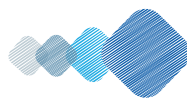


# Rule of Law in View of EU Accession

Quarterly brief

July – September 2022



European  
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This brief summarises the key developments in relation to the rule of law in view of EU accession in North Macedonia for the period July – September 2022. It includes the **monitoring of the fundamentals of EU accession, including key developments in the functioning of democratic institutions, public administration reform, and Chapter 23: Judiciary and Fundamental Rights.**

## Key developments

- » The state committed direct discrimination against people with disabilities, not allowing them to exercise their right to vote in the last elections;
- » The Government revoked the credentials of the Mayor of Tetovo –for which the Mayor claims it’s an act of revenge;
- » With the holding of the constitutive meeting of the Working Group, the drafting of the new Judicial Reform Strategy 2023-2027 began;
- » In order to fulfill the legal provisions of the new Law on Mediation, the first National Coordinator for Mediation and the members of the National Council for Mediation were elected and the foreseen by-laws were adopted;
- » The unsuccessful election of the new president of the Academy of Judges and Public Prosecutors caused reactions in the public for the lack of reasons for explaining the decision. The impartiality of the procedure was also questioned;
- » The draft version of the New Criminal Code was finally attached to the Electronic National Register of Regulations (ENER);
- » The Parliament unanimously determined the need to pass laws that sought to increase the salaries for employees in the judicial and public prosecutor’s activities and the prison police after a shortened procedure;
- » After a long period, the Administrative Court finally received new premises;
- » Mutual accusations between the head of the FPO and the head of the BPPOPOCC, resulting in the resignation of the head of the FPO and the suspension of the head of the BPPOPOCC, created a highly controversial case. In mid-September, the Council of Public Prosecutors initiated a procedure for electing a new chief of the BPPOPOCC on the eve of the expiration of the mandate of the previous one and on October 31<sup>st</sup>;
- » The State Council for Prevention of Juvenile Delinquency adopted a new National Strategy for Prevention and Justice for Children for the period September 2022 - June 2027;
- » In the end of July, the Strategy for Gender Equality 2022-2027 was adopted, thus establishing a comprehensive framework for further activities in the direction of promoting gender equality and empowering women;
- » On September 20, the draft Law on Gender Equality was published on ENER.



## List of Abbreviations

AAVMS	Agency for Audio and Audiovisual Media Services
ACCMIS	Automated court case management information system
AJM	Association of Journalists of Macedonia
AJPP	Academy for Judges and Public Prosecutors
ASPI	Agency for Protection of the Right to Free Access to Public Information
BPP	Basic Public Prosecution
BPPOCC	Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption
CEA	Committee on Elections and Appointments
CEPEJ	European Commission for the Efficiency of Justice
CPPD	Commission for Prevention and Protection against Discrimination
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSW	Centre for Social Work
EC	European Commission
ECHR	European Convention on Human Rights
ECTHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
ENER	National Electronic Register of Regulations
EPI	European Policy Institute
ERRC	European Roma Rights Centre
EU	European Union
FPO	Financial Police Office
GRECO	Group of States against Corruption
HCHR	Helsinki Committee for Human Rights
ICF	International Classification of Functionality
ICT	Information communication technology
ICT Council	Council for the Coordination of Information and Communication Technology in Judicial Authorities
IRL	Investigative Reporting Lab
JCRNM	Judicial Council of the Republic of North Macedonia
LGBTI	Lesbian, gay, bisexual, trans and intersex communities
LPDP	Law on Personal Data Protection
LPPD	Law on Prevention and Protection against Discrimination
MECM	Media Ethics Council in Macedonia
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
MISA	Ministry of Information Society and Administration
MOI	Ministry of Interior Affairs
MRT	Macedonian Radio Television
NSA	National Security Agency
NGO	Non-governmental organisation
OSCE	OSCE - Organization for Security and Co-operation in Europe
PDPA	Personal Data Protection Agency
PPO	Public Prosecutor's Office
RM	Republic of Macedonia
RNM	Republic of North Macedonia
SAO	State Audit Office
SCPC	State Commission for the Prevention of Corruption
SDSM	Social Democratic Union of Macedonia
SLI	State Labour Inspectorate
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



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# Functioning of democratic institutions



# Elections

During this reporting period, discussions on the topic of electoral code reform continued with the OSCEs support to the Ministry of Justice on the initiative of these reforms.<sup>1</sup> The Minister of Justice has also stated that “it is necessary to know the election rules in advance, and not to adopt them immediately before the elections.”

In relation to the election process, the Basic Court Skopje 1 found discrimination on the part of the Government and the State Election Commission.<sup>2</sup> This judgment was passed after a petition submitted by the Helsinki Committee, Skopje.<sup>3</sup> At the same time, the Court obliged the Government and the State Election Commission, until the announcement of the next elections, at the polling stations where this has not been possible so far, to ensure access to flat roads, parking, etc. and accessibility to the voting room, as well as accessibility in the voting room.

# Parliament

In June, the largest opposition party in Parliament, VMRO-DPMNE, submitted to Parliament a request for “holding a quick parliamentary session for constitutional amendments” regarding the Government’s initiative to include the Bulgarian minority in the Constitution.<sup>4</sup> Following the rejection by the Government, VMRO-DPMNE submitted to the State Election Commission (SEC) the initiative for a referendum in which citizens would declare whether they are “FOR” or “AGAINST” the agreement on friendship, good-neighbourliness and cooperation with Bulgaria.<sup>5</sup> The referendum initiative was also submitted to the Parliament<sup>6</sup> and it was rejected by the Speaker of the Parliament on the grounds that “the initiative for a referendum is not in accordance with the Constitution, which states that international agreements ratified by the Parliament are part of the internal legal order and cannot be changed by law.”<sup>7</sup>

1 ‘The OSCE mission in Skopje supports the initiative of the Ministry of Justice for the preparation of a new Electoral Code (Мисијата на ОБСЕ во Скопје ја поддржува иницијативата на Министерството за правда за подготовка на нов Изборен законик)’, *Official website of the Ministry of Justice*, <https://pravda.gov.mk/vest/6365>.

2 ‘Verdict-the state discriminated against persons with disabilities when exercising the right to vote (Пресуда - државата ги дискриминираше лицата со попреченост при остварување на правото на глас)’, *Radio Free Europe (in Macedonian)*, 07 September 2022 <https://bit.ly/3S4rjx>.

3 ‘The Government and the State Election Commission committed direct discrimination against persons with disabilities when exercising their right to vote (Владата и Државната изборна комисија сториле директна дискриминација врз лицата со попреченост при остварување на нивното право на глас)’, *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 1 September 2022, <https://bit.ly/3f7WWmb>.

4 ‘The government is against the VMRO-DPMNE proposal for a quick parliamentary session on the constitutional amendments (Владата против предлогот на ВМРО-ДПМНЕ за брза собраниска седница за уставните измени)’, *Kanal 5*, 17 August 2022, <https://bit.ly/3U1MDik>.

5 Mickoski submitted the initiative for a referendum, also requested early elections in a package (Мицкоски ја достави иницијативата за референдум, побара и предвремени избори во пакет)’, *Voice of America (in Macedonian)*, 7 September 2022, <https://mk.voanews.com/a/6734785.html>.

6 ‘The initiative for a referendum against the agreement with Bulgaria entered the parliamentary procedure (Иницијативата за референдум против договорот со Бугарија влезе во собраниска процедура)’, *Sitel TV*, 9 September 2022 <https://sitel.com.mk/inicijativata-za-referendum-protiv-dogovorot-so-bugarija-vleze-vo-sobraniska-procedura>.

7 ‘Xhaferi rejected the referendum initiative, VMRO-DPMNE accused him of pretending to be a constitutional judge (Џафери ја отфрли иницијативата за референдум, ВМРО-ДПМНЕ го обвини дека се прави уставен судија)’, *Radio Slobodna Evropa*, 13 September 2022, <https://www.slobodnaevropa.mk/a/32032215.html>.

In addition to these activities/proposals of the opposition, the Parliament faces dysfunctionality and inefficiency, according to the statements given by the Parliament speaker.<sup>8</sup> His objections were focused on whether the presidents of the parliamentary commissions deliberately do not schedule commission sessions because of their party or political decisions.<sup>9</sup> The arguments between the Speaker and the MPs continued throughout the summer, so at certain moments he scolded the MPs for their appreciation of scheduled plenary sessions, and demanded that they respect him as the Speaker of the Parliament and the Parliament itself.<sup>10</sup> He said these words after the failure to start work after the 79<sup>th</sup> session of the Parliament due to the lack of quorum, although 85 MPs were signed as present on the lists (which also gives them the right to allowances).<sup>11</sup> Fortunately, such a situation did not occur, although the stated problems remain.

## Governance

The Ministry of Education and Science revoked the credentials of the Mayor of Tetovo, for appointing and dismissing the director of high school. The dismissal comes after the director of the high school, otherwise a staff member of the ruling party from the central government, discovered abuses during an audit of the school.<sup>12</sup> This decision was greeted with great displeasure by the municipal government claiming that this decision is “an act of revenge only because this municipality is not governed by the current central government”.<sup>13</sup> However, the Ministry of Education denied these accusations, stating that their decision was made on the basis that “in addition to the indications and measures and activities taken by the State Educational Inspectorate, the municipality did not ensure the execution of the works that are determined by law as its competence”.<sup>14</sup>

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8 ‘Xhaferi called the presidents of the Committees for inefficiency of the Parliament (Џафери ги прозва претседателите на комисиите за неефикасност на Собранието)’, *Sloboden pecat*, July 2022, <https://bit.ly/3FlxfJB>.

9 Ibid.

10 ‘Xhaferi scolded the MPs for being late: I’m not a punching bag, so you can take out your stress on me! (Џафери ги искара пратениците за доцнење: Не сум вреќа за удирање, па на мене да си ги лечите стресот!)’, *Fokus*, 29 August 2022 <https://bit.ly/3TG2IKL>.

11 ‘Talat Xhaferi: I will propose a session to dissolve the Parliament (Талат Џафери: Ќе предложам седница за распуштање на Собранието)’, *360 Stepeni*, 22 July 2022, <https://bit.ly/3gFhAu5>.

12 ‘The Ministry of Education revoked Kasami’s credentials to appoint the principal of the high school (МОН му ги одзеде ингеренциите на Касами да именува директор на гимназијата)’, *Fokus*, 20 July 2022, <https://bit.ly/3Tlyff8>.

13 ‘Municipality of Tetovo: The decision of the Ministry of Education and Culture is a vindictive political act (Општина Тетово: Одлуката на МОН е одмазднички политички чин)’, *Makfaks*, July 2022, <https://bit.ly/3Wauvom>.

14 ‘The Ministry of Education revoked Kasami’s credentials to appoint the principal of the high school (МОН му ги одзеде ингеренциите на Касами да именува директор на гимназијата)’, *Fokus*, 20 July 2022 <https://bit.ly/3Tlyff8>.



## Civil Society

Following the announcement up to the approval of the “French proposal” for opening of accession negotiation with North Macedonia there have been myriad negative reactions.<sup>15</sup> The opposition depicted as debate and devastating for Macedonian identity and language. According to the Government all read lines on the side of North Macedonia were respected while the expert opinion and civil society organisations remained divided. As a result, the society got highly polarised. The discourse was framed as “PRO” and “ANTI” Government while any form of criticism was subject for more internal divisions. The situation was fuelled even more by reporting that EU funds will be cut to CSOs opposing the proposal,<sup>16</sup> to which the Council of Ethics of the Association of Journalists of Macedonia determined incorrect behaviour of media and violation of Article 1 of the Code of Journalists.<sup>17</sup> Upon these developments the Prime Minister expressed support for civil society<sup>18</sup> and the European Commission as well responded with its own reaction on the importance of plurality of opinions.<sup>19</sup>

## Civilian oversight of the security/intelligence sector

Regarding civilian oversight of the security/intelligence sector, the race to select a successor to the new director of the National Security Agency (NSA) has begun. The reason for choosing a new director of NSA is that the current director is getting a new position as the country’s ambassador to the Republic of France. Although there were limited information, the current Chief of Extremism in the National Security Agency is mentioned as a possible successor.<sup>20</sup>

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15 ‘Contribution to The Current Public Consultations On the Proposal Negotiating Framework for North Macedonia for Access to the EU (Придонес кон тековните јавни консултации за предлог преговарачката рамка за Северна Македонија за пристапување во ЕУ)’, *Official Website of the Institute for Democracy – Societas Civilis – Skopje*, 4 July 2022 <https://bit.ly/3NaOwa4>.

16 ‘Will EU funds dry up for associations that are against the French Proposal? (Ќе секнат ли ЕУ фондовите за здруженијата кои се против францускиот предлог?)’, *Zoom.mk*, July 8 2022, <https://bit.ly/3Dg8ple>.

17 ‘Decision (Одлука), *Association Council for Ethics in the Media in Macedonia*’, 29 July 2022, <https://bit.ly/3spjMsm>.

18 ‘Official Facebook page of Dimitar Kovachevski, President of the Government of the Republic of North Macedonia (Официјална Фејсбук страница на Димитар Ковачевски, претседател на Владата на Република Северна Македонија)’, 9 July 2022 <https://www.facebook.com/Dimitar.Kovachevski/posts/pfbid0q2mazJSguHuBvkx6fkmUqG5k8sMNGwMXRLjZPUqMNYckMysDkZPrCoNqgmvcovEI>.

19 ‘We will never suspend EU funds because of a different opinion, claims the European Commission (Никогаш нема да суспендираме ЕУ фондови поради различно мислење, тврдат од Европска комисија)’, *eMagazin*, 12 July 2022, <https://emagazin.mk/nikogash-nema-da-suspendirame-eu-fondovi-poradi-razlichno-misle-e-velat-od-evropska-komisi-a/>.

20 Zare Milosevski is the most serious candidate for the new director of the National Security Agency (Заре Милошевски најсериозен кандидат за нов директор на Агенцијата за национална безбедност) A1on, 21 September, <https://bit.ly/3NSAH0g>

# Public Administration Reform

In July, the Ministry of Information Society and Administration began a public hearing on the long-announced law on the Central Population Register.<sup>21</sup> The purpose of the 'Central Population Register' is for citizens to be informed about the data they have in the institutions, who accessed them, when and based on which legal regulations.<sup>22</sup>

Building on the Central Population Register as well as the results of the 2021 Census, MISA made a change in the 'balancer' tool,<sup>23</sup> by changing the percentages obtained from the Census. These changes refer to the percentages of the population counted in the diaspora, which subsequently met with public outcry. On this occasion, the head of the State Statistics Office (the main institution that conducted the census) spoke and declared that "the only valid category is the resident population" and that "it is in accordance with all the standards of the United Nations, which are valid for all countries in the world and accepted by Eurostat."<sup>24</sup>

Regarding **Human Resources Management**, the Ministry of Labour and Social Policy announced the creation of a "new collective agreement" for employees in the public sector. This new agreement should provide greater rights for workers, and the new methodology will ensure a constant increase in employee wages.<sup>25</sup>

Good news in the **Service Delivery** area, according to the Minister for Internal Affairs, who stated that from January next year, the certificate of citizenship will be issued in electronic form through the National Portal for electronic services or through qualified electronic registered delivery to an electronic address".<sup>26</sup> Citizens will be able to submit requests for the issuance of an identity card and passport electronically. This is due to "amendments to the Law on Identity Cards, the Law on Travel Documents, the Law on Personal Name and the Law on Registration of Residence and Residence."<sup>27</sup>

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21 Public debate on the draft law on the Central Population Register (Јавна расправа за предлог- закон за Централен регистар на население), *Official website of the Ministry of Information Society and Administration*, 27 July 2022, <https://www.mioa.gov.mk/?q=mk/node/4143>.

22 "Law on Amending and Supplementing the Law on the Central Population Register (Закон за изменување и дополнување на Законот за централен регистар на население)," *Electronic National Register of Regulations of the Republic of North Macedonia-ENER*, July 12, 2022, [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=74974](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=74974).

23 "MISA: A Change Was Made in the 'Balancer' Web Tool According to the Results of the Census Conducted in 2021 (МИОА: Направена промена во веб алатката „балансер“, согласно резултатите од спроведениот попис во 2021 година)," *Official Website of The Ministry of Information Society and Administration*, August 5, 2022, <https://mioa.gov.mk/?q=mk/node/4157>.

24 Simovski vs. Aliti about the changes in the 'balancer': The only valid category is the resident population (Симовски контра Алити за измените во „балансерот“: Единствена валидна категорија е резидентното население), *360 Stepeni*, 17 August 2022 <https://bit.ly/3FKs6MZ>.

25 'A new general collective agreement for the public sector that will ensure salary growth, announced Trenchevska (Нов општ колективен договор за јавниот сектор што ќе обезбеди раст на платите, најави Тренчевска), *Nova Makedonija*, 20 September 2022 <https://bit.ly/3Da4Kf7>.

26 'Since January, the request for a passport and ID card has been submitted electronically (Од јануари барање за пасош и лична карта по електронски пат)', *Fokus*, 18 August 2022 <https://bit.ly/3zkhy1b>.

27 Ibid.

# Chapter 23

The Ministry of Foreign Affairs (MFA) announced on July 27 that the United States of America (USA) will give North Macedonia 4.3 million US dollars as part of the implementation of the Strategic Dialogue between the two countries,<sup>28</sup> thereby contributing to strengthening the rule of law in the country.<sup>29</sup>

On 27 September 2022, the explanatory meeting of the Acquis Chapter 23: Judiciary and Fundamental Rights, as the last chapter of Cluster 1, was held in Brussels, when the European Commission presented the new legislation for this area. The bilateral screening of the Chapter is announced for the first and second of December, when the country will present the degree of compliance with EU law, the institutional set-up for implementing the harmonised laws, and the plans for further compliance, building the institutional and administrative capacities, as well as the necessary human, financial and IT resources for the implementation of European standards.<sup>30</sup>

28 The strategic dialogue began on June 2 in Washington, between the government delegations of the two countries. The strategic dialogue is a forum that provides a framework for bilateral relations and cooperation in defence, economy, education, transport, energy, climate change, democratic development, fight against corruption, rule of law, trade and other topics of mutual interest.

29 'The USA Is Sending 4.3 Million Dollars to North Macedonia to Strengthen the Rule of Law (САД праќаат 4,3 милиони долари на Северна Македонија за зајакнување на владеење на правото)', *Radio Free Europe/Radio Liberty*, 27 July 2022, <https://bit.ly/3zdaofl>.

30 'A Team from the Ministry of Justice in Brussels at a Meeting on Chapter 23 "Justice and Fundamental Rights", Which Concludes the Explanatory Screening Meetings for Cluster 1, Known as "Fundamentals" (Тим на Министерството за правда во Брисел на состанок за Поглавјето 23 „Правосудство и Фундаментални права“, со кој завршуваат објаснувачките скрининг состаноци за Кластер 1, познат како „Темели“)', *Official Facebook Page of the Ministry of Justice of The Republic of North Macedonia*, 27 September 2022, <https://www.facebook.com/MinisterstvoPravda/posts/pfbid031TzhMoFtGh-h1UNdGJfr5Es54UaFSGeqGhJrhjC6vzYTTGKM4r98aCVujSsE1vfol>.



# Functioning of the judiciary

## Strategic documents

On September 5, the first constitutive meeting of the Working Group for drafting the new Judicial Strategy 2023-2027 was held.<sup>31</sup>

## Management bodies

On September 7, the Judicial Council announced the 2022 - 2025 Program and Action Plan for the Prevention and Monitoring of Corruption in the Judiciary<sup>32</sup> which should contribute to reducing corruption, improving the integrity, transparency and accountability of the of judges, thus ensuring higher public confidence in the judicial system.<sup>33</sup>

After the amendments of the Law on Labour Relations that were supposed to extend the work engagement of judges and public prosecutors for another three years were not passed by Parliament,<sup>34</sup> the Judicial Council, at a session held on July 1, 2022, retired 42 judges who met the conditions for an old-age pension, and who they had extended the mandate based on the previous legal possibility.<sup>35</sup> Namely, in the Law on the Judicial Council there is no provision for the mandate of the judges, but on the other hand, a member of the Judicial Council from the ranks of judges can only be an active judge, therefore two members retired in July 2022,<sup>36</sup> and another one retired in August 2022.<sup>37</sup> Subsequently, an announcement was made for the election of judges<sup>38</sup> which was carried out among the following electoral units: the Supreme Court of the Republic of North Macedonia, the Appellate District Skopje and Administrative Courts and the Appellate District Gostivar.<sup>39</sup> After the formation of the Commission for the Implementation of the Election<sup>40</sup>

31 'Constitutive Meeting of the Working Group for the Development of the New Judicial Strategy 2023-2027 (Конститутивен состанок на работната група за изработка на новата судска стратегија 2023-2027 година)', *Official Facebook Page of the Ministry of Justice of the Republic of North Macedonia*, 5 September 2022, <https://bit.ly/3TZN2Sa>.

32 Judicial Council of the Republic of North Macedonia, '2022-2025 Program and Action Plan for the Prevention and Monitoring of Corruption in the Judiciary' (Програма и акционен план за превенција и следење на корупцијата во судството 2022 – 2025), *Official Facebook Page of the Ministry of Justice of the Republic of North Macedonia*, 7 September 2022, <https://bit.ly/3N8p6tK>.

33 With an Anti-Corruption Program, the Judicial Council Will Prevent and Detect Corruption in the Judiciary (Со антикорупциска програма Судскиот совет ќе превенира и открива корупција во судството), *MIA - Media Information Agency*, 7 September 2022, <https://bit.ly/3Dec5dL>.

34 Amendments to the Law on Labour Relations were proposed at the end of June 2022 in the section on the termination of the employment contract, with provision for an exception for judges and public prosecutors and provisions for the extension of their mandate. The temporal validity of these provisions was proposed to last up to three years in order to keep the positions in the courts and public prosecutor's offices filled, until the arrival of the new staff from the Academy for Judges and Public Prosecutors.

35 'Announcement from the 407th Session of the Judicial Council of the RNM - 07/01/2022 (Соопштение од 407-та седница на Судскиот Совет на РСМ - 01.07.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3TVoHgg>.

36 Members of the Judicial Council retired from the ranks of judges- Kiro Zdraev from the Supreme Court of the Republic of North Macedonia and Zoran Teofilovski from the Court of Appeal Gostivar.

37 The member of the Judicial Council retired from the ranks of judges- judge Gordana Spirevska from the Basic Criminal Court Skopje. 'Announcement for the 411th Session of the Judicial Council of the RNM - 08/09/2022 (Соопштение за 411-та седница на Судскиот Совет на РСМ - 09.08.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3zh117A>.

38 'Announcement to the Public about the Election of Members of the Judicial Council of the Republic of North Macedonia from among the Judges (Соопштение на јавноста за избор на членови на Судскиот совет на Република Северна Македонија од редот на судиите)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 15 September 2022, <https://bit.ly/3TCrPyb>.

39 'Announcement from the 412th Session of the Judicial Council of the RNM (Соопштение од 412-та седница на Судскиот совет на РСМ - 17.08.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 17 August 2022, <https://bit.ly/3SD2rXF>.

40 'Announcement from the 413th Session of the Judicial Council of the RNM - 24.08.2022 (Соопштение од 413-та седница на Судскиот совет на РСМ - 24.08.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3D7N9QF>.

and preparation of candidate lists for the election of members,<sup>41</sup> on September 14, the three new members of the Judicial Council were elected.<sup>42</sup> The three new members were sworn in Parliament on September 19, thus officially entering their new positions.<sup>43</sup> The entire procedure was transparent and the counting of votes for the election of members was publicly displayed.<sup>44</sup>

## Independence and impartiality

In July, the Open Judiciary Council held its second session at which the Rules of Procedure of the Open Judiciary Council were adopted.<sup>45</sup> The co-presidents of the Council for Open Judiciary were also elected at the session.<sup>46</sup>

According to the published minutes of the inspection carried out in the Basic Criminal Court Skopje<sup>47</sup> and the Higher Administrative Court Skopje<sup>48</sup> by the Ministry of Justice, regarding the functionality of the ACCMIS system, there is a need to align the ACCMIS system with the applicable regulations and norms and the administrative judiciary.<sup>49</sup> In accordance with the aforementioned, greater effectiveness and clearer determination of competences of the working body in the Supreme Court for Standardisation of Court Procedures when using ACCMIS is also needed.<sup>50</sup>

Regarding improvement of the ACCMIS system, members of the Judicial Council, together with members of the Council for the Coordination of Information and Communication Technology in Judicial Authorities (ICT Council), held a meeting with the Judicial Council of the Kingdom of Norway.<sup>51</sup> At the meeting, the readiness of Norway, together with other donors, to invest 6.8 million euros for faster, more appropriate and more complete use of information technology and installation of a new ACCMIS system was highlighted.<sup>52</sup>

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41 'Candidate Lists for the Election of Members of the Council from among Judges (Кандидатски листи за избор на членови на Советот од редот на судиите)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 11 August 2022, <https://bit.ly/3TZS4hO>.

42 'Announcement to the Public about the Election of Members of the Judicial Council of the Republic of North Macedonia from among the Judges (Соопштение на јавноста за избор на членови на Судскиот совет на Република Северна Македонија од редот на судиите)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 15 September 2022 <https://bit.ly/3DhGuYG>.

43 'The New Members of the Judicial Council Gave a Solemn Statement, the Plan to Fight against Corruption Is Waiting for Them on the Table (Новите членови на Судскиот совет дадоа свечена изјава, на маса ги чека планот за борба против корупција)', *360 Stepeni*, 19 September 2022, <https://360stepeni.mk/novite-chlenovi-na-sudskiot-sovet-dadoa-svecena-izjava-na-masa-gi-cheka-planot-za-borba-protiv-korupsija/>.

44 'Counting of Votes for the Election of Members of the Judicial Council from Among the Judges (Броење на гласови од изборот на членови на Судски совет од редот на судиите)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 16 September 2022, <https://bit.ly/3DwPQkw>.

45 'The Open Judiciary Council Adopted the Rules of Procedure and Elected Co-Presidents (Советот за отворено судство го усвои Деловникот за работа и избра ко-претседатели)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 13 July 2022, <https://bit.ly/3gLP3TR>.

46 The president of the Supreme Court of the Republic of North Macedonia, Besa Ademi, and the program manager at the Center for Legal Research and Analysis, Zharko Hadji- Zafirov, were elected co-presidents.

47 'Minutes of Inspection in the Basic Criminal Court Skopje (Записник од увид во Основен кривичен суд Скопје)' (Ministry of Justice, 6 June 2022), <https://pravda.gov.mk/Upload/Documents/Zapisnik%20za%20Osnoven%20Krivicen%20sud%20za%20objava.pdf>.

48 'Minutes of Inspection in the High Administrative Court Skopje (Записници од увид во Виш управен суд Скопје)' (Ministry of Justice, 6 June 2022), <https://pravda.gov.mk/Upload/Documents/Zapisnik%20za%20Vis%20upraven%20%20sud%20za%20objava.pdf>.

49 'Minutes of an Inspection of the Functionality of ACCMIS (Записници од извршен увид во функционалноста на АКМИС)', *Akademik*, 29 July 2022, <https://akademik.mk/zapisnitsi-od-izvrshen-uvud-vo-funksionalnosta-na-akmis/>.

50 Ibid.

51 'Meeting at the Judicial Council: Norway Will Donate a New ACCMIS System, the Judiciary Will Become More Independent and Transparent (Средба во Судскиот совет: Норвешка ќе донира нов АКМИС систем, судството ќе стане понезависно и потранспаретно)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 19 September 2022, <https://bit.ly/3gOTb5k>.

52 Ibid.

## Accountability

The Public Prosecutor's Office is acting on the criminal report filed by the Financial Police Administration<sup>53</sup> for the search that investigators from the BPPPOCC carried out on August 18, 2022 in the institution's premises.<sup>54</sup> Namely, after the supervision and inspection of the case, it was established that by acting on an anonymous criminal complaint, which the BPPPOCC received in the month of May 2022, the horizontal competence and organisation of the Public Prosecutor's Office was violated.<sup>55</sup> That is, since the received criminal report refers to persons from the Financial Police Administration, who according to Article 33 paragraph 2 of the Law on the Public Prosecutor's Office have police powers, the Specialised Department for the Prosecution of Crimes Committed by Persons with Police Powers and Members of the Prison Police is responsible for handling such reports.<sup>56</sup> Accordingly, the three public prosecutors from the BPPPOCC who acted on this case, and are not part of the Specialised Department, acted without authority on the criminal report.<sup>57</sup> In addition, with the supervision, the Public Prosecutor's Office found that the request for issuing a search warrant, submitted to the Basic Criminal Court Skopje, was groundless.<sup>58</sup> Following this, disciplinary proceedings were initiated against the three public prosecutors, which resulted in the suspension of the head of the BPPPOCC.<sup>59</sup>

## Professionalism and competence

The submitted amendments to the Law on Labour Relations, providing an exception for judges and public prosecutors and extension of their mandate for up to three years, were not accepted by the opposition parties in Parliament, resulting in 42 judges and ten prosecutors retiring on July 1, 2022.<sup>60</sup> It is expected that the retirement of judges and public prosecutors will result in the reorganisation of the judiciary and prosecution,<sup>61</sup> which also means the deployment and restart of court proceedings for a large number of cases, with the risk of their becoming obsolete. Slow moving court proceedings are even more likely to be prolonged given the reduced number of judges in many courts. On the other hand, seven judges out of 42 judges, dissatisfied with their retirement on July 1, submitted complaints and objections to the Judicial Council, but they were dismissed.<sup>62</sup> At the same time, the director of the

53 'The Financial Police Submitted a Complaint to the Public Prosecutor's Office about the Search Carried out in Its Premises (Финансиската полиција поднесе претставка до ЈО за извршениот претрес во нејзините простории)', *360 Stepeni*, 25 July 2022, <https://360stepeni.mk/finansiskata-politsija-podnese-pretstavka-do-jo-za-izvrsheniot-pretres-vo-nejzinite-prostorii/>.

54 'Search in the Financial Police, Ruskovska Does Not Reveal Details (Претрес во финансиска полиција, Русковска не открива детали)', *Radio Free Europe*, 18 July 2022, <https://www.slobodnaevropa.mk/a/31948748.html>.

55 '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/>.

56 Ibid.

57 Ibid.

58 Ibid.

59 'Vilma Ruskovska Is Suspended, Disciplinary for Two More Prosecutors (Вилма Русковска е суспендирана, дисциплинска постапка за уште две обвинителки)', *NetPress*, 16 August 2022, <https://netpress.com.mk/vilma-ruskovska-suspendirana-disciplinska-za-ush-te-dve-obvinitelki/>.

60 'Judges and Public Prosecutors Who Have Turned 62 or 64 Retire (Судиите и јавните обвинители кои наполнија 62 или 64 години заминуваат во пензија)', *MIA - Media Information Agency*, 1 July 2022, <https://bit.ly/3TFCLuC>.

61 'Reorganization of Judges and Prosecutors- Tupanceski: The Judicial Council and the Council of Prosecutors Will Be Charge of That (Реорганизација на судии и обвинители – Тупанчевски: Тоа ќе го направи Советот на судии и обвинители)', *TV 21*, 6 July 2022, <https://mk.tv21.tv/reorganizatsija-na-sudii-i-obviniteli-tupanchevski-toa-ke-go-napravi-sovetot-na-sudii-i-obviniteli/>.

62 Judges from Bitola, Shtip, and Strumica, including two presidents of courts, argued that the council's decision to retire them was contrary to the Constitution, that their working lives had already been extended beyond the age of 64, but also that the Law on Labour Relations, which was not voted on July 1, is still in parliamentary procedure. Additionally, that they should complete their 4-year presidential term. 'The Judicial Council Does Not Accept the Objections of the Judges, They Must Be Retired (Судскиот совет не ги прифаќа приговорите на судиите, мора да бидат пензионирани)', *Skopje 24*, 23 July 2022, <https://bit.ly/3zkUsYy>.

Academy for Judges and Public Prosecutors stated that 59 new judges and prosecutors will be ready to join the legal system by the end of the year and fill the vacant positions in the courts and public prosecutor's offices.<sup>63</sup> In addition, the Minister of Justice pointed out that two positions were filled by selection of Higher Public Prosecutor's Offices in Bitola and Shtip.<sup>64</sup> The Association of Court Administration reacted to the attitude of the competent state authorities who tried to solve this long-standing problem at the last moment.<sup>65</sup> In their response, they again pointed to the possibility, through shortened initial training, to facilitate the recruitment of judicial staff who professionally perform their work tasks as a judicial associate or advisor for many years in all judicial departments of the courts.<sup>66</sup>

The decision by the Council of Public Prosecutors to publish an announcement for the election of four public prosecutors in the BPPPOCC, whose mandate ended in the months of June and August, was made on April 14, 2022.<sup>67</sup> Six public prosecutors applied for the call.<sup>68</sup> However, the Council has not yet acted on this announcement. The election session in September was postponed for the third time and the public prosecutors have not been elected.<sup>69</sup> As the main reason for the delay, the Council cites the unavailability of all the necessary materials that were requested from the competent prosecutor's office for the candidates and the need for a more detailed analysis of their previous work.<sup>70</sup>

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63 '59 New Prosecutors and Judges- Gaber: By the End of the Year, There Will Be a New Call (59 нови обвинители и судии – Габер: До крајот на годинава ќе има нов повик)', 22 September 2022, <https://mk.tv21.tv/59-novi-obviniteli-i-sudii-gaber-do-krajot-na-godina-va-ke-ima-nov-povik/>.

64 'Short Points from a Guest Appearance in the Sitel Diary of Minister Tupancheski (Кратки поенти од гостување во дневникот на Сител на министерот Тупанчески)', *Official Facebook Page of the Ministry of Justice of the Republic of North Macedonia*, 30 September 2022, <https://bit.ly/3D7S5JD>.

65 'The Association of Court Administration: Today the Courts in Macedonia Will Be Left without a Large Number of Judges (Здружението на судската администрација: Денес судовите во Македонија ќе останат без поголем број судии)', *MakPress.Mk*, 1 July 2022, <https://bit.ly/3TFmlgA>.

66 Ibid.

67 Contribution to the Quarterly Brief by the Coalition "All for Fair Trials".

68 'Only Six Candidates for the Four Vacant Positions in the Public Prosecutor's Office (Само шест кандидати за испразнетите четири места во Јавното обвинителство)', *Kanal 5*, 20 September 2022, <https://kanal5.com.mk/samo-shest-kandidati-za-ispraznetite-chetiri-mesta-vo-javnoto-obvinitelstvo/a547741>.

69 'The Session for the Selection of 4 New Prosecutors in the Prosecutor's Office for Prosecuting Organized Crime Has Been Postponed for the Third Time (По трет пат одложена седницата за избор на 4 нови обвинители во Обвинителството за гонење организиран криминал)', *Telma TV*, 20 September 2022, <https://telma.com.mk/2022/09/20/po-tret-pat-odlozhena-sednicata-za-izbor-na-4-novi-obviniteli-vo-obvinitelstvoto-za-gonenje-organiziran-kriminal/>.

70 Ibid.

## Quality of justice

According to the introduction of the National Mediation Council in the new Law on Mediation,<sup>71</sup> at the 54<sup>th</sup> session of the Government, the Vice President of the Chamber of Commerce of North Macedonia and the President of the Chamber Mediation Association, Dr. Jelisaveta Georgieva Jovevska, was appointed as the first National Mediation Coordinator.<sup>72</sup> Based on the open call for the election of members of the National Mediation Council,<sup>73</sup> the members of the council were also elected.<sup>74</sup> The process of adoption of all foreseen by-laws was completed<sup>75</sup> with the adoption of the tariff rulebook for mediators.<sup>76</sup>

On the eve of the expiry of the mandate of the current President of the Academy of Judges and Public Prosecutors (AJPP) at the end of this year, the Administrative Board of AJPP published a public call for the election of a new president on July 14.<sup>77</sup> The current director, Natasha Gaber-Damjanovska, and the judge of the Basic Criminal Court Skopje, Olja Ristovska, signed up for the call. Although they were said to be eligible for the position and meet all the given criteria, neither of them received the legally required five votes.<sup>78</sup> The abstention from voting by the members of the Administrative Board was not explained.<sup>79</sup> The call failed, and the Administrative Board will issue a new call.<sup>80</sup>

In the reporting period, certain legal regulations were drafted or started. First, with the announcement of the preparation of a new criminal law and the novelties that will be introduced with it, on July 7 the draft version was finally attached to the Electronic National Register of Regulations (ENER).<sup>81</sup> Second, on July 8 a constitutive session of the Working Group for Drafting the New Civil Code of the Republic of North Macedonia was held.<sup>82</sup> Third, on July 15 a new law on confiscated property, property benefit and seized items in criminal and misdemeanour proceedings was

71 'Law on Mediation (Закон за медијација)', Official Gazette of the Republic of North Macedonia No. 294/2021.

72 'Jelisaveta Georgieva-Jovevska first National Coordinator for Mediation (Јелисавета Георгиева-Јовевска прв национален координатор за медијација)', MIA - Media Information Agency, 6 July 2022, <https://bit.ly/3VYfTIB>.

73 'Public Call for the Expression of Interest in Participating in the National Mediation Council, Government of the Republic of North Macedonia (Јавен оглас за искажување на интерес за учество во Националниот совет за медијација)', Official Website of the Government of the Republic of North Macedonia, 20 July 2022, <https://vlada.mk/node/29660>.

74 'Decision on Appointing Members and Secretary of the National Mediation Council (Решение за именување на членови и секретар на Националниот совет за медијација)', Official Gazette of the Republic of North Macedonia No. 201/2022.

75 'Statement of the Deputy Minister of Justice at the Final Conference, "Use of Mediation- Achieved Successes and Remaining Challenges"', Official Website of the European Policy Institute-Skopje, 16 September 2022, <https://epi.org.mk/post/22207>.

76 'Tariff Rulebook for Mediators (Тарифник за медијатори)', Official Gazette of the Republic of North Macedonia No. 194/2022.

77 'Announcement for the Election of AJPP Director (Оглас за избор на директор на АСЈО)', Official Gazette of the Republic of North Macedonia No. 160/2022.

78 'Five Members of the Management Board of the Academy of Judges and Public Prosecutors Pushed the Election of the Director, Did Not Say Why They Did Not Vote (Петмина членови на Управниот одбор на Академијата за судии и јавни обвинители го бутнаа изборот на директор, не кажаа зошто не гласале)', *Sakam Da Kazam*, 30 August 2022, <https://bit.ly/3gkZHtQ>.

79 Ibid.

80 'The Management Board of the Academy of Judges and Public Prosecutors Has Not Chosen a Director, It Will Announce a New Call (Управниот одбор на Академијата за судии и јавни обвинители не избра директор, ќе распишува нов оглас)', 30 September 2022, <https://360stepeni.mk/upravniot-odbor-na-akademijata-za-sudii-i-javni-obviniteli-ne-izbra-direktor-ke-raspishuva-nov-oglas/>.

81 Ministry of Justice, 'Proposal of the Criminal Code (Предлог на Кривичен законик)' (Electronic National Register of Regulations- ENER, 7 July 2022), [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=74071](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=74071).

82 When drafting the law, it was stated that all modern Civil Laws, the jurisprudence of the European Court of Human Rights, as well as the most important international documents will be take into consideration. Moreover, that after the draft version of the Civil Law, a comprehensive public hearing will be also organised, in which the scientific, professional and general public will participate. 'Тупанчески: With the New Civil Code, the Biggest Reform in the Field of Civil Law Will Be Implemented (Тупанчески: Со новиот Граѓански законик ќе се реализира најголемата реформа во сферата на граѓанското право)', Official Website of the Government of the Republic of North Macedonia, 8 July 2022, <https://vlada.mk/node/29538>.



prepared and published.<sup>83</sup> During the drafting of the law, the Blueprint Group for the reform of the judiciary gave its contribution.<sup>84</sup>

Regarding the harmonisation the Law on Enforcement of Sanctions with international standards in the area of enforcement of sanctions, the Ministry of Justice announced that a working group was formed to work on amendments and additions to the Law on Enforcement of Sanctions.<sup>85</sup> That at the first working group meeting on July 7, several proposals submitted by the competent institutions were considered<sup>86</sup> and all basic courts and courts with expanded competence in the country have been invited to give their specific proposals regarding the application of the Law on the Enforcement of Sanctions, the application of the institute of conditional release for convicted persons, suspension of the sentence of convicted persons, etc.<sup>87</sup>

A lawyer from Skopje submitted to the Constitutional Court an initiative to contest Articles 5, 7, and 8 of the Draft Law on Prevention of Money Laundering and Financing of Terrorism,<sup>88,89</sup> which states that by applying the contested articles, the right of the party to a defence attorney or a proxy in the proceedings is directly infringed.<sup>90</sup> That is, that the contested articles are in contradiction with Article 12 of the Constitution,<sup>91</sup> the Code of Lawyer Ethics<sup>92</sup> and other acts of the Bar Association.<sup>93</sup> As informed by the Constitutional Court, the case related to this initiative has been established.<sup>94</sup>

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83 The goal of the new law is to enable an electronic register for tracking confiscated property and legal regulation of legal gaps in accordance with international standards. Additionally, the goal is to overcome the problems and challenges that arise in the current practice, which relate to the management of confiscated property, property benefits and confiscated items in criminal and misdemeanour proceedings, as well as enabling the functional operation of the Agency for the Management of Confiscated Property. Ministry of Justice, 'Draft Law on Confiscated Property, Property Benefit and Seized Items in Criminal and Misdemeanour Proceedings (Предлог закон за конфискуван имот, имотна корист и одземени предмети во кривична и прекршочна постапка)' (Electronic National Register of Regulations- ENER, 15 July 2022), [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=74776](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=74776).

84 Blueprint Group for Judicial Reform, 'Response to the Request for an Opinion on the Draft Text of the Law on the Management of Confiscated Property Received Submitted on 22.07.2022 (Одговор на барање за мислење по предлог текстот на Законот за управување со одземен имот, доставен на 22.07.2022 година.)', 3 August 2022.

85 'A Working Group Will Determine All the Anomalies of the Law on Enforcement of Sanctions', *Official Website of the Ministry of Justice*, 28 July 2022, <https://pravda.gov.mk/vest/6393>.

86 Ibid.

87 Ibid.

88 'Draft Law on Prevention of Money Laundering and Financing of Terrorism (Предлог на Закон за спречување на перење пари и финансирање на тероризам)' (Electronic National Register of Regulations- ENER, 6 December 2021), [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=60126](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=60126).

89 'Provisions of the Law on the Prevention of Money Laundering and Financing of Terrorism in Relation to Lawyers Were Contested before the Constitutional Court (Пред Уставниот суд оспорени одредби од Законот за спречување перење пари и финансирање на тероризам во врска со адвокатите)', *Akademik*, 12 September 2022, <https://akademik.mk/pred-ustavniot-sud-osporeni-odredbi-od-zakonot-za-sprechuvane-perene-pari-i-finansirane-na-terorizam-vo-vrska-so-advokatite/>.

90 In the legal provisions that are contested before the Constitutional Court, it is prescribed that, among other entities, lawyers and law firms that exercise public authority have the obligation to take the measures and actions for detection and prevention of money laundering and financing of terrorism provided for by this law. Moreover, that they are obliged to apply the measures and actions to prevent money laundering and terrorist financing in the cases when they provide legal services for their clients. Legal services, as prescribed by the law, are: purchase and sale of movable objects, real estate, partnership shares or shares; trading and property management; opening and disposal of bank accounts, safes and other financial activities; establishing or participating in the operation or management of legal entities, trusts or legal arrangements and representing clients in transactions. The obligations arising from this law do not apply to lawyers and law firms when they perform the function of defence and representation of the client in court proceedings. In this case, lawyers and law firms, at the request of the Administration, must submit a written explanation within seven days for the reasons why they did not act in accordance with the provisions of the law.

91 Constitution of the Republic of Macedonia (Устав на Република Македонија), *Official Gazette of the Republic of Macedonia* No. 52/1991 (and later amendments).

92 'Code of Professional Ethics of Lawyers, Legal Professional Associates and Legal Trainees of the Bar Association of the Republic of Macedonia (Кодекс за професионална етика на адвокатите, адвокатските стручни соработници и адвокатските приправници на Адвокатската комора на Република Македонија)' (Bar Association of the Republic of North Macedonia, October 2015), <https://www.mba.org.mk/index.php/mk/akti/kodeks-etika?showall=1>.

93 Provisions of the Law on the Prevention of Money Laundering and Financing of Terrorism in Relation to Lawyers Were Contested before the Constitutional Court (Пред Уставниот суд оспорени одредби од Законот за спречување перење пари и финансирање на тероризам во врска со адвокатите)', *Akademik*, 12 September 2022, <https://akademik.mk/pred-ustavniot-sud-osporeni-odredbi-od-zakonot-za-sprechuvane-perene-pari-i-finansirane-na-terorizam-vo-vrska-so-advokatite/>.

94 Ibid.

## Efficiency

After a long period, the Administrative Court finally received new premises.<sup>95</sup> Within the new premises of the court there is also a media centre of the court, part of the joint project with the OSCE Mission in Skopje, the purpose of which is to contribute to the improvement of the transparency of the work of the Administrative Court with the media, as well as with other interested parties.<sup>96</sup>

Parliament unanimously determined the need to pass laws that sought to increase the salaries for employees in the judicial and public prosecutor's activities and the prison police after a shortened procedure.<sup>97</sup> Specifically, with the Law on Amendments and Supplements to the Law on Judicial Service<sup>98</sup> and the Law on Amendments and Supplements to the Law on Public Prosecutor's Service,<sup>99</sup> employees will receive a 15 % higher salary.<sup>100</sup> Moreover, the laws aim to achieve equality of employees in the private and public sector, by establishing the same amount of legal minimum salary and gradually harmonising other salaries of judicial and public prosecutor officials at all levels, as well as ensuring the continuity of salary changes in the judicial and the public prosecution administration in relation to the minimum wage at the national level, as a long-term goal.<sup>101</sup> Finally, the Sanctions Enforcement Law Amendment Act enables equality in the lowest incomes of the prison police by establishing the same amount of legal minimum wage.<sup>102</sup>

After a two-month break due to the summer vacation, on September 1, the debate on the election of constitutional judges continued in the Parliamentary Committee on Elections and Appointments (CEA).<sup>103</sup> For the time being, another candidate received support for election.<sup>104</sup>

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95 'Tupanceski: The New Building of the Administrative Court Will Provide Better Conditions for Conducting Court Proceedings (Тупанчески: Новата зграда на Управен суд ќе обезбеди подобри услови за водење на судските постапки)', *Official Website of the Ministry of Justice*, 6 July 2022, <https://pravda.gov.mk/vest/6383>.

96 'The Administrative Court Got a New Building in the Centre of Skopje (Управниот суд доби нова зграда во центарот на Скопје)', *Opserver.Mk*, 6 July 2022, <https://opserver.mk/makedonija/upravniot-sud-dobi-nova-zgrada-vo-centarot-na-skopje/>.

97 'The Parliament Unanimously Determined the Need to Pass the Laws That Increases the Salaries for the Employees in the Judicial and Public Prosecutor's Area and the Prison Police, after a Shortened Procedure', *Official Website of the Ministry of Justice*, 27 July 2022, <https://pravda.gov.mk/vest/6392>.

98 'Proposal for a Law on Amending and Supplementing the Law on Judicial Service (Предлог на Закон за изменување и дополнување на Законот за судска служба)' (Electronic National Register of Regulations- ENER), [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=45801](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=45801).

99 'Proposal for a Law to Amend and Supplement the Law on the Public Prosecutor's Office (Предлог закон за изменување и дополнување на Законот за јавнообвинителска служба)' (Electronic National Register of Regulations- ENER), [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=36950](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=36950).

100 'The Parliament Unanimously Determined the Need to Pass the Laws That Increases the Salaries for the Employees in the Judicial and Public Prosecutor's Area and the Prison Police, after a Shortened Procedure'.

101 Ibid.

102 Ibid.

103 'The Commission's Discussion on the Election of Constitutional Judges Continued (Продолжи комисиската расправа за избор на уставни судии)', *Kanal 5*, 1 September 2022, <https://kanal5.com.mk/prodolzhi-komisiskata-rasprava-za-izbor-na-ustavni-sudii/a545020>.

104 Apart from the established proposal of the ruling majority that Fatmir Skender, a current judge in the Skopje Court of Appeal, be elected as a constitutional judge, the proposal of Tatjana Vasić Bozadzjeva who works in the Ministry of Justice as a state adviser for civil legislation was also approved. Of the proposed six candidates for constitutional judges of the opposition party, none received support. 'The Session for the Election of Constitutional Judges Continued with an Argument over the Rules of Procedure (Седницата за избор на уставни судии продолжи со расправија околу деловникот)', *Nova Makedonija*, 19 September 2022, <https://novamakedonija.com.mk/makedonija/sednicata-za-izbor-na-ustavni-sudii-prodolzhi-so-raspravija-okolu-delovnikot/>.

During the reporting period, the trial of the ‘Softveri’ case, where the former Secretary-General of the Government is the first defendant continued. A series of testimonies were held regarding the cases in which he is charged, to wit, the procurement of software for traffic violations<sup>105</sup> and the procurement of software for biometric identification.<sup>106</sup>

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105 Regarding the hearing on the procurement of traffic violation software on September 21, an expert in the field of information technology testified that the software was not functional. ‘Softveri’ Trial: Expert Testified That Rashkovski’s Software Was Not Functional (Судење за „Софтвери“: Вештак сведочеше дека софтверот на Рашковски не бил функционален), *360 Stepeni*, 21 September 2022, <https://360stepeni.mk/sudene-za-softveri-veshtak-svedocheshe-deka-softverot-na-rashkovski-ne-bil-funktsionalen/>.

106 The former director of the Directorate for Personal Data Protection (DPDP) testified in connection with the hearing on the procurement of biometric identification software held on September 28. Specifically, he testified that DPDP sent an instruction to the General Secretariat of the Government, when the accused was in office, to be careful not to violate the Law on Personal Data Protection prior to the procurement of software. In addition, the claims of the defence were in the direction that this software was to be used for the identification of the employees of the General Secretariat, that is, during their arrival and departure from work. But, the former director of the DPDA claims that such a practice does not exist anywhere in the EU or the neighbouring countries, because the provisions for the processing of biometric data are very rigorous. That is, that biometric data of employees is processed in cases where public health is at stake, for example, for the entry of employees into places where there are explosives. ‘DPDP Sent an Indication to Rashkovski before Procuring the Biometric Identification Software (ДЗЛП му пратила укажување на Рашковски пред да го набави софтверот за биометриска идентификација)’, *360 Stepeni*, 28 September 2022, <https://360stepeni.mk/dzlp-mu-pratila-ukazhuvane-na-rashkovski-pred-da-go-nabavi-softverot-za-biometriskaa-identifikatsija/>.

# Fight against corruption

## State Commission for Prevention of Corruption

During the reporting period, the State Commission for Prevention of Corruption (SCPC) has opened 107 investigations for suspicion of corruption and abuse of public office, of which 101 were opened upon a submitted complaint, while six were opened on their own initiative. During this period, there are 20 investigations related to conflict of interest, of which 14 were opened upon a submitted complaint, while six were opened on their own initiative. Finally, there are seven investigations related to recording and monitoring property status, of which two were opened upon a submitted complaint, while five were opened on their own initiative.<sup>107</sup> There is a lack of information as to how many of these cases have been acted upon by the prosecution.

On July 14, the SCPC and the National Bank of the Republic of North Macedonia concluded a Memorandum of Cooperation, which enables the mutual exchange of experiences and knowledge, good practice, as well as expert consultation on issues of common interest, especially regarding the prevention corruption and conflict of interests, which is a common goal of both institutions.<sup>108</sup>

In mid-August, the SCPS published the Second Quarterly Report on the implementation of the recommendations from the assessment of vulnerability to corruption in state institutions and local authorities in the field of spatial planning, urbanism, and construction.<sup>109</sup> The report showed that the large discretionary powers of the local government, the lack of well-formulated legal provisions, the collision of legal provisions as well as the different interpretation of legal norms on the one hand, but also the frequent amendments of laws on the other hand, create the risk of increasing corruption. To this end, strengthened cooperation and coordination between the Ministry of Transport and Communications, the local government, the Community of Local Self-Government Units and the SCPC is necessary to overcome the risks of corruption and find coordinated solutions to implement the Report's recommendations.

On August 22, a Training Centre was opened within the SCPC, envisaged to undertake educational activities of the bodies responsible for detecting and prosecuting corruption and other types of crime. Through the support for the smooth functioning of this Training Centre, a training program has been developed for the fight against corruption, conflict of interest and integrity, as well as a training program for trainers from the SCPS team, which will ensure sustainability in the operation of the centre.<sup>110</sup>

The SCPS welcomed the decision of the State Audit Office to plan a regularity audit of the financial reports of the Government of the Republic of North Macedonia in its Annual Work Program after 13 years, stating that the fight against corruption and conflict of interests is possible only through the joint

107 State Commission for Prevention of Corruption, 'Submission of Public Information (Доставување на информации од јавен карактер)', 12 October 2022.

108 "Memorandum of Cooperation Concluded between the State Commission for Prevention of Corruption and the National Bank of the Republic of North Macedonia (Склучен Меморандум за соработка помеѓу Државната комисија за спречување на корупцијата и Народната банка на Република Северна Македонија); *Official Website of the State Commission for Prevention of Corruption*, July 18, 2022, <https://bit.ly/3gLAJKU>.

109 Transparency International, 'Second Quarterly Report on the Implementation of the Recommendations from the Assessment of Vulnerability to Corruption in State Institutions and Local Authorities in the Field of Spatial Planning, Urbanism and Construction (Втор квартален извештај за имплементацијата на препораките од проценката на анливост од корупција во државните институции и локална власт во областа просторно планирање, урбанизам и градежништво,' August 18, 2022, <https://bit.ly/3zm1oV9>.

110 "A corruption-free society and institutions with strong integrity requires continuous education and full commitment of each of us (За општество без корупција и институции со силен интегритет потребна е континуирана едукација и целосна посветеност на секој од нас);" *Official Website of the State Commission for Prevention of Corruption*, August 22, 2022, <https://bit.ly/3suVT2C>.

cooperation of all institutions and the audit of the operation of all institutions will only increase their transparency and integrity in society.<sup>111</sup>

## Governing bodies

Extradition will be requested for the former Prime Minister who fled to Budapest and was granted political asylum by Hungary, who is facing three prison sentences, two final and one first-degree, but also ongoing court proceedings. The former Prime Minister was legally sentenced to one-and-a-half years in prison for the 'Nasilstvo vo Centar' case, two years in prison for the 'Tenk' case involving the purchase of a luxury government Mercedes, and in the first instance sentenced to nine years in prison for his involvement in the 'TNT' case for the demolition of Cosmos.<sup>112</sup>

## Independence and impartiality

In the beginning of July, an inspector in the Public Revenue Administration was put in police custody following a police action conducted to reveal his request and acceptance of a monetary reward/bribe of 700 euros.<sup>113</sup>

## The Public Prosecutor's Office

The Group of States against Corruption of the Council of Europe (GRECO) adopted the Addendum to the Second Report of GRECO on the compliance of the Republic of North Macedonia within the framework of the Fourth Evaluation Circle (on the topic, 'Prevention of corruption among MPs, judges and prosecutors') and it concluded that North Macedonia has made some progress in implementing the recommendations contained in the Fourth Evaluation Round Report. Out of a total of nineteen recommendations, nine have been implemented to a satisfactory extent, nine have been partially implemented, and only one recommendation has not been implemented.<sup>114</sup>

The investigation of the ex-Secretary General in the Government could be expanded as during the provision of evidence, written documentation was found indicating that the suspect committed another criminal act, that of Abuse of Official Position and Authority, so the Appellate Court Skopje decided it had to be investigated as well.<sup>115</sup> In August, the BPOPOCC expanded the investigation for concluding an agreement with a legal entity for consulting services for the reorganisation of a public enterprise, which is suspected to have been concluded without a tender procedure.<sup>116</sup>

The Public Prosecutor's Office (PPO) of the Republic of North Macedonia, acting on a petition from the Financial Police Office (FPO), carried out supervision and inspection regarding a case investigated in the

111 'Announcement of SCPC (Соопштение од ДКСК)', *Official Website of the State Commission for Prevention of Corruption*, 9 September 2022, <https://dksk.mk/%d1%81%d0%be%d0%be%d0%bf%d1%88%d1%82%d0%b5%d0%bd%d0%b8%d0%b5-12/>.

112 'Gruevski Faces Twelve-and-a-Half Years in Prison and Another Request for Extradition (Груевски го чекаат 12 и пол години затвор и уште едно барање за екстрадиција)', *Mkd.Mk*, 12 September 2022, <https://www.mkd.mk/makedonija/sudstvo/gruevski-go-chekaat-12-i-pol-godini-zatvor-i-ushte-edno-baranje-za-ekstradicija>.

113 'Arrested Inspector from the Public Revenue Administration, Caught with a Bribe (Уапсен инспектор од УЈП, фатен со 700 евра мито)', *News19post*, July 6, 2022, <https://bit.ly/3TXDGX9>.

114 'GRECO Report: Out of 19 Recommendations, Nine Have Been Implemented to a Satisfactory Extent, Nine Have Been Partially Implemented, and Only One Has Not Been Implemented (Извештај на ГРЕКО: Од 19 препораки, 9 се имплементирани во задоволителна мера, 9 се делумно, а само 1 не е имплементирана)', *Official Website of the Ministry of Justice*, 4 July 2022, <https://pravda.gov.mk/vest/6381>.

115 'New Investigation on Zeqiri for a Similar Crime (Нова истрага за Зекири за слично кривично дело)', *Vesti.Mk*, 8 July 2022, <https://www.vesti.mk/article/62c85602075b2192cacefb36>.

116 'The Investigation against the Former General Secretary of the Government, Muhammad Zekiri, Has Been Expanded (Проширена истрагата против поранешниот генерален секретар на Владата Зекири)', *Skopje 24*, 8 August 2022, <https://skopje24.com.mk/proshirena-istragata-protiv-poraneshniot-generalen-sekretar/?fbclid=IwAR17aDK7xZMsRhGcOf8SfD9mvYxyHqTWelX1DYP-GCSxo4s3QgxyRRosxcPo&fs=e&s=cl>.

BPPOPOCC. This led to mutual accusations between the head of the FPO and the head of the BPPOPOCC, resulting in the resignation of the head of the FPO and the suspension of the head of the BPPOPOCC, thus creating a highly controversial case.<sup>117</sup>

In mid-September, the Council of Public Prosecutors announced a vacancy for a new chief of the BPPOPOCC on the eve of the expiration of the mandate of the previous one on October 31. The new chief will be elected by a vote of all prosecutors in the country.<sup>118</sup>

The Public Prosecutor's Office of Struga filed a complaint against a prosecutor from Ohrid, for irresponsible work, namely intentional outdating of over 14 cases,<sup>119</sup> for abuse of official duty by intentionally allowing 14 cases related to electricity theft, perjury, theft, and aggravated theft to expire.<sup>120</sup>

## Legal framework

At the beginning of July, the information on determining ethical behaviour for members of the Government and holders of public offices appointed by the Government with the Code of Ethics on behaviour of members of the Government and holders of public offices appointed by the Government was adopted. The amendments to the Code were for the most part the result of GRECO's observations and recommendations, and refer to the advancement of the Government's commitment to ethical behaviour of the members of the Government and other public officials, who are obliged to work in the interests of the citizens.<sup>121</sup>

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117 In accordance with the established situation, the Public Prosecutor of the Republic of North Macedonia gave an instruction to the BPPOPOCC, entailing the detected irregularities in the handling of the specific case. In her response, the chief of the BPPOPOCC called on all competent institutions in the country, all international institutions and embassies, above all the US Embassy and the EU Office, to check all the facts once and for all and clarify who is fighting crime in the country, and who commits the crime. The Association of Public Prosecutors (APP) reacted strongly to this open letter, stating that it damages the reputation of the PPO and grossly violates the Code of Ethics of public prosecutors. Subsequently, the FPO submitted a criminal complaint to the Basic Public Prosecutor's Office Skopje regarding the search performed by the BPPOPOCC in the aforementioned case. One week later, the PPO of the Republic of North Macedonia announced that a proposal for disciplinary proceedings was submitted against three prosecutors (one of which was the chief of the BPPOPOCC, who was temporarily suspended from performing her duties), who intentionally committed a major professional error. Simultaneously, the director of the FPO resigned, stating that this decision was made so that the public does not have the slightest doubt about the integrity, impartiality and independence of the aforementioned case, which is still investigated by BPPOPOCC. The chief of BPPOPOCC appealed the suspension she received by submitting a complaint before the Council of Public Prosecutors, and while the Council could decide on her temporary suspension, a special disciplinary commission within the PPO of the Republic of North Macedonia must first give a proposal on her potential dismissal, followed by the final word that would again be given by the Council. The Council of Public Prosecutors unanimously rejected the appeal as unfounded, and the President of the Council assessed that they have made one of the most difficult decisions in their work, given it is a sensitive case that received a great deal of public attention, to which the chief of the BPPOPOCC responded that she has never used her influence in any case. Following this decision, another prosecutor was elected while the suspension lasts, and until the end of the current mandate in November.

118 'Ruskovska's Successor Is Wanted: The Council of the Public Prosecutors Has Advertised for a New Chief of Prosecutors for Prosecution of Organised Crime (Се бара наследник на Русковска: Советот на ЈО raspisha oglas za nov shef na obvinitelite za gonene organiziran kriminal.)', *360 Stepeni*, 15 September 2022, <https://360stepeni.mk/se-bara-naslednik-na-ruskovska-sovetot-na-jo-raspisha-oglas-za-nov-shef-na-obvinitelite-za-gonene-organiziran-kriminal/>.

119 'A Prosecutor Has Deliberately Outdated 14 Court Cases (Обвинител намерно застарил 14 судски предмети)', *Alsat M*, 19 September 2022, <https://alsat.mk/mk/obvinitel-namerno-zastaril-14-sudski-predmeti/>.

120 'The Untried Constitutional Judge Voislav Dimovski Was Charged with Outdated Cases (Несудениот уставен судија Воислав Димовски доби обвинение за застарени предмети)', *Telma TV*, 19 September 2022, <https://telma.com.mk/2022/09/19/nesudeni-ot-ustaven-sudija-voislav-dimovski-dobi-obvinenie-za-zastareni-predmeti/>.

121 'The Information on Determining Ethical Behaviour for Members of the Government and Holders of Appointed Public Offices Was Adopted (Усвоена информацијата за утврдување на етичко однесување за членовите на Владата и носителите на именувани јавни функции)', *Kurir*, 5 July 2022, <https://kurir.mk/makedonija/vesti/usvoena-informacijata-za-utvrduvanje-na-etichko-odnesuvanje-za-chlenovite-na-vladata-i-nositelite-na-imenuvani-javni-funkcii/>.

# Fundamental rights

## The Ombudsperson

In July, the Government tasked the Ministry of the Interior to find a software solution to upgrade the system containing citizens' identification data, and other relevant ministries to harmonise the laws with the Law on Unregistered Persons in the Birth Register, pursuant to the requests stipulated by the Ombudsperson related to the non-implementation of the Law on Unregistered Persons in the Birth Register. Namely, none of the specific laws that individually determine education, health, labour rights, etc., are in compliance with the Law on Unregistered Persons in the Birth Register, which is confirmed by the fact that the registration number that the persons receive is not recognised in the integrated system of the competent authorities and institutions, so in practice the persons have a certificate and a document, but cannot exercise any of the mentioned rights.<sup>122</sup>

According to the reactions received by parents and pupils, the Ombudsperson determined that the Ministry of Education has become one of the most dysfunctional ministries in the Government, owing to the lack of printed textbooks for all teaching subjects, and the poor state of the available textbooks, the lack of action taken by the schools to protect the pupils' mental health and finally, the lack of educational assistants for pupils with disabilities.<sup>123</sup>

## Prison and detention facilities

The annual audit report of the State Audit Office of penitentiary 'Prison Skopje' for 2020 established deficiencies and issued recommendations for the staffing of the resocialisation department at the prison, which calls into question the process of successful resocialisation of convicted persons. Furthermore, there is no designated person to check the quality of food before the distribution of meals, and there is a lack of accounting records for the material assets available to the institution.<sup>124</sup>

On July 21, as part of an inter-institutional cooperation, a coordinated police action in the penitentiary in Prilep 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: knives, mobile phones and chargers for mobile phones, cash in an amount greater than the legally permitted amount that convicted persons can possess, etc.<sup>125</sup>

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122 'The State Further Disenfranchises Babies from Parents without Identity and Increases the Number of New Phantoms (Државата дополнително ги обесправува бебињата од родителите без идентитет и ја зголемува бројката на нови фантоми)', *Sdk.Mk*, 26 July 2022, <https://sdk.mk/index.php/makedonija/drzhavata-dopolnitelno-gi-obespravuva-bebinata-od-roditelite-bez-identitet-i-ja-zgolemuva-brojkata-na-novi-fantomi/>.

123 'The Ministry of Education is becoming the most problematic and dysfunctional department, the ombudsman Ziberi announced all the complaints of parents and students (Министерството за образование станува најпроблематичен и најнефункционален ресор, омбудсманот Зибири ги објави сите поплаки на родители и ученици)', *Sdk.Mk*, 30 September 2022, <https://bit.ly/3DbIKS9>.

124 "SAO: The Department for Resocialisation at Penitentiary 'Skopje Prison' Is Not Sufficiently Staffed and There Is No Person to Check the Quality of Food (ДЗР: Секторот за ресоцијализација при КПУ „Затвор Скопје“ не е доволно екипиран и нема лице за проверка на квалитетот на храната)", *24info.Mk*, July 7, 2022, <https://bit.ly/3SG9VsK>.

125 'Searches in Prilep Penitentiary: Knives and Other Prohibited Items Were Found among the Convicted Persons (Претреси во КПД Прилеп: Кај осудените лица пронајдени ножеви и други забранети предмети', *Pravdiko*, 21 July 2022, <https://www.pravdiko.mk/pretresi-vo-kpd-prilep-kaj-osudenite-litsa-pronajdeni-nozhevi-i-drugi-zabraneti-predmeti/>.

In the beginning of August, in one of the departments of Idrizovo Prison, a prisoner was stabbed, after which measures were being taken to clear up the case.<sup>126</sup>

## Personal data protection

During the reporting period, the Personal Data Protection Agency (PDPA) implemented 52 given directions, notifications, and responses of controllers/processors regarding the perception of risks, rules, protection measures and rights regarding the processing of personal data; one indication to state government bodies and state bodies regarding regulations and other legal instruments published in the Official Gazette; one indication for undertaking appropriate technical measures for the visibility of personal data information; two opinions regarding draft laws, by-laws and other materials in the field of personal data protection, and acted upon two requests for approval for personal data processing according to Article 84 of the Law on Personal Data Protection.<sup>127</sup>

The PDPA in the reporting period conducted a total of 23 inspections, of which 16 were announced and seven unannounced, while it did not conduct any announced electronic supervisions.<sup>128</sup>

Out of 53 complaints submitted to the PDPA in the reporting period, most are from individuals that refer to social networks (44), namely fake and hacked profiles, complaints that refer to the publication of other people's photos, videos and audio recordings of other people's profiles on social media. The other nine complaints are regarding exercising the rights of the subjects of personal data, processing personal data through video surveillance systems, etc.<sup>129</sup>

The PDPA continued to regularly conduct trainings for the protection of personal data.<sup>130</sup> By the end of the reporting period, it had organised the 11<sup>th</sup> session of free online trainings on personal data protection intended for controllers from the public and private sectors,<sup>131</sup> where lecturers are experts from Croatia and Germany who share the European experience in implementing the General Data Protection Regulation (GDPR).<sup>132</sup>

## Freedom of expression

The Association of Journalists of Macedonia (AJM) reacted to an anonymous proposal to amend and supplement the Law on Audio and Audiovisual Media Services, which is currently being considered by parliamentary groups, for the following reasons: the active ban on Government advertising in the private

126 'One Prisoner Stabbed in Idrizovo Prison (Забоден е еден затвореник во Идризово)', *Skopje Info*, 6 August 2022, <https://bit.ly/3DwEzka>.

127 Personal Data Protection Agency of the Republic of North Macedonia (Агенција за заштита на личните податоци на Република Северна Македонија), 'Submission of Public Information (Доставување на информации од јавен карактер)', *October 31, 2022*.

128 Ibid.

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

130 PDPA in accordance with the EU-funded twinning project "Support to the Implementation of the Modernised Data Protection Legal Framework" organises trainings for the employees of the PDPA, for the officers for the protection of personal data and the representatives of institutions and companies from the public and private sector. In accordance with the project, PDPA also conducted specialised trainings for the PDPA's supervision procedure, as well as two trainings intended for state bodies and institutions on the topic on methodology for harmonisation of sectoral laws and for a draft law transposing the so-called police directive.

131 "Updated Schedule of Personal Data Protection Trainings (Ажуриран распоред на обуките за заштита на личните податоци)," *Official Website of the Directorate for Personal Data Protection*, September 13, 2022, <https://bit.ly/3W4wLNE>.

132 "Call for Expression of Interest in Participating in Personal Data Protection Trainings (Повик За пријавување интерес за учество на обуки за заштита на личните податоци)," *Official Website of the Directorate for Personal Data Protection*, February 28, 2022, <https://bit.ly/3Nd9dCw>.



media is erased and at the same time, huge sums are foreseen for the broadcasters from the citizens' budget. Because of this, the Government and political parties are being accused of not having sincere intentions to create solutions that will guarantee the independence of the media and freedom of expression with this attempt to push through and impose such unacceptable laws in a non-transparent and non-inclusive manner.<sup>133</sup>

## Attacks on journalists

After the frequent attacks and continuous degradation of the position of journalists and media teams during the protests against the French Proposal for North Macedonia's accession in the European Union, the Independent Union of Journalists and Media Workers (SSNM) considered it necessary to once again emphasise<sup>134</sup> the need for them to be respected and protected.<sup>135</sup> The AJM also issued a press release, in response to problematic attitudes towards media workers during the protests,<sup>136</sup> and reacted to insulting public statements made on social media towards journalists, as a sign of dissatisfaction with the way they reported from the intergovernmental conference in Brussels, by a current member of Parliament and leader of a political party.<sup>137</sup>

In another incident involving a direct threat to the life of a journalist, the AJM announced they would report the threat to the Mol and will insist on a quick and efficient investigation in the interest of finding and sanctioning the author or authors of this threat.<sup>138</sup>

The AJM condemned the threats and insults in another assault against a journalist by public enterprise employees and demanded that it initiates disciplinary proceedings against the persons responsible for the verbal attack and also demanded that the institution make a plan of activities for the education of employees on topics of public interest and relation to citizens,<sup>139</sup> to which, the public enterprise responded that disciplinary proceedings will be initiated against them, while simultaneously encouraging the media and the public to closely monitor its work.<sup>140</sup>

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133 'AJM: The Mistake with Paid Campaigns in Private Media Must Not Be Repeated (ЗНМ: Не смее да се повтори грешката со платените кампањи во приватни медиуми)', *Radio MOF*, 13 July 2022, <https://www.radiomof.mk/znm-ne-smee-da-se-povtori-greshka-ta-so-platenite-kampanji-vo-privatni-mediumi/>.

134 They wrote that they expect that from the members of the Ministry of Internal Affairs, from the institutions, from the political parties, but also from the participants in the protests themselves, emphasising that every attack on a journalist and media crew is an attack on the wider public and the public interest, an attack against the right to freedom of expression, an attack against democracy, but also against decency and civilisational values.

135 "SSNM: We Have the Right to Report, but Also to Have an Opinion (ССНМ: Имаме право да известуваме, но и да имаме став)," *SSNM*, July 6, 2022, <https://bit.ly/3W3uzGm>.

136 'AJM: Broken Camera – the Safety of Journalists and Cameramen Must Be Guaranteed during the Protests (ЗНМ: Скршена камера – безбедноста на новинарите и снимателите мора да биде гарантирана за време на протестите)', *Znm.Org.Mk*, 6 July 2022, <https://www.radiomof.mk/znm-skrshena-kamera-bezbednosta-na-novinarite-i-snimatelite-mora-da-bide-garantirana-za-vreme-na-protestite/>.

137 'AJM and SEMM: We Condemn Apasiev's Stigmatising and Belittling Approach to Journalists (ЗНМ и СЕММ: Го осудуваме стигматизирачкиот и омаловажувачки пристап на Апасиев кон новинарите)', *Radio MOF*, 20 July 2022, <https://www.radiomof.mk/znm-i-semm-go-osuduvame-stigmatizirachkiot-i-omalovazhuvachki-pristap-na-apasiev-kon-novinarite/>.

138 'AJM Demands an Immediate Reaction to the Death Threat Addressed to Journalist Furkan Saliu (ЗНМ бара итна реакција за смртната закана упатена кон новинарот Фуркан Салиу)', *Radio MOF*, 9 July 2022, <https://www.radiomof.mk/znm-bara-itna-reakcija-za-smrt-nata-zakana-upatena-kon-novinarot-furkan-saliu/>.

139 'AJM: Condemnation for Threats and Insults against Journalist Ilinka Iljoska from Meta (ЗНМ: Осуда за заканите и навредите кон новинарката Илинка Иљоска од Мета)', *Radio MOF*, 16 August 2022, <https://www.radiomof.mk/znm-osuda-za-zakanite-i-navredite-kon-novinkata-ilinka-iljoska-od-meta/>.

140 'KHS: Disciplinary Proceedings against the Employees for the Verbal Attack on the Journalist Iljoska (КХС: Дисциплинска постапка против вработените за вербалниот напад врз новинарката Иљоска)', *Radio MOF*, 18 August 2022, <https://www.radiomof.mk/khs-disciplinska-postapka-protiv-vrabotenite-za-verbalniot-napad-vrz-novinkata-iljoska/>.

## Journalist censorship

The AJM demanded an immediate reaction from the Municipality of Saraj, after a journalist crew of a television outlet was prevented from filming by local residents regarding the lack of drinking water.<sup>141</sup>

Another example of journalist censorship could be seen when police officers from the Negotino police station warned a journalist pursuant to a complaint about her written article to which AJM reacted that the procedure of the Mol to warn journalists because of a published text is inappropriate and unnecessary, as it puts pressure on journalists' freedom of expression.<sup>142</sup>

Another similar incident was reported in the beginning of August, when two journalists were prevented from reporting on labour rights issues in a public enterprise, when the official presenting herself as responsible for public relations, after a previous verbal argument with the journalists, took the phone from one of them and refused to return it.<sup>143</sup> At the same time, three members of the security from the enterprise, against the will of the two journalists, kept them in the premises of the institution and they were released only after the arrival of Mol officers, who came shortly after the incident was reported by one of the journalists.<sup>144</sup>

## Rights of the child

Toward the end of August, two consultative workshops were held within the initiative 'Justice for Children - EU for Juvenile Justice According to the Children', which UNICEF implements with the support of the Delegation of the European Union, Skopje, regarding the necessity of efficient and effective collection and management of data on justice for children, as well as the provision of services for child victims and witnesses under one roof in order to receive adequate protection and treatment.<sup>145</sup>

The State Council for Prevention of Juvenile Delinquency adopted a new National Strategy for Prevention and Justice for Children for the period September 2022 - June 2027. The Strategy was developed with expert support provided by UNICEF and the EU. The National Strategy contains several strategic goals regarding child victims and child witnesses.<sup>146</sup>

141 'AJM: Alsat Journalist Team Prevented from Filming in Saraj (ЗНМ: Новинарска екипа на Алсат спречена да снима во Сарај)', *Radio MOF*, 4 August 2022, <https://www.radiomof.mk/znm-novinarska-ekipa-na-alsat-sprechena-da-snima-vo-saraj/>.

142 'AJM Demands Responsibility for the Policemen Who Harassed Journalist Vicky Klincharova (ЗНМ бара одговорност за полицајците кои ја вознемирувале новинарката Вики Клинчарова)', *Radio MOF*, 12 August 2022, <https://www.radiomof.mk/znm-bara-odgovornost-za-policajcite-koi-ja-voznemiruvale-novinarkata-viki-klincharova/>.

143 "TV Clan TV Crew Attacked in Communal Hygiene Public Enterprise (Нападната екипата на ТВ Клан во Комунална Хигиена)," *24info.Mk*, August 8, 2022, [shorturl.at/acr37](https://shorturl.at/acr37).

144 The AJM condemned the actions of the institution's employees and demanded the Mol to immediately investigate the case and inform the public about this impermissible action towards the journalists and requested the director of the institution to urgently investigate as well, and initiate disciplinary measures within the framework of her legal powers. Subsequently, the public enterprise announced that a disciplinary procedure had been initiated against the employee who caused the incident, stating that the company is open and transparent to all citizens and the media and in the future no improper or inappropriate behavior will be allowed in the company. Lastly, the Agency for Audio and Audiovisual Media Services also reacted to this incident, stating that everyone should behave decently and with dignity, especially when performing their work tasks and that public institutions should be open and transparent and make every effort to provide media representatives with unhindered access to information when reporting on topics that are of public interest.

145 UNICEF MK, "Two Consultative Workshops Were Held within the Initiative "Justice for Children- EU for Juvenile Justice According to the Children", Which UNICEF Implements with the Support of the Delegation of the European Union, Skopje (Во изминатите два дена се одржаа две важни, консултативни работилници во рамките на иницијативата „Правда за деца- ЕУ за малолетничка правда по мерка на децата“ која УНИЦЕФ ја спроведува со поддршка од Делегацијата на Европска унија, Скопје)", 24 August 2022, <https://www.facebook.com/unicef.mk/posts/pfbid02uDWsGo9U4zmsuyh3VwBcWei1zy8XkPNkatDA1TzsoUYBtuxHTnBfYjqR6jAoDLXI>.

146 'Promotion of the National Strategy for Prevention and Justice for Children (2022-2027) (Промоција на Националната стратегија за превенција и правда за децата (2022-2027)', *Official Website of the State Council for Prevention of Juvenile Delinquency*, 15 September 2022, <https://dspdp.com.mk/vesti/promocija-na-nacionalnata-strategija-za-prevencija-i-pravda-za-decata-2022-2027/>.

The Ministry for Labour and Social Policy (MLSP) updated the inter-sectoral protocol for dealing with children on the street in September 2022.<sup>147</sup> The purpose of the protocol is to improve the manner in which children on the street are dealt with, through a unified, multidisciplinary and intersectoral approach in order to provide help, support and protection of children and their inclusion in society for the realisation of the best interests of the child.<sup>148</sup>

## Vulnerable groups and principle of non-discrimination

In the reporting period, the Commission for the Prevention and Protection against Discrimination (CPPD) received 59 complaints and opened one case on its own initiative. During this period, a total of 56 decisions were made, while discrimination were found in 15 of those cases, on the basis of sexual orientation (four cases), gender identity (four cases), personality and social status (four cases) and nationality or ethnicity (three cases).<sup>149</sup>

The 'We Change' coalition announced they would submit requests to the delegation of the EU, UNICEF, OSCE, UN and the diplomatic corps in the country for support and mediation in the realisation of the rights to equality, a dignified life, and for the inclusion of persons with disabilities in the overall public life. The coalition is demanding a 35 percent increase in the disability allowance and that the age limit for benefitting from disability rights be lowered from 26 to 18 years, that a registry of persons with disabilities be created, and that aid for children and visually impaired persons, blood sugar measuring devices and blood pressure measuring devices and thermometers be paid for by the state.<sup>150</sup> The MLSP informed the public that they would address these issues with the amendments and supplements to the Law on Child Protection, an amendment to the Law on Social Protection and the new National Strategy for Persons with Disabilities 2022-2027<sup>151</sup> The Prime Minister confirmed that the Government has made reforms like no other before and has increased budgets in the social sphere. They have introduced programs and activities that provide support to people with disabilities, the elderly, and all those who need greater support from the state.<sup>152</sup>

Toward the end of July, the CPPD and the Cabinet of the President of the Republic of North Macedonia signed a Memorandum of Cooperation with the aim of undertaking coordinated activities to promote protection against discrimination and ensuring the full and equal enjoyment of all human rights and fundamental freedoms for all citizens of the Republic of North Macedonia.<sup>153</sup>

147 'Intersectoral Protocol for Dealing Children on the Street (Меѓусекторски протокол за постапување со деца на улица)' (Ministry of Labour and Social Policy (Министерство за труд и социјална политика), September 2022), <https://mtsp.gov.mk/WBStorage/Files/protokol.doc>.

148 Ibid.

149 Commission for the Prevention and Protection against Discrimination, 'Submission of Public Information (Доставување на информации од јавен карактер)', 20 October 2022.

150 'The State Has Been Lying to People with Disabilities for a Year and Is Not Realising the Rights of People with Disabilities, Say the Coalition "We Change" and They Are Asking for Help from the EU (Државата една година ги лаже и не ги остварува правата на лицата со попреченост, велат од Коалицијата „Менуваме“ и бараат помош од ЕУ)', *Sdk.Mk*, 27 July 2022, <https://sdk.mk/index.php/dopisna-mrezha/drzhavata-edna-godina-gi-lazhe-i-ne-gi-ostvaruva-pravata-na-litsata-so-poprechenost-velat-od-koalitsijata-menuvame-i-baraat-pomosh-od-eu/>.

151 'MLSP: We Are Building a System That Is Fair and Adapted to People with Disabilities (МТСП: Градиме систем кој е праведен и прилагоден на лицата со попреченост)', *Official Website of the Government of the Republic of North Macedonia*, 28 July 2022, <https://vlada.mk/node/29717>.

152 'Kovacevski: We Provide Equal Opportunities for People with Disabilities and at Social Risk, with More Resources, Care and Quality Services (Ковачевски: Обезбедуваме еднакви можности за лицата со попреченост и во социјален ризик, со повеќе средства, грижа и квалитетни услуги)', *Official Website of the Government of the Republic of North Macedonia*, 28 July 2022, <https://vlada.mk/node/29725>.

153 "CPPD and the Cabinet of the President of the Republic of North Macedonia Signed a Memorandum of Cooperation (КСЗД и Кабинетот на претседателот на РС Македонија потпишаа Меморандум за соработка)," *Official Website of the Commission for Prevention and Protection against Discrimination*, July 25, 2022, <https://bit.ly/3DeVeqS>.

The Deputy Prime Minister continued supporting socially vulnerable and marginalised groups, who want to make a positive change through work engagement, by supporting the magazine 'Lice v Lice' ('Face to Face') which engages people from marginalised and vulnerable groups of society. On this occasion, the Deputy Prime Minister stated that the inclusion of marginalised and vulnerable groups in society is a European value that we should share and that it is important to provide support to vulnerable groups, especially for their economic empowerment and that enabling them to lead a dignified life is the duty of the Government.<sup>154</sup>

In the end of August, the CPPD announced they would initiate misdemeanour proceedings against the Ministry of Education and Science (MES) due to established indirect discrimination related to the announcement by the MES of the increase in student and pupil scholarships of up to 80 percent, which would not apply to all students and pupils. i.e. the higher amounts would be received only by those who applied to MES's new calls for scholarship applications, while the rest who exercised the right to a scholarship in previous years would continue to receive the previous lower amounts.<sup>155</sup>

The Basic Civil Court in Skopje established that the Government and the State Election Commission had committed direct discrimination against persons with disabilities in exercising their right to vote by failing to take actions to adapt the infrastructure and space to and in part of the polling stations, and had violated the principle of appropriate adaptation. In this way, the defendants made it impossible for persons with disabilities to exercise their right to vote, and thus hindered the active participation of persons with disabilities in the political life of the state. The court ordered the Government and the State Election Commission, to, until the announcement of the next elections, ensure appropriate conditions within polling stations where this had hitherto not been the case, to allow persons with disabilities to exercise their right to vote. The basic civil court passed this judgment after the Helsinki Committee for Human Rights (HCHR) filed a lawsuit for protection against discrimination in the public interest (*actio popularis*) on February 1, 2021.<sup>156</sup>

The CPPD determined harassment based on disability committed by the director of the Centre for Crisis Management in a statement given on television. Thus, the CPPD recommended that the director issue a public apology to persons with disabilities to which the director acted within the given deadline and submitted a public apology to persons with disabilities.<sup>157</sup>

On the eve of the beginning of the new school year, the HCHR stated that the inclusion of children with disabilities in the educational system is a neglected process, causing enormous damage to children and their parents. Although secondary education is compulsory, this school year also began without educational assistants in high schools. The corresponding legal amendments have not been adopted, nor is it known when they would be adopted and come into force. However, the lack of political will to deal with this problem can be seen in the fact that the MES does not even know the exact number of high

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154 'Vice Prime Minister Maricic Continues to Support Socially Vulnerable Groups (Вицепремиерот Маричиќ продолжува со поддршка на социјално ранливите групи)', *Official Website of the Government of the Republic of North Macedonia*, 29 August 2022, <https://vlada.mk/node/29956>.

155 'CPPD Announced a Misdemeanour Report against the Ministry of Education and Science for Unequal Scholarships (КСЗД најави прекршочна пријава против МОН за неизедначените стипендии)', *Radio MOF*, 30 August 2022, <https://www.radiomof.mk/kszd-na-javi-prekrshochna-prijava-protiv-mon-za-neizednachenite-stipendii/>.

156 "The Government and the State Election Commission Committed Direct Discrimination against Persons with Disabilities When Exercising Their Right to Vote (Владата и Државната изборна комисија сториле директна дискриминација врз лицата со попреченост при остварување на нивното право на глас)," *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, September 1, 2022, <https://bit.ly/3Fkr5co>.

157 "Identified Harassment of Persons with Disabilities by the Director of the Crisis Management Center (Утврдено вознемирување врз лицата со попреченост од страна на директорот на Центарот за управување со кризи)," *Official Website of the Commission for Prevention and Protection against Discrimination*, September 14, 2022, <https://bit.ly/3TGNFQO>.

school students who would need educational assistants. This indicates that the inclusion of children with disabilities, as the most vulnerable group in society, is not among the priorities of the competent institutions.<sup>158</sup>

In mid-September, the publication of 'Council of Europe Standards for the Protection and Prevention of Discrimination on the Basis of Sexual Orientation and Gender Identity' was presented, thus determining that there is progress in this area in our society, but it is fragmented, slow, and sometimes even in danger of going backwards.<sup>159</sup>

The new opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities stated that North Macedonia has achieved significant progress in the legal protection of the rights of persons belonging to national minorities, especially in the field of anti-discrimination and the use of the Albanian language. It added that at the political level, the 'One Society for All' strategy provides a valuable roadmap towards an integrated multi-ethnic society and is in line with the principles of the Framework Convention as it promotes respect for diversity through intercultural dialogue. However, practical implementation of legislation and policies for national minorities should be improved.<sup>160</sup>

## Gender

In the beginning of July, the NGO HERA reported that four new gynaecological offices have been opened in the health centres in four Macedonian towns: Makedonski Brod, Resen, Radovish, and Delchevo. The clinics are the result of the collaboration between HERA and the Centre for Family Medicine with the Support of Public Health, and the new clinics will provide free reproductive health services for women of reproductive age from these regions, especially women with disabilities, Roma women, and women from rural areas.<sup>161</sup>

Gender budgeting directly affects the advancement of gender equality in the country. Although gender budgeting in North Macedonia is defined through the Law on Equal Opportunities, and the strategy for introducing gender budgeting as a national document has existed since 2012, gender budgeting has not yet been regulated in the Law on Budgets. The SAOs Final Report for a Successful Audit Performed 'Effectiveness of the Measures of the Government of the Republic of North Macedonia for Gender Equality and Appropriate Gender Budget Initiatives' showed that the Law on Budgets does not define the terms "gender budget statement/initiative", "gender indicators" and "gender goals", thus making it impossible to perform a gender analysis of budget programs and sub-programs. The Report showed that the measures and activities undertaken by the competent institutions are not sufficient to ensure the effective

158 'The Irresponsibility of the Authorities Undermines the Inclusion of Children with Disabilities (Неодговорноста на надлежните ја минира инклузијата на децата со попреченост)', *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 6 September 2022, <https://mhc.org.mk/news/neodgovornosta-na-nadlezhnite-ja-minira-inkluzijata-na-decata-so-poprechenost/>.

159 'Discrimination Based on Sexual Orientation or Gender Identity Is Incompatible with the Standards of the Council of Europe (Дискриминацијата врз основа на сексуална ориентација или родов идентитет е некомпатибилна со стандардите на Советот на Европа)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 16 September 2022, <https://mhc.org.mk/news/diskriminacijata-vrz-osnova-na-seksualna-orientacija-ili-rodov-identitet-e-nekompatibilna-so-standardite-na-sovetot-na-evropa/>.

160 'N. Macedonia Has Made Significant Progress in the Legal Protection of Minorities (С. Македонија постигна значителен напредок во правната заштита на малцинствата)', *Radio MOF*, 21 September 2022, <https://www.radiomof.mk/s-makedonija-postigna-znachitel-en-napredok-vo-pravnata-zashtita-na-malcinstvata/>.

161 'HERA: Four New Gynecological Offices Opened in Makedonski Brod, Resen, Radovish and Delchevo (ХЕРА: Отворени Четири Нови Гинеколошки Ординации Во Македонски Брод, Ресен, Радовиш и Делчево)', *Radio MOF*, 4 July 2022, <https://www.radiomof.mk/hera-otvoreni-chetiri-novi-ginekoloshki-ordinacii-vo-makedonski-brod-resen-radovish-i-delchevo/>.

establishment of the concept of equal opportunities for women and men in the processes of creating and implementing policies. The same conclusion is made for the processes of monitoring the achievement of the goals of gender-responsive budgeting in all phases of the creation cycle policies: identifying and assessing the problem, budgeting, implementation, monitoring and evaluation and achieving the goals of the Agenda for Sustainable Development 2020 – 2030.<sup>162</sup>

However, a step in the right direction was taken in the end of July, when the Strategy for Gender Equality 2022-2027 was adopted, thus establishing a comprehensive framework for further activities in the direction of promoting gender equality and empowering women. By adopting this Strategy, the Republic of North Macedonia strives to improve the state of gender equality in accordance with international standards, recommendations and obligations, recognising that gender equality is one of the key aspects that impacts upon the prosperity of the entire society. Furthermore, by adopting the amendments to the Draft Law on Budgets, it is plausible to include the gender perspective in the budgets of the state administration bodies, thus budgets would become gender responsive and will respond to the needs of all citizens.<sup>163</sup>

In a panel discussion organised by the Helsinki Committee for Human Rights (HCHR) within the project 'Prevention, support and advocacy for gender-based violence' in mid-July, it was established that during 2021, out of 33 cases of gender-based violence, 26 were victims of family violence, two of sexual violence, three of rape, and two of sexual harassment. According to the HCHR, these cases showed unprofessionalism, contradictions and inconsistencies in the actions of some social work centres, as well as institutional failure to act in cases of violence perpetrated by an ex-partner, failure to act by the PPO following a criminal report for gender-based violence, and failure to act by the MoI following reports of domestic violence.<sup>164</sup>

The National Network Against Violence Against Women and Domestic Violence made a public statement following recent domestic violence events that took place in Gostivar<sup>165</sup><sup>166</sup>, Negotino<sup>167</sup><sup>168</sup> and Strumi-

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162 State Audit Office, 'Final report on the performance audit "Effectiveness of the measures of the Government of the Republic of North Macedonia for gender equality and appropriate gender budget initiatives" (Конечен извештај за извршена ревизија на успешност „Ефективност на мерките на Владата на Република Северна Македонија за родова еднаквост и соодветни родови буџетски иницијативи“)', 1 July 2022, [https://dzt.mk/sites/default/files/2022-07/RU\\_Efektivnost\\_merki\\_Vlada\\_rodova\\_ednakvost\\_0.pdf](https://dzt.mk/sites/default/files/2022-07/RU_Efektivnost_merki_Vlada_rodova_ednakvost_0.pdf).

163 'MLSP: The Strategy for Gender Equality 2022-2027 Adopted (МТСП: Изгласана Стратегијата за родова еднаквост 2022-2027 година)', *Official Website of the Ministry of Labour and Social Policy*, 27 July 2022, [https://www.mtsp.gov.mk/pocetna-ns\\_article-mtsp-izglasana-strategijata-za-rodova-ednakvost-2022-2027-godina.nsp.x](https://www.mtsp.gov.mk/pocetna-ns_article-mtsp-izglasana-strategijata-za-rodova-ednakvost-2022-2027-godina.nsp.x).

164 'Helsinki Committee: Unprofessional Handling of 33 Cases of Gender-Based Violence in 2021 (Хелсиншки: Непрофесионално постапување по 33 случаи на родово-базирано насилство во 2021)', *Radio MOF*, 13 July 2022, <https://www.radiomof.mk/helsinki-helsinki-neprofesionalno-postapuvanje-po-33-sluchai-na-rodovo-bazirano-nasilstvo-vo-2021/>.

165 A woman from Gostivar, aged 27, mother of a young child, faced and suffered domestic violence by her ex-partner for five years despite properly reporting it to competent institutions. There are six active criminal proceedings against the perpetrator, who is also a police officer, but the path to justice for the victim has been unsuccessful, due to the conscious decision of the court to protect the perpetrator, and not the victim and her family, who live under stress and fear for their lives every day. While the Basic Court in Gostivar has delivered light sentences that are inappropriate for the crimes committed, another issue remains that the same judgments are repeatedly overturned by the Gostivar Appellate Court, and thus the perpetrator remains unpunished, contributing to secondary victimisation for those who report domestic violence.

166 'The Gostivar Appellate Court to Urgently Issue a Court Verdict That Will Protect Elena Jovicoska and Convict the Perpetrator of Domestic Violence (Апелациониот суд Гостивар итно да донесе судска пресуда со која ќе ја заштити Елена Јовицоска и ќе го осуди сторителот на семејно насилство.)', *Official Website of The National Network Against Violence Against Women and Domestic Violence*, 5 August 2022, <https://glasprotivnasilstvo.org.mk/apelacioniot-sud-gostivar-itno-da-donese-sudska-presuda-so-koja-ke-ja-zashtiti-elena-jovitsoska-i-ke-go-osudi-storitelot-na-semejno-nasilstvo/>.

167 After a verbal argument, a man living in an extramarital union for several years with a woman from Negotino, committed domestic violence against her, by repeatedly punching her in the head and then pushing her towards the bathroom shower. The victim fell and suffered a serious bodily injury from which she fell into a comatose state, and consequently died.

168 'The Woman Who Was Beaten by the Negotino Man with Whom She Was in an Extramarital Union Has Died, He Will Be Prosecuted for a Serious Crime (Почина жената претепана од неготинецот со кој била во вонбрачна заедница, тој ќе се гони за потешко кривично дело)', 7 August 2022, <https://www.slobodenpecat.mk/pochina-zhenata-pretepana-od-negotinecot-so-koj-bila-vo-vonbrachna-zaednica-toj-kje-se-goni-za-poteshko-krivichno-delo/>.

ca<sup>169170</sup>, which raised the question of how well the state protects women who deal with family and gender-based violence on a daily basis. According to the Network, the entire system for the prevention of violence is entirely ineffective, which seems to seriously question the purpose of the Istanbul Convention and the Law on Prevention and Protection from Violence against Women and Domestic Violence. The femicide of a 46-year-old woman from Negotino adds to the harrowing statistics according to which more than 80% of the victims in the country did not previously report violence to the competent institutions.<sup>171</sup>

In the month of September, new cases of reported domestic violence surfaced, prompting the Gevgelija Basic Public Prosecutor's Office to initiate a procedure for a criminal offense, bodily injury and criminal offense. Non-execution of a court decision for a person harming their former extra marital partner and not adhering to a previous court decision, establishing the prohibition to contact and approach their former partner.<sup>172</sup> Soon after this case, a similar one appeared in Bitola, where acting on a submitted criminal complaint, the Basic Public Prosecutor's Office Bitola initiated a procedure against a person suspected to have endangered the security of his ex-wife, by not adhering to the prohibition to contact and approach their former partner.<sup>173</sup>

On September 20, the draft Law on Gender Equality was published on ENER. The purpose of the law, according to the MLSP is to ensure the realisation of full gender equality in all spheres of public and private life by strengthening the position and status of women in society and providing equal opportunities for the realisation of all rights through the promotion of gender equality.<sup>174</sup>

The CPPD issued an opinion establishing sexual harassment in an episode of a show, through sexual objectification of a girl's appearance, and the show host did not act on the allegations of the petition within the legally stipulated period, thus the CPPD made a recommendation that the specific episode be removed and a public apology be given, as well as refraining from presenting content that produces harassment in the future.<sup>175</sup>

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169 A 35-year-old man from Strumica was arrested for domestic violence after attacking his wife with a sharp object and injuring their young son.

170 'A Man from Strumica Attacked His Wife with a Sharp Object, Also Injured Their young Child (Струмичанец со остар предмет ја нападнал сопругата, го повредил и малолетното дете)', *Faktor.Mk*, 7 August 2022, <https://faktor.mk/strumichanec-ja-napadnal-soprugata-so-ostar-predmet-go-povredil-i-maloletnoto-dete>.

171 'Femicides Are a Product of Society's Silence and Mistrust in Institutions (Фемидите се производ на молкот на општеството и недовербата во институциите)', *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 8 August 2022, [https://mhc.org.mk/news/femicidite-se-proizvod-na-molkot-na-opshstestvoto-i-nedoverbata-vo-instituciite/?fbclid=IwAR2WJ-SU2o\\_OvyioiblmCcZLNstlA36j2SQuoybVTeargG8LCmihWiSgpiQ&fs=e&s=cl](https://mhc.org.mk/news/femicidite-se-proizvod-na-molkot-na-opshstestvoto-i-nedoverbata-vo-instituciite/?fbclid=IwAR2WJ-SU2o_OvyioiblmCcZLNstlA36j2SQuoybVTeargG8LCmihWiSgpiQ&fs=e&s=cl).

172 'Procedure for Bodily Injury during Domestic Violence in Gevgelija (Постапка за телесна повреда при семејно насилство во Гевгелија)', *Pravdiko*, 7 September 2022, <https://www.pravdiko.mk/postapka-za-telesna-povreda-pri-semejno-nasilstvo-vo-gevgelija/>.

173 'BPPO Bitola with a Procedure for Endangering Security in the Case of Domestic Violence (ОЈО Битола со постапка за загрозување на сигурноста при семејно насилство)', *Pravdiko*, 9 September 2022, <https://www.pravdiko.mk/ojo-bitola-so-postapka-za-zagrozuvane-na-sigurnosta-pri-semejno-nasilstvo/>.

174 'Equality and Elimination of Stereotypes – a New Law on Gender Equality Is Being Prepared (Еднаквост и елиминирање на стереотипите – во подготовка нов Закон за родова еднаквост', *Akademik*, 20 September 2022, <https://akademik.mk/ednakvost-i-eliminirane-na-stereotipite-vo-podgotovka-nov-zakon-za-rodova-ednakvost/>.

175 Helsinki Committee for Human Rights of the Republic of Macedonia, 'In June 2022, the Helsinki Committee for Human Rights, on Behalf of a Girl Who Requested Legal Assistance, submitted a Complaint to the Commission for Prevention and Protection from Discrimination against Sergej Varoshlia for Sexual Harassment Based on Sex and Gender in the Field of Public Information and Media. (Хелсиншкиот комитет за човекови права во јуни 2022 година, во име на девојка која побара правна помош, поднесе претставка до Комисија за спречување и заштита од дискриминација против Сергеј Варошлија за сторено сексуално вознемирување врз основа на пол и род во областа на јавно информирање и медиуми)', 22 September 2022, [https://m.facebook.com/story.php?story\\_fbid=pfbid02HcUCu1tfkpaRrQi9G5WbmEaGyWQUhN9L8m6WqmSzAbrxmmNjtzwSyUpFeViqGNbl&id=379156826110](https://m.facebook.com/story.php?story_fbid=pfbid02HcUCu1tfkpaRrQi9G5WbmEaGyWQUhN9L8m6WqmSzAbrxmmNjtzwSyUpFeViqGNbl&id=379156826110).

## Hate speech

Recently, changes were made to the Criminal Code and the act of ‘hatred on the basis of a law or a ratified international agreement’ was added to hate crimes, pursuant to the fight against hate speech being placed among the main segments of the bilateral protocol recently signed by Skopje and Sofia. Hate speech will not fall under the competence of diplomacy, but only the competent institutions will evaluate what is considered hate speech and in such cases, will act according to the law, and this should not be associated only with Bulgaria, as explained by the Minister for Foreign Affairs and the Minister for Justice.<sup>176</sup>

The HCHR expressed its concern that the state celebration of the anniversary of the signing of the Ohrid Agreement organised by the Government of the Republic of North Macedonia, instead of having a unifying character, was another occasion for spreading hatred and inter-ethnic intolerance. The announcement of the presenter in Macedonian language, which was booed by those present, directly contradicts the idea of a multicultural festival and causes hatred between the ethnic communities in the country.<sup>177</sup>

## LGBTI +

In mid-July, a colourful bench in a school yard in Stojakovo, resembling the colours of the rainbow, triggered online hate speech and demands that the bench be immediately repainted in a different colour, after which a person named the “President of the LGBT community from Stojakovo” was accused of painting the bench, thus becoming the target of online hate and calls for beatings. The director of the school confirmed that this person was in no way connected to the ‘problematic’ bench since it was painted as part of a schoolyard renovation that took place in December 2021 and it was by no means intended to provoke the wider public.<sup>178</sup>

Attacks against the president of ‘LGBTI United’ continue, and the National Network Against Homophobia and Transphobia condemned the latest attack and asked competent institutions to urgently confirm the identity and sanction the perpetrator of, as they say, this act of hate.<sup>179</sup> Following repeated acts of violence committed against him, the president of ‘LGBTI United’ held a press conference in front of the Government, calling on institutions to act urgently to identify those responsible for the physical attacks of which he was a victim and if this does not happen, he stated he would camp inside the Government building, as he does not feel safe each time he goes out.<sup>180</sup>

176 ‘Hate Speech Will Be Judged Only in the Most Severe Forms (Говорот на омраза ќе се суди само при најтешките форми)’, *Sloboden Pечат*, 26 July 2022, <https://www.slobodenpecat.mk/govorot-na-omraza-kje-se-sudi-samo-pri-najtешките-formi/>.

177 ‘We Demand Public Condemnation of the Spread of Inter-Ethnic Hatred (Бараме јавна осуда за ширењето меѓуетничка омраза)’, *Official Website of the Helsinki Committee for Human Rights of the Republic of Macedonia*, 17 August 2022, <https://mhc.org.mk/news/barame-javna-osuda-za-shirenjeto-meguetnichka-omraza/>.

178 ‘A Colourful School Bench in Stojakovo Triggered Insults to an LGBTI + Activist (Училишна шарена клупа во Стојаково предизвика навреди кон ЛГБТИ + активист)’, *Radio MOF*, 13 July 2022, <https://www.radiomof.mk/uchilishna-sharena-klupa-vo-stojakovo-predizvika-navredi-kon-lgbti-aktivist/>.

179 ‘Activists Demand Immediate Response to LGBTI United’s Asani Attack (Активистите бараат итна реакција за нападот на Асани од „ЛГБТИ Јунајтед“)’, *Radio MOF*, 10 August 2022, <https://www.radiomof.mk/aktivistite-baraat-itna-reakcija-za-napadot-na-asani-od-lgbti-junajted/>.

180 ‘If the People Who Attacked Me Are Not Punished, I Will Set up a Tent in the Government to Be Safe, Says LGBTI Activist Asani (Ако не се казнат луѓето кои ме нападнаа ќе поставам шатор во Владата за да бидам безбеден, вели ЛГБТИ активистот Асани)’, *Radio MOF*, 12 September 2022, <https://www.radiomof.mk/ako-ne-se-kaznat-lugjeto-koi-me-napadnaa-kje-postavam-shator-vo-vladata-za-da-bidam-bezbeden-veli-lgbti-aktivistot-asani/>.



The second part of Pride Weekend Skopje, was held from September 15 - 17, and the main theme of this year's festival for queer culture, art and theory, whose goal was to create a space for presenting and promoting non-normative forms of worldview, was ecstatic bodies. The theme treats relationships, identity positions, body styles and sensibilities marked by heteronormative, nationalist and neoliberal capitalist contexts as queer, eccentric and failed.<sup>181</sup>

## Roma

The association 'Initiative for Women's Rights from Shuto Orizari' informed that a young girl from the Roma community faced direct, intersectional discrimination based on race, skin colour, national and ethnic affiliation, by being banned from using a swimming pool on certain days. The Shuto Orizari Police Department responded to this by claiming that it is not discrimination. The association, together with the NGO HERA, submitted a petition to the CPPD and to the Ombudsperson.<sup>182</sup>

The CPPD has issued an opinion against an elementary school in Bitola, whereby the authorities have a deadline of six months to implement measures to reduce the segregation of Roma children in the school, which is done through the school's enrolment practices constituting indirect discrimination against Roma children who are segregated on the basis of their ethnicity, which is contrary to the Law on Basic Education. Namely, the parents of non-Roma students were enabled to enrol their children in schools outside of the environment in which they live due to selective application of the law by the school. This meant that the school became de facto ethnically segregated as a large number of non-Roma children were allowed to transfer to schools in other areas, thus prompting the CPPD to recommend school principals in this area to enrol only those children who administratively belong to that school, while the MES was instructed to establish stricter criteria for enrolling children in a school that is outside their region.<sup>183</sup>

The European Roma Rights Centre (ERRC) reported that local authorities in the Municipality of Prilep received an order to provide access to clean water in the two Roma settlements in Prilep, following a petition submitted by ERRC, as well as a decision by the CPPD for direct discrimination based on race, skin colour, ethnicity, social origin and property status in the area of access to goods and services, since these Roma settlements have never been connected to the main water supply, despite the fact that Roma communities have been living there for a long time.<sup>184</sup>

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181 'The Second Part of the Skopje Pride Weekend in Several Locations from September 15 to 17 (Вториот дел од викендот на гордоста Скопје на неколку локации од 15 до 17 септември)', *Radio MOF*, 11 September 2022, <https://www.radiomof.mk/vtoriot-del-od-vikendot-na-gordosta-skopje-na-nekolku-lokacii-od-15-do-17-septemvri/>.

182 'Reported Discrimination – "Did You Know That Roma People Only Have the Right to Swim in the Pool One Day a Week?" (Пријавена дискриминација – „Знаевте ли дека Ромите имаат право само еден ден во неделата да се капат на базен?“)', *Radio MOF*, 4 July 2022, <https://www.radiomof.mk/prijavena-diskriminacija-znaevte-li-deka-romite-imaat-pravo-samo-eden-den-vo-nedelata-da-se-kapat-na-bazen/>.

183 'ERRC: CPPD Ordered the Primary School "Giorgji Sugarev" to Stop the Segregation of Roma Children (ЕЦПР: КСЗД му нареди на основното училиште „Ѓорѓи Сугарев“ да ја прекине сегрегацијата на ромските деца)', *Radio MOF*, 17 August 2022, <https://www.radiomof.mk/ERRC-kszd-mu-naredi-na-osnovnoto-uchilishte-gjorgji-sugarev-da-ja-prekine-segregacijata-na-romskite-deca/>.

184 'Subsequent to Determined Discrimination by CPPD, the Local Government in Prilep Received an Order to Provide Drinking Water for the Roma Settlements (По утврдена дискриминација од КСЗД, локалната власт во Прилеп доби наредба да обезбеди питка вода за ромските населби)', *Radio MOF*, 25 August 2022, <https://www.radiomof.mk/po-utvrdena-diskriminacija-od-kszd-lokalnata-vlast-vo-prilep-dobi-naredba-da-obezbedi-pitka-voda-za-romskite-naselbi/>.



