³⁶ These models were discussed with CSOs from the country working on these issues. At the end of last year, more than 200 organisations declared interest in participating in the consultation process regarding the EU accession negotiations.

28 ‘(VIDEO) Djambaski from Skopje: Pro-Serb Politicians Should Leave Macedonian Bulgarians ((ВИДЕО) Џамбаски од Скопје: Србоманските политичари да ги остават македонските Бугари)’, *A1 On*, 14 January 2023, <https://a1on.mk/macedonia/video-dz-hambaski-od-skopje-srbomanskite-politichari-da-gi-ostavat-makedonskite-bugari/>.

29 ‘MFA with a Reaction to Djambaski’s Statement (МНР со остра реакција на изјавата на Џамбаски)’, *Telma TV*, 25 January 2023, <https://telma.com.mk/2023/01/25/mnr-so-ostira-reakcija-na-izjavata-na-dzhambaski/>.

30 ‘(Video) The Head of State Proposes That Dzambaski along with Other Bulgarians Be Declared Persona Non Grata ((Видео) Шефот на државата предлага Џамбаски заедно со други Бугари да бидат прогласени за персона нон грата)’, *Makfax*, 23 January 2023, <https://bit.ly/3NDzQmd>.

31 ‘The Secretary of the Bulgarian Club “Car Boris Treti” Was Beaten in Ohrid (Претепан секретарот на бугарскиот клуб „Цар Борис Трети“ во Охрид)’, *Makfax*, 20 January 2023, <https://bit.ly/3AZFozW>.

32 ‘Pendikov Was Transported to Sofia for Treatment by a Bulgarian Government Plane (Со бугарски владин авион Пендиков пренесен на лекување во Софија)’, *Kanal 5*, 20 January 2023, <https://kanal5.com.mk/so-bugarski-vladin-avion-pendikov-prenesen-na-lekuvanje-vo-sofija/a564879>.

33 ‘Celebrating Goce Delchev’s Birthday under Tension (Одбележување на роденденот на Гоце Делчев во тензии)’, *Deutsche Welle*, 4 February 2023, <https://www.dw.com/mk/odbelezuvane-na-rodendenot-na-goce-delcev-po-strogi-protokoli-i-vo-tenzii/a-64611103>.

34 ‘The Border Crossing Control System Has Collapsed (Падна системот за контрола на граничните премини)’, *Telma TV*, 4 February 2023, <https://telma.com.mk/2023/02/04/padna-sistemot-za-kontrola-na-granichnite-premini/>.

35 ‘(VIDEO) Deve Bair Incident: Three Bulgarians Were Detained after a Scuffle with the Macedonian Police ((ВИДЕО) Инцидент на Деве Баир: Приведени тројца Бугари по турканицата со македонската полиција)’, *A1 On*, 4 February 2023, <https://a1on.mk/macedonia/video-incident-na-deve-bair-privedeni-trojca-bugari-po-turkanicata-so-makedonskata-policija/>.

36 ‘The Models for the Participation of Civil Society Organizations in the Negotiations with the EU Were Presented (Презентирани моделите за учество на граѓанските организации во преговорите со ЕУ)’, *Official Website of the Government of the Republic of North Macedonia*, 28 March 2023, <https://vlada.mk/node/32686?ln=mk>.

In March, Foreign Minister Bujar Osmani held a meeting where he explained the importance and advantages of the Strategic Dialogue program between North Macedonia and the United States. This program was launched in Washington in June of last year, and non-governmental organisations were introduced to it during the meeting.³⁷ The meeting's main agenda was to explore potential collaborations with non-governmental organisations in implementing the Action Plan under the Strategic Dialogue.³⁸ The plan covers various areas of cooperation, including battling corruption and upholding the rule of law, enhancing defence and security, promoting trade and investments, and addressing environmental concerns. The plan also encompasses other vital regional and global issues.

As elected representatives of the civil sector, the CSOs that are part of the Council for Cooperation between the Government and Civil Society reacted to the lack of cooperation and the absence of essential and even formal communication and dialogue with the government.³⁹ According to multiple civil society organisations, the ability for associations and foundations to operate has decreased significantly. Contact with several government ministries has also worsened, which has been documented in various reports on the state of civil society organisations. These groups requested a meeting with the Prime Minister to address these concerns and advance the implementation of the Strategy for Cooperation and Development of Civil Society from 2022-2024.

Civilian Oversight of the Security/Intelligence Sector

The head of the NSA recommended a manager to oversee internal control in the agency. The Commission for Oversight of the Work of the NSA and the Intelligence Agency confirmed the appointment with a majority vote. The manager will serve for a period of six years.⁴⁰

37 'Osmani at a Briefing with the Civil Sector on the Strategic Dialogue between North Macedonia and the USA (Османи на брифинг со граѓанскиот сектор за Стратешкиот дијалог меѓу Северна Македонија и САД)', *Official Website of the Ministry of Foreign Affairs of the Republic of North Macedonia*, 22 March 2023, <https://mfa.gov.mk/en/page/13/post/3326/osmani-na-brifing-so-gragjanskiot-sektor-za-strateshkiot-dijalog-megju-severna-makedonija-i-sad>.

38 Ibid.

39 'The Civil Sector Is Alarming about the Government's Attitude towards Civil Society (Граѓанскиот сектор алармира за односот на Владата кон граѓанското општество)', *Official Website of the European Policy Institute-Skopje*, 31 January 2023, <https://epi.org.mk/post/23983>.

40 'Working Bodies: Commission for Oversight of the Work of the National Security Agency and the Intelligence Agency (Работни тела: Комисија за надзор над работата на Агенцијата за национална безбедност и на Агенцијата за разузнавање)', https://sobranie.mk/rabotni-tela-2020-2024-ns_article-komisija-za-nadzor-nad-rabotata-na-agencijata-za-nacionalna-bezbednost-i-na-agencijata-za-razuznavan.nspix.

Public Administration Reform

The abovementioned reconstruction of the Government led to changes in the Ministry of Information Society and Administration (MISA), where new ministers were appointed.⁴¹

MISA submitted a proposal to the Government for signing the International Agreement between the European Union and North Macedonia for the country's participation in the program - Digital Europe for 2021-2027. The Government accepted the proposal and authorised the Minister of Information to sign the Agreement.⁴²

MISA has drafted the new PAR Strategy 2023-2030 and received the opinion from SIGMA/OECD on the draft version. It is expected that the Government will adopt the Strategy in May 2023.

41 'Aliti and Aliu Had a Ceremonial Handing over of the Duty of Minister in MISA (Алити и Алиу имаа свечено примопредавање на должноста министер во МИОА)', *Official Website of the Ministry of Information Society and Administration*, 28 February 2023, <https://mioa.gov.mk/?q=mk/node/4574>.

42 'The Government Accepted the Text of the Agreement with the EU for the Country's Participation in the Digital Europe Program (Владата го прифати текстот на спогодба со ЕУ за учество на земјава во програмата Дигитална Европа)', *Fokus*, 27 December 2022, <https://fokus.mk/vladata-go-prifati-tekstot-na-spogodba-so-eu-za-uchestvo-na-zemjava-vo-programata-digitalna-evropa/>.

Chapter 23



Functioning of the Judiciary

Strategic Documents

With the completion of the implementation period of the Justice Sector Reform Strategy 2017 - 2022 and the Action Plan, the State Audit Office (SAO) in January 2023 published its audit report on the performance of the Strategy and the Action Plan in accordance with the SAO 2022 Annual Program.⁴³ Specifically, the audit found that of the 130 measures in the Strategy and Action Plan, only 52% were fully implemented, 34% were partially implemented, and 14% still needed to be implemented.⁴⁴ The Strategy and Action Plan's measures have been implemented with only 20% of the budget funds planned. This is mainly because the planned funds for measure 2.2.8-2, which involves constructing new spatial conditions, have yet to be realised, representing 40% of the planned funds. Additionally, the funds provided by measure 4.1.3.5-1 for the Public Prosecutor's Office of the Republic of North Macedonia for spatial arrangements and separation from the courts have yet to be utilised, with 15% more funds than necessary planned.⁴⁵ The Council for Monitoring the Implementation of the Strategy has been found to need to improve in monitoring and reporting on the activities' implementation to fulfil the Strategy's objectives. Its operation needs an established methodology for monitoring and evaluating the results of the implemented measures and actions.⁴⁶

Management bodies

On January 10th, 2023, the Council of Public Prosecutors held the vote and elected a new member of the Council from among the public prosecutors for the area of the Higher Public Prosecutor's Office Gostivar with electoral seat No. 2.⁴⁷ On March 2nd, 2023, an announcement was made that the last vacant position in the Council will be filled by electing a member from a special list of candidates.⁴⁸ These candidates are public prosecutors who belong to minority communities and are not part of the majority in the country. Registration for the election is ongoing, and voting is scheduled for April 26th, 2023.⁴⁹

The election of the General Secretary of the Judicial Council⁵⁰ caused reactions with the general public about a possible conflict of interest for spouses' work in the same state institution, one of which is in office.⁵¹ The State Commission for Prevention of Corruption (SCPC) also commented on the election, which

43 State Audit Office of the Republic of North Macedonia, 'Final Report on the Performance Audit "Effectiveness of Implementation of the Justice Sector Reform Strategy 2017-2022 and Implementation of the Action Plan of the Strategy"' (Конечен извештај за извршена ревизија на успешност „Ефективност на спроведување на Стратегијата за реформи во правосудниот сектор 2017-2022 и спроведување на Акцискиот план на стратегијата“), December 2022, <https://bit.ly/3Jy04oh>.

44 Ibid.

45 Ibid.

46 Ibid.

47 'Announcement (Соопштение)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 10 January 2023, <https://bit.ly/43h4kj4>.

48 'Announcement for the Election of a Member of the Council of Public Prosecutors of the Republic of North Macedonia from the Only Special List of Candidates for Public Prosecutors, Members of All Communities That Are Not the Majority in the Republic of North Macedonia, with Electoral Seats as for the General List (Оглас за избор на член на Советот на јавни обвинители на Република Северна Македонија од единствената посебна листа на кандидати за јавни обвинители, припадници на сите заедници кои не се мнозинство во Република Северна Македонија, со изборни места како за општата листа)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 2 March 2023, <https://bit.ly/3ZU12zs>.

49 Ibid.

50 'Announcement from the 431st Session of the Judicial Council of the RNM - 20.02.2023 (Соопштение од 431-та седница на Судскиот совет на РСМ - 20.02.2023 Година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3nThiDF>.

51 'Vesna Toleva Was Elected as the General Secretary of the Judicial Council, Her Husband Is the Driver of the President of the Council, and Their Son Is an Employee of the Higher Administrative Court (Весна Толева избрана за Генерален секретар на Судскиот совет, маж и е возач на претседателката на Советот, а син им е вработен во Виш Управен суд)', *Sakam Da Kazam*, 20 February 2023, <https://bit.ly/3KC4nPg>.

pointed out that it is not ethically correct and that there are enough elements to form a case.⁵² However, they will examine the systematisation in the Judicial Council and the relevant laws.⁵³

During a meeting held on March 31st, 2023, the Judicial Council established a working group with the president of the Supreme Court, presidents of the four courts of appeal, and the president of the Association of Judges. The group's primary objective is to safeguard the autonomy and independence of judges, particularly in protecting their integrity and addressing any challenges that arise within the judicial system.⁵⁴

Independence and Impartiality

As of January 1st, 2023, the public prosecutor's offices are now required to use the electronic system for distributing cases, following the adoption of the new rulebook⁵⁵ and training on how to apply it properly. This will improve the management of cases in these offices.⁵⁶ On March 28th, 2023, a tool was introduced to improve the public prosecution system's accountability, transparency, and efficiency.⁵⁷ The tool for monitoring the performance of the Public Prosecutor's System is currently being prepared. It aims to measure the system's performance, identify weaknesses, and promote evidence-based reform measures for more effectiveness.⁵⁸

Accountability

The Annual Report on the Council of Public Prosecutors' work for 2022 highlighted the significant number of unsubmitted reports from higher public prosecutor's offices regarding the supervision of lower public prosecutor's offices referred to in petitions.⁵⁹ There is a delay in the report due to the Public Prosecutor's Office failing to submit a report on 18 complaints by December 31st, 2022.⁶⁰

At the session held on January 11th, 2023, the Judicial Council determined that the trial teams of the 'Target-Tvrđina' and 'Trezor' cases from the Skopje Court of Appeal⁶¹ made omissions unjustifiably delayed the cases, thus violating the legally given deadlines.⁶² That is, although the reporting judge in the first case cited many scheduled cases, especially the ones of high public interest, as an explanation for this

52 Ibid.

53 Ibid.

54 'Working Meeting in the Judicial Council (Работен состанок во Судскиот совет)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 31 March 2023, <https://bit.ly/3Gmav1R>.

55 '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.

56 'From January 1, 2023, the Case Management System in the Public Prosecutor's Offices Will Be Mandatory', *Official Website of the Ministry of Justice*, 1 January 2023, <https://pravda.gov.mk/vest/6465>.

57 'Conference on "Improving the Efficiency, Transparency and Accountability of the Public Prosecution" (Конференција на тема „Подобрување на ефикасноста, транспарентноста и отчетноста на Јавното обвинителство“)', *Official Website of the Center for Legal Research and Analysis – CLRA*, 28 March 2023, <https://bit.ly/40hCK2v>.

58 Ibid.

59 Council of Public Prosecutors, 'Annual Report on the Work of the Council of Public Prosecutors for 2022 (Годишен извештај за работата на Советот на јавни обвинители за 2022 Година)', March 2023, <https://bit.ly/3oqBq0g>.

60 Ibid.

61 After the public pressure and the indications of the Supreme Court, the Skopje Court of Appeal announced the decisions by which it abolished the two cases. Vasko Magleshev, 'Nothing Is Clear to the Appellate Judges in the "Трезор" Verdict (Ништо не им е јасно на апелациските судии во пресудата за „Трезор“)', *Prizma/Balkan Investigative Reporters Network (BIRN) Macedonia*, 27 January 2023, <https://bit.ly/43EzNME>. ; Vasko Magleshev, 'The Subject of the Wiretapping Slipped to Undone Copy-Paste (Предметот за прислушувањето се лизна на ненаправен „copy-paste“)', *Prizma/Balkan Investigative Reporters Network (BIRN) Macedonia*, 18 January 2023, <https://prizma.mk/predmetot-za-prislushuvaneto-se-lizna-na-nenapraven-copy-paste/>.

62 'Announcement from the 427th Session of the Judicial Council of the RNM- 11.01.2023 (Соопштение од 427-та седница на Судскиот совет на РСМ - 11.01.2023 Година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3oazSaw>.

situation, it was established that most of the scheduled cases had been completed. Even newer ones from 2022 have been resolved.⁶³ Omissions for the case postponement by the same judge-reporter have also been established for the ‘Transporter’ case.⁶⁴ The reporting judge for the second case had no explanation why it took five months to write the verdict.⁶⁵ The Judicial Council will continue to examine whether there are grounds for determining accountability for the judges.⁶⁶

Irregularities in the method of examination of the experts by the trial council, contrary to the Law on Criminal Procedure provisions at the hearings⁶⁷ for the main discussion of the ‘Laskarci’ case, were ascertained by the coalition ‘All for Fair Trials’ in February 2023.⁶⁸ During the hearings, the court decided that only one expert from the team should be questioned and answer questions in the designated area. In contrast, the remaining experts should stay in the courtroom to support and supplement the answers given by the expert being questioned. However, it was observed that other expert members in the courtroom occasionally answered questions instead of the expert being examined.⁶⁹ This type of examination was allowed by the trial council because four experts prepared the super-expert report in question, all of them worked together as a team on its preparation, each individual signed the expert report, and all the experts took an oath before the court. The public prosecutor objected to this way of examining the experts.⁷⁰ Despite the appeals, this practice continued in the subsequent hearings.⁷¹

The commission responsible for investigating disciplinary issues within the Public Prosecutor’s Office of the Republic of North Macedonia decided to get the three public prosecutors involved in the search at the Financial Police Administration.⁷² After reviewing the report from the prosecutor-informant, the commission found that the former head of the Basic Public Prosecutor’s Office for Prosecution of Organized Crime and Corruption (BPPPOCC) committed a serious disciplinary violation and recommended her dismissal by the Council of Public Prosecutors.⁷³ The second public prosecutor from BPPPOCC received a 30% reduction in their monthly salary for six months as a disciplinary measure.⁷⁴

63 ‘Appeal Unjustifiably Kept the Mijalkov Case in a Drawer, Which Is Close to Becoming Obsolete, the Judicial Council Concluded, While Newer Cases Were Being Resolved (Апелација неоправдано го чувала во фиока предметот за Мијалков кој е блиску да застари констатираше Судски совет, а се решавале понови предмети)’, *A1 On*, 11 January 2023, <https://a1on.mk/macedonia/apelacija-neopravdano-go-chuvava-vo-fioka-predmetot-za-mijalkov-koj-e-blisku-da-zastari-konstatirashe-sudski-sovet-a-se-reshavale-ponovi-predmeti/>.

64 Omissions have also been established for the “Alfa” case, a murder that happened 14 years ago, and the case is still being decided. The last first-instance judgment was passed in 2019, and the reporting judge is Zoran Dimitrievski. ‘Omissions among Judges in the Appeals Have Been Determined in Four Cases, but There Is No Responsibility for the Time Being (Утврдени пропусти кај судии во Апелација во четири предмети, но одговорност засега нема)’, *Fokus*, 11 January 2023, <https://fokus.mk/utvrdeni-propusti-na-svvvudii-vo-apelatsija-vo-chetiri-predmeti-no-odgovornost-zasega-nema/>.

65 Ibid.

66 ‘Will There Be Accountability? (Ќе има ли одговорност?)’, *TV 24*, 12 January 2023, <https://24.mk/details/kje-ima-li-odgovornost>.

67 ‘An Insight into the Expert Reports on the Accident near Laskarci (Увид во супервештачењата за несреќата кај Ласкарци)’, *Radio Free Europe*, 26 January 2023, <https://www.slobodnaevropa.mk/a/32240134.html>.

68 ‘Public Reaction to the Method of Examination of Experts in the Court Case for the Bus Accident- Laskarci (Јавна реакција за начинот на испитување на вештите лица во судскиот предмет за автобуската несреќа- Ласкарци) (Coalition All for Fair Trials, 6 February 2023), https://drive.google.com/file/d/1P488s_8B-UEutaMLzrqOvvnUrtJnNYU9/view?fbclid=IwAR020dkOJym1WuaHUo1YTbly-fUfFIMhztsY_BC0DI-DIB9zjijWZksibUvRo.

69 Ibid.

70 Ibid.

71 ‘The Experts Answer in Chorus about “Laskarci”, a New Reaction from the Observers: The Bad Practice Continued (Вештаците хорски одговараат за „Ласкарци“, нова реакција од набљудувачите: Продолжи лошата практика)’, *Makfax*, 16 February 2023, <https://bit.ly/3o2Kwjs>.

72 ‘Announcement (Соопштение)’, *Official Website of the Public Prosecutor’s Office of the Republic of North Macedonia*, 1 August 2022, <https://jorm.gov.mk/soopshtenie-108/>.

73 ‘Announcement (Соопштение)’, *Official Website of the Public Prosecutor’s Office of the Republic of North Macedonia*, 30 March 2023, <https://jorm.gov.mk/soopshtenie/>.

74 Ibid.

The other public prosecutor was cleared of any responsibility.⁷⁵ Currently, a criminal investigation is underway against the three prosecutors. This is due to a complaint filed by the former director of the Financial Police Office.⁷⁶

Professionalism and Competence

In the quarterly period, the Council of Public Prosecutors has not elected public prosecutors in the prosecutor's offices in the country and has not dismissed any public prosecutors.⁷⁷ The position of three public prosecutors has been terminated due to fulfilment of the conditions for retirement.⁷⁸ In this direction, on March 2nd, 2023, the Council published an advertisement for the election of 32 basic public prosecutors in the basic public prosecutor's offices in Shtip, Bitola, Veles, Gevgelija, Gostivar, Debar, Delchevo, Kichevo, Kriva Palanka, Kochani, Kumanovo, Ohrid, Prielp, Resen, Sveti Nikole, Struga, Strumica, and Tetovo.⁷⁹ An announcement was also made regarding the election of four public prosecutors for the Basic Public Prosecutor's Office for the prosecution of organized crime and corruption.⁸⁰

With the change of the Minister of Justice,⁸¹ the issue of vetting became more relevant. It has been emphasised multiple times⁸² that discussions have begun with both local and international entities regarding the country's ability to carry out the implementation process.⁸²

The Judicial Council has finally elected judges for the Supreme Court of the Republic of North Macedonia, the Court of Appeal Gostivar, and the President of the Basic Court of Tetovo after a considerable delay since the announcements were made.⁸³ More specifically, two judges for the civil district in the Supreme Court and two judges for the criminal district in the Gostivar Court of Appeal were elected.⁸⁴ None of the five candidates for the criminal division of the Supreme Court received the necessary number of votes for election.⁸⁵ The election was carried out in accordance with the new criteria for the selection of judges in

75 Ibid.

76 'Criminal Complaint against Three Individuals and One Legal Entity (Кривична пријава против три физички лица и едно правно лице)', *Official Website of the Financial Police Office*, 23 December 2022, <https://finpol.gov.mk/mk/221223-krivichna-prijava-protiv-tri-fizichki-lica-i-edno-pravno-lice>.

77 Council of Public Prosecutors, 'Submission of Public Information (Доставување на информации од јавен карактер)', 13 April 2023.

78 Ibid.

79 'Announcement for the Selection of Basic Public Prosecutors of the RNM (Оглас за избор на основни јавни обвинители на РСМ)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 2 March 2023, <https://bit.ly/40eHndL>.

80 Ibid.

81 'The Parliamentary Majority Elected the New Ministers in the Government (Парламентарното мнозинство ги избра новите министри во Владата)', *Official Website of the Government of the Republic of North Macedonia*, 27 February 2023, <https://vlada.mk/node/32251>.

82 'Loga: We Have Started Discussions on the Vetting Law, Foreign Ambassadors Express Their Readiness to Support the Process (ора: Почнавме дискусии за законот за вентинг, странските амбасадори изразуваат подготвеност за поддршка)', *Official Facebook Page of the Ministry of Justice of the Republic of North Macedonia*, 10 March 2023, <https://www.facebook.com/MinisterstvoPravda/posts/pfbid02KkYHboeDhPPRL7eyHCvRjniMRYmotXoB1TPbJaNBFfp5aLP7rqpFiRvwhcJZ13Cl>.

83 'Announcement from the 436th Session of the Judicial Council of the RNM - 29.03.2023 (Соопштение од 436-та седница на Судскиот совет на РСМ - 29.03.2023 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/40M1q5U>.

84 Ibid.

85 The judge in the Court of Appeal, Enver Bejeti, is one of the rejected candidates for the criminal division of the Supreme Court. Bejeti became known to the general public as a judge informant, who, according to the analyses of the Judicial Council, hid the "Target-Tvr-dina" case in a drawer for months, in which Sasho Mijalkov, Nikola Gruevski and other former employees of the Administration for Security and Counterintelligence are accused of the crime with the illegal wiretapping. Despite discovering the court procedure's prolongation and the Judicial Council's announced policy to determine possible responsibility for the omissions, Bejeti again received four votes, twice less than the required number. The other candidates received the same number of votes, i.e. four votes "for" and eight votes "against", except for the candidate for supreme judge Danka Ristova, who received six votes "for". 'The Supreme Court Also Remains with Only Five Judges (И Врховниот суд останува со само петмина судии)', *Sloboden Pecat*, 29 March 2023, <https://www.slobodenpecat.mk/i-vrhovniot-sud-ostanuva-so-samo-petmina-sudii/>.

a higher court and the selection of the court's president with the implementation of a special evaluation of the candidates for judges and the president of the court. The application of the new criteria was the reason for delaying the selection for more than a year.⁸⁶

On February 20th, 2023, the Judicial Council proposed a new constitutional judge⁸⁷ after the previous mandate ended in December 2022.⁸⁸ The first candidate proposed out of three was selected after receiving the majority of votes in the proposal.⁸⁹ During the debate on the proposal, there was a public outcry⁹⁰ and opposition from Parliament when the issue of not voting for the remaining two candidates was raised.⁹¹

The International Criminal Court recently opened up six judge positions, including two for Eastern and Central Europe. For the first time, a candidate has been nominated from the country in the form of Mirjana Lazarova Trajkovska, a judge from the Supreme Court.⁹²

86 Angela Delevska and Beba Zhagar, 'Shadow Report for Chapter 23 for the Period October 2021- September 2022' (European Policy Institute- Skopje, 29 December 2022), <https://epi.org.mk/post/23886?lang=en>.

87 'Announcement from the 431st Session of the Judicial Council of the RNM- 20.02.2023 (Соопштение од 431-та седница на Судскиот совет на РСМ - 20.02.2023 година)'.

88 'The Mandate of Judge Vangelina Markudova Ended, the Constitutional Court Remained with 6 Judges out of the Planned 9 (Заврши мандатот на судијата Вангелина Маркудова, Уставниот суд остана со 6 судии од предвидени 9)', 9 December 2022, <https://bit.ly/3K943pG>.

89 'Announcement from the 431st Session of the Judicial Council of the RNM- 20.02.2023 (Соопштение од 431-та седница на Судскиот совет на РСМ - 20.02.2023 година)'.

90 'Elizabeta Dukovska from Skopje Appeal Is a Proposal of the Judicial Council for Constitutional Judge (Елизабета Дуковска од скопска Апелација е предлог на Судскиот совет за уставна судијка)', *360 Stepeni*, 20 February 2023, <https://360stepeni.mk/elizabeta-dukovska-od-skopska-apelatsija-e-predlog-na-sudskiot-sovet-za-ustavna-sudijka/>.

91 The member of the Judicial Council, Zoran Gerasimovski, explained to the MPs at the hearing in the Parliament why the other two proposed candidates were not voted on. Specifically, he pointed out that voting was done according to the order of their proposal and since the first proposed candidate received the necessary majority and at this moment only one candidate needs to be proposed, voting was not started for the other two candidates. He added that if the Judicial Council had acted otherwise in that case, it would have violated the Law on the Judicial Council, because it does not provide that the proposal that received the most votes will be determined as a candidate, but according to the order of voting, the one that received the necessary majority, which is at least eight votes from members of the Council with the right to vote. 'Parliamentary Discussion on the Election of Dukovska as a Judge of the Constitutional Court, for the Opposition, the Constitution Was Violated (Собраниска расправа за изборот на Дуковска за судија на Уставен суд, за опозицијата прекршен е Уставот)', *A1 On*, 22 March 2023, <https://a1on.mk/macedonia/sobraniska-rasprava-za-izborot-na-dukovska-za-sudija-na-ustaven-sud-za-opozicijata-prekrshen-e-ustavot/>.

92 'Announcement from the URGENT 434th Session of the Judicial Council of the RNM - 14.03.2023 (Соопштение од ИТНА 434-та седница на Судскиот совет на РСМ - 14.03.2023 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3mAMRSt>.

Quality of Justice

Fifty-eight candidates for judges and public prosecutors from the seventh generation of the Academy for Judges and Public Prosecutors (AJPP) completed the initial training at AJPP.⁹³ The final ranking list from taking the final exam and the final ranking list of candidates for judges and public prosecutors was published on February 20th, 2023,⁹⁴ (with the publication of additional ranking lists on March 1st due to the use of the candidate's right to retake the final exam)⁹⁵ and was sent to the Judicial Council and the Council of Public Prosecutors for their distribution.⁹⁶ Earlier, on January 30th, 2023, after the formation of the Commission for Admission Examination, the public announcement for the admission of the ninth generation of listeners to initial training in AJPP was announced.⁹⁷ The program for the entrance exam was established, and the schedule for conducting it was determined.⁹⁸

The Draft Law for the Academy of Judges and Public Prosecutors was delayed by a lengthy parliamentary procedure. As a result, the government withdrew the law to include proposed amendments that align with European values and improve its text. The government has now adopted a new version of the Draft Law on the Academy for Judges and Public Prosecutors, which was approved on March 29th, 2023.⁹⁹

93 Among them were the son of the parliament speaker, Talat Xhaferi, the wife of the current head of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, Islam Abazi, and the wife of the mayor of the Aerodrom municipality, Timcho Mutsunski. 'Awarded 58 Certificates for Completed Candidates for Judges and Public Prosecutors from the Seventh Generation of AJPP (Доделени 58 уверенија за завршени кандидати за судии и јавни обвинители од седмата генерација на АСЈО)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 29 March 2023, <https://bit.ly/416ArQO>.

94 'Publication of the Ranking List with the Final Results of Taking the Final Exam at the Academy for Judges and Public Prosecutors for the Seventh Generation of Initial Training Students and the Final Ranking List of Candidates for Judges and Public Prosecutors (Објавување на ранг листата со конечни резултати од полагањето на завршниот испит во Академијата за судии и јавни обвинители за седмата генерација слушатели на почетна обука и Конечната ранг листа на кандидати за судии и јавни обвинители)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 20 February 2023, <https://bit.ly/3KhfOul>.

95 'Publication of the Supplemented Ranking List with Final Results of Passing the Final Exam at the Academy for Judges and Public Prosecutors for the Seventh Generation of Initial Training Students and the Final Ranking List of Candidates for Judges and Public Prosecutors (Објавување на дополнета Ранг листата со Конечни резултати од полагањето на завршниот испит во Академијата за судии и јавни обвинители за седмата генерација слушатели на почетна обука и Конечна Ранг листа на кандидати за судии и јавни обвинители)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 1 March 2023, <https://bit.ly/3KGPIrB>.

96 The seventh generation was completed by 30 candidates for judges and 28 for public prosecutors. The Council of Public Prosecutors published the announcement for the selection of public prosecutors in the primary public prosecutor's offices from among the candidates who completed the initial training on March 6, 2023 (Official Gazette of the Republic of North Macedonia No 48/2023). The Judicial Council published the announcement for the selection of judges in basic courts from among the candidates who completed the initial training on March 29, 2023 ("Official Gazette of the Republic of North Macedonia" No. 69/2023).

97 'Public Announcement for Admission to Initial Training at the "Pavel Shatev" Academy for Judges and Public Prosecutors (Јавен оглас за прием во почетна обука во Академијата за судии и јавни обвинители „Павел Шатеv“)', *Official Gazette of the Republic of North Macedonia No. 19/2023*.

98 'Notice from the Commission for Admission Examination (Известување од Комисија за приемен испит)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 3 March 2023, <https://bit.ly/3MqnRI1>.

99 The new legal solution is in line with the recommendations of the Evaluation Mission for Judicial Training from 2018 and with it, among other things, the reorganization of the entrance exam is proposed in order to better train the candidates to successfully participate in the training; reducing the deadlines for submitting and deciding on objections and complaints about the results of the entrance exam; redefining the method of passing the final exam based on criteria and objective criteria for assessing the candidates' knowledge; strengthening the way of implementing continuous training contained as a strategic goal in the Justice Sector Reform Strategy. 'From the 140th Government Session: Decision to Freeze and Reduce Prices of Hygiene Products; Memoranda of Understanding in Order to Facilitate and Speed up the Flow of People and Goods between North Macedonia and Serbia (Од 140-та владина седница: одлука за замрзнување и намалување цени на хигиенски производи; меморандуми за разбирање со цел олеснувања и забрзувања на протокот на луѓе и стоки меѓу Северна Македонија и Србија)', *Official Website of the Government of the Republic of North Macedonia*, 29 March 2023, <https://vlada.mk/node/32711>.

Efficiency

With the adoption of the annual report of the Judicial Council for 2022,¹⁰⁰ as well as the report on the work of the courts for 2022,¹⁰¹ it was seen that the courts did not master the influx of cases and increased the backlog by 11,785 cases.¹⁰² In addition, out of 34 courts, in 2022, 19 are considered up-to-date, and 15 are not up-to-date, two of which are appellate courts.¹⁰³ Basic Criminal Court Skopje and Basic Civil Court Skopje are part of the non-updated courts.¹⁰⁴

The Constitutional Court ruled on March 7th, 2023, that limiting the election of the president and deputy of the Judicial Council to only members elected by Parliament is unconstitutional. This excludes other members of the Council who have the right to vote.¹⁰⁵ Paragraph 3 of Article 8 of the Law on Judicial Council, which reads “elected by the Parliament of the Republic of North Macedonia” was repealed.¹⁰⁶ It was a procedure initiated in 2021,¹⁰⁷ based on an initiative submitted in July 2020, postponed twice due to not receiving a majority of votes.¹⁰⁸

A few days later, on March 21st, 2023, the Constitutional Court repealed Article 4 of the Law on Amendments and Supplements to the Law on Salary and Other Compensation of Elected and Appointed Persons in the Republic of Macedonia from 2010¹⁰⁹ and Article 1 of the Law on Amendments to the Law on Salary and Other Compensation of Elected and Appointed Persons in the Republic of Macedonia from 2014,¹¹⁰ which until now determined a fixed amount that served as a basis for determining the salaries of officials.¹¹¹ The abolition of these provisions results from the duality in regulating the salary base of elected and appointed persons through the simultaneous presence of two norms (the other norm is Article 11) in the same law.¹¹² Article 11 remains in force, according to which the average salary paid in the last year according to the State Statistics Office is taken as the basis, multiplying the base by the

100 Judicial Council of the Republic of North Macedonia, ‘Annual Report on the Work of the Judicial Council of the Republic of North Macedonia for 2022 (Годишен извештај за работата на Судскиот совет на Република Северна Македонија за 2022 година)’, February 2023, <https://bit.ly/40scOBG>.

101 Judicial Council of the Republic of North Macedonia, ‘Annual Report on the Work of the Courts in 2022 (Годишен извештај за работата на судовите во 2022 Година)’, <https://bit.ly/3LakvrH>.

102 Judicial Council of the Republic of North Macedonia, ‘Annual Report on the Work of the Judicial Council of the Republic of North Macedonia for 2022 (Годишен извештај за работата на Судскиот совет на Република Северна Македонија за 2022 година)’.

103 Ibid.

104 Ibid.

105 ‘Part of Article 8 of the Law on the Judicial Council, Which Refers to the Election of the President, Has Been Repealed (Укинат дел од член 8 од Законот за Судски совет кој се однесува на изборот на претседател)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 7 March 2023, <https://ustavensud.mk/?p=23710>.

106 Ibid.

107 ‘U. No. 233/2020 (У.Бр.233/2020)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 28 April 2021, <https://ustavensud.mk/?p=21014>.

108 ‘Announcement after the XVII Session of the Court (Соопштение по одржаната XVII-та седница на Судот)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 30 June 2021, <https://ustavensud.mk/?p=21062>; ‘Announcement after the 36th Session of the Constitutional Court (Соопштение по одржаната 36 седница на Уставниот суд)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 16 November 2022, <https://ustavensud.mk/?p=22931>.

109 ‘Law on Amendments and Supplements to the Law on Salaries and Other Compensations of Elected and Appointed Persons in the Republic of Macedonia (Закон за изменување и дополнување на Законот за плата и други надоместоци на избрани и именувани лица во Република Македонија)’, *Official Gazette of the Republic of Macedonia* No. 97/2010.

110 ‘Law on Amending the Law on Salary and Other Benefits of Elected and Appointed Persons in the Republic of Macedonia (Закон за изменување на Законот за плата и други надоместоци на избрани и именувани лица во Република Македонија)’, *Official Gazette of the Republic of Macedonia* No. 139/2014.

111 ‘U. No. 113/2022-1 (У.Бр.113/2022-1)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 21 March 2023, <https://ustavensud.mk/?p=23879>.

112 ‘U. No. 113/2022-1 (У.Бр.113/2022-1)’.

established coefficient and increasing it according to the percentage of work experience from 2.2 to 4.5 per cent.¹¹³ This decision caused violent reactions from the public¹¹⁴ and the President of the State, who called on the government to propose a legal solution to regulate the issue by reducing the salary increase percentage.¹¹⁵

Of the six cases conducted against the former director of the Security and Counterintelligence Administration, the only final verdict was obtained for the 'Imperia' case, in which, following an agreement with the prosecution, he serves three years in an open-type prison in Struga.¹¹⁶ In February 2023, the trials for the 'Trezor'¹¹⁷ and 'Target – Tvrđina'¹¹⁸ cases started anew. On March 23rd, 2023, the Skopje Court of Appeals announced that it confirmed the acquittal that the Basic Criminal Court passed in the 'Tortura' case.¹¹⁹ A day later, it replaced the prison sentence for 'Placevi na Vodno' with a suspended sentence.¹²⁰ Additionally, by postponing the session on March 30th, 2023, due to the absence of a large number of the parties, the 'Titanik 2' case has become statute-barred.¹²¹ It was concluded from the documentation that the parties were not properly invited.¹²² Moving forward, only the defendants who remain will be tried. Their hearing is set for April 13th, 2023.¹²³

113 Ibid.

114 'The Salaries of Officials, Mayors, and Judges Will Increase by 78%, the Trade Unions Calculated (За 78% ќе се зголеми платата на функционерите, градоначалниците, судиите, пресметаа Синдикатите)', *Telma TV*, 31 March 2023, <https://telma.com.mk/2023/03/31/za-78-kje-se-zgolemi-platata-na-funkcionerite-gradonachalnicite-sudiite-presmetaa-sindikatite/>.

115 'Announcement about the Decision of the Constitutional Court (Соопштение за одлуката на Уставен суд)', *Official Facebook Page of the President of the Republic of North Macedonia*, 30 March 2023, <https://bit.ly/3Klbz0S>.

116 'Sasho Mijalkov Pleaded Guilty and Received Three Years in Prison for "Imperia", 36 Million Euros Will Be Confiscated (Сашо Мијалков призна вина и доби три години затвор за „Империа“, ќе му бидат конфискувани 36 милиони евра)', *Sakam Da Kazam*, 8 July 2022, <https://sdk.mk/index.php/makedonija/sasho-mijalkov-prizna-vina-i-dobi-tri-godini-zatvor-za-imperija-ke-mu-bidat-konfiskuvani-36-milioni-evra/>.

117 'Trial for "Trezor" for the Second Time: Mijalkov Does Not Feel Guilty (Судење за „Трезор“ втор пат: Мијалков не се чувствува виновен)', *Nova Makedonija*, 15 February 2023, <https://novamakedonija.com.mk/makedonija/hronika/sudenje-za-trezor-vtor-pat-mijalkov-ne-se-chuvstvuva-vinoven/>.

118 'The Trial against Mijalkov Continues for the Mass Wiretapping (Продолжува судењето против Мијалков за масовното прислушување)', *Telma TV*, 27 February 2023, <https://telma.com.mk/2023/02/27/prodolzhuva-sudenjeto-protiv-mijalkov-za-masov-noto-prislushuvanje/>.

119 'Skopje Court of Appeals Confirmed the Acquittal for Mijalkov in "Tortura" (Апелација ја потврди ослободителната пресуда за Мијалков во „Тортура“)', *Nova Makedonija*, 23 March 2023, <https://novamakedonija.com.mk/makedonija/hronika/apelacija-ja-potvr-di-osloboditelnata-presuda-za-mijalkov-vo-tortura/>.

120 'Mijalkov Was Saved from Prison for Money Laundering for "Placevi Na Vodno" - Appeal Changed His Prison Sentence to a Suspended Sentence (Мијалков се спаси од затвор за перење пари за „Плачеви на Водно“ – Апелација му ја преиначи затворската во условна казна)', *Telma TV*, 24 March 2023, <https://telma.com.mk/2023/03/24/mijalkov-se-spasi-od-zatvor-za-perenje-pari-za-placevi-na-vodno-apelacija-mu-ja-preinachi-zatvorskata-vo-uslovna-kazna/>.

121 The second first-instance verdict took place on January 23, 2023, where the first defendant was sentenced to two years in prison. The prosecutor's office emphasized that it will not appeal the verdict in order not to prolong the procedure and not to let the term of validity expire. 'Mijalkov Will Not Be Responsible in "Titanic 2", the Case Will Become Statute-Barred (Мијалков нема да одговара во „Титаник 2“, делото ќе застари)', *Voice of America*, 30 March 2023, <https://mk.voanews.com/a/7028687.html>.

122 Ibid.

123 Ibid.

Fight Against Corruption

North Macedonia was ranked 85th in the world with 40 index points at the latest Transparency International Corruption Perception Index, whereas in the previous year, it was in 87th place with 39 index points.¹²⁴

The 2022 Country Report on Human Rights Practices for North Macedonia, prepared by the US Department of State, established that the government had taken steps to identify, investigate, prosecute, and punish officials who committed abuse or participated in corruption. However, the report emphasises that although the country has a law that provides for criminal penalties for corruption by officials, there are still reports of officials involved in corruption. It concludes that the public polls consistently list corruption as one of the main concerns for Macedonian citizens.¹²⁵

State Commission for Prevention of Corruption

A TAIEX expert mission to establish an analytical centre within the State Commission for Prevention of Corruption (SCPC) was implemented in mid-February. The objective of this specialist mission was to assess the current state of the institutional and organisational setup and the legal regulation to propose recommendations for introducing an analytical centre within the SCPC. The purpose of creating this centre is to enhance the abilities of institutions and organisations to combat corruption and increase the integrity and trust of citizens.¹²⁶

In the reporting period, the SCPC has opened 187 cases on suspicion of corruption and abuse of public office, 35 claims regarding conflict of interests and 19 cases regarding recording and monitoring of property status.¹²⁷

The SCPC signed a Memorandum of Cooperation with the Public Prosecutor's Office of the Republic of North Macedonia. The memorandum envisages the strengthening of cooperation between the two institutions through timely, immediate, and mutual communication that will ensure the exchange of essential data and information related to findings contained in the cases handled by SCPC, for which an initiative for initiating a procedure for criminal prosecution is delivered to the competent public prosecutor's office, as well as through the preparation of joint projects for the promotion of inter-institutional cooperation.¹²⁸

Regarding the controversial claim that the son of the current President of the Parliament was given the right to take the bar exam by a discretionary decision of a former Minister of Justice without fulfilling the prescribed educational requirements,¹²⁹ the SCPC conducted an investigation and concluded that the

124 Transparency International, '2022 Corruption Perceptions Index', 2022, <https://www.transparency.org/en/cpi/2022/index/mkd>.

125 US Department of State, '2022 Country Report on Human Rights Practices for North Macedonia', 21 March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.

126 'The TAIEX Expert Mission for the Establishment of an Analytical Center within SCPC (TAIEX експертската мисија за формирање на Аналитички центар во рамки на ДККК)', *Official Website of the State Commission for Prevention of Corruption*, 14 February 2023, <https://bit.ly/3KotXGf>.

127 State Commission for Prevention of Corruption, 'Submission of Public Information (Доставување на информации од јавен карактер)', 28 April 2023.

128 'Signed memorandum of cooperation with the Public Prosecutor's Office of the Republic of North Macedonia (Потпишан меморандум за соработка со Јавното обвинителство на Република Северна Македонија)', *Official Website of the State Commission for Prevention of Corruption*, 20 February 2023, <https://bit.ly/3KqDc8J>.

129 'How Talat Xhaferi's Son Passed the Bar Exam and Enrolled at the Academy for Judges and Public Prosecutors? (Како синот на Талат Џафери полага правосуден испит и се запишал на Академија за судии?)', *Kanal 5*, 28 November, 2022, <https://kanal5.com.mk/kako-sinot-na-talat-djaferi-polagal-pravosuden-ispit-i-se-zapishal-na-akademija-za-sudii/a557605>.

candidate could be deprived of his certificate for the passed bar exam.¹³⁰ However, he was able to enter and finish the Academy of Judges and Public Prosecutors with such a certificate. He was on the list of future public prosecutors published by the Academy in mid-February.¹³¹

The Public Prosecutor's Office

On February 16th, the European Court for Human Rights (ECtHR) decided not to examine the abolition given by an ex-president of the country in court cases 'Transporter', 'Tortura', 'TNT', and 'Titanik'.¹³² Namely, in these cases, several former government officials were accused by the former Special Public Prosecutor's Office and were convicted but were later given abolition in 2016. The convicts appealed before the ECtHR regarding their right to a fair trial. Still, the Court decided that these applications were premature because not all legal remedies offered by the Macedonian legal system had been invoked. This means that the court processes against the eight applicants will continue, and they will continue to serve their prison sentences.¹³³

In the reporting period, the trial of the 'Softveri' case, where the former Secretary-General of the Government is the first defendant continued. The former Secretary-General of the Government filed criminal charges against a public prosecutor and an expert associate at the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption (BPPOPOCC) due to negligent work in the service.¹³⁴

On March 8th, the agreement for the construction of Corridor 8 and 10 was signed by the Ministry of Transport and Communications, the Public Enterprise for State Roads and the consortium 'Bechtel and Enka'. The agreement regulates a major government investment aiming to raise the quality of road infrastructure and traffic, in line with the government's main priorities. The agreement's value amounts to 1.3 billion euros, intended to build four highway sections totalling 110 kilometres.¹³⁵ The largest opposition political party VMRO-DPMNE pointed out a series of alleged irregularities surrounding this agreement, such as that one of the contracted companies received its license during the public procurement procedure,¹³⁶

130 'Xhaferi's Son Elected as a Prosecutor Even Though SCPC Is Investigating a Case against Him (Синот на Џафери избран за обвинител иако Антикорупциска води случај за него)', *Alsot M*, 21 February 2023, <https://alsat.mk/mk/sinot-na-dhaferi-izbran-za-obvinitel-ia-ko-antikoruptionska-vodi-sluchaj-za-nego/>.

131 'Xhaferi's Son among the Selected Candidates for Prosecutors, Although SCPC Is Investigating a Case against Him (Синот На Џафери Меѓу Избраните Кандидати За Обвинители, Иако Антикорупциска Води Случај За Нег Синот на Џафери меѓу избраните кандидати за обвинители, иако Антикорупциска води случај за него)', *Telma TV*, 22 February 2023, <https://telma.com.mk/2023/02/22/sinot-na-dzhaferi-izbran-za-obvinitel-ia-ko-antikoruptionska-vodi-sluchaj-za-nego/>.

132 ECtHR, 'Decision Taleski and Others v. North Macedonia (A Nos. 77796/17, 80003/17, 81848/17, 81862/17, 11583/18, and 30884/18)', 16 February 2023, <https://bit.ly/41RcoWj>.

133 'Strasbourg Has Not Yet Released Gruevski and Other Ex-Officials from Prosecution (Стразбур засега не ги ослободи од гонење Груевски и други екс-функционери)', *Slobodnaevropa.Mk*, 16 February 2023, <https://bit.ly/3H9yn37>.

134 "'Softveri' Case: Rashkovski with Criminal Charges against the Public Prosecutor and an Expert Associate at the Public Prosecutor's Office (Случај „Софтвери“: Рашковски со кривични пријави за јавен обвинител и стручен соработник во ОЈО)', *24.Mk*, 26 January 2023, <https://24.mk/details/sluchaj-softveri-rashkovski-so-krivichni-prijavi-za-javen-obvinitel-i-struchen-sorabotnik-vo-ojo>.

135 'The Agreement for the Construction of Corridor 8 and 10 e Has Been Signed, the Implementation of One of the Largest Infrastructure Projects Begins (Потпишан договорот за изградба на Коридорот 8 и 10 д, започнува реализацијата на еден од најголемите инфраструктурни проекти)', 8 March 2023, <https://vlada.mk/node/32389>.

136 'VMRO-DPMNE: The Prosecutor's Office Must Investigate How "Electra Solutions" Got a License in the Middle of an Open Public Procurement Procedure (ВМРО-ДПМНЕ: Обвинителството Mora Да Истражи Како „Електра Солушнс“ Добила Лиценца Среде Отворен Тендер)', *360 Stepeni*, 26 March 2023, <https://360stepeni.mk/vmro-dpmne-obvinitelstvoto-mora-da-istrzhi-kako-elektra-solushns-dobila-litsentsa-srede-otvoren-tender/>.

that the same company has another registered main activity and not road construction¹³⁷ and that the supervision of the project shall be paid up to seven times more expensive compared to other projects¹³⁸. Following these allegations, the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption¹³⁹ and the SCPC¹⁴⁰ opened investigations regarding the agreement above for constructing the corridors.

Legal Framework

The long-awaited amendments to the Criminal Code have been adopted.¹⁴¹ The draft Code aims to implement the Istanbul Convention by introducing new laws that cover gender-based violence, redefining existing ones, and making the penal policy stricter for such crimes. It also includes provisions related to the safety of journalists, changes in confiscation and torture policies, and harmonisation with Directive (EU) 2017/1371 on combating fraud related to the financial interests of the EU through criminal law.

137 'VMRO-DPMNE: Kovacevski and Grubi Boasted about Foreign Supervision, and Finally Promoted a Contract with an Underpants Factory (ВМРО-ДПМНЕ: Ковачевски и Груби Се Фалеа Со Странски Надзор, а На Крај Промовираа Договор Со Фабрика За Гаќи)', *360 Stepeni*, 17 March 2023, <https://360stepeni.mk/vmro-dpmne-kovachevski-i-grubi-se-falea-so-stranski-nadzor-a-na-kraj-promoviraa-dogovor-so-fabrika-za-gaki/>.

138 'Stojanoski: Corrupt Schemes Continue, the Supervision of Corridors 8 and 10-d Is Paid up to Seven Times More Expensive Compared to Other Projects (Стојаноски: Коруптивните Шеми Продолжуваат, Надзорот На Коридорите 8 и 10-д Се Плаќа и До Седум Пати Поскапо Споредено Со Други Проекти)', *360 Stepeni*, 23 March 2023, <https://360stepeni.mk/stojanoski-koruptivnite-shemi-prodolzhuvaat-nadzorot-na-koridorite-8-i-10-d-se-plaka-i-do-sedum-pati-poskapo-speredeno-so-drugi-proekti/>.

139 'The Prosecutor's Office Opened a Case on the Surveillance of Corridors 8 and 10 d (Обвинителството Отвори Предмет За Надзорот Врз Коридорите 8 и 10 д)', *Nova TV*, 28 March 2023, <https://novatv.mk/obvinitelstvoto-otvori-predmet-za-nadzorot-vrz-koridorite-8-i-10-d/>.

140 'SCPC Opened an Investigation on the Construction of Corridors 8 and 10 (Антикорупциска Отвора Предмет За Изградбата На Коридорите 8 и 10)', *Republika*, 9 March 2023, <https://republika.mk/vesti/makedonija/antikoruptionska-otvara-predmet-za-izgradbata-na-koridorite-8-i-10/>.

141 'Amendments to the Criminal Code Have Been Adopted (Минаа измените на Кривичниот законик)', *24.Mk*, 13 February 2023, <https://24.mk/details/minaa-izmenite-na-krivichniot-zakonik>.

Fundamental Rights

The 2022 Country Report on Human Rights Practices for North Macedonia, prepared by the US Department of State, point out the following issues in the area of fundamental rights: inhumane and degrading treatment and overcrowding in some prison facilities, violence and threats of violence against journalists, lack of accountability for gender-based and domestic violence and crimes of violence and threats of violence against the LGBT+ population.¹⁴²

Case Law of the European Court for Human Rights

According to the latest updates of the Press Country Profile of the ECtHR, during 2022, it dealt with 314 cases concerning North Macedonia, of which 302 were declared inadmissible or struck out. It delivered six judgments (concerning 12 applications), four of which found at least one violation of the ECHR.¹⁴³

The Ombudsperson

According to data in the Annual Report for 2022, in the previous year, the Ombudsperson processed/considered a total of 3,482 applications, of which 3,209 were from 2022, while the other 273 cases were carried over from the previous year. Of the complaints, the Ombudsperson initiated proceedings in 2,173 cases (or 62.41%). In this reporting year, the largest number of established violations were in the area of protection of children's rights (103 cases), in the area of the judiciary (89 cases), in the area of civil conditions and other internal affairs (58 cases), consumer rights (52 cases), social protection (47 cases), protection of rights from labour relations (44 cases), pension and disability insurance (42 cases) and others.¹⁴⁴

In the reporting period, the Ombudsperson received 783 complaints, with the most complaints in the judiciary, labour relations, consumer rights, child rights, construction and urbanism.¹⁴⁵

The Ombudsperson and the Commission for Prevention and Protection against Discrimination (CPPD) signed a Memorandum of Cooperation, thus highlighting both parties' commitment to work together to promote and protect all citizens' rights. The institutions intend to cooperate and conduct educational activities and appropriate research for the promotion of the principle of equality and the principle of non-discrimination, to cooperate in organising public debates, workshops, conferences and campaigns and other educational-promotional events, as well as to cooperate in handling complaints and specific cases of discrimination and exchange available information, opinions and recommendations in the area of equality and protection against discrimination.¹⁴⁶

142 US Department of State, '2022 Country Report on Human Rights Practices for North Macedonia', 21 March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.

143 European Court of Human Rights, Press Country Profile – The Republic of North Macedonia (2023) <https://www.echr.coe.int/Documents/CP_Republic_of_North_Macedonia_ENG.pdf> accessed 10 April 2023.

144 Ombudsperson of the Republic of North Macedonia, "Annual report on the degree of ensuring respect, promotion and protection of human freedoms and rights 2022", March 2023, <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2022/GI-2022.pdf>.

145 Ombudsperson, 'Submission of Public Information (Доставување на информации од јавен карактер)', 25 April 2023.

146 'Signed Memorandum for Cooperation with the Commission for Prevention and Protection against Discrimination (Потпишан Меморандум за соработка со Комисијата за спречување и заштита од дискриминација)', *Official Website of the Ombudsperson of the Republic of North Macedonia*, 7 March 2023, <https://bit.ly/3MEIkN>.

Prison and detention facilities

At the beginning of the year, the Directorate for Execution of Sanctions stated measures and activities to establish, develop, and promote the probation service.¹⁴⁷ The Directorate announced that they had established a functional probation service in the country, with a total of 11 functional probation offices, for the areas of the first instance courts in Skopje, Kumanovo, Tetovo, Bitola, Shtip, Veles, Strumica, Ohrid, Prilep, Kavadarci, and Gevgelija and a total of 33 probation officers employed in the probation department. Their data shows that the number of cases grows yearly, whereby the number of probation cases in 2019 was 165. In 2020 there were 276 probation cases. In 2021 there were 451, while in 2022, there were 475.¹⁴⁸ To further improve probation service in the country, the Directorate announced collaborations with various state institutions and several law amendments.¹⁴⁹

On February 23rd and 24th, the Directorate for Execution of Sanctions organised training for mentoring members of the prison police in the Centre for Training and Education. The purpose of the training was to educate a selected group of members of the prison police in the process of mentoring during the probationary work, which is carried out through basic training and working with a mentor.¹⁵⁰

In accordance with its legal competencies, the CPPD adopted a General Recommendation for the Directorate for the Execution of Sanctions, together with other relevant authorities, to prepare an action plan with activities and sources of budgeting for adaptation, reconstruction or construction of semi-open and open institutions for female convicts. This action plan is necessary because female convicts from the entire territory of the country are sent to serve their prison sentence exclusively in the Idrizovo Penitentiary, as it is the only penal institution in the country where there is a special department for women. Simultaneously, this is an institution of a closed type, which brought the CPPD to the conclusion that female convicts are put in a less favourable position compared to male convicts, who can serve their prison sentence in other semi-open and open penal institutions.¹⁵¹

The CPPD also issued an opinion and another general recommendation for the Ministry of Education and Science (MES) for committed discrimination against children serving an educational-corrective measure in the Tetovo Correctional Facility. Namely, the CPPD established direct continued discrimination by MES regarding the facility's lack of access to compulsory education. The general recommendation asks MES to cooperate with the Directorate for the Execution of Sanctions to ensure systematic, sustainable, and continuous access to mandatory education for all convicted persons or children during the execution of the prison sentence or the correctional measure.¹⁵²

147 'Measures and Activities Undertaken by the Directorate for Execution of Sanctions in the Direction of Establishing, Developing and Promoting the Probation Service (Преземени мерки и активности на Управата за извршување на санкциите во насока на воспоставување, развој и унапредување на пробациската служба)', *Official Website of the Directorate for Execution of Sanctions*, 2 January 2023, <https://bit.ly/40biTTs>.

148 Ibid.

149 Ibid.

150 'Training for Mentors (Обука за менторство)', *Official Website of the Directorate for Execution of Sanctions*, 27 February 2023, <https://bit.ly/40ry7DJ>.

151 'General Recommendation (Општа препорака)' (Commission for Prevention and Protection against Discrimination, 23 March 2023), <https://bit.ly/3UxOddn>.

152 'CPPD with a GENERAL RECOMMENDATION to the Ministry of Education and the Directorate for Execution of Sanctions for the Provision of Compulsory Education in Correctional Institutions and Penitentiary Institutions (КСЗД со ОПШТА ПРЕПОРАКА кон МОН и Управата за извршување санкции за обезбедување задолжително образование во Воспитно-поправните установи и Казнено-поправните домови)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 29 March 2023, <https://bit.ly/3nQdtyY>.

On January 12th, 2023, a convict taken to the emergency centre for an injury managed to escape on the road back to Idzirovo penitentiary by injuring the prison police officer who drove the prison vehicle. The MoJ announced that the Directorate for Execution of Sanctions would inspect the Idzirovo penitentiary and take appropriate measures for all identified irregularities to determine why police assistance was not provided for escorting the convict to the hospital.¹⁵³ The prison director confirmed that an investigation into the case is being conducted by BPPPOCC and the Ministry of Interior as well¹⁵⁴ regarding the omissions made to render the escape possible, and to determine responsibility for prison escapes in general, as the Directorate for Execution of Sanctions had informed that there were a total of 256 escapes from penal institutions during 2022.¹⁵⁵ Shortly after the incident, the Government dismissed the director of the Directorate¹⁵⁶ and appointed an acting director, pending the election of a new one.¹⁵⁷ BPPPOCC suspected the commander of the external security and three prison police officers employed at Idzirovo penitentiary had committed the crime of unlawful release of a person deprived of liberty under Article 373 of the Criminal Code, thus for three of the suspects, BPPPOCC requested prison detention and the passport of the fourth suspect was confiscated.¹⁵⁸

On February 20th, as part of an inter-institutional cooperation, a coordinated police action in the Idzirovo penitentiary was conducted in the form of a search aiming to find prohibited items among convicts who are serving a prison sentence, which resulted in the following items being confiscated: cash to an amount greater than the legally permitted amount that convicted persons can possess, a tablet, 11 mobile phones, several pieces of accessories for mobile phones, several sharp objects, and a powdery substance.¹⁵⁹

On March 21st, the prison police at the Idzirovo penitentiary carried out a major operation during which they discovered an underground tunnel about 60 metres long.¹⁶⁰ The MoJ issued a statement explaining that the tunnel was discovered following indications of suspicious behaviour by convicts in prison, and an investigation of all circumstances is being conducted.¹⁶¹ At the same time, the director of the Idzirovo

153 'Information about the Incident That Happened Yesterday for the Escape of a Convict and the Injury of a Prison Police Officer (Информација за инцидентот кој се случи вчера за бекство на осуденик и ранет припадник на затворска полиција)', *Official Website of the Ministry of Justice*, 13 January 2023, <https://pravda.gov.mk/vest/6466>.

154 'Investigation into the Escape of Memeti - the Prosecutor's Office for Organized Crime Entered Idzirovo Today (Истрага за бекството на Мемети - обвинителството за организиран криминал денеска влезе во Идризово)', *24.Mk*, 17 January 2023, <https://24.mk/details/istraga-za-begstvoto-na-memeti-obvinitelstvoto-za-organiziran-kriminal-deneska-vleze-vo-idrizovo>.

155 'Movie-like Escape from Prison – He Took a Gun from a Policeman and Shot Him, Then Escaped with an "Audi"! (ФИЛМСКО БЕГСТВО ОД ЗАТВОР – Одзел пиштол од полицаец и пукал во него, па избегал со „Ауди“!', *Vecer.Mk*, 13 January 2023, <https://bit.ly/3x3zATO>.

156 'From the 119th Government Session: The Old School in Ljubojno Will Be Revitalized into a Center for the Promotion of the Macedonian Language; the Director of the Directorate for Execution of Sanctions Was Dismissed; the Director of the Pedagogical Service Has Been Appointed (Од 119-та владина седница: Старото училиште во Љубојно ќе се ревитализира во Центар за промоција на македонскиот јазик; разрешен е директорот на Управата за извршување на санкциите; именувана е директорка на Педагошката служба)', *Official Website of the Government of the Republic of North Macedonia*, 17 January 2023, <https://vlada.mk/node/31739>.

157 'From the 120th Government Session: The Acting Director of the Directorate for Execution of Sanctions Has Been Appointed (Од 120-та владина седница: Именуван е ВД директор на Управата за извршување на санкции)', *Official Website of the Government of the Republic of North Macedonia*, 18 January 2023, <https://vlada.mk/node/31759>.

158 'The Investigation into Memeti's Escape Is Still Ongoing, Tupanceski Said, and Expressed Confidence That It Will End with a Legal Epilogue (Истрагата за бекството на Мемети сè уште трае, изјави Тупанчески и изрази уверување дека ќе заврши со правен епилог)', 30 January 2023, <https://360stepeni.mk/istragata-za-begstvoto-na-memeti-se-ushte-trae-izjavi-tupancheski-i-izrazi-uveruvane-deka-ke-zavrshi-so-praven-epilog/>.

159 'Searches in the Idzirovo Penitentiary, Large Amount of Money and Illegal Objects Found (Претреси во Казнено-поправната установа Идризово, пронајдени поголема сума на пари и недозволен предмет)', *Pravdiko*, 20 February 2023, <https://www.pravdiko.mk/pretrasi-vo-kazneno-popravnata-ustanova-idrizovo-pronajdeni-pogolema-suma-na-pari-i-nedozvoleni-predmeti/>.

160 'An Escape Tunnel Was Discovered in Idzirovo Penitentiary (Во затворот Идризово откриен тунел за бекство)', *Skopje Info*, 21 March 2023, <https://bit.ly/40qOBvK>.

161 'Announcement (Соопштение)', *Official Website of the Ministry of Justice*, 21 March 2023, <https://pravda.gov.mk/vest/6497>.

penitentiary was dismissed, and a new acting director was appointed.¹⁶² At the end of the month, another incident occurred at the same penitentiary. Prisoners entered the office in the building of the closed department, where there were employees, and one of the prisoners damaged part of the inventory. A Public Prosecutor was notified of the incident and is investigating it.¹⁶³

Personal Data Protection

Regarding the number of complaints, a total of 300 complaints were submitted in 2022, of which 232 complaints (77%) are about abuse on social networks. The other is about other grounds in terms of direct marketing, the impossibility of withdrawing consent, failure to provide conditions for exercising rights of the subjects of personal data and others. Regarding abuse on social networks, most complaints refer to fake profiles, unauthorised intrusion into profiles, publication of other people's video and audio recordings, online insults, defamation, and blackmail. The most represented social network to which complaints refer is Facebook (116), then Instagram (103), while other complaints refer to YouTube, TikTok, Twitter, Snapchat, and others.¹⁶⁴

In honour of the European Day of Personal Data Protection (January 28th), the head of the Personal Data Protection Agency (PDPA) emphasised the importance of having a strong team. The director explained that many employees are leaving for higher-paying jobs in the private sector, leaving the agency with insufficient staff to handle new challenges, particularly with the new Law on Personal Data Protection.¹⁶⁵

In Vinica, a case of personal data misuse was found involving an employee of the Pension and Disability Insurance Fund. The employee is suspected of using other citizens' personal information to obtain quick loans in someone else's name. This occurred over two and a half years, resulting in a criminal complaint for abuse of their job position.¹⁶⁶

Freedom of Expression

The Association of Journalists of Macedonia (AJM) accused the Ministry of Foreign Affairs (MFA) of disobeying the Government's decision on a moratorium on government advertisements in private media. According to AJM, the MFA plans on spending around 100,000 euro for promotional activities related to North Macedonia's chairmanship of the OSCE, for which a contract has been concluded with a private marketing company. The AJM does not consider this as support for the media but as an attempt to corrupt them and, at the same time, promote political propaganda to the detriment of the public interest.¹⁶⁷ Pursuant to this reaction, the MFA issued a statement rejecting the claims that the campaign related to the chairmanship of the OSCE is contrary to the ban on government campaigns since the chairmanship

162 'The Director of Idrizovo Penitentiary Was Dismissed, This Is Tahiri's Replacement (Разрешен директорот на „Идризово“, еве кој е заменикот на Тахири)', *Skopje 24*, 21 March 2023, <https://bit.ly/3K2XdUb>.

163 'Three Prisoners from "Idrizovo" Broke into the Office of the Prison Police and Damaged It (Тројца затвореници од "Идризово" упаднале во канцеларија на затворската полиција и кршеле во неа)', *Makfax*, 31 March 2023, <https://bit.ly/3KgDJKp>.

164 Personal Data Protection Agency of the Republic of North Macedonia, "Annual Report for 2022 (Годишен извештај за 2022)", March 31, 2023, <https://bit.ly/43hA8oe>.

165 'Aliu: The Personal Data Protection Agency Is Facing a Shortage of Employees (Алиу: Агенцијата за заштита на лични податоци се соочува со недостиг на вработени)', *MakPress.Mk*, 27 January 2023, <https://m.makpress.mk/Home/PostDetails?PostId=522083>.

166 'An Employee of the PIOM Fund Acquired Quick Loans in Another Name (Вработена во Фондот за ПИОМ земала брзи кредити на друго име)', 20 March 2023, <https://360stepeni.mk/vrabotena-vo-fondot-za-piom-zemala-brzi-krediti-na-drugo-ime/>.

167 'AJM: Media Promotion of the MFA with Public Money Is against the Ban on Government Campaigns (ЗНМ: Медиумската промоција на МНР со јавни пари е спротивна на забраната за владини кампањи)', *Official website of the Association of Journalists of Macedonia*, 5 January 2023, <https://bit.ly/3xWNE26>.

represents the most significant foreign policy project with which North Macedonia will present itself to the international public. It has significance and influence on the internal political development of the country. Nevertheless, the MFA stopped the planned one-week campaign and stated that future communication activities would be coordinated with journalist associations and other civil sector representatives.¹⁶⁸

On February 24th, the AJM and the Judicial Media Council signed a memorandum of cooperation. The memorandum is intended to improve the collaboration between the judiciary and the media through joint activities, consultations and campaigns.¹⁶⁹

Attacks on journalists

During the reporting period, the Agency for Audio and Audiovisual Media Services (AAVMS) reacted to eight incidents involving attacks on journalists, prevention of performing reporting work, and hostile statements of public officials toward journalists. They found no hate speech spread by a media outlet.¹⁷⁰

The president of the political party Democratic Union for Integration publicly labelled two television stations as hostile during his address when attempting to express dissatisfaction with the media coverage of the party's activities by naming them "enemies of the Albanians".¹⁷¹ AJM, the Independent Union of Journalists and Media Workers (SSNM), and the Agency for Audio and Audiovisual Media Services (AAVMS) condemned this speech, stating it is harmful and can threaten the safety of journalists and media workers, thereby encouraging censorship and attacks and threats against the media and journalists by party members. AAVMS reiterated that it is necessary to respect European standards and called on politicians to refrain from using language that discredits the media and encourages inter-ethnic intolerance and impatience.¹⁷² The Prime Minister was asked to respond to the statement but chose not to comment. Instead, he expressed his views on television stations, which once again sparked disapproval from the AJM.¹⁷³ Afterwards, the Prime Minister clarified that he did not mean to target any specific television network. However, if any of them felt offended by his previous statement, he apologised to them.¹⁷⁴

During a press conference, the Minister of Economy accused a journalist of asking questions on behalf of others and reminded another journalist that their role was to ask questions, not to provide commentary on the answers. This incident occurred at a different time from the current discussion.¹⁷⁵ The SSNM reacted to this incident, stating that the minister's attitude towards journalists was scandalous

168 'MFA Does Not See Illegal Promotion with Public Money in the Media, but Will Stop the Campaign (MHP не гледа незаконска промоција со јавни пари во медиумите, но ќе ја прекине кампањата)', *Radio MOF*, 7 January 2023, <https://www.radiomof.mk/mnr-ne-gleda-nezakonska-promocija-so-javni-pari-vo-mediumite-no-kje-ja-prekine-kampanjata/>.

169 'Memorandum of Cooperation between AJM and the Judicial Media Council Signed (Потпишан меморандум за соработка помеѓу ЗНМ и Судско-медиумскиот совет)', *Official website of the Association of Journalists of Macedonia*, 24 February 2023, <https://bit.ly/3lfYU6R>.

170 Agency for Audio and Audiovisual Media Services, 'Submission of Public Information (Доставување на информации од јавен карактер)', 13 April, 2023.

171 'For Ahmeti, Telma and Alfa Were Enemies of the Albanians (За Ахмети, Телма и Алфа биле непријатели на Албанците)', *360 Step-eni*, 16 January 2023, <https://360stepeni.mk/za-ahmeti-telma-i-alfa-bile-neprijатели-na-albantsite/>.

172 'AJM, SSNM and AAVMS Condemn Ali Ahmeti's Statement in Which He Labels Media as "Enemies" (ЗНМ, ССНМ и ААВМУ со осуда за изјавата на Али Ахмети во која етикетира медиуми како „непријатели“)', *Radio MOF*, 16 January 2023, <https://www.radiomof.mk/znm-ssnm-i-aavmu-so-osuda-za-izjavata-na-ali-ahmeti-vo-koja-etiketira-mediumi-kako-neprijатели/>.

173 'AJM: Unprecedented Media Labeling by Prime Minister Kovacevski (ЗНМ: Непримерно етикетирање на медиуми и од Премиерот Ковачевски)', *Official website of the Association of Journalists of Macedonia*, 16 January 2023, <https://bit.ly/3mekRnf>.

174 'If Anyone Needs My Apology, They Have It, the Prime Minister Told "Alfa" and "Telma" (Ако некој има потреба од мое извинување, го има извинувањето, им порача премиерот на „Алфа“ и „Телма“)', *Mkd.Mk*, 18 January 2023, <https://www.mkd.mk/makedonija/politika/ako-nekoj-ima-potreba-od-moe-izvinuvanje-go-ima-izvinuvanjeto-im-poracha>.

175 'Bekteshi Insulted Journalists at a Press Conference (Бектеши навредуваше новинари на прес конференција)', *Alsat M*, 2 February 2023, <https://alsat.mk/mk/bekteshi-navreduvashе-novinari-na-pres-konferentsija/>.

and unacceptable. It also makes the work of journalists and media workers more difficult. It can cause self-censorship and hostile behaviour towards them, endangering their safety and disrupting their integrity.¹⁷⁶ AJM and the Media Ethics Council in Macedonia (MECM) have emphasised that this incident is not an isolated occurrence but part of a concerning pattern of mistreatment towards journalists. State officials must exercise greater caution in their dealings with journalists, as they play a vital role in informing the public.¹⁷⁷

According to AJM and AAVMS, another incident occurred on the occasion of the 151st anniversary of the birth of a Macedonian when the Government applied a selective approach to accrediting certain media to cover the event.¹⁷⁸ However, the accredited media was given specific instructions for journalists and camera operators at the event by an administrator from the Government, justifying them by claiming the event was high risk. This prompted an argument between the administrator above and the present media workers,¹⁷⁹ pursuant to which AJM requested an explanation from the Prime Minister's office for the reasons for such protocol and requested sanctions from the Government for the behaviour of the administrator.¹⁸⁰

These incidents culminated with a protest march to defend journalistic dignity, organised by AJM and SSNM in mid-February. On this occasion, journalists demanded the immediate adoption of relevant laws, important for their rights and for the work of the media and their consistent implementation, demanded public officials and politicians respect journalists and media workers and an end to aggressive state PR, more support for local journalists and media and respect for the labour rights and safe working conditions of journalists and media workers.¹⁸¹ Consequently, the European Federation of Journalists condemned the inappropriate behaviour of state officials towards journalists and reminded them of the moral obligations that public office entails.¹⁸²

176 'SSNM Demands That the Government Immediately Stop Discrediting Journalists (ССНМ бара Владата под итно да престане со дискредитација на новинарите)', *Kanal 5*, 2 February 2023, <https://kanal5.com.mk/ssnm-bara-vladata-pod-itno-da-prestane-so-diskreditacija-na-novinarite/a566703>.

177 'AJM and MECM: Officials Attack Journalists Again – This Behavior Must Stop (ЗНМ и СЕММ: Функционери повторно во напад кон новинарите – ваквото однесување мора да престане)', *Radio MOF*, 3 February 2023, <https://www.radiomof.mk/znm-i-semm-funkcioneri-povtorno-vo-napad-kon-novinarite-vakvoto-odnesuvanje-mora-da-prestane/>.

178 'AJM and AAVMS Condemned the Government's Selective Approach to Media Accreditation (ЗНМ и ААВМУ го осудија селективниот пристап на Владата за акредитација на медиуми)', *Radio MOF*, 4 February 2023, <https://www.radiomof.mk/znm-i-aavmu-go-osudija-selektivniot-pristap-na-vladata-za-akreditacija-na-mediumi/>.

179 'The Government Tells Journalists How to Work, Quarrels in Front of the Plateau of Saint Spas Church (Владата им кажува на новинарите како да работат, караници пред платото на Свети Спас)', *Makfax News Agency*, 4 February 2023, <https://bit.ly/41zaaLQ>.

180 'AJM: The Behaviour of Government Officials Is Censorship (ЗНМ: Односот на владините службеници е цензура)', *Official website of the Association of Journalists of Macedonia*, 4 February 2023, <https://bit.ly/3J25FCB>.

181 'March for the Defense of Journalistic Dignity (Марш за одбрана на новинарското достоинство)', *Kanal 5*, 17 February 2023, <https://kanal5.com.mk/marsh-za-odbrana-na-novinarskoto-dostoinstvo/a569044>.

182 'North Macedonia: EFJ Condemns Inappropriate Behaviour of State Officials towards Journalists', *European Federation of Journalists*, 8 February 2023, <https://europeanjournalists.org/blog/2023/02/08/north-macedonia-efj-condemns-inappropriate-behaviour-of-state-officials-towards-journalists/>.

Vulnerable Groups and the Principle of non-Discrimination

During its 118th session, the Government of the Republic of North Macedonia examined and approved the action plan for implementing the National Strategy for Equality and Non-Discrimination from 2022 to 2026. According to the government's statement, the action plan includes a timeline and financial considerations to ensure the Strategy is fully implemented by 2026. The strategy's primary objective is to guarantee that all citizens' rights are protected without discrimination based on any grounds.¹⁸³

On January 12th, the Minister of Labour and Social Policy, the Minister of Health and the Minister of Education and Science signed the Rulebook for Functional Assessment of Children and Youth with Disabilities. The Rulebook regulates the functioning of expert bodies for assessment, the assessment method, and providing additional support in education, health, social protection and child protection.¹⁸⁴

In mid-February, the CPPD published a public announcement for the election of two members necessary to complete the CPPD: one member with a mandate of five years and one member with a mandate of one year, two months and eight days.¹⁸⁵

In March, the CPPD released a request to create a roster of experts who can provide professional assistance to the CPPD. This is in accordance with the Law on Prevention and Protection against Discrimination, as the CPPD aims to establish groups of advisors who specialise in various areas related to preventing and combating discrimination. The call for expert support was issued to fulfil this objective.¹⁸⁶

In the reporting period, the CPPD received 91 complaints. During this period, discrimination has been found in 14 of those cases, based on work and labour relations (five cases), public information and media (three points), education, science and sport (two cases), judiciary and public administration (two cases), social security (one case), and two cases are in other areas.¹⁸⁷

On February 28th, the CPPD organised a conference on the topic 'Is the Republic of North Macedonia a fair country? How can institutions jointly advance the fight against discrimination?', where data from the report on discrimination in the country and citizens' perceptions from a survey conducted by the Centre for Change Management were presented.¹⁸⁸ According to the research data, 45.5% of the 1,170 respondents who have experienced discrimination or know someone who has experienced discrimination identify political affiliation as the main grounds for discrimination, and it is most often encountered in

183 'The 118th Session of the Government Was Held: The Second Half of the Year Will Begin on January 23, the Action Plan for the Implementation of the National Strategy for Equality and Non-Discrimination for 2022-2026 Was Adopted (Се одржа 118-та седница на Влада: Второто полугодие ќе започне на 23 јануари, усвоен Акциски план за реализација на Националната стратегија за еднаквост и недискриминација за 2022-2026 година)', *Official Website of the Government of the Republic of North Macedonia*, 10 January 2023, <https://vlada.mk/node/31667>.

184 'The Rulebook for Functional Assessment of Children and Youth with Disabilities Has Been Signed (Потпишан Правилникот за функционална проценка на деца и млади со попреченост)', *Official Website of the Government of the Republic of North Macedonia*, 12 January 2023, <https://vlada.mk/node/31688>.

185 'Decision to Publish a Public Announcement for the Election of Members of the Commission for Prevention and Protection against Discrimination (Одлука за објавување јавен оглас за избор на членови на Комисијата за спречување и заштита од дискриминација)', *Official Gazette of the Republic of North Macedonia* No. 34/2023.

186 'Public Call for Expert Support of CPPD (Јавен повик за експерти за стручна поддршка на КСЗД)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 6 March 2023, <https://bit.ly/40PF9mk>.

187 Commission for the Prevention and Protection against Discrimination, 'Submission of Public Information (Доставување на информации од јавен карактер)', 19 April 2023.

188 'Institutions Flooded with Petitions of Discrimination (Институциите преплавени со поплаки за дискриминација)', *Deutsche Welle*, 28 February 2023, <https://bit.ly/3LKFmm1>.

the field of work and employment as a reason for access to a job position, advancement and loss of a job position.¹⁸⁹ Unlike the research conducted, the CPPD's analysis shows that the most common discriminatory grounds in 2022 are national and ethnic affiliation, personal characteristics, and social status. Their representatives stated that the CPPD worked on 255 cases in 2022, which shows a trend of an increasing number of petitions related to disturbing speech based on national and ethnic affiliation, most often promoted on social networks.¹⁹⁰ While a general conclusion of the conference was that the number of petitions by citizens about various forms of discrimination in the country is growing, a commitment by present institution representatives were made to continue fighting against discrimination and improving this aspect in the country.¹⁹¹

Gender

At the beginning of January 2023, the MoJ published the Operational Plan for 2023 to implement the action plan for the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) for 2018-2023. The plan contains the activities in this area under the jurisdiction of the MoJ, together with the 2023 time frame and the budget for their implementation.¹⁹² Simultaneously, the MoJ published its Annual Operational Plan for 2023 for the implementation of the Second National Action Plan of the Republic of North Macedonia for the implementation of the UN Resolution 13/25 "Women, peace and security" (2020 - 2025) - strategic framework, also including the activities planned under the jurisdiction of the MoJ, together with the 2023 time frame and the budget for their implementation.¹⁹³

Following the reactions of agricultural organisations and other NGOs supporting them on the systemic problem of a lack of paid maternity leave for women who work in the agricultural sector¹⁹⁴, the Government adopted a program for ensuring social security for women who perform agricultural activities.¹⁹⁵ With this program, for the first time, the right to a maternity allowance for individual female farmers is

189 'Maleska-Sachmaroska: Political Affiliation Is Considered the Main Basis for Discrimination (Малеска-Сачмароска: Политичката припадност се смета за главен основ за дискриминација)', *Biznisvesti.Mk*, 28 February 2023, <https://www.biznisvesti.mk/maleska-sachmaroska-politichkata-pripadnost-se-smeta-za-glaven-osnov-za-diskriminatsija/>.

190 'Bendevska: Nationality, personal characteristics and social status – the most common grounds for discrimination in 2022 (Бендеvsка: Национална припадност, личното својство и општествениот статус – најчести основи за дискриминација во 2022 година)', *MakPress.Mk*, 28 February 2023, <https://makpress.mk/Home/PostDetails?PostId=527283>.

191 "'Is the Republic of North Macedonia a Fair Country? How Can Institutions Jointly Advance the Fight against Discrimination?" („Дали Република Северна Македонија е фер земја? Како институциите заеднички да ја унапредат борбата против дискриминацијата?“, *Official Website of the Commission for Prevention and Protection against Discrimination*, 28 February 2023, <https://bit.ly/3TANHSq>.

192 'Operational Plan for 2023 for the Implementation of the Action Plan for Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for 2018-2023 (Оперативниот план за 2023 година за спроведување на Акцискиот план за спроведување на Конвенцијата на Совет на Европа за спречување и борба против насилство врз жените и домашно насилство (Истанбулска конвенција) за 2018-2023 година)' (Ministry of Justice, 3 January 2023), <https://pravda.gov.mk/Upload/Documents/NAP%20GREVIO%202023.PDF>.

193 'Annual Operational Plan for 2023 for the Implementation of the Second National Action Plan of the Republic of North Macedonia for the Implementation of the UN Resolution 13/25 "Women, Peace and Security" (2020 - 2025) - Strategic Framework (Годишен оперативен план на МП за 2023 година за имплементација на Вториот национален акциски план на Република Северна Македонија за имплементација за Резолуцијата на ООН 13/25 „Жени, мир и безбедност“ (2020 – 2025) – стратесиска рамка)' (Ministry of Justice, 16 January 2023), 25, <https://bit.ly/3JttfHc>.

194 'Farmer Women Produce Food for Everyone and Farm for Generations, but They Do Not Have Paid Maternity Leave (Земјоделките произведуваат храна за сите и одгледуваат генерации, а немаат платено породилно отсуство)', *Radio MOF*, 12 December, 2022, <https://www.radiomof.mk/zemjodelkite-proizveduvaat-hrana-za-site-i-odgleduvaat-generacii-a-nemaat-platen-porodilno-otsustvo/>.

195 'Program for Social Security Support for Women Performing Agricultural Activities in 2023 (Програма за поддршка за социјална сигурност на жените кои вршат земјоделска дејност за 2023 година)', *Official Gazette of the Republic of North Macedonia No. 31/2023*.

provided as financial support in the amount of 81,000 denars for a nine-month maternity allowance.¹⁹⁶ NGOs campaigning for this issue welcomed the adopted program. Still, they also demand that it be transformed into a legal amendment and not remain only at the program level. Additionally, they believe the program has discriminatory elements because female farmers must meet specific criteria, which other women are not required to meet when receiving paid maternity leave.¹⁹⁷ At the beginning of March, the CPPD issued an opinion establishing indirect, prolonged, intersectional discrimination against individual female farmers based on sex, gender, personal status and belonging to a marginalised group in exercising the right to compensation during absence from work due to pregnancy, childbirth, and maternity. The opinion included a recommendation for the Ministry of Health to prepare amendments and supplements to the Law on Health Insurance to provide the right to compensation during temporary incapacity to perform agricultural activity due to pregnancy, childbirth, and maternity for individual female farmers.¹⁹⁸

The Minister of Labour and Social Policy and the Director of the Agency for Audio and Audiovisual Media Services held a joint press conference on the eve of International Women's Day. The conference focused on gender-related issues, including gender-based violence and media reporting. During the conference, a specialised website on gender and media was presented. The website is proposed to be a resource centre for the media, where they can find resources, information, and links on various aspects of gender issues, including gender-based violence, but also a place where citizens can find helpful links and information, including institutions and organisations from which they can seek help in case they are subjected to gender-based violence. The website is administered by the Agency for Audio and Audiovisual Media Services and is available in Macedonian, Albanian, and English: www.rodotimediumite.mk.¹⁹⁹

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, saying his friends "slapped" the girl, and the Youtuber laughed at the statement.²⁰⁰ Among others, the Platform for Gender Equality condemned the interview by stating that it sends a message of normalising violent behaviour on a gender basis.²⁰¹ AJM, SSNM, and MECM 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.²⁰² Following the numerous

196 'Female Farmers Receive Paid Maternity Leave (Жените земјоделки добиваат платено породилно)', *Nezavisen.Mk*, 7 February 2023, <https://nezavisen.mk/zhenite-zemjodelki-dobivaat-plateno-porodilno/>.

197 'Female Farmers Are Looking for a Legal Solution for Maternity Leave (Жените земјоделки бараат законско решение за породилно отсуство)', *Sitel TV*, 20 February 2023, <https://sitel.com.mk/zhenite-zemjodelki-baraat-zakonsko-reshenie-za-porodilno-otsustvo>.

198 'Opinion (Мислење)' (Commission for Prevention and Protection against Discrimination, 2 March 2023), <https://bit.ly/3KFxukJ>.

199 'MLSP and AAVMS with Joint Commitments for the Advancement of Gender Issues (МТСП и АВМУ со заеднички заложби за унапредување на родовите прашања)', *Official Website of the Ministry of Labour and Social Policy*, 7 March 2023, https://www.mtsp.gov.mk/pocetna-ns_article-mtsp-i-avmu-so-zaednicki-zalozbi-za-unapreduvanje-na-rodovite-prashanja.nspх.

200 'Controversial "YouTube" Interview with Latas, Reaction of MoI and PPO (Спорно „YouTube“ интервју со Латас, реакција на МВР и ОЈО)', *Alsat M*, 20 February 2023, <https://bit.ly/3JPxKNW>.

201 'Reaction of the Platform for Gender Equality to Lazarov's Podcast with Guest Latas (Реакција на Платформата за родова еднаквост за поткастот на Лазаров со гостин Латас)', *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 21 February 2023, <https://mhc.org.mk/news/reakcija-na-platformata-za-rodova-ednakvost-za-potkastot-na-lazarov-so-gostin-latas/?fbclid=IwAR162wzimD8QU2YzoKITmaOPkPsw-ZD8pBx5s8nluDshRstjtuRvcw5ZwBI>.

202 'Journalists' Associations Condemn Latas' Speech And "Youtuber" Inciting Violence (Новинарските здруженија го осудија говорот на Латас и „јутјуберот“ со кој се поттикнува насилство)', *Sloboden Pечат*, 20 February 2023, <https://www.slobodenpecat.mk/novinarskite-zdruzhenija-go-osudija-govorot-na-latas-i-jutjuberot-so-koj-se-pottiknuva-nasilstvo/>.

reactions, the BPPD opened an investigation against the Youtuber and the speaker in the interview, based on Article 394 of the Criminal Code - "Dissemination of racist and xenophobic material using a computer system".²⁰³ Finally, the Youtuber apologised for what was said during the interview and for giving the impression that he promotes rape and violence against women.²⁰⁴ The first court hearing in this trial was scheduled for March 27th, but it was postponed due to the absence of the defence lawyer of one of the accused. The judge set the date for the next hearing on May 10th.²⁰⁵

LGBTI +

In the past year, the Government withdrew the previous version of the Draft Law amending the Law on Civil Registry,²⁰⁶ due to the necessity of finalising the law.²⁰⁷ This decision caused various reactions by national organisations²⁰⁸ and international stakeholders²⁰⁹; thus, the MoJ launched an initiative to prepare a new Draft Law on Civil Registry.²¹⁰ The Draft Law is supposed to include provisions regarding the types and content of the registers, additional registration in the register of persons born after the deadline and additional registration of persons who were born in domestic conditions, international legal cooperation in the area of the civil registry, the procedure for legal recognition of gender and digitalisation and interoperability. According to the announcement, the deadline for preparing the draft text is June 30th, 2023.²¹¹

The National Coordinating Body for Monitoring non-Discrimination and Implementation of Laws, By-Laws and Strategic Documents in this area held the constitutive session of the second component of this body at the end of 2022. At the constitutive session, the need to adopt a national action plan for advancing the rights of the LGBTI + community in the Republic of North Macedonia was reiterated. The draft document prepared by the working group at the MLSP established in 2020 should be reviewed by the current members of the National coordinating body in the first quarter of 2023.²¹²

203 'The Prosecution Filed a Case after the Interview of Pavlović-Latas with the YouTuber Lazarov (Обвинителство оформи предмет по интервјуто на Павловиќ-Латас со јутјуберот Лазаров)', *Telma TV*, 20 February 2023, <https://telma.com.mk/2023/02/20/obvinitelstvo-oformi-predmet-po-intervjuto-na-pavlovikj-latas-so-jutjuberot-lazarov/>.

204 'YouTuber Lazarov: I Apologize for What You Heard in the Podcast, This Is a Serious Attack (Јутјуберот Лазаров: Се извинувам за тоа што го чувте во подкасот, ова е сериозна хајка)', *Radio MOF*, 20 February 2023, <https://www.radiomof.mk/jutjuberot-lazarov-se-izvinuvam-za-toa-shto-go-chuvte-vo-podkasot-ova-e-seriozna-hajka/>.

205 'The First Hearing of the Trial against Latas and Lazarov Postponed (Се одложи првото рочиште од судењето на Латас и Лазаров)', 27 March 2023, <https://360stepeni.mk/foto-se-odlozhi-prvoto-rochishte-od-sudeneto-na-latas-i-lazarov/>.

206 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/3kGICVo>.

207 '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>.

208 '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)', <https://bit.ly/3raynaR>.

209 'Letter: The MEPs Addressed the Government of North Macedonia Regarding the Legal Recognition of Gender and the Civil Registry Law (Европатениците се обратија до Владата на Северна Македонија во врска со правното признавање на родот и Законот за матична евиденција)', *Official Website of Coalition Margini Organization*, 21 April 2022, <http://coalition.org.mk/archives/12152>.

210 'A New Law on Civil Registry in Preparation (Ќе се изготвува нов Закон за матичната евиденција)', *Pravdiko*, 16 January 2023, <https://www.pravdiko.mk/85386-2/>.

211 ENER, 'Draft-Law on Civil Registry (Предлог на Закон за матичната евиденција)', 2023, <https://bit.ly/3Zsh3Nq>.

212 'The Second Composition of the National Coordinating Body for Non-Discrimination Was Constituted (Конституиран вториот состав на Националното координативно тело за недискриминација)', *LGBTI United*, 16 January 2023, <https://lgbtiunited.mk/2023/01/16/konstituiran-vtoriot-sostav-na-nacionalnoto-koordinativno-telo-za-nediskriminacija/>.

On March 6th, in the Assembly of the Republic of North Macedonia, a meeting of representatives of civil society organisations working on LGBTI + topics was held with MPs from the inter-party parliamentary group for the promotion of the rights of LGBTI + people. The meeting discussed the draft action plan and the cooperation with the non-governmental sector. The following steps for adopting the amendments to the Law on Civil Registry that will enable legal recognition of gender were also discussed.²¹³

On the occasion of the International Day for the Visibility of Transgender Persons, 'TransFormA' - the civil initiative for the protection and promotion of the rights of transgender persons, organised a March for Visibility on March 31st. The march was organised under the motto "My identity exists too", aiming to reduce violence and discrimination against trans people and, simultaneously, demanding that the Law on Legal Recognition of Gender be placed in parliamentary procedure.²¹⁴

213 'Legal Gender Recognition for Transgender People Is Back in the Focus of the Authorities and the Legislature (Правното признавање на родот за трансродовите лица се враќа во фокусот на властите и законодавниот дом)', *LGBTI United*, 6 March 2023, <https://lgbtiunited.mk/2023/03/06/pravnoto-priznavanje-na-rodot-za-transrodovite-lica-se-vrakja-vo-fokusot-na-vlastite-i-zakonodavniot-dom/>.

214 "My Identity Exists Too" – March for the Visibility of Transgender People „И мојот идентитет постои“ – Марш за видливост на трансродовите лица', *Radio MOF*, 26 March 2023, <https://www.radiomof.mk/i-mojot-identitet-postoi-marsh-za-vidlivost-na-transrodovite-lica/?fbclid=PAAbH6Fs3xZ7-0HJDGpRq-CiIZBEaRQNJ3gLiclUmzZIs4K8hDjaJmrxZAQ>.

