

# Rule of Law in View of EU Accession

Quarterly brief

April - June 2022



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This brief summarises the key developments in relation to rule of law in view of EU accession in North Macedonia for the period April – June 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 Ministry of Information Society and Administration in cooperation with SIGMA/OECD has started the process of developing the new Strategy for Public Administration Reform for the period from 2023 to 2030;
- » Challenges in the functioning of Constitutional Court continue due to the lack of judges. The court still has only five judges out of the constitutionally envisaged nine. After multiple delays and blockages, on May 13th the Committee on Elections and Appointments (CEA) finally added to its agenda the determination of the proposal for the election of constitutional judges;
- » The submitted amendments to the Law on Labor 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 the Parliament, resulting in 42 judges and 10 prosecutors retiring on July 1, 2022;
- » After a long process, in April 2022 the Academy of Judges and Prosecutors (AJPP) published the ranking list of the eighth generation of trainees for initial training at the AJPP;
- » North Macedonia was ranked 57th out of 180 countries in the 2022 Reporters Without Borders Media Freedom Index, 33 positions higher compared to last year when it was ranked 90th;
- » On April 12th, the initial meeting for the development of the new National Strategy for Persons with Disabilities of North Macedonia was held;
- » North Macedonia remains in the very low 31st place (out of 49) at the annual ILGA-Europe Rainbow Map and Index, owing to the failure to adopt the amendments of the Civil Registry Law, as well as the National Action Plan for the Promotion of the Rights of LGBTI+ People.



## List of Abbreviations

AAVMS	Agency for Audio and Audiovisual Media Services
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
BIRN	Balkan Investigative Reporting Network
BPP	Basic Public Prosecution
BPPOPOCC	Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption
CEA	Committee for Elections and Appointments
CPPD	Commission for Prevention and Protection against Discrimination
CPPRNM	Council of Public Prosecutors of the Republic of North Macedonia
CSO	Civil society organisations
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EC	European Commission
ECtHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
EPI	European Policy Institute
EU	European Union
GDPR	General Data Protection Regulation
GRECO	Group of States against Corruption
HCHR	Helsinki Committee for Human Rights
HPO	High Prosecutor's Office
IDUEP	Institute for Good Governance and Euro-Atlantic Perspectives
JCRNM	Judicial Council of the Republic of North Macedonia
LGBTI	Lesbian, gay, bisexual, trans and intersex communities
MEP	Members of European parliament
MLSP	Ministry of Labour and Social Policy
MOI	Ministry of Internal Affairs
MoJ	Ministry of Justice
MP	Members of Parliament
MYLA	Macedonian Association of Young Lawyers
NGO	Non-governmental organisations
PDPA	Personal Data Protection Agency
PINA	Platform for investigative journalism and analysis
PPO	Public Prosecutor's Office
RM	Republic of Macedonia
RNM	Republic of North Macedonia
SCPC	State Commission for the Prevention of Corruption
SIGMA	Support for Improvement in Governance and Management
SPAR	Strategy for Public Administration Reforms
UN	United Nations



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# Functioning of democratic institutions



# Elections

The largest parliamentary opposition party, VMRO-DPMNE, continued to request early elections. The party requested a leadership meeting between the leaders of the two largest parliamentary parties because of the economic and energy crisis. This request was rejected by the Prime Minister and the leader of the ruling party<sup>1</sup> with the explanation that it is not the right time to hold early parliamentary elections. At the same time, the Prime Minister underlined that the Government plans to hold regular elections as scheduled in 2024, which will take place in the same year as the elections for Presidency.<sup>2</sup>

In order to enrich the discussion about the changes needed in the Electoral Law, a panel discussion<sup>3</sup> was organised by the Liberal Institute,<sup>4</sup> and the general conclusion was that having “one electoral unit instead of six” it is very much needed. Also, at the beginning of June, a debate survey<sup>5</sup> was organised where a large number of citizens (150 from around the country) discussed and queried what kind of electoral system they want and what reforms are needed in the electoral process in the country within the framework of the third National Debate Questionnaire for Democracy organised by the European Policy Institute (EPI).<sup>6</sup> The debate took place over two days, where on the first day the citizens had the opportunity to discuss election models and the election units, as well as about the voting of the diaspora, with political representatives from the parliamentary parties.<sup>7</sup> On the second day, the citizens had the opportunity to discuss electoral lists and voter registration with relevant stakeholders<sup>8</sup> in this area.

In relation to the local elections, there was a risk of disbanding the Municipal Council of the Municipality of Tetovo,<sup>9</sup> which eventually happened when the Government of North Macedonia dismissed the Council of the Municipality. The main reason for this was their failure to adopt the annual account of the municipal budget<sup>10</sup> for 2021. The Municipality reacted by claiming that the dismissal of the Council is illegal because the deadline for the dismissal of the Council had expired, but confirmed that new elections for councillors should be held.<sup>11</sup>

1 ‘There Will Be No Leadership Meeting for Early Parliamentary Elections (Нема да има лидерска средба за предвремени парламентарни избори)’, 8 May 2022, <https://kanal5.com.mk/nema-da-ima-liderska-sredba-za-predvremeni-parlamentarni-izbori/a528975>.

2 “‘There Will Be Elections in 2024,’ Kovacevski Says („Избори ќе има во 2024 година“, вели Ковачевски)’, *TV 21*, 6 May 2022, <https://mk.tv21.tv/izbori-ke-ima-vo-2024-godina-veli-kovachevski/>.

3 ‘One Electoral Unit – the Need for Radical Reform of the Electoral System (Една изборна единица – потреба од коренита реформа на изборниот систем)’, *Telma TV*, 2 June 2022, [https://telma.com.mk/2022/06/02/edna-izborna-edinica-potreba-od-korenita-reforma-na-izborniot-sistem/?fbclid=IwAR1gl3SS64fuv\\_T4mkI54cYX2LFZisu9QRb8yqlqcvrN03-blN4noy49NIM](https://telma.com.mk/2022/06/02/edna-izborna-edinica-potreba-od-korenita-reforma-na-izborniot-sistem/?fbclid=IwAR1gl3SS64fuv_T4mkI54cYX2LFZisu9QRb8yqlqcvrN03-blN4noy49NIM).

4 Liberal Institute- Skopje, ‘One Constituency Instead of the Current Six – a More Appropriate Representation of the Citizen’s Voice (Една изборна единица наместо сегашните шест – посоодветно претставување на граѓанскиот глас)’, <https://www.facebook.com/liberalinstitutemk/videos/1736530570040094>.

5 European Policy Institute-Skopje, ‘Citizens Discuss and Ask: The Electoral System and Reforms in the Electoral Process in North Macedonia (Граѓаните дискутираат и прашуваат: Изборниот систем и реформите во изборниот процес во Северна Македонија)’, 31 May 2022, <https://epi.org.mk/post/20948>.

6 ‘EPI Successfully Conducted the Third National Deliberative Poll, 150 Citizens Discussed and Asked Questions about Electoral Reforms’, *Official Website of the European Policy Institute-Skopje*, 9 June 2022, <https://epi.org.mk/post/21388?lang=en>.

7 Pavle Trajanov, Arta Biljali-Zendeli, Dragan Kovachki, Viktorija Avramovska-Madikj, as well as the representative of the civil sector Sefer Selimi.

8 Renata Deskoska, Sasho Klekovski, Halil Snopche, Fadil Zendeli and Gordan Georgiev.

9 ‘Portalb: Tetovo Municipality Council before Dissolution, It Is Unclear If There Will Be New Elections (Порталб: Советот на општина Тетово пред распуштање, нејасно е дали ќе има нови избори)’, *Meta.Mk*, 29 April 2022, <https://meta.mk/portalb-sovetot-na-opshtina-tetovo-pred-raspushtanje-nejasno-e-dali-kje-ima-novi-izbori/>.

10 The Law on Financing the LSGUs stipulates the adoption of the annual account for the budget of the previous year until March 31 in the current year: <https://finance.gov.mk/wp-content/uploads/2009/02/Zakon-za-finansiranje-na-edinicite-na-lokalna-samouprava-Precisten-tekst.pdf>

11 ‘The Government Dissolved the Tetovo Municipality Council (Владата го распусти Советот на општина Тетово)’, *Alsat M*, 14 June 2022, <https://alsat.mk/mk/najnova-vest-vladata-go-raspushti-sovetot-na-opshtina-tetovo/>.

# Parliament

In May, the largest opposition party in the National Assembly announced and initiated an “active blockade of the Assembly”.<sup>12</sup> The party announced that they will block all harmful proposals and solutions in the Assembly, but that they will participate in discussions that are essential for the citizens, such as the rebalancing of the budget.<sup>13</sup> The party explained that they had chosen such an approach because the Government refused to accept early parliamentary elections, and because of the economic and energy crises that had struck the country. The ruling party stated that such requests are essentially blackmail and that they would not succumb to this, and that “the absence of the VMRO-DPMNE deputies from the Assembly costs the country around 55,000 euros per month”.<sup>14</sup>

In addition to the active blockade, the opposition requested<sup>15</sup> and submitted<sup>16</sup> an interpellation for the President of the Assembly, Talat Xhaferi. The interpellation was submitted because the opposition believes that the Speaker of the Assembly has performed poorly and below expectations, and has been connected to numerous scandals. The interpellation, however, was not supported by the majority (61 votes were cast against the proposal; 43 voted for).<sup>17</sup>

# Governance

As part of the fight against corruption, the vice-Prime Minister asked the Government to “require all budget users to improve transparency of public procurements and publish all related data on their web sites”.<sup>18</sup> This means that all budget users must ensure that all state institutions (at the local and central level), within 30 days, create a special section (tab) on their web-sites titled public procurement, where they will publish the following documents: annual public procurement plan; public procurement calls and tenders; notices of awarded contracts; the text of contracts concluded, and notices about completed contracts.

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12 ‘From May 10, VMRO-DPMNE Announces an Active Blockade of the Parliament, Protests, Blockades... (Од 10 мај ВМРО-ДПМНЕ најавува активна блокада на Собранието, протести, блокади...)', *Mkd.Mk*, 4 May 2022, <https://www.mkd.mk/makedonija/politika/od-10-maj-vmro-dpmne-najavuva-aktivna-blokata-na-sobranieto-protesti-blokadi>.

13 ‘VMRO-DPMNE Will Block the Parliament, but Not the Debate on Rebalancing the Budget (ВМРО-ДПМНЕ ќе го блокира Собранието, но не и расправата за ребаланс на буџетот)', *Deutsche Welle*, 9 May 2022, <https://bit.ly/3PvH0a>.

14 ‘SDSM: MPs of VMRO-DPMNE Cost the Citizens 55,000 Euros per Month, to Return the Money Back (СДСМ: Пратениците на ВМРО-ДПМНЕ граѓаните ги чинат 55.000 евра месечно, да ги вратат парите назад)', *Makfax News Agency*, 13 May 2022, [shorturl.at/gqtYZ](https://shorturl.at/gqtYZ).

15 ‘The Opposition Demands an Interpellation- Xhaferi Defends That He Locked the MPs to Count Them (Опозицијата бара интерпелација - Џафери се брани дека ги заклучил пратениците за да ги преброи)', *Deutsche Welle*, 26 May 2022, <https://bit.ly/3uQxTZo>.

16 ‘VMRO-DPMNE Submitted an Interpellation for Talat Xhaferi and Asked for Support from SDSM (ВМРО-ДПМНЕ поднесе интерпелација за Талат Џафери и побара поддршка од СДСМ)', *Deutsche Welle*, 30 May 2022, <https://bit.ly/3PghaXB>.

17 ‘Talat Xhaferi’s Interpellation – 61 “against”, 43 “for” (Интерпелација на Талат Џафери – 61 „против“, 43 „за“), *360 Stepeni*, 1 July 2022, <https://360stepeni.mk/interpelatsija-na-talat-dhaferi-61-protiv-43-za/>.

18 ‘Grkovska: Institutions Are Obligated to Publish Public Procurements on Their Websites, the Public Must Have Easily Accessible Information on How Budget Funds Are Spent (Грковска: Институциите се должни да ги објавуваат јавните набавки на своите веб страници, јавноста мора да има лесно достапни информации како се трошат буџетските средства)', *Official Website of the Government of the Republic of North Macedonia*, 20 April 2022, <https://vlada.mk/node/28486>.

In connection to corruption, the Prosecutor in charge of the Basic Public Prosecution Office for Prosecution of Organised Crime and Corruption gave a worrying statement in relation to corruption, saying that “there is a lot of corruption in the country” and that “laws are not respected and public offices are often abused”.<sup>19</sup>

The crisis in the operation of the Constitutional Court continued. In April the Court for the first time held a session without passing a decision or resolution and representatives of the court stated that “they would like to raise the alarm about the seriousness of the situation because due to the lack of constitutional judges, the court has not been able to adopt decisions for several months”.<sup>20</sup>

However, in May, to overcome this situation, the members of the Assembly Commission for Elections and Appointments proposed nine candidates<sup>21</sup> for judges at the Constitutional Court.<sup>22</sup> This session on the appointment of members of the Constitutional Court took place a whole year after the court started to operate with a reduced number of judges.<sup>23</sup> Currently, the Constitutional Court operates with four members out of the required nine.

In April, it was agreed to strengthen the external cooperation and extend the partnership with the United States of America through the so called “Strategic Dialogue”.<sup>24</sup> With this, Republic of North Macedonia became the first country from the Western Balkans to open a Strategic Dialogue with the United States of America, which also represents an upgrade of the existing strategic partnership between the two countries and it raises bilateral relations to a higher level. In June, the first meeting of the strategic dialogue process was held between the United States of America and the Republic of North Macedonia.<sup>25</sup> Under this strategic dialogue, discussions will focus on topics in the area of regional cooperation, defence and security, energy, economic cooperation, trade and investment, cultural cooperation, as well as issues in the area of education, democratic development, and the fight against corruption.<sup>26</sup>

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19 ‘There Is a Lot of Corruption in the Country, Says Ruskovska (Во државана има многу корупција, вели Русковска)’, *Fokus*, 11 April 2022, <https://fokus.mk/vo-drzhavava-ima-mnogu-korupsija-veli-ruskovska/>.

20 ‘Announcement of the Court after the 12th Session (Соопштение на Судот по одржаната XII-та седница)’, *Official Website of the Constitutional Court of the Republic of North Macedonia*, 13 April 2022, <http://ustavensud.mk/?p=22032>.

21 The ruling parliamentary majority proposed the General Public Prosecutor Ljubomir Joveski, the civil judge in the Appellate Court in Skopje Fatmir Skender, and Tanja Vasikj Bozadziewa who works in the Ministry of Justice as a state advisor on civil legislation. The opposition proposed university professor Savo Klimovski and Rodna Zhivkovska, the retired judge Branko Sekulovski, the prosecutor Todor Vitlarov, the judge from the Administrative Court Vesna Jovanovska and Vojislav Dimovski, public prosecutor from the Basic Public Prosecution Office in Ohrid.

22 ‘Details of Session 13 (Детали на седница 13)’, *Official Website of The Assembly of The Republic of North Macedonia*, 13 May 2022, <https://www.sobranie.mk/detali-na-komisiska-sednica.nspx?sittingId=cf5a7019-688c-42d7-ad76-65be95f5d917>.

23 ‘The Government Proposed Three Lawyers, Including Ljubomir Joveski, as Members of the Constitutional Court, the Opposition Six, Including Savo Klimovski (Власта предложи тројца правници, меѓу кои и Љубомир Јовески, за членови на Уставниот суд, опозицијата шест, меѓу кои и Саво Климовски)’, *MakPress.Mk*, 14 May 2022, <https://makpress.mk/Home/PostDetails?PostId=481688>.

24 ‘Osmani - Donfrid Meeting: Strategic Dialogue between North Macedonia and the USA on June 2 (Средба Османи - Донфрид: Стратешки Дијалог меѓу Северна Македонија и САД на 2 јуни)’, *Official Website of the Ministry of Foreign Affairs of the Republic of North Macedonia*, 29 April 2022, <https://www.mfa.gov.mk/mk/page/13/post/2941/sredba-osmani-donfrid-strateshki-dijalog-megju-severna-makedonija-i-sad-na-2-juni>.

25 ‘Joint Statement of North Macedonia and the USA on the Start of the Strategic Dialogue: We Are Strongly Focused on Deepening Bilateral Partnership (Заедничка изјава на Северна Македонија и САД за почетокот на Стратешкиот дијалог: Силно сме фокусирани на продлабочување на билатерално партнерство)’, *Official Website of the Government of the Republic of North Macedonia*, 3 June 2022, <https://vlada.mk/node/29056>.

26 ‘Joint Statement on the Strategic Dialogue North Macedonia - USA (Заедничко соопштение за Стратешкиот дијалог Северна Македонија – САД)’, *Official Website of the Ministry of Foreign Affairs of the Republic of North Macedonia*, 3 June 2022, <https://www.mfa.gov.mk/mk/page/4/post/2994/zaednichko-soopshenie-za-strateshkiot-dijalog-severna-makedonija-%E2%80%93sad->.

## Civil Society

Civil organisations have kept their opinion that the Government's decision to remove financial support for civil organisations from the annual state budget is unacceptable. At the sixth (thematic) session of the Council for Cooperation between the Government and Civil Society,<sup>27</sup> conclusions were made through which the members of the Council shared their decision **to boycott the work of the Council until the funds are secured in the Budget** of the Government of the Republic of North Macedonia for the implementation of the Proposed Program for Financing the Program Activities of Associations and Foundations for 2022.

## Public Administration Reform

In May, the Ministry of Information Society and Administration in cooperation with SIGMA/OECD started the process of developing the new Strategy for Public Administration Reform 2023-2030 (SRPA 2023-2030).<sup>28</sup> It is important to highlight that there is a broad consultative process even in the earliest phase of the process for developing this important national strategic document, considering that in April the Ministry of Information Society and Administration sent an invitation to all CSOs to become involved in the thematic working groups for the preparation of SPAR 2023- 2030<sup>29</sup>. Just like the previous Strategy, the new one will cover four areas and four goals: developing policies and coordination; public service and management of human resources; responsibility, accountability and transparency; and service provision and ICT support for the administration. The Strategy is planned to be completed by the end of this year.

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27 Government of the Republic of North Macedonia, 'Draft Minutes of the Sixth (Thematic) Session of the Council for Cooperation between the Government and Civil Society Society, Held on April 6, 2022 (Нацрт- записник од шестата (тематска) седница на Советот за соработка меѓу Владата и граѓанското општество, одржана на 06.04.2022 година)', [https://www.nvosorabotka.gov.mk/sites/default/files/\\_Nacrt-Zapisnik\\_6\\_sednica\\_Sovet%20%284%29.pdf](https://www.nvosorabotka.gov.mk/sites/default/files/_Nacrt-Zapisnik_6_sednica_Sovet%20%284%29.pdf).

28 'Workshop for the Preparation of a New Strategy for the 2023-2030 PAR (Работилница за подготовка на нова Стратегија за РЈА 2023-2030)', *Official Website of The Ministry of Information Society and Administration*, 13 May 2022, <https://www.mioa.gov.mk/?q=mk/node/4023>.

29 Call for participation in thematic working groups for the preparation of the new RJA Strategy (2023-2030) (Повик за учество во тематски работни групи за подготовка на новата Стратегијата за РЈА (2023-2030)) *Official Website of The Ministry of Information Society and Administration*, 08 April 2022, <https://www.mioa.gov.mk/?q=mk/node/3971>

# Chapter 23

The concerns remain the same as they did last year regarding the efficacy and independence of the judiciary and fight against the corruption according to the “Freedom House” assessment (2/4).<sup>30</sup>

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30 Freedom House, “Freedom in the World 2022 - North Macedonia” (2022) < <https://freedomhouse.org/country/north-macedonia/freedom-world/2022>>.



# Functioning of the Judiciary

## Strategic documents

### Key developments

Since the announcement for the preparation of a new Judicial Strategy 2023-2027 in February 2022,<sup>31</sup> there has been no significant development in regards to its preparation or at least there has been no additional publically available data. The Ministry of Justice (MoJ) in June 2022 submitted a request for the nomination of a representative from the Blueprint Group for Judicial Reform in order to participate in the strategy preparation process.<sup>32</sup>

## Management bodies

### Key developments

The Judicial Council of the Republic of North Macedonia (JCRNM) and the Council of Public Prosecutors of the Republic of North Macedonia (CPPRNM) regularly publish announcements on their respective websites.

## Independence and impartiality

### Key developments

At the 48<sup>th</sup> session, the Government determined the package of four laws for higher salaries in the justice and prosecution system.<sup>33</sup> Specifically, the amendments to the Law on Salaries of Public Prosecutors adjust the coefficient for determining the salary of public prosecutors and the total commitments to improve the material and financial resources in the justice system, including the salaries and other compensations of public prosecutors. Moreover, the amendments and additions to the Law on Amendments to the Law on Judicial Service and the Law on Public Prosecutor's Service were determined. The purpose of the proposed changes is to achieve equality for employees in the private and public sectors, the judicial and public prosecutor's service as part of them, through the establishment of the same amount of the legal minimum wage and gradual harmonisation of the salaries of the judicial and public prosecutor's officials at all levels. With these changes, the long-term goal is to ensure the continuity of salary changes in relation to the minimum wage at the national level. At the same time, within the framework of the harmonisation of the laws with the Law on Minimum Wage in the Republic of North Macedonia, the salaries of employees in the judicial and public prosecutor's services are being increased by 15%. Finally, at the government session, the amendments to the Law on Salaries of the Members of the Council of Public Prosecutors were also determined.<sup>34</sup>

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

32 In this regard, the Blueprint Group for Judicial Reform has nominated two representatives.

'Letter from the Ministry of Justice to the Blueprint Group for Judicial Reform on the Nomination of a Representative (Допис од Министерството за правда до Блупринт групата за реформи во правосудството за номинација на претставник)', 22 June 2022.

33 '48<sup>th</sup> Government Session (48-ма седница на Владата)', *Official Website of the Government of the Republic of North Macedonia*, 25 May 2022, <https://vlada.mk/2022-48>.

34 In the proposed legal text, the coefficients for determining the salary of the members of the Council are changed in order to upgrade the salary system of the members of the Council of Public Prosecutors, appropriate to the importance and reputation of the office they perform, the weight of the work and their responsibility.

## Accountability

### Key developments

In this reported quarter, the JCRNM did not elect a single judge or court president, and it dismissed three judges.<sup>35</sup>

The mandate of nine jurors in the Court of Appeals in Skopje expired in April last year, but this was determined by the JCRNM only on March 29<sup>th</sup>, 2022.<sup>36</sup> According to the investigation published by the Balkan Investigative Reporting Network (BIRN) Macedonia, some of the indicated jurors continued with their work this year as well, making decisions and passing verdicts.<sup>37</sup> The Skopje Court of Appeals ignored the fact that the mandate of the jurors had expired a year earlier and pointed out that until the expiration of the mandate the sessions were held with the participation of active lay-judges. The JCRNM did not see an issue with this since the proposal for termination of office had arrived on March 28<sup>th</sup>, and they put that proposal as an item on the agenda of the March 29<sup>th</sup> session.<sup>38</sup> Additionally, the JCRNM formed a three-member working group<sup>39</sup> which conducted an on-site inspection and only issued a report giving instructions to the courts to comply with the law.<sup>40</sup> However, the question remains why the extension of the mandate of the jurors was not requested and why the JCRNM did not take that into account.

In May 2022, a lawyer filed a criminal complaint with the Basic Public Prosecutor's Office (BPPO) Skopje against a head of a department in the MoJ for negligent work.<sup>41</sup> It is a case between a lawyer versus the head of department on the misuse of free legal aid for a private case which ended up with a decision for removal of the lawyer from the registry for free legal aid.<sup>42</sup> The case was also reported to the State Commission for the Prevention of Corruption (SCPC).<sup>43</sup>

35 The Judicial Council of the Republic of North Macedonia (Судски совет на Република Северна Македонија), 'Submission of Public Information (Доставување на информации од јавен карактер)', 17 July 2022.

36 'Announcement from the 398<sup>th</sup> Session of the Judicial Council of the Republic of North Macedonia - March 29<sup>th</sup>, 2022 (Соопштение од 398-та седница на Судскиот совет на РСМ - 29.03.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, [shorturl.at/txyCH](https://shorturl.at/txyCH).

37 'They Have Been Administering Justice for a Year with an Expired Mandate - Dozens of Verdicts on the Skopje Appellate Court Questioned, BIRN Has Found (Со истечен мандат година дена делеле правда- десетина пресуди на Скопска апелација доведени во прашање, дознава БИРН)', *Official Website of Council of Balkan Investigative Reporting Network (BIRN) Macedonia*, 5 April 2022, <https://prizma.mk/so-istechen-mandat-godina-dena-delele-pravda/>.

38 Ibid.

39 Ibid.

40 'How the Control Year of the Judicial Council Was Missed (Како контролата на Судскиот совет ја утна годината)', *Official Website of Council of Balkan Investigative Reporting Network (BIRN) Macedonia*, 9 June 2022, <https://prizma.mk/kako-kontrolata-na-sudskiot-sovet-ja-utna-godinata/>.

41 'A Lawyer Filed a Criminal Complaint against a Head of a Department in the Ministry of Justice Who Asked Her for a Favour, She Also Reported Her to the Anti-Corruption Agency (Адвокатка поднесе кривична пријава против раководителка во Министерството за правда што ѝ барала услуга, ја пријавила и во Антикорупциска)', *Sakam Da Kazam*, 5 May 2022, <https://sdk.mk/index.php/macedonija/advokatka-podnese-krivichna-prijava-protiv-rakovoditelka-vo-ministerstvoto-za-pravda-shto-barala-usluga-ja-prijavila-i-vo-antikoruptionska/>.

42 Specifically, it is a case in which a lawyer claims that the head of the Free Legal Aid Unit asked her for free legal services for a private court case, which she refused. Because of that, the lawyer claims that she was compensated with just 20 percent of the costs she incurred representing a poor client in another proceeding before the court for two years, despite the legally stipulated compensation. Also, she received an email from the head of the department in which she is threatened that even this 20 percent will not be paid to her if she dares to sue the ministry for the money that is not paid to her. After the appeal was submitted to the Administrative Court for the reimbursement of the court costs and justice obtained before the court, she turned to the Minister of Justice and asked for her costs. In response, she received a decision for her removal from the Register of Lawyers for free legal aid.

43 'A Lawyer Filed a Criminal Complaint against a Head of a Department in the Ministry of Justice Who Asked Her for a Favour, She Also Reported Her to the Anti-Corruption Agency (Адвокатка поднесе кривична пријава против раководителка во Министерството за правда што ѝ барала услуга, ја пријавила и во Антикорупциска)'.

The Helsinki Committee for Human Rights (HCHR) reacted to a violation of the principle of publicity of the proceedings in the Basic Court of Kumanovo, for which additionally the HCHR submitted a petition to the President of the Court.<sup>44</sup> In response to the petition, the court cited technical problems such as the inclusion of an air conditioner in the courtroom, which did not mitigate the severe weather conditions.<sup>45</sup>

## Professionalism and competence

### Key developments

The call for election of judges to the Supreme Court, the Court of Appeals Skopje, the Court of Appeals Gostivar, the Basic Court Stip, and the Basic Criminal Court Skopje was announced on August 6<sup>th</sup>, 2021, but the selection has been pending since. The main reason for delaying the election, emphasised by the President of the JCRNM is the desire to apply for the first time the methodology for evaluating the work of a judge based on qualitative criteria and the form for evaluating and scoring the fulfillment of qualitative criteria by judges.<sup>46</sup>

After a long process, in April 2022 the Academy of Judges and Prosecutors (AJPP) published the ranking list of the eighth generation of trainees for initial training at the AJPP.<sup>47</sup> The admission took place on May 11<sup>th</sup>, 2022.<sup>48</sup> This generation has 97 candidates and is the largest group since 2006.

The Ministry of Labour and Social Policy (MLSP) submitted amendments to the Law on Labour Relations in the Parliament.<sup>49</sup> The amendments to the law refer to the termination of the employment contract, providing an exception for judges and public prosecutors and extension of their mandate.<sup>50</sup> The proposed amendments sent to the Parliament under an urgent procedure and with a European flag, caused violent incidents between the MPs, mainly by the MPs from the VMRO-DPMNE and DUI.<sup>51</sup> The last session was interrupted, which caused a major problem due to a lack of personnel in the courts and prosecutors' offices.<sup>52</sup> As of July 1<sup>st</sup> 2022, 42 judges and 10 prosecutors are retiring.<sup>53</sup>

44 It is a judicial process that the Committee follows at the request of the defendant. Although the court was duly informed about the judicial monitoring, as well as about the person who will conduct it, the preparatory hearing was held only in the presence of the proxies, without a decision to exclude the public, nor an explanation of the reasons and basis for excluding the public and the party. In addition, before the completion of the preparatory hearing, the judge asked the defendant's attorney that representatives from the Helsinki Committee not come to court monitoring until the final completion of the procedure. 'Judicial Absurdities: The Remote Device That Shut the Public out of the Courtroom (Судски апсурди: Далечинскиот уред што ја исклучи јавноста од судница)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 15 June 2022, <https://mhc.org.mk/news/sudski-apsurdi-dalechinskiot-ured-shto-ja-iskluchi-javnosta-od-sudnica/>.

45 Ibid.

46 'The Methodology for Evaluating the Work of a Judge Based on the Fulfilment of the Qualitative Criteria for the Judicial Work (Методологијата за оценување на работата на судија врз основа на исполнетост на квалитативните критериуми за судиското работење)' (Judicial Council of the Republic of North Macedonia, 18 December 2020), [shorturl.at/ceiqM](https://shorturl.at/ceiqM).

47 'Publication of the Ranking List of Trainees in the VIII Generation of Students in the Initial Training at the Academy for Judges and Public Prosecutors (Објавување на ранг листа на слушатели во VIII-та генерација слушатели на почетна обука во Академијата за судии и јавни Обвинители)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 15 April 2022, <https://jpacademy.gov.mk/announcements/objavuvane-na-rang-lista-na-slushateli-vo-viii-ta-generacija-slushateli-na-pochetna-obuka-vo-akademijata-za-sudii-i-javni-obviniteli/>.

48 'Admission of the Eighth Generation of Trainees in the Initial Training at the Academy for Judges and Public Prosecutors Marked (Одбележан приемот на осмата генерација слушатели во почетната обука во Академијата за судии и јавни обвинители)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 11 May 2022, <https://jpacademy.gov.mk/odbelezhan-prie-mot-na-osmata-generacija-slushateli-vo-pochetnata-obuka-vo-akademijata-za-sudii-i-javni-obviniteli/>.

49 'Amendments to the Law on Labour Relations to Extend the Working Life of Judges and Prosecutors until the Recruitment of New Staff (Измени на Законот за работни односи за продолжување на работниот век на судиите и обвинителите до регрутација на нови кадри)', *Akademik*, 22 June 2022, <https://akademik.mk/izmeni-na-zro-za-prodolzhuvane-na-rabotniot-vek-na-sudiite-i-obvinitelite-do-regrutatsija-na-novi-kadri/>.

50 Ibid.

51 'Steam in the Parliament - Requests for Resignations and Responsibility after the Incident in the Legislature (Врие во Собранието - Барања за оставки и одговорност по инцидентот во законодавниот дом)', *Deutsche Welle*, 28 June 2022, [shorturl.at/afpzH](https://shorturl.at/afpzH).

52 'The Parliamentary Session to Continue the Work Engagement of Judges and Prosecutors Interrupted (Прекината собраниската седница за продолжување на работниот ангажман на судии и обвинители)', *MIA - Media Information Agency*, 29 June 2022, [shorturl.at/bcfr2](https://shorturl.at/bcfr2).

53 '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, [shorturl.at/hoy39](https://shorturl.at/hoy39).

## Quality of justice

In April, a public debate on the Draft Law on Child Justice was held at the Ministry of Justice (MoJ).<sup>54</sup> The MoJ also held an expert debate on the Draft Law on Pardon.<sup>55</sup> Additionally, as part of the legislative agenda related to the criminal law reform, the Minister of Justice pointed out in May that despite the amendments to the existing Criminal Code, a process of complete revision of the Criminal Code has also begun.<sup>56</sup> The draft law will incorporate all the latest international standards in the fields of terrorism, environmental crime, financial fraud, illicit production and trade in weapons and special attention will be given to redefining the penal policy in sentencing.<sup>57</sup> The process of preparing the new law on management of confiscated property, property benefit and seized objects in criminal and misdemeanor proceedings has also begun.<sup>58</sup>

The Academy for Judges and Public Prosecutors (AJPP) signed a memorandum of cooperation with the Training and Study Centre for the Judiciary (SSR) of the Kingdom of the Netherlands. This memorandum envisages the implementation of activities that will strengthen the institutional capacity of the AJPP in order to ensure higher quality in the implementation of training for judges and public prosecutors, but also for trainees in the initial training of the Academy.<sup>59</sup>

A memorandum of cooperation was also signed between the Judicial Council of the Republic of North Macedonia (JCRNM) and the Agency for Protection of the Right to Free Access to Public Information (ASPI). This is for the purpose of increasing the active transparency of the courts with the aim of ensuring consistent implementation of the provisions of the Law on Free Access to Information of a Public Nature and the realisation of the right of citizens to free access to information. ASPI will monitor the websites of the courts in relation to compliance with Article 10 of the law and then an analysis will be prepared.<sup>60</sup>

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54 'A Public Debate on the Draft Law on Child Justice Was Held at the Premises of the Ministry of Justice (Во просториите на Министерството за правда се одржа јавна расправа за Предлог законот за правда на децата)', *The Official Facebook Page of the Minister of Justice, Nikola Tupancheski*, 11 April 2022, [https://www.facebook.com/permalink.php?story\\_fbid=129885842956150&id=100078042045641](https://www.facebook.com/permalink.php?story_fbid=129885842956150&id=100078042045641).

55 The draft law was published in ENER on April 27. If the law is adopted, the President of the State will not be able to pardon persons before there is a court process for them, i.e. he/she will be able to pardon only after the verdict has become final. 'The Text of the Draft Law on Pardon Has Been Published, Which Stipulates Stricter Criteria for Pardon (Објавен текстот на Предлог-законот за помилување, кој предвидува построги критериуми за помилувањето)', *Akademik.Mk*, 27 April 2022, <https://akademik.mk/objaven-tekstot-na-predlog-zakonot-za-pomiluvane-koj-predviduva-postrogi-kriteriumi-za-pomiluvaneto/>.

56 'A Draft Version of the New Criminal Code Is Expected to Be Adopted by the End of the Year (Подготвена нацрт верзија за нов Кривичен законик, се очекува да биде донесен до крајот на годината)', *Sitel TV*, 4 May 2022, <https://sitel.com.mk/podgotvena-na-crt-verzija-za-nov-krivichen-zakonik-se-ochekuva-da-bide-donesen-do-krajot-na-godinata>.

57 'The Procedure for Preparation of the Draft Criminal Code Has Started (Постапката за подготовка на предлог на Кривичниот законик е започната)', *Akademik*, 4 May 2022, <https://akademik.mk/postapkata-za-podgotovka-na-predlog-na-krivichniot-zakonik-e-zapochnata/>.

58 'A New Law Is Being Prepared for the Management of Confiscated Property, Property Benefit and Confiscated Objects in Criminal and Misdemeanor Proceedings (Се подготвува нов Закон за управување со конфискуван имот, имотна корист и одземени предмети во кривична и прекршочна постапка)', *Official Facebook Page of the Minister of Justice, Nikola Tupancheski*, 19 May 2022, [https://www.facebook.com/permalink.php?story\\_fbid=141053301839404&id=100078042045641](https://www.facebook.com/permalink.php?story_fbid=141053301839404&id=100078042045641).

59 'Memorandum for Cooperation Signed between the Academy for Judges and Public Prosecutors and the 'Training and Study Centre for the Judiciary (SSR) of the Kingdom of the Netherlands', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"*, 10 May 2022, <https://jpacademy.gov.mk/potpishan-memorandum-za-sorabotka-pomegu-akademijata-za-sudii-i-javni-obviniteli-i-czentarot-za-obuka-i-pravosudni-studiissr-na-kralstvoto-holandija/>.

60 'A Memorandum Was Signed to Increase the Transparency of the Courts (Потпишан меморандум за зголемување на транспарентноста на судовите)', *Akademik*, 18 May 2022, <https://akademik.mk/potpishan-memorandum-za-zgolemuwane-na-transparentnosta-na-sudovite/>.

## Efficiency

### Key developments

The Constitutional Court was alerted about the seriousness of the situation due to the lack of adequate staff in the court. The court currently functions with five of the nine constitutionally envisaged judges.<sup>61</sup> The twelfth session of the Constitutional Court for 2022 is the first session at which no decision was made from the items on the agenda.<sup>62</sup> Due to incomplete composition the decision-making process has been in question for several months. Therefore, the President of the Constitutional Court announced that due to the lack of a quorum for holding sessions, no decisions have been made for more than 30 cases<sup>63</sup> and that until its fulfillment, no important cases will be considered.<sup>64</sup> The election of new constitutional judges has been stuck in the Parliament for months. After multiple delays and blockages, on May 13<sup>th</sup> the Committee on Elections and Appointments (CEA) finally added to its agenda the determination of the proposal for the election of constitutional judges.<sup>65</sup> For four seats in the Constitutional Court, nine candidates were proposed by the MPs in the Parliament.<sup>66</sup> Members of CEA have so far considered two proposals.<sup>67</sup> While waiting for the parliamentary majority to complete the Constitutional Court, the HCHR submitted an initiative to the MoJ to enact a law for the election of constitutional judges, whose competences and method of election are regulated only by the Constitution and the Rules of Procedure, which date back to 1992.<sup>68</sup>

On the occasion of 100 days of the Government, the MoJ emphasised that the system for free legal aid for citizens is being successfully implemented.<sup>69</sup> That is, that the number of requests for secondary legal

61 It has been incomplete for more than a year since the mandate of two judges expired in May last year, and in January this year the mandate expired for one judge more. 'The Constitutional Court, with Its Hands Tied, Did Not Make a Single Decision for the First Time (Уставниот суд со "врзани раце", за првпат не донесе ниту една одлука)', *Fokus*, 13 April 2022, <https://fokus.mk/ustavniot-sud-so-vr-zani-ratse-za-prv-pat-ne-donese-nitu-edna-odluka/>.

62 Ibid.

63 'Announcement after the Working Meeting of the President of the Court Dobrila Kacarska with the President Stevo Pendarovski, the Prime Minister Dimitar Kovacevski and the President of the Parliament Talat Xhaferi (Соопштение по одржаниот работен состанок на претседателката на судот Добрила Кацарска со претседателот на државата Стево Пендаровски, претседателот на Владата Димитар Ковачевски и претседателот на Собранието Талат Џафери)', *Official Website of the Constitutional Court of North Macedonia*, 30 May 2022, <http://ustavensud.mk/?p=22303>.

64 Important cases such as the Decree for the Proclamation of the Prespa Agreement and the Law on Languages (for which the presence of all nine judges are required), the Law on Social Protection, the Law on Public Prosecution, et cetera, will not be considered. 'Kacarska: The Situation in the Constitutional Court Is Serious, until the Number of Judges Is Filled, Important Cases Will Not Be Considered (Кацарска: Состојбата во уставен е сериозна, додека не се пополни бројот на судии нема да се разгледуваат важни предмети)', *360 Stepeni*, 30 May 2022, <https://360stepeni.mk/katsarska-sostojbata-vo-ustaven-e-seriozna-dodeka-ne-se-popolni-brojot-na-sudii-nema-da-se-razgleduvaat-vazhni-predmeti/>.

65 'It Has Been in Incomplete Composition for One Year: The Proposal of New Judges Is on the Agenda of the Parliamentary Committee Today (Уставен една година е во нецелосен состав: предлагањето нови судии денеска е на дневен ред во Собраниската комисија)', *360 Stepeni*, <https://360stepeni.mk/ustaven-edna-godina-e-vo-netselosen-sostav-predlaganeto-na-novi-sudii-deneska-e-na-dneven-red-vo-sobraniskata-komisija/>.

66 The Government proposed the Republic Public Prosecutor Ljubomir Joveski, Supreme Judge Fatmir Skender and State Counselor in the Ministry of Justice Tatjana Vasic Bozadjieva as constitutional judges. The opposition party VMRO DPMNE proposed university professors Savo Klimovski and Rodna Zivkovska, public prosecutors Todor Vitlarov and Vojislav Dimovski, Administrative Court judge Vesna Jovanovska and the former president of the Gostivar court Branko Sekulovski as constitutional judges. 'Proposals for New Constitutional Judges (Предлози за нови уставни судии)', *TV 24*, 13 May 2022, <https://24.mk/details/predlozi-za-novi-ustavni-sudii>.

67 For the time being, the ruling majority's proposal for Fatmir Skender, current judge in the Skopje Court of Appeal, to be elected as a constitutional judge has been established. The proposal of the opposition party VMRO-DPMNE, on the other hand, that Rodna Zivkovska be elected as a constitutional judge was rejected. 'Interrupted Committee Discussion on Determining Proposals for Constitutional Judges (Прекинатата комисијска расправа за утврдување предлози за уставни судии)', *MIA - Media Information Agency*, 24 June 2022, [shorturl.at/kns08](https://shorturl.at/kns08).

68 'A Former Deputy and a Lawyer Are Preparing to Become Constitutional Judges (Поранешна пратеничка и адвокат се спремаат за уставни судии)', *360 Stepeni*, 4 June 2022, <https://360stepeni.mk/poraneshna-pratenichka-i-advokat-se-spremaat-za-ustavni-sudii/>.

69 'Ministry of Justice: Digitization of Courts, Fast and Simple Access of Citizens to Obtain Documents, Providing Optimal Conditions for Performing Judicial and Public Prosecutorial Functions (Министерство за правда: Дигитализација на судови, брз и едноставен пристап на граѓаните за добивање документи, обезбедување оптимални услови за вршење на судската и јавно обвинителската функција)', *Official Website of the Government of the Republic of North Macedonia*, 28 April 2022, [https://vlada.mk/node/28563?fbclid=IwAR33kA1LfrEMkUxmhiU\\_UcWQ8mf5sufXgnXno6dkg88JFhmefhU--WGjoo](https://vlada.mk/node/28563?fbclid=IwAR33kA1LfrEMkUxmhiU_UcWQ8mf5sufXgnXno6dkg88JFhmefhU--WGjoo).

aid in 2021 increased by 53.7% compared to 2020, and primary legal aid increased by 20%.<sup>70</sup> On the same occasion, it was emphasised that the reconstruction of the building of the Administrative Court is in its final stage.<sup>71</sup>

The new Law on Civil Procedure<sup>72</sup> is still in the first phase of reading in the Parliament.<sup>73</sup>

Regarding the efficiency of criminal proceedings of the high profile cases of corruption, the verdict of the “Reket” case was also repeated from the third-instance court<sup>74</sup> and first-instance verdicts were passed for the “Toplik”<sup>75</sup> and Talir 2”<sup>76</sup> cases. Specifically, the Supreme Court confirmed the prison sentence for the first defendants in the “Reket” case, where a former special public prosecutor was sentenced to seven years and a TV personality was sentenced to nine years.<sup>77</sup> Moreover, the former Minister of Transport and Communications, as the first defendant in the “Toplik” case, was found guilty by the Basic Criminal Court of Skopje and was sentenced to three-and-a-half years in prison.<sup>78</sup> Furthermore, the president of the Commission for Public Bidding, was sentenced to three years in prison, while the other accused members of the Commission, received suspended prison sentences of two years.<sup>79</sup> Finally, the Basic Criminal Court Skopje found former Prime Minister and former Secretary General of the Government guilty of abuse of office and authority in the “Talir 2” case.<sup>80</sup>

The former president of the Supreme Court was found guilty and sentenced to one year-and-six months in prison for abuse of office and authority. His sentence has since been reduced to conditional sentence if he does not commit a new crime in the next four years.<sup>81</sup>

70 Ministry of Justice, ‘Annual Report on the Implementation of the Law on Free Legal Aid 2021 (Годишниот извештај за примената на Законот за бесплатна правна помош 2021 година)’, 31 December 2021, [shorturl.at/ms056](https://shorturl.at/ms056).

71 With the adoption of the new Law on Administrative Disputes, the Administrative Court has several obligations given the fact that is on the same level as other courts with the introduction of the public hearing, but there were no appropriate spatial conditions for their application. This is because despite the Government’s decision of September 25, 2018, with which the building on “Dame Gruev” Street no. 28 has been approved for permanent use by the Administrative Court, the premises were still used by the services of the Ministry of Transport and Communications. ‘100 Days Government: Funds Have Been Provided for the Reconstruction of Penitentiary Institutions. The Reconstruction of the Building of the Administrative Court Is in the Final Phase (100 дена Влада: Обезбедени се финансиски средства за реконструкција на казнено-поправните установи. Во завршна фаза е реконструкцијата на зградата на Управен суд)’, *Official Website of The Ministry of Justice*, 30 April 2022, <https://www.pravda.gov.mk/vest/6348>.

72 ‘Draft Law on Civil Procedure (Предлог закон за парнична постапка)’, *Electronic National Register of Regulations of the Republic of North Macedonia-ENER*, 21 September 2020, [https://ener.gov.mk/default.aspx?item=pub\\_regulation&subitem=view\\_reg&itemid=lyTQYj5ArL03xuzv1prbQ==](https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg&itemid=lyTQYj5ArL03xuzv1prbQ==).

73 ‘The New Law on Civil Procedure - a Reform That Is Still in the Parliamentary Procedure (Новиот Закон за парничната постапка – Реформа која сè уште е во собраниска процедура)’, *Akademik*, 3 May 2022, <https://akademik.mk/noviot-zakon-za-parnichnata-postapka-reforma-koja-se-ushte-e-vo-sobraniska-protsedura/>.

74 ‘The Supreme Court Confirmed the Prison Sentences of Katica Janeva and Bojan Jovanovski for “Reket” (Врховен им ги потврди затворските казни на Катица Јанева и Бојан Јовановски за „Рекет“), *A1 On*, 1 June 2022, <https://a1on.mk/macedonia/i-vrhoven-im-gi-potvr-di-zatvorskite-kazni-na-katica-janeva-i-bojan-jovanovski-za-reket/>.

75 ‘“Toplik”: Mile Janakieski Sentenced to Three and a Half Years in Prison („Топлик“: Миле Јанаклески осуден на три и пол години затвор)’, *Akademik*, 5 April 2022, <https://akademik.mk/sudenje/toplik-mile-janakieski-osuden-na-tri-i-pol-godini-zatvor/>.

76 ‘6 Years in Prison for Gruevski for the Construction of the Headquarters of VMRO-DPMNE, Suspended Sentence for Bozinovski (6 години затвор за Груевски за изградбата на седиштето на ВМРО-ДПМНЕ, условна за Божиновски)’, *Mkd.Mk*, 8 June 2022, <https://www.mkd.mk/makedonija/sudstvo/presuda-za-talir-2>.

77 ‘The Supreme Court Confirmed the Prison Sentences of Katica Janeva and Bojan Jovanovski for “Reket” (Врховен им ги потврди затворските казни на Катица Јанева и Бојан Јовановски за „Рекет“).

78 ‘“Toplik”: Mile Janakieski Sentenced to Three and a Half Years in Prison („Топлик“: Миле Јанаклески осуден на три и пол години затвор)’.  
79 Ibid.

80 ‘6 Years in Prison for Gruevski for the Construction of the Headquarters of VMRO-DPMNE, Suspended Sentence for Bozinovski (6 години затвор за Груевски за изградбата на седиштето на ВМРО-ДПМНЕ, условна за Божиновски)’.  
81 ‘Jovo Vangelovski Was Convicted of Abuse of Official Position and Authority (Јово Вангеловски е осуден за злоупотреба на службената положба и овластување)’, *MIA - Media Information Agency*, 4 June 2022, [shorturl.at/EMTV3](https://shorturl.at/EMTV3).

# Fight against corruption

## Institutional framework

### State Commission for Prevention of Corruption

In this quarterly period, the SCPC started a total of 294 cases due to suspicions of corrupt behaviour, abuse of public office, conflict of interest and recording and monitoring the assets and interests. Of these, 211 cases were initiated after applications submitted by citizens, and 83 cases upon the SCPCs own initiative. In the area of corruption and abuse of public office, 166 cases were initiated, of which 166 were based on citizens' reports and four upon the SCPCs own initiative. Moreover, 59 cases in the field of conflict of interest were started, of which 47 were based on citizens' reports and 17 upon the SCPCs own initiative. The SCPC has also initiated 69 cases in the field of recording and monitoring assets and interests, of which seven were initiated from reports by the citizens and 62 upon the SCPCs own initiative.<sup>82</sup>

In April, the SCPC published its Annual Report on the implementation of the National Strategy for Prevention of Corruption and Conflict of Interest for 2021, concluding that only 20% of all activities planned for 2021 have been fully implemented, 27% are in the process of implementation, and 53% have not been implemented at all, while the largest implementation of activities is in the justice sector (78%), followed by the media and civil society sector (67%), the horizontal area of public procurement (33%), and the education sector (22%).<sup>83</sup>

The SCPS submitted an initiative for a criminal complaint to the Public Prosecutor's Office against two former general secretaries of the Government, for abuse of official duties by concluding copyright agreements with outsiders for payment of remuneration for which a budget designed to last for five years was heavily overspent in the period between 2019 and the beginning of 2022.<sup>84</sup>

## Governing bodies

In mid-April, an Albanian TV station published a video showing a shift manager at the Blace border crossing taking bribes from Albanian citizens crossing the border<sup>85</sup> The Ministry of Internal Affairs (MoI) announced that disciplinary proceedings will be initiated, and that the police chief/shift manager along with another police officer will have criminal charges brought against them.<sup>86</sup>

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82 State Commission for Prevention of Corruption, 'Submission of Public Information (Доставување на информации од јавен карактер)', 18 July 2022.

83 State Commission for Prevention of Corruption, 'Annual Report on the Implementation of the National Strategy for Prevention of Corruption and Conflict of Interests Planned for Implementation in 2021 (Годишен извештај за спроведување на Националната стратегија за спречување на корупцијата и судирот на интереси предвидени за реализација во 2021 година)', 11 April 2022, <https://dksk.mk/wp-content/uploads/2022/03/Godisen-izvestaj-za-sproveduvanje-na-NS-vo-2021.pdf>.

84 'Anticorruption Has Submitted an Initiative to the Public Prosecutor's Office for the Criminal Prosecution of Zeqiri and Rashkovski (Антикорупциска поднесе иницијатива до ОЈО за кривично гонење на Зеќири и Рашковски)', *360 Stepeni*, 1 June 2022, <https://360stepeni.mk/antikoruptionsiska-podnese-initsijativa-do-ojo-za-krivichno-gonene-na-zekiri-i-rashkovski/>.

85 'Chief of the Blace Border Crossing Filmed Receiving a Bribe - Internal Control Checks (Началник од граничниот премин „Блаце“ снимен како прима поткуп - Внатрешна контрола проверува)', *Site1 TV*, 13 April 2022, [shorturl.at/ACS68](https://shorturl.at/ACS68).

86 'The Two Police Officers from the Blace Border Crossing Received Criminal Charges for Accepting Bribes and Were Suspended (Двајцата полицајци од граничниот премин „Блаце“ добија кривични пријави за примање мито и суспензија)', 13 April 2022, <https://360stepeni.mk/dvajtsata-politsajtsi-od-granichniot-premin-blatsedobija-krivichni-prijavi-za-primane-mito-i-suspenszija/>.

## The Public Prosecutor's Office

### Key developments

In relation to the “Palermo” affair which caused reactions from the public, in a statement to a media outlet, the Minister of Justice admitted he only paid for accommodation and that he did not pay for the ticket or the charter flight nor the entrance to the stadium in Palermo for the North Macedonia versus Italy football match.<sup>87</sup> The Public Prosecutor's Office (PPO) stated that until there is an official letter from the Government, it will not work on the case because so far no suspicion of a criminal offense has been expressed, but more a violation of the ethical codes of the government, judges, and prosecutors.<sup>88</sup> The SCPC also stated that they will not file a case for the time being, but they will closely follow the case.<sup>89</sup> According to the above mentioned, the Deputy Prime Minister for Policies and Good Governance based on the information and data provided by the Minister of Justice sent a written warning to the Minister of Justice for violating Articles 12 and 17 of the Code of Ethics for Members of the Government,<sup>90</sup> i.e. for a conflict between the public and private interest and receiving a gift – against the code.<sup>91</sup> In addition, the JCRNM, which examined whether the code of ethics<sup>92</sup> was violated by the president of the Basic Court of Kavadarci, determined that there was no conflict of interest.<sup>93</sup>

The PPO withdrew part of the accusation of abuse of official position and powers for the former Minister of Transport and Communications in the “TNT” case, which refers to the illegal demolition of the “Cosmos” facility in Gazi Baba in 2011.<sup>94</sup> The PPO pointed out that the evidence presented so far does not show that the accused committed the crime, which refers to the abuse of the tender for the demolition of the building.<sup>95</sup> In the first instance verdict, the accused was sentenced to three years in prison.<sup>96</sup>

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87 ‘Tupanceski Admitted That He Did Not Pay for the Charter Flight and Tickets for the VIP Tribune (Тупанчески призна дека не го платил чартер-летот и картите за ВИП трибината)’, *A1 On*, 5 April 2022, <https://a1on.mk/macedonia/video-tupancheski-za-a1on-prizna-de-ka-ne-go-platil-charter-letot-nitu-kartite-za-vip-tribinata-a-za-smestuvanjeto-uplatil-po-natprevarot/>.

88 ‘The Prosecution Is Waiting for the Anti-Corruption Commission for the “Palermo” Case (Обвинителството ја чека Антикоруписка комисија за случајот „Палермо“)', *24 Vesti*, 2 April 2022, <https://24.mk/details/obvinitelstvoto-ja-cheka-antikorupciska-komisija-za-sluchajot-palermo>.

89 Ibid.

90 ‘Code of Ethical Conduct for Members of the Government and Holders of Public Offices Appointed by the Government (Кодекс за етичко однесување за членовите на Владата и носителите на јавни функции именувани од страна на Владата)’ (Government of the Republic of North Macedonia, 22 September 2020), [https://vlada.mk/sites/default/files/dokumenti/kodeks\\_za\\_etichko\\_odnesuvanje\\_na\\_chlenovite\\_na\\_vladata\\_i\\_nositelite\\_na\\_javni\\_funkcii\\_imenuvani\\_od\\_strana\\_na\\_vladata\\_prechisten\\_tekst.pdf](https://vlada.mk/sites/default/files/dokumenti/kodeks_za_etichko_odnesuvanje_na_chlenovite_na_vladata_i_nositelite_na_javni_funkcii_imenuvani_od_strana_na_vladata_prechisten_tekst.pdf).

91 ‘A Written Warning for Minister Tupancheski, Who Violated the Government Code of Ethics (Писмена опомена за министерот Тупанчески, го прекршил владиниот етички кодекс)', *24 Vesti*, 6 April 2022, <https://24.mk/details/pismena-opomena-za-ministerot-tupanchevski-go-prekrshil-vladiniot-etichki-kodeks>.

92 ‘Code of Ethics for Judges and Court Jurors (Кодекс За Етика На Судиите и Судските Поротници)’ (Supreme Court of the Republic of North Macedonia, September 2019), [shorturl.at/IKPR5](https://shorturl.at/IKPR5).

93 ‘Tupanceski Admitted That He Did Not Pay for the Charter Flight and Tickets for the VIP Tribune (Тупанчески призна дека не го платил чартер-летот и картите за ВИП трибината)’.

94 ‘TNT: The Prosecutor Asked for Prison Sentences for Gruevski and the Other Defendants, for Janakieski He Withdrew Part of the Charge (ТНТ: Обвинителот побара казни затвор за Груевски и другите обвинети, за Јанакиевски повлече дел од обвинението)', *360 Stepeni*, 27 April 2022, <https://360stepeni.mk/tnt-obvinitelot-pobara-kazni-zatvor-za-gruevski-i-drugite-obvineti-za-janakieski-povleche-del-od-obviniето/>.

95 Ibid.

96 The remaining charges against the former Prime Minister Nikola Gruevski as the first defendant, the former Mayor of Gazi Baba, Toni Trajkovski, Elizabeta Najdovska, then employed as a construction inspector in the municipality, as well as three officials from the municipality of Gazi Baba remained. For this, the first defendant from the Skopje Criminal Court received nine years in prison, and the rest of the named defendants received four years in prison. Nine Years in Prison for Gruevski and Three for Janakieski in the TNT Case (Девет години затвор за Груевски и три за Јанакиевски, пусудени во случајот ТНТ)', *Nova Makedonija*, 20 May 2022, <https://www.novamakedonija.com.mk/featured/devet-godini-zatvor-za-gruevski-za-tnt/>.

The Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption (BPPPOPOCC) issued an order to conduct an investigative procedure against a government official for abuse of official position and authorisation to the detriment of the budget of North Macedonia. The investigative procedure is ongoing.<sup>97</sup>

Acting on the criminal report of the Mol, the BPPPOPOCC also issued an order for the implementation of an investigative procedure against two Macedonian and Belgian citizens for child trafficking.<sup>98</sup> According to the above, the Basic Criminal Court Skopje decided to keep the three suspects in prison for 30 days.<sup>99</sup>

In another incident, the BPPPO from Struga is prosecuting three doctors for serious crimes against human health, after a scandal that involved medical assistance to a woman in labour from Debar whose uterus, kidney and ovary were removed without her knowledge or consent.<sup>100</sup>

## Fundamental rights

### Case law of the European Court for Human Rights

#### Key developments

During this quarterly period, the ECtHR decided there was one violation<sup>101</sup> of Article 10 - the right to freedom of expression and two violations<sup>102103</sup> of Article 6 § 1 of the ECHR – the right to a fair hearing in cases against North Macedonia.

At the beginning of May, the Bureau Representing North Macedonia Before the ECtHR published its Annual Report on its work in 2021<sup>104</sup>, as well as the Annual Report on the work of the Interdepartmental Commission for the execution of ECtHR decisions for 2021.<sup>105</sup>

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97 'Zeqiri Remains in Detention – the Court of Appeal Rejected the Appeal (Зеќири останува во притвор – Апелација ја одби жалбата)', *360 Stepeni*, 31 May 2022, <https://360stepeni.mk/zekiri-ostanuva-vo-pritvor-apelatsija-ja-odbi-zhalbata/>.

98 Namely, during the second half of 2021, the suspected Belgian citizen, with the intention of using sexual services from a child, came into contact with a Macedonian citizen who connected him with the other two suspects, parents of six under-age children. In order to gain material benefit and leave for Belgium, they agreed for monetary compensation, to enable the first suspect to use the thirteen-year old daughter for sexual services, and then to marry her.

99 'Issued Order for an Investigation against Three Persons for the Crime of Child Trafficking (Донесена наредба за истрага против три лица за кривично дело „трговија со дете“)', *TV 21*, 17 May 2022, <https://mk.tv21.tv/donesena-naredba-za-istraga-protiv-tri-lit-sa-za-krivichno-delo-trgovija-so-dete/>.

100 'The Three Doctors from Struga Who Removed an Ovary, Uterus and One Kidney from a Woman in Labour Have Been Charged (Обвинети тројцата лекари од Струга кои на родилка и остраниле јайник, матка и еден бубрег)', *A1 On*, 7 May 2020, <https://a1on.mk/macedonia/obvineti-trojcata-lekari-od-struga-koi-na-rodilka-i-otstranile-jajnik-matka-i-eden-bubreg/>.

101 ECtHR, 'Case of Kostova and Apostolov v. North Macedonia (Случај Костова и Апостолов против Северна Македонија (А.бр. 38549/16))', 5 April 2022, [shorturl.at/jLZ18](https://shorturl.at/jLZ18).

102 ECtHR, 'Case of Kostovski v. North Macedonia (Случај Костовски против Северна Македонија (А.бр.23773/17))', 7 June 2022, [shorturl.at/efgJL](https://shorturl.at/efgJL).

103 ECtHR, 'Case of Talevska and Trpcheska v. North Macedonia (Случај Талеvsка и Трпческа против Северна Македонија (А.бр. 11828/16))', 28 June 2022, [shorturl.at/dKSY7](https://shorturl.at/dKSY7).

104 'Annual Report on the Work of the Bureau for Representation of the RNM before the ECtHR for 2021 (Годишен извештај за работата на Бирото за застапување на РСМ пред ЕСЧП за 2021 г.)', 5 May 2022, [shorturl.at/eNS79](https://shorturl.at/eNS79).

105 'Annual Report on the Work of the Interdepartmental Commission for the Execution of ECtHR Decisions for 2021 (Годишен извештај за работата на Меѓуресорската комисија за извршување на одлуките на ЕСЧП за 2021)', 5 May 2022, [shorturl.at/nOQSX](https://shorturl.at/nOQSX).

## The Ombudsperson

### Key developments

After a story was published by media portals on the different treatment of boys and girls serving sentences at correctional facilities, the Ombudsman conducted a special visit to the correctional facility at Idrizovo and issued a conclusion with statements and recommendation to the facility's administration for the enactment of sanctions. The two visits to the facility were conducted in August 2021 and March 2022, during which he found that the under-aged girls were not sent to a separate correctional facility, but rather to a separate room in the Idrizovo prison, thus not being truly separated from the adult inmates. Additionally, it was determined that the girls did not receive proper health care or education and did not engage in any physical and sports activities. Hence, it was suggested that the girls be sent to the correctional facility Volkovija, where boys serve the same sentence, but they would be adequately separated according to the law and they would have access to proper facilities according to established standards.<sup>106</sup>

The Ombudsman reviewed the state of the prisons in North Macedonia and concluded that prisoners in almost all prisons are victims of inhumane and degrading treatment.<sup>107</sup>

## Torture or other cruel, inhuman or degrading treatment or punishment

### Key developments

A video recording showing police brutality against a member of a football supporter's group spread on social media, thus displaying that excessive force continues to be a common police practice. The video recording shows police officers using excessive force on the person lying on the ground, without actively resisting them, thus it is evident that the officers' actions were neither proportionate nor lawful.<sup>108</sup>

## Prison and detention facilities

### Key developments

In April 2022, on the occasion of 100 days of the Government, it was emphasised that financial resources were provided for capital investments in penitentiary and correctional institutions for 2022 for approximately 250,000 euros and that the plan for prevention of corruption in the national prison system is being implemented.<sup>109</sup>

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106 'For the Same Measure, the Boys Go in a Correctional Facility, the Girls Go in Prison (За иста мерка, момчињата во воспитно-поправен дом, девојчињата во Затвор)', *24 Vesti*, 2 April 2022, <https://24.mk/details/za-ista-merka-momchinjata-vo-voospitno-popraven-dom-devojchinjata-vo-zatvor>.

107 'Ombudsperson: Prisoners Sleep among Cockroaches and Other Bugs (Народниот правобранител: Затворениците спијат меѓу бубашваби и лебарки)', *Pravdiko*, 24 June 2022, <https://www.pravdiko.mk/makedonijanarodniot-pravobranitel-zatvorenitsite-spijat-megu-bubashvabi-i-lebarki/>.

108 'Urgently Investigate and Sanction Police Brutality against a Sports Fan (Итно да се истражи и санкционира полициската бруталност врз навивач)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 1 April 2022, <https://mhc.org.mk/news/itno-da-se-istrzhi-i-sankcionira-policiskata-brutalnost-vrz-navivach/>.

109 'Ministry of Justice: Financial Resources Have Been Provided for the Reconstruction of the Penitentiary Institutions, the Reconstruction of the Administrative Court Building Is in the Final Stage. (Министерство за правда: Обезбедени се финансиски средства за реконструкција на казнено-поправните установи, во завршна фаза е реконструкцијата на зградата на Управен суд)', *Official Website of the Government of the Republic of North Macedonia*, 30 April 2022, <https://vlada.mk/node/28626>.

The children undergoing educational measures in the Tetovo correctional facility, as well as in the women's department at the Idrizovo prison, have not been attending classes since September 2021.<sup>110</sup> The HCHR and the Macedonian Association of Young Lawyers (MYLA) appealed to the state to urgently and immediately take all measures needed so that the educational process in correctional facilities can continue to be implemented as soon as possible.<sup>111</sup>

On May 16<sup>th</sup>, the Minister of Justice held a meeting with representatives from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and informed them of the activities undertaken following the initial recommendations on the condition of the penitentiary institutions, and they agreed that intensive measures would be undertaken.<sup>112</sup>

On May 18<sup>th</sup>, the Minister of Justice held a meeting with representatives from the Independent Trade Unions of the Prison Police and Administration and of the Court Administration, where he was informed about their requests for improvement of the conditions during performance of work obligations and duties and it was agreed that in the coming period, working groups will be formed that will determine weaknesses and would propose measures to improve the working conditions of the prison guards, the administration, and the court administration.<sup>113</sup>

In mid-June, there was a coordinated action of several institutions in Idrizovo prison, where 25 cells were searched and about 50 mobile phones, computer accessories, 37 knives and many other sharp objects, drugs in powder, liquid state, and tablets and other objects were found and the Minister of Justice stated that no one will be spared responsibility for these findings.<sup>114</sup> Following this action, the HCHR and the MYLA released a joint statement as organisations that continuously and directly monitor the situations in prison facilities, pointing out that what was shown in the media as a spectacular seizure of knives, drugs and mobile phones in the prison, is actually a common situation, stretching back decades and they will continue to monitor the actions of the institutions in connection with the search in Idrizovo prison.<sup>115</sup> Towards the end of June, another coordinated action by several state institutions was carried out in the Stip prison, uncovering 11

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110 Although according to the Law on Sanctions Execution, the Ministry of Education and Science has a legal obligation to organise, plan and finance education in penitentiaries and correctional facilities, this process was carried out with the financial support of UNDP until September of last year. After the completion of the project, the children in these institutions were left without education.

111 'The Lack of an Educational Process in Correctional Institutions Will Leave Lasting and Harmful Consequences on the Wards (Недостигот на образовен процес во воспитно-поправните установи ќе остави трајни и штетни последици врз штитениците)', *Akademik.Mk*, 26 April 2022, <https://akademik.mk/nedostigot-na-obrazoven-protses-vo-vospitno-popravnite-ustanovi-ke-ostavi-trajni-i-shtetni-posleditsi-vrz-shtitenitsite/>.

112 Ministry of Justice, 'Visit of the Committee for the Prevention of Torture (Посета на Комитетот за превенција од тортура)', 16 May 2022, <https://pravda.gov.mk/vest/6358>.

113 'At Today's Meeting with the Representatives of the Independent Trade Unions of the Prison Police and Administration and of the Court Administration, I Was Informed about the Requests of These Persons for the Improvement of the Conditions in the Performance of Work Obligations and Duties. (На денешната средба со претставниците на независните синдикати на затворска полиција и администрација и на судска администрација бев информиран за барањата на овие лица за подобрување на условите при извршувањето работните обврски и должности.)', *Official Facebook Page of the Minister of Justice, Nikola Tupancheski*, 18 May 2022, [https://www.facebook.com/permalink.php?story\\_fbid=140682398543161&id=100078042045641](https://www.facebook.com/permalink.php?story_fbid=140682398543161&id=100078042045641).

114 'Tupanchevski: No One Will Be Spared Responsibility after the Search in CF "Idrizovo" (Тупанчевски: Никој нема да биде поштеден од одговорност по претресот во КПУ „Идризово“)', *TV 21*, 15 June 2022, <https://mk.tv21.tv/tupanchevski-nikoj-nema-da-bide-poshteden-od-odgovornost-po-pretresot-vo-kpu-idrizovo/?fbclid=IwAR01efTOJP7tUe1kOJGqVEAbP6gcW-lcgR0x-r3wPYsUUnsl-dZeZ-p89ik&nowprocket=1>.

115 'Will Someone Finally Be Held Accountable for the Failings in Prisons? (Дали конечно некој ќе сноси одговорност за пропустите во затворите?)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 18 June 2022, <https://mhc.org.mk/news/dali-konechno-nekoj-ke-snosi-odgovornost-za-propustite-vo-zatvorite/>.

mobile phones, five knives, five screwdrivers, some money and bags with psychotropic substances and illegal substances.<sup>116</sup>

The Ombudsman found that the situation in almost all prisons in the country is more than worrisome and below all minimum standards.<sup>117</sup>

## Personal data protection

### Key developments

In April 2022, the Personal Data Protection Agency (PDPA) published its Annual Report (2021) and additionally, during the last year, the amendments to the law on personal data protection had been adopted.<sup>118</sup>

In the reporting period, PDPA implemented 59 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 consultation (guidelines) on a draft law, in order for the state authorities and state bodies to more easily implement the values for personal data protection according to the rules provided in the Law on Personal Data Protection; five indications to state government bodies and state bodies regarding regulations and other legal instruments published in the Official Gazette; one indications related to the manner of destruction of documents containing personal data; four opinions regarding draft laws, by-laws and other materials in the field of personal data protection, one initiative for law amending and supplementing and one approval for personal data processing according to Article 84 of the Law on Personal Data Protection.<sup>119</sup>

PDPA in the reporting period conducted a total of 45 inspections, of which 31 were regular and 14 unannounced. In addition, it conducted 12 electronic regular supervisions.<sup>120</sup>

Out of 97 complaints submitted to the PDPA in the reporting period, the most are from individuals that refer to social networks (83), 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 14 complaints are regarding exercising the rights of the subjects of personal data, processing personal data through video surveillance systems, etc.<sup>121</sup>

PDPA signed a memorandum of cooperation with the State Electoral Commission, the Ministry of Health and the Macedonian Banking Association.<sup>122</sup>

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116 Ministry of Justice, 'Announcement: Mobile Phones, Cold Weapons, Money, Psychotropic Substances and Illicit Substances Were Found in a Coordinated Operation in the Prison in Shtip (Соопштение: Во координирана акција во затворот во Штип пронајдени се мобилни телефони, ладно оружје, пари, психотропни супстанции и недозволен материји)', 28 June 2022, <https://pravda.gov.mk/vest/6377>.

117 'Ombudsperson: Prisoners Sleep among Cockroaches and Other Bugs (Народниот правобранител: Затворениците спијат меѓу бубашваби и лебарки)'.

118 Personal Data Protection Agency of the Republic of North Macedonia (Агенција за заштита на личните податоци на Република Северна Македонија), 'Annual Report 2021', 1 April 2022, [https://dzlp.mk/sites/default/files/u4/2021-azlp-godisen\\_izvestaj\\_za\\_2021\\_-\\_pdf.pdf](https://dzlp.mk/sites/default/files/u4/2021-azlp-godisen_izvestaj_za_2021_-_pdf.pdf).

119 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)', August 3, 2022.

120 Ibid.

121 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)'.

122 Ibid.

## Freedom of thought, conscience, and religion

### Key developments

The Commission for Prevention and Protection from Discrimination (CPPD) initiated ex officio proceedings against a public official, on the occasion of his statements on a debate show on a television outlet, indicating ethnic harassment against members of the Turkish ethnic community in the Republic of North Macedonia.<sup>123</sup>

## Freedom of expression

### Key developments

North Macedonia was assessed as “partially free” with a score of 67/100 by “Freedom House” one point higher than in 2021 (66/100).<sup>124</sup>

The Agency for Audio and Audiovisual Media Services (AAVMS) noted two occasions of attacks on journalists: at the end of May they reacted upon the summons of a television station editor to the Mol for an informative consultation about a story that was never aired; and at the end of June they reacted upon a verbal assault of a municipality advisor directed toward a television station journalist. Their findings showed that no hate speech had been spread by a media outlet.<sup>125</sup>

Following the beginning of Russian’s invasion of Ukraine, the PPO and Mol were monitoring statements and comments on social media and stated they would prosecute all persons justifying war crimes. The PPO also called the citizens to report such cases on [cybercrime@moi.gov.mk](mailto:cybercrime@moi.gov.mk).<sup>126</sup>

North Macedonia was ranked 57<sup>th</sup> out of 180 countries in the 2022 Reporters without Borders Media Freedom Index, thus ranking 33 positions higher compared to last year when it was ranked 90<sup>th</sup>. The report states that although journalists do not work in a hostile atmosphere, widespread misinformation and a lack of professionalism contribute to the decline of society’s trust in the media, which exposes independent media to threats and attacks. Also, transparency of the institutions is rather weak and due to political polarisation, the media can be subjected to pressure.<sup>127</sup>

On the occasion of World Press Freedom Day (May 03<sup>rd</sup>), the Minister of Justice announced amendments to the Law on Civil Liability for Defamation, thus making it possible to guarantee the freedom of expression. The amendments include a drastic reduction in the amount of fines for media workers for damage caused by insult or defamation and it is currently in parliamentary procedure.<sup>128</sup>

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123 ‘Ex Officio Proceedings Initiated against Valjon Bela (Покрената постапка по службена должност против Ваљон Бела)’, *Official Website of the Commission for Prevention and Protection against Discrimination*, 18 April 2022, [shorturl.at/cprv7](https://shorturl.at/cprv7).

124 Freedom House, “Freedom in the World 2022 - North Macedonia” (2022) < <https://freedomhouse.org/country/north-macedonia/freedom-world/2022>>.

125 Agency for Audio and Audiovisual Media Services (Агенција за аудио и аудиовизуелни медиумски услуги) ‘Submission of Public Information (Доставување на информации од јавен карактер)’, 13 July, 2022.

126 ‘Public Prosecutor’s Office: Imprisonment of up to Five Years for Justifying War Crimes in Ukraine on “Facebook” (Јавно обвинителство: Затвор до пет години за подбрување на воените злосторства во Украина на „Фејсбук“)’, *Tocka.Com.Mk*, 4 April 2022, <https://tocka.com.mk/vesti/406765/javno-obvinitelstvo-zatvor-do-pet-godini-za-odobruvanje-na-voenite-zlostorstva-vo-ukraina-na-fejsbuk?fbclid=IwAR0GdxkfVREAhN-QPRpCuLd70AMyc-9Kz1xoJReDYmjS0QEJQ9XinpvFUQQ>.

127 ‘North Macedonia Ranks 57th According to Reporters Without Borders’ Media Freedom Index (Северна Македонија На 57 место според индексот на слобода на медиуми на репортери без граници)’, *Biznisvesti.Mk*, 3 May 2022, <https://www.biznisvesti.mk/severna-makedonija-na-57-mesto-spered-indeksot-na-sloboda-na-mediumi-na-reporteri-bez-granitsi/>.

128 Ministry of Justice, ‘Tupancheski: Free Journalists, Free Society. The Amendments to the Draft Law on Civil Liability for Defamation Guarantee Freedom of Expression. (Тупанчески: Слободни новинари, слободно општество. Со Измените на Предлог законот за граѓанска одговорност за навреда и клевета се гарантира слободата на изразување.)’, 3 May 2022, <https://pravda.gov.mk/vest/6349>.

A journalist<sup>129</sup> had been summoned to a police station on the complaint by a head of one of the departments in the MJ, who, according to the police report, felt anxiety about her health and reputation following the publishing of the article. According to police inspector in the station, this was the first case where the MoJ, although not competent, invited a journalist for an interview regarding a written article.<sup>130</sup> This incident was immediately condemned and a clarification was requested,<sup>131</sup> after which, the MJ informed the public that a disciplinary commission had been established that will investigate the entire case and that it will do everything to protect freedom of expression and speech.<sup>132</sup>

On June 3<sup>rd</sup> the Association of Journalists of Macedonia (AJM) published a document titled “Attacks on Journalists and Media Workers 2017 - 2021: Trends and Recommendations”, covering some of the more serious violations of the rights of media workers that have been recorded and reflecting on trends that are repeating, which have been observed in the attacks on journalists in the last five years.<sup>133</sup>

The AJM also reacted to remarks made by the president of the biggest opposition party VMRO-DPMNE, made at a public gathering, through which journalists who report on the bilateral dispute with Bulgaria were publicly labelled which negatively affects the freedom of the media and contributes to censorship, self-censorship and hate speech towards media.<sup>134</sup>

## Vulnerable groups and principle of non-discrimination

### Key developments

In this quarterly period, 68 complaints were received and it was determined that three cases should be opened ex officio due to discrimination. All 71 petitions were acted upon, along with 45 petitions submitted in the previous period. Discrimination was established for 13 of them, nine of which are in the field of public information and media, with one being in the field of work and labour relations, two in the access to goods and services, and one in the field of education and sports. In the opinions given by the CPPD, discrimination on several grounds at the same time has been determined, i.e. the number is greater than the total number of complaints. Specifically, there are a number of opinions on established discrimination based on national and ethnic origin (6 opinions), sex and sexual orientation (6 opinions) and personal status and social status (1 opinion).<sup>135</sup> On April 7<sup>th</sup>, the HCHR and the MYLA conducted an unannounced visit to the Institute for Rehabilitation of Children and Youth in Topansko Pole, Skopje, upon notification made by an employee

129 After publishing an article about a lawyer claiming to have been asked for a bribe by a head of one of the departments in the MoJ, followed by blackmail, a journalist from a national online media outlet had been summoned to a police station in Skopje for an official interview regarding a complaint against said article.

130 ‘SAKAMDAKAZAM.MK Journalist Sonja Delevska Was Summoned to the Police Station for a Published Text, Which Upset the Head of One of the Sectors in the Ministry of Justice (Новинарката на САКАМДАКАЖАМ.МК, Соња Делевска, повикана во полиција за објавен текст, вознемирила раководителка во Министерство за правда)’, *Sdk.Mk*, 16 May 2022, <https://sdk.mk/index.php/makedonija/novinarkata-na-sakamdakazham-mk-sona-delevska-povikana-vo-politsija-za-objaven-tekst-voznemirila-rakovoditelka-vo-ministerstvo-za-pravda/?fbclid=IwAR0I2wuvGApLB6GXgVkozghs9rXG654pwSSXu5K0mQQeRQaaLK7zPuFER90>.

131 ‘Freedom of Speech Must Not Be Silenced by Police Brutality (Слободата на говор не смее да се замолчи со полициска строгост)’, *Slobodenpecat.Mk*, 17 May 2022, <https://www.slobodenpecat.mk/slobodata-na-govor-ne-smee-da-se-zamolchi-so-policiska-strogost/>.

132 ‘A Disciplinary Commission Has Been Formed to Investigate the Case of the Head of the Sector in the Ministry of Justice (Формирана е дисциплинска комисија која ќе го испитува случајот со раководителката во МП)’, *Press24.Mk*, 17 May 2022, <https://press24.mk/formirana-e-disciplinska-komisija-koja-ke-go-ispituvaa-sluchajot-so-rakovoditelkata-vo-mp>.

133 ‘AJM Published a Publication Reflecting the Tendencies of Attacks on Journalists and Media Workers in the Last Five Years (ЗНМ објави публикација во која се рефлектираат тенденциите на напади врз новинари и медиумски работници во последните пет години)’, *Znm.Org.Mk*, 3 June 2022, [shorturl.at/dgjn2](https://shorturl.at/dgjn2).

134 ‘AJM: Politicians Should Not Disparage Journalists in Their Public Speeches (ЗНМ: Политичарите да не омаловажуваат новинари во своите јавни говори)’, *Znm.Org.Mk*, 20 June 2022, [shorturl.at/hPSYZ](https://shorturl.at/hPSYZ).

135 Commission for Prevention and Protection against Discrimination, ‘Submission of Public Information (Доставување на информации од јавен карактер)’, 19 July 2022.

of the Institute regarding a number of irregularities in the operation of the institution, inadequate care of the children, as well as inadequate working conditions of the employees. However, aside from an employee deficit, the visit showed that significant reconstructions have been made to the facilities, thus meeting the necessary conditions for such premises and there existed a satisfactory level of hygiene.<sup>136</sup>

On April 12<sup>th</sup>, the initial meeting for the development of the new National Strategy for Persons with Disabilities of North Macedonia was held. The MLSP is the bearer of the preparations for the strategy encompassed for the following seven years, while the national coordinating body for the implementation of the Convention on the Rights of Persons with Disabilities will be in charge of coordinating and facilitating the entire process.<sup>137</sup>

Towards the end of April, the Minister of Labour and Social Policy held a meeting with National Disability Organisations' representatives, when requests submitted to the MLSP by these organisations through the National Council of Disabled Organisations were discussed.<sup>138</sup>

The MLSP announced that it plans to carry out many measures improving the rights of persons with disabilities, pursuant to requests delivered by citizens' associations and parents of children with disabilities, including the adoption of a new National Strategy for Persons with Disabilities, amendments to by-laws and setting up a register for persons with disabilities.<sup>139</sup>

The Club for Youth Affairs and Policies at the Parliament held a meeting with young people with disabilities, attended by young activists, representatives of several civic organisations and high school students, where providing more accessible infrastructure, access to public services and education, recognition of sign language, accessible literature for visually impaired students, availability of orthopaedic aids and health services were discussed.<sup>140</sup>

On May 12<sup>th</sup>, the UNICEF representative office and the organisation "Open the Windows" in North Macedonia promoted the implementation of the digital application and assistive technology tool, "Cboard"<sup>141</sup>, created to help children with communication difficulties and speech disorders so they can communicate and express their needs, feelings, and thoughts.<sup>142</sup>

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136 'No Irregularities Detected in the Institute for Rehabilitation of Children and Youth in Topansko Pole (Нема неправилности во Заводот за рехабилитација на деца и младинци во Топанско поле)', *Official Website of The Helsinki Committee for Human Rights of the Republic of North Macedonia*, 12 April 2022, <https://mhc.org.mk/news/nema-nepravilnosti-vo-zavodot-za-rehabilitacija-na-deca-i-mladinci-vo-topansko-pole/>.

137 'The Process for Creating a New National Strategy for Persons with Disabilities Has Begun (Започнува процесот за креирање на нова Национална стратегија на лицата со попреченост)', *Official Website of the Government of the Republic of North Macedonia*, 12 April 2022, <https://vlada.mk/node/28424>.

138 'Trenchevska: Together We Create and Implement Policies That Will Improve the Quality of Life of All Persons with Disabilities (Тренчевска: Заеднички креираме и имплементираме политики кои ќе го унапредат квалитетот на живот на сите лица со попреченост)', *Official Website of The Ministry of Labour and Social Policy*, 29 April 2022, [https://www.mtsp.gov.mk/april-2022-ns\\_article-trencevska-zaednicki-kreirame-i-implementirame-politiki-koi-kje-go-unapredat-kvalitetot-na-zivot-na-.nspх](https://www.mtsp.gov.mk/april-2022-ns_article-trencevska-zaednicki-kreirame-i-implementirame-politiki-koi-kje-go-unapredat-kvalitetot-na-zivot-na-.nspх).

139 'MLSP Announces Measures for Children and Persons with Disabilities (МТСП најавува мерки за децата и лицата со попреченост)', *Radiomof.Mk*, 20 April 2022, <https://www.radiomof.mk/mtsp-najavuva-merki-za-decata-i-licata-so-poprechenost/>.

140 'Meeting of Young People with Disabilities with the Club for Youth Affairs (Средба на млади лица со попреченост со Клубот за младински прашања)', *Janakiznae.Mk*, 20 April 2022, [shorturl.at/jo568](https://shorturl.at/jo568).

141 Free, open-source application, that can be used online or via an Android mobile device or tablet to help children and adults with a range of speech and language disorders facilitate their communication using symbols, images and text transmission in speech. On this occasion, the Minister of Labor and Social Policy reiterated MLSP's continuous commitment to the advancement of the child protection system to enable all children, regardless of their abilities, the background they come from, as well as their education and family, to receive comprehensive support for development of their full potential.

142 'The "Cboard" Application Was Promoted to Advance Inclusion of Children with Disabilities (Промовирана апликацијата „Сиборд“ за унапредување на инклузивноста на децата со попреченост)', *Meta.Mk*, 12 May 2022, <https://meta.mk/promovirana-apliakcija-ta-sibord-za-unapreduvanje-na-inkluzivnosta-na-decata-so-poprechenost/>.

At the end of May, a consultative meeting was held with relevant stakeholders in the process of developing the National Strategy<sup>143</sup> for Persons with Disabilities.<sup>144</sup>

The CPPD received a positive assessment of its work in the latest report from the State Department.<sup>145</sup> According to the report, in 2021 the CPPD worked to protect citizens from violations of their rights by public institutions, reduce discrimination against minority communities and persons with disabilities, promote fair representation in public life, and prevent the abuse of children's rights.<sup>146</sup>

Additionally, the CPPD participated in the preparation of the Fourth Periodic Report for the Republic of North Macedonia pursuant to UN's International Covenant on Civil and Political Rights, which comes subsequently to CPPD's participation in the report pursuant to the Convention on the Elimination of Racial Discrimination.<sup>147</sup>

In mid-June, the CPPD signed Memorandums of Cooperation with the Subversive Front and the Institute for Good Governance and Euro-Atlantic Perspectives (IDUEP), in order to realise joint commitments to strengthen mutual cooperation and support in efforts to deal with discriminatory speech and other negative phenomena in the internet.<sup>148</sup>

In June, the UN launched the joint program "From Knowledge and Inclusion – to Empowerment and Participation" to improve the capacity of organisations of persons with disabilities, the Government, service providers and UN agencies, thus jointly contributing to the successful implementation of the Convention of the UN on the Rights of Persons with Disabilities.<sup>149</sup>

## Gender

### Key developments

A judo coach from Prilep, who was indicted for committing sexual acts against four underage girls who he trained in his judo club, was sentenced to 20 years in prison. He was also banned from performing professional activities, because, in addition to sexual assault, he was also charged with abuse of his official position as a judo coach.<sup>150</sup>

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143 The strategy will be developed in accordance with the obligations and principles undertaken with the Convention on the Rights of Persons with Disabilities and complementary to the European Strategy for the Rights of Persons with Disabilities, based on data and analyses made on the current situation regarding respect and realization of the rights of disabled persons.

144 'MLSP: Development of the National Strategy for the Rights of Persons with Disabilities with a Broad Social Consensus and Participation of All Parties (МТСП: Развој на Националната стратегија за правата на лицата со попреченост со широк општествен консензус и учество на сите страни)', *Official Website of The Ministry of Labour and Social Policy* (blog), 25 May 2022, [https://www.mtsp.gov.mk/pocetna-ns\\_article-mtsp-razvoj-na-nacionalnata-strategija-za-pravata-na-licata-so-poprecenost-so-shirok-opshtestven-kon.nspk](https://www.mtsp.gov.mk/pocetna-ns_article-mtsp-razvoj-na-nacionalnata-strategija-za-pravata-na-licata-so-poprecenost-so-shirok-opshtestven-kon.nspk).

145 'North Macedonia 2021 Human Rights Report, 27 April 2022, [https://www.state.gov/wp-content/uploads/2022/02/313615\\_NORTH-MACEDONIA-2021-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2022/02/313615_NORTH-MACEDONIA-2021-HUMAN-RIGHTS-REPORT.pdf).

146 'Positive Assessment of the Work of CPPD in the 2021 Report of the State Department (Позитивна оценка за работата на КСЗД во извештајот на Стејт Департаментот за 2021 година)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 27 April 2022, [shorturl.at/fnQVZ](https://shorturl.at/fnQVZ).

147 'CPPD Involved in the Preparation of the "State Report Pursuant to UN International Covenant" (КСЗД вклучени во изработка на „Државен извештај по меѓународен пакт на ООН“)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 27 April 2022, [shorturl.at/gPU28](https://shorturl.at/gPU28).

148 'CPPD Signed a Memorandum of Cooperation with Subversive Front and IDUEP (КСЗД потпиша Меморандум за соработка со Субверзивен фронт и ИДУЕП)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 15 June 2022, [shorturl.at/vCH56](https://shorturl.at/vCH56).

149 'The UN Launched a Joint Program to Overcome Inequality and Exclusion of Persons with Disabilities (ОН започнаа заедничка програма за надминување на нееднаквоста и исклучувањето на лицата со попреченост)', *Radiomof.Mk*, 22 June 2022, <https://www.radiomof.mk/on-zapochnaa-zaednichka-programa-za-nadminuvanje-na-neednakvosta-i-iskluchuvanieto-na-licata-so-poprechenost/>.

150 '20 Years in Prison for the Prilep Judo Coach - He Sexually Harassed the Underage Girls He Trained in His Club (20 години затвор за прилепскиот јудо тренер – во неговиот клуб сексуално ги вознемирувал малолетните девојчиња кои ги тренирал)', *Telma TV*, 5 April 2022, [shorturl.at/DJO01](https://shorturl.at/DJO01).

Upon the reported beating and rape of a woman from Veles, and the suspension of the proceedings by the BPPO in Veles because there was no evidence that the accused committed the rape, the HCHR and the MYLA reacted to the manner of handling the case by the relevant authorities.<sup>151</sup>

While a specialised psychological counseling centre for female victims of family and gender-based violence within the framework of the National Network against Violence against Women and Domestic Violence was opened in the Polog region in December last year, this region remains the only one in North Macedonia that does not have a single foster care centre or at least an intervention centre for female victims of domestic violence.<sup>152</sup>

On May 13<sup>th</sup>, the Commission for Equal Opportunities for Women and Men of the Parliament held its eighth session, at which there was to be a public hearing regarding the draft plan of activities for the promotion of gender sensitivity of the Parliament of the Republic of North Macedonia 2022 - 2024.<sup>153</sup>

On May 28<sup>th</sup>, Menstrual Hygiene Day, activists of the Regional Network for Gender-Responsible Budgeting, the Platform for Gender Equality and “Period Movement Skopje” protested in front of the Ministry of Finance and submitted requests for a reduction of VAT from 18% to 5% on menstrual products in order to reduce the sales price and encourage the use of menstrual cups by subsidising the price.<sup>154</sup>

In the case of a woman acquitted of the crime of murdering her extramarital partner, from whom she suffered domestic violence, the Skopje High Prosecutor’s Office (HPO) reiterated the acquittal verdict of the Basic Court in Veles.<sup>155</sup>

In June, related to the “Public room” case, there was a new verdict sanctioning a person sharing explicit photographs of the victim. While this verdict brings hope that the victims of this and similar cases will receive justice, it also opened up a Pandora’s box of unpleasant facts: there was no justice for almost all the women who were victims of such groups, and the amendments of the Criminal Code which have been announced as a solution to these type of cases have been stuck in the Parliament for almost a year.<sup>156</sup>

In mid-June, the Ombudsperson supported the campaign of NGO Diversium to combat online violence against women, whose purpose is to support women victims of this type of violence and to raise

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151 ‘Reconstruction of the Actions of the Prosecution Authorities in a Rape Case (Реконструкција на постапувањето на органите на прогонот во случај со силување)’, *360 Stepeni*, 5 April 2022, <https://360stepeni.mk/video-rekonstruksija-na-postapuvaneto-na-organite-na-progonot-vo-sluchaj-so-siluvane/?fbclid=IwAR0xjxfiM0roKLSd2fusT53veG28KXsSBcL-d0lh-RGWNJwvppUBVOqq-eg>.

152 ‘There Is No Shelter Center in the Polog Region, Women Victims of Violence Are Sheltered in Other Cities (Во Полошкиот регион нема ниту еден шелтер центар, жените – жртви на насилство се згрижуваат во другите градови)’, *Radiomof.Mk*, 25 April 2022, <https://www.radiomof.mk/vo-poloshkiot-region-nema-shelter-centar-zhenite-zhrtvi-na-nasilstvo-se-zgrizhuvaat-vo-drugite-gradovi/>.

153 ‘Public Debate on the Draft-Plan of Activities for the Promotion of Gender Sensitivity (Јавна расправа за Предлог-планот на активности за унапредување на родовата сензитивност)’, *Official Website of The Assembly of The Republic of North Macedonia*, 12 May 2022, <https://www.sobranie.mk/ns-newsarticle-javna-rasprava-za-predlog-planot-na-aktivnosti-za-unapreduvane-na-rodovata-senzitivnost.nspk>.

154 ‘Menstrual Hygiene Is Not a Privilege! – A Protest in Front of the Ministry of Finance (Менструалната хигиена не е привилегија! – протест пред Министерството за финансии)’, *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 30 May 2022, <https://mhc.org.mk/news/rodova-ednakvost/menstrualnata-higiena-ne-e-privilegija-protest-pred-ministerstvoto-za-finansii/>.

155 ‘The High Prosecutor’s Office Agreed with the Acquittal of the Veles Woman Pale: Requested the Appellate Courte to Reject the Appeal from BPP Veles (Вишото обвинителство се согласи со ослободителната пресуда за велешанката Пале: Побара Апелација да ја одбие жалбата од ОЈО Велес)’, *360 Stepeni*, 1 June 2022, <https://360stepeni.mk/vishoto-obvinitelstvo-se-soglaso-osloboditelnata-presuda-za-veleshankata-pale-pobara-apelatsija-da-ja-odbie-zhalbata-od-ojo-veles/?fs=e&s=cl&fbclid=IwAR3YfYZTRwNcOol-BOLZloGvBKyXRkjTdPsmnUrVD0M06f6lRjpa6hUxnbgI&fs=e&s=cl>.

156 ‘A Bumpy Road to Justice for the Victims of Public Room (Трнлив пат до правда за жртвите од Јавна соба)’, *Slobodnaevropa.Mk*, 9 June 2022, [shorturl.at/fntW4](https://shorturl.at/fntW4).

awareness among victims that they are not obliged to suffer violence and that they should report it. The final goal of the campaign is to submit an initiative to the Parliament, proposing that online violence be treated as a special type of violence within the Criminal Code and to establish criminal responsibility for the perpetrators.<sup>157</sup>

## Hate speech

### Key developments

In the beginning of April, a two-day expert meeting of the equality bodies of Albania, Montenegro, and North Macedonia regarding the fight against hate speech was held. Members of the CPPD represented the country, discussing the challenges faced by the countries of the Western Balkans in the fight against hate speech and exchanging positive practices from their own countries with the implementation of European standards. Thus, the importance of forming broad alliances in the fight against hate speech and raising the awareness of the population at the national level was emphasised, and the need to strengthen cooperation with the courts on the topic of discrimination with an emphasis on hate speech as a global problem and a threat to human rights was stressed.<sup>158</sup>

## LGBTI +

### Key developments

FRA's Fundamental Rights Report 2022 outlines two key developments in 2021 in this area: the appointment of the members and the start of work of the CPPD and of the Ombudsperson and the proposal for amendments to the national Civil Registry Law, providing for a process for legal gender recognition.<sup>159</sup>

On April 20<sup>th</sup>, MEPs addressed the government of North Macedonia with a letter regarding the need to ensure the right of trans and non-binary persons to legal gender recognition in the Civil Registry Law. They expressed their concern about the withdrawal of the bill on Civil Registry, and urged the government not to cease its efforts to propose legislation addressing the concerns of CSOs and LGBTIQ organisations, as well as to implement its obligations under the European Convention on Human Rights.<sup>160</sup>

On May 7<sup>th</sup>, the LGBTI United President was physically attacked at the city cemetery in Tetovo<sup>161</sup>. The National Network against Homophobia and Transphobia insisted on immediate and thorough action by the law enforcement authorities and a complete resolution of this case.<sup>162</sup>

157 'The Ombudsperson Supported the Campaign to Combat Online Violence against Women (Народниот правобранител ја поддржа кампањата за борба против онлајн насилството врз жените)', *Official Website of the Ombudsperson of the Republic of North Macedonia*, 13 June 2022, [shorturl.at/ahTU1](https://shorturl.at/ahTU1).

158 'N. Macedonia, Montenegro and Albania Together against Hate Speech (С.Македонија, Ц.Гора и Албанија заеднички против говорот на омраза)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 7 April 2022, [shorturl.at/aDFJN](https://shorturl.at/aDFJN).

159 'FRA's Fundamental Rights Report 2022 (Извештајот за фундаменталните права на ФРА за 2022)', 8 June 2022, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fundamental\\_rights\\_report\\_2022\\_-\\_north\\_macedonia\\_.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fundamental_rights_report_2022_-_north_macedonia_.pdf).

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

161 'Activist Bekim Asani Verbally and Physically Attacked in Front of His Mother (Вербално и физички нападат активистот Бежим Асани пред очите на неговата мајка)', *LGBTI United*, 8 May 2022, <https://lgbtiunited.mk/2022/05/08/verbalno-i-fizichki-napadnat-aktivistot-bekim-asani-pred-ochite-na-negovata-majka/?fbclid=IwAR3y99YFW5KX-NSxTbvRJMIEVLAQ4U9192cdMJJsY-KOrg5ds2SCz-Zec>.

162 'NNHT: Urgently Find Asani's Attackers, Institutions Not to Ignore Acts of Hate (НМХТ: Итно да се пронајдат напаѓачите на Асани, институциите да не ги игнорираат делата од омраза)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 9 May 2022, <https://mhc.org.mk/news/nmht-itno-da-se-pronajdat-napagachite-na-asani-instituciite-da-ne-gi-ignoriraat-delata-od-omraza/>.

The Platform for Investigative Journalism and Analysis (PINA) conducted an informal, anonymous survey of 45 people, most of whom were transgender, as well as supporters of the community, concluding that the majority (78%) of the trans community is determined that the draft law on legal gender recognition would significantly improve their lives.<sup>163</sup>

This year's ILGA-Europe Rainbow Map and Index, which ranks the legal and political situation of LGBTI people in 49 European countries, reveals that the past 12 months have seen new dynamics filling existing gaps around LGBTI rights and shifting standards, giving the governments a ground on which they can build progress. Compared to the report and the map from the previous year, North Macedonia remains in a very low 31<sup>st</sup> place (out of 49), owing to its failure to adopt the amendments of the Civil Registry Law, as well as the National Action Plan for the Promotion of the Rights of LGBTI+ People.<sup>164</sup>

This year's Skopje Pride, organised by the National Network against Homophobia and Transphobia, was held on June 25<sup>th</sup>, under the motto "Come out for love! Dignity. Equality. Justice."<sup>165</sup>

## Roma

### Key developments

On April 8<sup>th</sup>, International Roma Day, the activities of the Roma Rights Network began. The network is intended to influence the protection of Roma human rights in Europe, strengthen rights-based advocacy efforts, stimulate debate on Roma rights and pursue human rights litigation as a tool for activism. Its members are 18 human rights organisations from 15 different countries with the aim of uniting Roma and non-Roma activists fighting for the protection of Roma human rights across Europe, and the MYLA is the representative organisation from North Macedonia.<sup>166</sup>

The CPPD and the Institute for Research and Policy Analysis Romalitiko signed a Memorandum of Cooperation in order to promote, develop and continue cooperation in terms of equality, promotion of human rights and elimination of all types of discrimination pursuant to the common interests and goals of both entities. Furthermore, both entities agreed to periodically exchange information regarding cases related to discrimination directed at the Roma ethnic community.<sup>167</sup>

FRA's Fundamental Rights Report 2022 stated that a first draft of the Strategy for Roma 2022-2030 was made publicly available during December 2021, for which the Government opened a broad consultation process in May through which interested CSO representatives were invited to be involved with their proposals for measures and activities, and the CPPD participated in a preparatory meeting for the concept of the strategy, while all other state institutions could provide comments and suggestions on the first draft of the strategy as per the public call for consultation.<sup>168</sup>

163 'The Civil Registry Law Would Improve the Lives of Transgender People (Законот за матична евиденција би ги подобрил животите на трансродовите луѓе)', *Pina.Mk*, 11 May 2022, [https://pina.mk/6055-zakonot-za-matichna-evidentsija-bi-gi-podobril-zhivotite-na-transrodovite-luge/?fbclid=IwAR3RxNtmnn5UP1iw\\_LwEYlqDy\\_7OmJsQQ0TpuohXH6OKnWnHaejtZGpS3CgM](https://pina.mk/6055-zakonot-za-matichna-evidentsija-bi-gi-podobril-zhivotite-na-transrodovite-luge/?fbclid=IwAR3RxNtmnn5UP1iw_LwEYlqDy_7OmJsQQ0TpuohXH6OKnWnHaejtZGpS3CgM).

164 'A New Dynamic Has Emerged in LGBTI Rights across Europe, the Rainbow Map Reveals (Се појави нова динамика во ЛГБТИ правата низ Европа, открива вионожитната мапа)', *Official Website of Coalition Margini Organization*, 12 May 2022, <http://coalition.org.mk/archives/12162>.

165 'Skopje Pride 2022: On June 25, Come out for Love! (Скопје прайд 2022: На 25 јуни, излези за љубов! / Shkupi Prajd 2022: Më 25 Qershor Dil Për Dashurinë!)', *Official Website of The Helsinki Committee for Human Rights of the Republic of Macedonia*, 11 June 2022, [shorturl.at/rSUW3](http://shorturl.at/rSUW3).

166 'The ERRC Roma Protection Network Has Been Launched (Лансирана е мрежата на ERRC за заштита на Ромите)', *Official Website of the Macedonian Young Lawyers Association*, 8 April 2022, [shorturl.at/afsu7](http://shorturl.at/afsu7).

167 'Signed Memorandum of Cooperation between CPPD and "Romalitiko" (Потпишан меморандум за соработка помеѓу КСЗД и „Ромалитико“)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 14 April 2022, [shorturl.at/inT01](http://shorturl.at/inT01).

168 'FRA's Fundamental Rights Report 2022 (Извештајот за фундаменталните права на ФРА за 2022)'.



