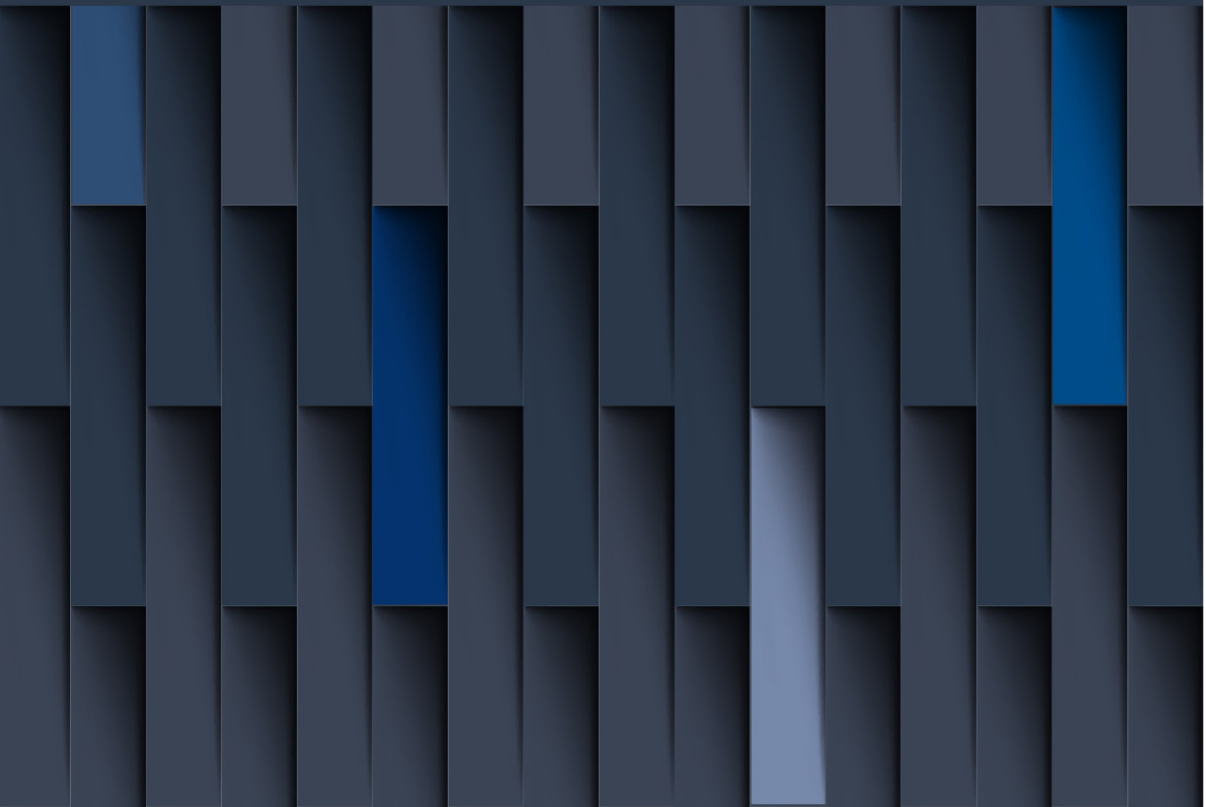




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SHADOW REPORT ON **CHAPTER 23**

FOR THE PERIOD BETWEEN OCTOBER 2022 AND SEPTEMBER 2023





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Contents:

Introduction.....	8
Methodology.....	10
1. Judiciary.....	11
Strategic Documents.....	12
Governing Bodies.....	14
Independence and Impartiality.....	22
Accountability.....	32
Professionalism and Competence.....	37
Quality of Justice.....	44
Efficiency.....	51
2. Fight against Corruption.....	57
Institutional Framework.....	58
State Commission for Prevention of Corruption.....	58
Public Prosecutor's Office.....	61
Legal Framework.....	65
3. Fundamental Rights.....	67
Case Law of the European Court of Human Rights.....	68
The Ombudsman.....	69
Torture or other Cruel, Inhuman or Degrading Treatment or Punishment.....	71
Prisons and Remand Detention Facilities.....	72
Personal Data Protection.....	75
Freedom of thought, conscience and religion.....	77
Freedom of Expression.....	77
Pressure on Journalists.....	78
Vulnerable Groups and the Principle of Non-Discrimination.....	80
Commission for Prevention and Protection against Discrimination.....	80
Persons with Disabilities.....	81
Gender.....	84
Hate Speech.....	87
Hate Crime.....	87
LGBTI+.....	89
Roma.....	91
References.....	94



List of abbreviations

AAVMS	Agency for Audio and Audiovisual Media Services
PDPA	Personal Data Protection Agency
ACCMIS	Automated Court Case Management Information System
AJPP	Academy for Judges and Public Prosecutors
GDP	Gross Domestic Product
GRECO	Group of States against Corruption
SSO	State Statistical Office
SCPC	State Commission for Prevention of Corruption
EC	European Commission
ECHR	European Convention on Human Rights
ENER	Single National Electronic Register of Regulations
EPI	European Policy Institute
ERA	Academy of European Law
ECtHR	European Court of Human Rights
EU	European Union
AJM	Association of Journalists of Macedonia
ICT	Information Communication Technology
IRI	International Republican Institute
IRL	Investigative Reporting Lab
PPORNM	Public Prosecutor’s Office of the Republic of North Macedonia
CPPD	Commission for Prevention and Protection against Discrimination
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex Community
MASA	Macedonian Academy of Sciences and Arts
Mol	Ministry of the Interior

for the period between October 2022 and September 2023

MYLA	Macedonian Young Lawyers Association
MIA	Media Information Agency
MISA	Ministry of Information Society and Administration
MES	Ministry of Education and Science
MoJ	Ministry of Justice
MRT	Macedonian Radio Television
MLSP	Ministry of Labour and Social Policy
NGO	Nongovernmental Organisation
OSCE	Organisation for Security and Co-operation in Europe
PPO	Public Prosecutor's Office
BPPOPOCC	Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption
RNM	Republic of North Macedonia
USA	United States of America
SDSM	Social Democratic Union of Macedonia
CEPEJ	European Commission for the Efficiency of Justice
SPO	Public Prosecutor's Office for Prosecution of Criminal Offenses Related to and Arising from the Content of Illegal Interception of Communications (Special Prosecutor's Office)
CPPRNM	Council of Public Prosecutors of the Republic of North Macedonia
SSNM	Independent Union of Journalists and Media Workers
JCRNM	Judicial Council of the Republic of North Macedonia
UBK	Bureau for Security and Counterintelligence
OMRBMD	Office for Management of Registers of Births, Marriages, and Deaths
UPOZ	Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Macedonia
FPO	Financial Police Office
HCHR	Helsinki Committee for Human Rights

Introduction

This Shadow Report brings together in a single coherent whole all the findings, conclusions and recommendations that resulted from the monitoring in the areas covered by Chapter 23 – Judiciary and Fundamental Rights. This is the eighth such report published by the European Policy Institute (EPI) – Skopje, taking into account the comments and opinions of non-governmental organisations. The previous seven reports covered the following periods: October 2014 – July 2015,¹ July 2015 – April 2016,² May 2016 – January 2018,³ June 2018 – March 2019,⁴ April 2019 – March 2020,⁵ April 2020 – September 2021⁶ and October 2021 – September 2022.⁷

This report covers the period from the beginning of October 2022 until the end of September 2023. The report provides data that are relevant even before October 2022, if they were needed for contextualisation or clarification of new information from the current reporting period, and which are relevant for the reporting period. The reporting period of this report corresponds to the reporting period of the European Commission (EC) for the Republic of North Macedonia (RNM). This draft report follows the structure of Chapter 23, in line with the EC report. At the end of each area, we have singled out in a frame the recommendations and the main conclusions.

The reporting period was marked by country's participation in the screening process, the receiving of the screening report for Cluster 1, "Fundamentals",⁸ as well as the preparation of the strategic documents for the opening of this cluster,⁹ in parallel with the existing

1 Neda Chalovska et al., "Judiciary and Fundamental Rights in the Republic of Macedonia", Helsinki Committee for Human Rights of the Republic of Macedonia, 2015, <https://epi.org.mk/docs/Analiza_Mreza.pdf>.

2 Neda Chalovska, Voislav Stojanovski and Aleksandar Jovanovski, "Shadow Report for Chapter 23 for the period between July 2015 and April 2016", Helsinki Committee for Human Rights of the Republic of Macedonia, 2016, <https://epi.org.mk/docs/Izvestaj_mk.pdf>.

3 Velimir Delovski et al., "Shadow report for Chapter 23 for the period between May 2016 and January 2018", Helsinki Committee for Human Rights of the Republic of Macedonia, 2018, <https://epi.org.mk/docs/Mreza23_izvestaj%20vo%20senka_2018.pdf>.

4 Iva Conevska et al., "Shadow report for Chapter 23 for the period between June 2018 and March 2019", 2019).

5 Iva Conevska et al., "Shadow report for Chapter 23 for the period between June 2018 and March 2019", 2019, European Policy Institute – Skopje, 2020. <https://epi.org.mk/wp-content/uploads/2020/05/Izvestaj_vo_senka_2020.pdf>.

6 Iva Conevska Vangelova and Ismail Kamberi, "Shadow report for Chapter 23 for the period between April 2020 and September 2021", European Policy Institute- Skopje, December 16, 2021, <<https://epi.org.mk/post/20027>>.

7 Angela Delevska and Beba Zhagar. "Shadow report for Chapter 23 for the period between October 2021 - September 2022", 29 December 2022, <<https://epi.org.mk/post/23011>>.

8 Screening Report North Macedonia Cluster 1 – Fundamentals, European Commission, 20 July 2023, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/MK%20Cluster_1%20Draft%20screening%20report_external%20version.pdf>.

9 „СЕП ги седна на маса невладините, заедно ќе ги подготвуваат документите за преговорите со ЕУ“ (SEA sat the non-governmental organisations at the table, together they will prepare the documents for the negotiations with the EU), MKD.mk, 24 August 2023, <<https://m.mkd.mk/node/523612>>.

for the period between October 2022 and September 2023

pronounced political polarisation related to the “French proposal” and the constitutional amendments as well as the worrying developments in the area of the rule of law. In addition, the report of the Franco-German group of experts on EU institutional reforms was presented, positioning the respect for the rule of law as a fundamental constitutional principle, essential for the effective functioning of the EU and a prerequisite for accession.¹⁰ Hence, there is a need for significant practical changes in line with European standards and showing commitment of the institutions to the reforms in the area.

This shadow report was prepared within the framework of the project “Building Bridges for a Common Future: Rule of Law in View of EU accession”. The project is financed by the European Union and aims to help create sustainable reforms for the rule of law on the path to the EU accession.

¹⁰ Olivier Costa et al, REPORT OF THE FRANCO-GERMAN WORKING GROUP ON EU INSTITUTIONAL REFORM – Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century, 18 September 2023, <https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>.



Methodology

This report was prepared by applying the methodology for monitoring the areas that are in the focus of the “Network 23” - Justice, fight against corruption and fundamental rights,¹¹ developed in 2015 and already applied in the previous reports. It incorporates desktop research of the official sources of the state and judicial institutions, analysis of the media coverage of certain events in these areas during the period in question, numerous analyses and reports prepared by civil society organisations, as well as data obtained by submitting requests for access to information of public character.

For the preparation of this Shadow Report, consultations were also held with civil society organisations, institutions, and experts. Consultations were first held concerning the collection of relevant analyses, reports and research related to Chapter 23. Then a discussion on the report was held on 21 December 2023, which made it possible to obtain significant and substantive input from representatives of the relevant state and judicial institutions, as well as civil society organisations for the purpose of finalising this document, whereby their observations, views and comments have been incorporated into this shadow report.

Some of the data and developments covered in this report are presented and analysed in more detail in the quarterly briefs on the rule of law in view of EU accession, which we regularly publish on our website throughout the year. They are available at the following link: [Monitoring briefs Archives - EPI](#).

¹¹ Наталија Шикова (уред.), „Методологија за мониторинг и евалуација на јавните политики од Поглавјето 23 – правосудство и фундаментални права од законодавството на Европската унија“ (Natalija Shikova (ed.), “Methodology for monitoring and evaluation of public policies from Chapter 23 – judiciary and fundamental rights from the legislation of the European Union” (Center for Change Management)), <https://epi.org.mk/docs/Metodologija_mk.pdf>.



1. Judiciary

During the reporting period, the implementation of the reforms in the justice sector stagnated, looking at the timeline for the implementation of the 2017-2022 Strategy for Reform of the Judicial Sector, as well as the delay of the new Justice Sector Development Strategy 2023-2027. On the other hand, the actions of judicial institutions in specific cases of public interest, although unrelated to the implementation of the Strategy, caused negative reactions among the professional and general public, which affected the European integration process and the trust of citizens in the reform processes and in judiciary, in general. The same reactions followed the adoption of the Law Amending the Criminal Code in a summary procedure, which provisions call into question the commitment to fighting crime and corruption.¹²

¹² „Реакција по повод измените на Кривичниот законик во скратена постапка“ (Reaction to the amendments to the Criminal Code in a summary proceeding), Official website of the Blueprint Group for Judicial Reform, 6 September 2023 , <https://bit.ly/3RCwT6Z>.

STRATEGIC DOCUMENTS

The five-year period of implementation of the 2017-2022 *Strategy for Reform* of the Judicial Sector, according to the Ministry of Justice's 2022 Assessment Report, ended with 140 fully completed activities out of a total of 227.¹³ Of the remaining activities, 18 are ongoing, 14 are delayed, 43 are being implemented continuously, six depend on the previous adoption of certain legal amendments and six cannot be implemented due to a change in the approach.¹⁴ Regarding the measures in the Action Plan, 52% of them have been fully implemented, 34% have been partially implemented and 14% have not been implemented.¹⁵ The number of implemented and/or partially implemented measures and activities mainly refers to those that envisaged changes to existing laws or adoption of new laws (the so-called regulatory measures), which have already been adopted or are in the final stages of their adoption. However, some of the processes for the drafting and adoption of certain legal acts have not yet been completed¹⁶ or there are certain challenges in the application of those that have already been adopted.¹⁷ On the other hand, the obligation for an independent court budget in the amount provisioned in the Law on the Court Budget is still far from fulfilled, and no significant actions have been undertaken to improve the situation with human resources, through the implementation of the Human Resources Strategy for the Judicial Network¹⁸ and the Human Resources Strategy for the Public Prosecutorial Network.¹⁹ In addition, the fact that some of the measures and activities have not been implemented, apart from the objective factors related to the political and social developments, the frequent election processes and the non-functional Assembly, resulted to a large extent from their inadequate definition, the absence of clear and measurable indicators, unrealistic deadlines, the inadequately estimated sources of financial resources, the change of the measures and activities foreseen in the Action Plan during the implementation period and the insufficient coordination of the institutions / competent bodies and those who decide about the measures and activities.²⁰ The incomplete

13 Ministry of Justice, "Annual Report on the Implementation of the 2017-2022 Strategy for Reform of the Judicial Sector for 2022", 2022, <https://bit.ly/47VOYCN>.

14 Ibid.

15 State Audit Office, "Final Report on the Conducted Audit, 'Effectiveness of the Implementation of the 2017-2022 Strategy for Reform of the Judicial Sector and the Implementation of the Strategy's Action Plan'", 2022, <https://bit.ly/3Jy04oh>.

16 Law on Litigation Procedure, Law on Justice for Children, etc.

17 Especially in relation to the application of certain provisions of the Law on Public Prosecutor's Office, the Law on the Judicial Council of the Republic of North Macedonia, and the Law on Free Legal Aid. Blueprint Group for Judicial Reform, "Second semi-annual monitoring brief: Monitoring the implementation of the 2017-2022 Strategy for Reform of the Judicial Sector- monitoring period: January 2022 - June 2022" (European Policy Institute - Skopje, 19 September 2022), <https://bit.ly/3NnEySR>.

18 Human Resources Strategy for the Judicial Network, September 2020, <https://bit.ly/3trhzNE>.

19 Human Resources Strategy for the Public Prosecutorial Network, October 2020, <https://bit.ly/3GcekBs>.

20 State Audit Office, "Final Report on the Conducted Audit, 'Effectiveness of the Implementation of the 2017-2022 Strategy for Reform of the Judicial Sector and the Implementation of the Strategy's Action Plan'".

for the period between October 2022 and September 2023

1. JUDICIARY

implementation of the foreseen measures and activities is also due to the insufficient monitoring and evaluation of the overall process of reforms and implementation of the Strategy.²¹

The identified problems are expected to be overcome with the new Development Strategy for the Judicial Sector and Action Plan 2023-2027, the adoption of which was announced for the beginning of the summer of 2023,²² but it has not been adopted, yet. The working group for drafting the Development Strategy met in May 2023, after which the draft strategy and the draft action plan were sent for opinion and proposals to the competent institutions. On 21 August they were also submitted for opinion to the expert team of the “EU support to the rule of law” project²³ and on 12 September to the EC.²⁴ According to the statements of the Ministry of Justice, after receiving an opinion from the EC, it will be submitted for adoption to the Government of the Republic of North Macedonia.²⁵

There is a need to determine the suitability and significance of the measures and activities from the 2017-2022 Action Plan that were not or were partially implemented and their inclusion in the new Development Strategy for the judicial sector with a 2023-2027 Action Plan in order to continue with the reforms in the justice sector;

The competent bodies for implementation, monitoring and evaluation of the new Development Strategy and Action Plan 2023-2027 should be established by defining their competences in line with the established methodology and rules of procedure, working in a coordinated, transparent and inclusive manner;

Clear and measurable indicators should be defined by applying generally accepted standards, realistic deadlines, financial sources, activities, and their changes should be reported in a transparent way and the Action Plan to be periodically updated.

²¹ Ibid.

²² „Изготвена стратегијата за реформа односно развој на правосудството 2023-2027“ (The strategy for reform i.e. development of the judiciary 2023-2027 has been drafted), 24 Vesti, 23 April 2023, <https://24.mk/details/izgotvena-strategijata-za-reforma-odnosno-razvoj-na-pravosudstvo-to-2023-2027>.

²³ According to the key activities of component 1 of the Project – Judiciary: Improving the capacities of judicial authorities for the delivery of justice in a transparent and responsible manner, https://gmr.lbg.ac.at/wp-content/uploads/sites/12/2022/05/leaflet_a4_mk.pdf.

²⁴ The Ministry of Justice in cooperation with the team from the Rule of Law Project organised a working meeting with the members of the working group for planning the activities for finalising the Proposal - Development Strategy for the Judicial Sector 2023-2027, Official Website of the Ministry of Justice, 19 October 2023, <https://www.pravda.gov.mk/vest/6607>.

²⁵ Ibid.

GOVERNING BODIES

The reporting period covers the period after the extensive, but prompt legislative intervention,²⁶ which confirmed the existing vagueness of the laws resulting in their arbitrary interpretation, as well as the political influence on the work of the judicial authorities, especially on the work of the Judicial Council of the Republic of North Macedonia (JCRNM).

The abovementioned was first confirmed with the resignation of the President of the JCRNM,²⁷ who took office in April 2021²⁸ due to alleged “pressure from the political and business elites”,²⁹ and as a result of the reactions during the nomination and appointment of members and deputy members to the new Management Board of the Academy for Judges and Public Prosecutors (AJPP), the Commission for the entrance exam for the ninth generation attending initial training at the AJPP and the Final Exam Commission for the seventh generation who attended initial training at the AJPP.³⁰ More specifically, the initial reactions came from the other members of the Council due to an allegedly pre-determined list of candidates by the President of the Council, without the possibility of debating about them and without the possibility for the other members of the Council to propose candidates.³¹ The reactions resulted in a proposal and election of new candidates for the Management Board of AJPP and the two commissions under AJPP,^{32, 33} who, again, caused new reactions in the public, as well as from the State Commission for Prevention of

26 In order to promote the independence and impartiality of the judicial system, as measures to implement the 2017-2022 Strategy for Reform of the Judicial Sector, in 2019 and 2020, the third set of amendments to the Law on Courts and the new Law on the Judicial Council were adopted. The Law on the Public Prosecutor's Office and the Law amending the Law on the Council of Public Prosecutors are aimed at enhancing judiciary's independence.

27 “Press Release from the 422nd session of the Judicial Council of RNM – 05.12.2022”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3G2etpH>.

28 „Павлина Црвенковска едногласно избрана за нов претседател на Судскиот совет“ (Pavlina Crvenkovska unanimously elected as the new President of the Judicial Council), Akademik, 28 April 2021, <https://akademik.mk/pavlina-crvenkovska-ednoglasno-izbrana-za-nov-pretседател-na-sudskiot-sovet/>.

29 According to the statement given to the media, the former President of the Judicial Council, Pavlina Crvenkovska, resigned because of the spreading of false information among the journalists, as well as obstruction and deliberate delay of the internal processes in the Council, which are essential for the successful completion of her duties and for the functioning of the judiciary. . „Претседателката на Судски совет, Црвенковска поднесе оставка“ (The President of the Judicial Council, Crvenkovska resigned), Civil Media, 29 November 2022, <https://civilmedia.mk/pretседатelkata-na-sudski-sovet-tsrevenkovska-podnese-ostavka/>.

30 “Press Release from the 420th session of the Judicial Council of RNM – 24.11.2022”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3XsfCxZ>.

31 “Бунт во Судскиот совет, членовите избрани од судиите спречија да помине готов список за гласање за клучни места во Академијата за судии и јавни обвинители” (Rebellion in the Judicial Council, members chosen from among the judges prevented the voting for the proposed list of candidates for key positions at the Academy of Judges and Public Prosecutors), Sakam da kazam, 26 November 2022, <https://bit.ly/3G-Dlqfu>.

32 “Press Release from the 420th session of the Judicial Council of RNM – 24.11.2022”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3XsfCxZ>.

33 “Press Release from the continuation of the 420th session of the Judicial Council of RNM – 07.12.2022”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/47wRM8D>.

for the period between October 2022 and September 2023

1. JUDICIARY

Corruption (SCPC),³⁴ for a conflict of interests³⁵ and a great concentration of power in the elected persons.³⁶

Similar reactions caused the decision of the Council for Public Prosecutors of the Republic of North Macedonia (CPRNM) for the election of two members from among the public prosecutors for the Management Board of AJPP, among whom was the new Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (BPPOPOCC).³⁷ Specifically, the public reacted that his election opened up the possibility for influence and bias during the final exam and evaluation of the candidates of the seventh generation attending the initial training at AJPP, among whom was his wife.³⁸ Due to the reactions, the new head of BPPOPOCC resigned from the position.³⁹ Under these circumstances, the candidate from the Judicial Council withdrew from the position of Acting Director of AJPP⁴⁰ and his candidacy for the position of a new President of the Judicial Council, keeping only the original position for which he was elected - a member of AJPP's Management Board.⁴¹

The reason for the resignation of the President of the JCRNM was neither investigated nor elaborated.⁴² On 5 December 2022, a new President of the JCRNM⁴³ was elected, who only four months after the election, contrary to the Law on the Judicial Council⁴⁴ and the Rules of

34 „Антикорупциска контра Герасимовски: Не се консултираше со нас, не може судија да извршува три функции“ (Anticorruption Commission opposing Gerasimovski: He did not consult us, a judge cannot hold three offices), A1 on, 2 December 2022. <https://a1on.mk/macedonia/antikorpuciska-kontra-gerasimovski-ne-se-konsultiral-so-nas-ne-mozhe-sudija-da-izvrshuva-tri-funkcii/>.

35 „Судскиот совет не гледа проблем што нивниот член Герасимовски извршува две функции истовремено“ (The Judicial Council does not see a problem that their member Gerasimovski holds three offices at the same time), MKD.mk, 18 December 2022. <https://www.mkd.mk/makedonija/sudstvo/sudskiot-sovet-ne-gleda-problem-shto-nivniot-chlen-gerasimovski-izvrshuva-dve>.

36 „Герасимовски доби и трета функција, стана директор на Академијата: Не се откажувам од ниедна, сè е чисто“ (Gerasimovski got a third office, by becoming the Director of the Academy: I am not giving up on any, everything is clean), A1 on, 30 November 2022. <https://a1on.mk/macedonia/sudijata-gerasimovski-dobi-i-treta-funkcija-stana-direktor-na-akademijata-ne-se-otkazuvam-od-niedna-se-e-chisto/>.

37 Minutes of the 69th session of the Council of Public Prosecutors of the Republic of North Macedonia, official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://bit.ly/46lPrfM>.

38 „Герасимовски и Рајевска незаконски избрани во Управен, судскиот и обвинителски совет како на пазарче со толкувањето закони“ (Gerasimovski and Rajevska elected to the Administrative, Judicial and Prosecutors' Councils contrary to the law by interpreting the laws to their liking), A1 on, 27 November 2022. <https://a1on.mk/macedonia/gerasimovski-i-rajevskanezakonski-izbrani-vo-upraven-sudskiot-i-obviniteliski-sovet-ka-na-pazarche-so-tolkuvanjeto-zakoni/>.

39 The election of the President of the Supreme Court as a member of the Management Board of AJPP, where her daughter-in-law was attending the initial training, caused the same reactions as the election of the Basic Public Prosecutor of BPPOPOCC for the same position. However, she did not step down. „Абази се повлече од академијата ама Беса Адеми нема таква намера“ (Abazi withdrew from the Academy, but Besa Ademi has no such intention), Alfa TV, 12 November 2022. <https://bit.ly/3MJUKPI>.

40 „Press Release about the constitutive session of the Management Board of the Academy“, Official Website of the Academy for Judges and Public Prosecutors „Pavel Shatev“, 30 November 2022. <https://bit.ly/3SJ6WDG>.

41 „Герасимовски поднесе оставка од функцијата директор на Академијата за судии и обвинители“ (Gerasimovski resigned as Director of the Academy of Judges and Public Prosecutors), A1 on, 5 December 2022, <https://a1on.mk/macedonia/gerasimovski-podnese-ostavka-od-funkcijata-direktor-na-akademijata-za-sudii-i-obviniteli/>.

42 Blueprint Group for Judicial Reform, „How to restore citizens' trust in the Judicial Council of RNM? Between the status quo and radical reforms – Recommendations for improving the legal and institutional framework for operation of the Judicial Council“, 2023. Not published.

43 „Press Release from the 422nd session of the Judicial Council of RNM – 05.12.2022“.

44 „Law on the Judicial Council of the Republic of North Macedonia“. Official Gazette of the Republic of North Macedonia, no. 102/2019, Art. 34, 35, 36.

1. JUDICIARY

for the period between October 2022 and September 2023

Procedure of the Judicial Council,⁴⁵ in the absence of a regulated dismissal procedure and without the required majority, was dismissed from office.⁴⁶ The dismissal of the new President of the Council was initiated with the disputed addition of a new item to the agenda of the session⁴⁷ and without respecting the legal regulations for initiating disciplinary proceedings against a member of the Council. Namely, the existing regulations provide for a procedure and conditions for the election of the President of the Council, but not a procedure, conditions and grounds for dismissal from the position of the President of the Council,⁴⁸ that is, there are only provisions that regulate the disciplinary procedure and the accountability of a member of the Council.⁴⁹ So, if it had consistently applied the relevant regulations, the Judicial Council could not have decided to dismiss the President without a previous decision to dismiss her as a member of the Judicial Council. The same applied to the resignation of the previous president.⁵⁰ In addition, the decision for her dismissal was made without the required majority of votes by the members of the Council, that is, instead of eight votes, the decision was made with seven votes, one of which was the vote of the member who proposed the initiative for her dismissal.⁵¹

On 4 May 2023, the members of the Council “legitimised” their decision by violating the provisions of the Law and the Rules of Procedure again by excluding the public from the sessions of the JCRNM,⁵² revoking the original decision⁵³ and securing the appropriate number

45 “Rules of Procedure of the Judicial Council of the Republic of North Macedonia”, Official Gazette of the Republic of North Macedonia, no. 274/2019, Art. 12, 13.

46 The President of the Judicial Council was dismissed for refusing to put an item on the agenda for voting, as well after being accused that she hid a letter sent by the American Ambassador to the Judicial Council on 11 April, in which she criticized the work of the courts. “Press Release from the 438th session of the Judicial Council of RNM – 26.04.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3IVSi6t>.

47 On the motion to add an item to the proposed agenda, the Council voted using its electronic system. With six votes “Yes” and six votes “No”, the motion was not passed initially, after which a member of the Council said he was suspicious of the results of the electronic vote and asked for the vote to be repeated by a show of hands. During the repeated voting, the motion was passed with seven votes “Yes” and five votes “No” from the members with the right to vote present at the session. However, no explanation was offered either for the suspicion in the voting results, or for the difference in the voting results. Report on the 438th session of the Judicial Council of the Republic of North Macedonia held on 26 April 2023”, https://drive.google.com/file/d/1Vrpta0K7JBPkocvnLh-Cmrypm5-M-6mV/view?fbclid=IwAR2_hEZlifzdgHnpuF99SYyJtQo5-Sno5u8KAVA7KIlyuGTJRJhLgwzYh0M

48 Law on the Judicial Council of the Republic of North Macedonia, Article 34, 35, 36.

49 Ibid.

50 The previous president could not resign only from the position of President of the Judicial Council, according to the provisions that regulate that issue.

51 “Report on the 438th session of the Judicial Council of the Republic of North Macedonia held on 26 April 2023”, “All for Fair Trials” Coalition, https://drive.google.com/file/d/1Vrpta0K7JBPkocvnLh-Cmrypm5-M-6mV/view?fbclid=IwAR2_hEZlifzdgHnpuF99SYyJtQo5-Sno5u8KAVA7KIlyuGTJRJhLgwzYh0M.

52 At two of the three sessions held on 4 May 2023, the public was unlawfully excluded by referring to Article 39 Paragraph 2 of the Law on the Judicial Council, according to which the public can be excluded solely “for the sake of protecting the reputation and integrity of the judge or the candidate for a judge,” which was not the case. Interpersonal relations between the members of the JCRNM are not and cannot be a basis for excluding the public. In addition, one could notice that with this the Council showed that it acted contradictory when in the same situation. Namely, at the session held on 26 April 2023, this same item on the agenda was public and citizens could follow the discussion and decision-making on it. Blueprint Group for Judicial Reform, „Судскиот совет продолжува со незаконитото и нетранспарентното постапување – Реакција по повод случајувањата во Судскиот совет на РСМ на седницата одржана на 4 мај 2023” (The Judicial Council continues its unlawful and non-transparent behaviour - Reaction to the developments at the Judicial Council of RNM at the session held on 4 May 2023), 5 May 2023, <https://bit.ly/47pkAjX>.

53 The Law on the Judicial Council does not even recognise the possibility for the members of the Council to withdraw a decision, but only to revoke or annul a decision.

for the period between October 2022 and September 2023

1. JUDICIARY

of votes.⁵⁴ In addition, at one of the three separate sessions, which was the only one that was public, the new president and vice-president of the Council were elected,⁵⁵ for the first time from among the judges, and in accordance with the decision of the Constitutional Court of 7 March 2023, which allowed as president and vice-president of the Council to be elected members of the Council who are judges.⁵⁶

The aforementioned proceedings of the Judicial Council were subject to analysis and caused concerns and reactions in regard to the legitimacy and transparency,⁵⁷ both among the domestic⁵⁸ and international stakeholders.⁵⁹ The members of the Council⁶⁰ were asked to resign and the projects and funds intended for it were halted by the diplomatic missions.⁶¹ At the same time, the former president filed a criminal complaint and a lawsuit challenging the dismissal decision,⁶² while the Judicial Council discussed a possible conflict of interest during her term in office.⁶³ By the end of the reporting period, the Administrative Court had not yet decided on the filed lawsuit.⁶⁴

As a result of those reactions, the two members of the Council from the ranks of the judges (more specifically from the Skopje Appellate District and the Administrative Courts and the

54 "Press Release from the 440th urgent closed session of the Judicial Council of RNM – 04/05/2023", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3CtcJEh>; "Press Release from the 441st urgent closed session of the Judicial Council of RNM – 04/05/2023", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3RanHX5>.

55 "Press Release from the continuation of the 439th urgent session of the Judicial Council of RNM – 04.05.2023", Official Website of the Judicial Council of the Republic of North Macedonia, 4 May 2023, <https://bit.ly/3ukXxlG>.

56 "Repealed part of Article 8 of the Law on the Judicial Council that referred to the election of the President", Official website of the Constitutional Court of the Republic of North Macedonia, 7 March 2023, <https://ustavensud.mk/?p=23710>.

57 Blueprint Group for Judicial Reform, „Судскиот совет продолжува со незаконитото и нетранспарентното постапување – Реакција по повод случувањата во Судскиот совет на РСМ на седницата одржана на 4 мај 2023“ (The Judicial Council continues its unlawful and non-transparent behaviour - Reaction to the developments at the Judicial Council of RNM at the session held on 4 May 2023).

58 „Министерот Лога предложи распуштање на Судскиот совет“ (Minister Loga proposed dissolution of the Judicial Council), TV 21, 19 June 2023, <https://mk.tv21.tv/ministerot-loga-predlozhi-raspustane-na-sudskiot-sovet/>; „Пендаровски: Судскиот совет се посрамоти“ (Pendarovski: The Judicial Council has embarrassed itself), Deutsche Welle, 29 May 2023, <https://www.dw.com/mk/pendarovski-celiot-sostav-na-sudskiot-sovet-se-posramoti-vo-ocite-na-javnosta/a-65763482>.

59 „Агелер: Судскиот совет не ги исполни своите законски обврски“ (Aggeler: We have seen little evidence that Judicial Council is fulfilling its duties), 8 November 2023, <https://www.slobodnaevropa.mk/a/32676162.html>.

60 Platform of Civil Society Organisations for Fight against Corruption. "Call for the members of the Judicial Council to resign", 10 May 2023, <https://transparency.mk/wp-content/uploads/2023/05/reakczi%D1%98a-sudski-sovet-1.pdf>.

61 „Холандија стави во мирување проект со Судскиот совет поради скандалите“ (The Netherlands puts the project with the Judicial Council on hold because of the scandals), Radio Free Europe, 26 May 2023, <https://bit.ly/3uAgg2z>.

62 „Експретседателката на Судскиот совет, Весна Дамева, поднесе кривична пријава до Скопско обвинителство и тужба до Управниот суд за нејзино разрешување“ (The ex-president of the Judicial Council, Vesna Dameva, filed a criminal complaint with the Skopje Prosecutor's Office and a lawsuit with the Administrative Court concerning her dismissal), Sakam da kazam, 19 May 2023, <https://bit.ly/3slspH>.

63 There have been allegations that the former president of the Council participated in procedures dealing with determining judges' liability, where her husband was one of the parties. According to the Judicial Council, Dameva's husband, Mladen Damev, President of the Management Board and General Director of "Skopski Pazar", appeared as a victim and as a plaintiff in several cases that were and are still being tried at the Criminal Court and the Court of Appeal. „Судскиот совет расправаше за судир на интереси на експретседателката Дамева“ (The Judicial Council discussed the conflict of interests of its ex-president Dameva), Meta.mk, 5 June 2023, <https://meta.mk/sudskiot-sovet-raspravashe-za-sudir-na-interesi-na-ekspretsedatelkata-dameva/>.

64 "Discussion on the Shadow Report for Chapter 23 for the period October 2022 - September 2023", Official website of European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

1. JUDICIARY

for the period between October 2022 and September 2023

Supreme Court of RNM (SCRNM)) resigned⁶⁵ from their positions,⁶⁶ after which there was an Advertisement for their replacement.⁶⁷ In order to properly implement the procedure for the election of new members, the Council published a public call intended for associations and foundations in the area of the rule of law in order for them to nominate representatives (a member and a deputy member) who would be part of the Election Commission.⁶⁸ As a result of the unlawful actions on the part of the Council that preceded the announced election procedure, the associations boycotted the call.⁶⁹ In order to complete the Election Commission, the Council turned to the Bar Association of RNM, who nominated a member and a deputy.⁷⁰ The final candidate lists for the election of the new members of the Council from the ranks of judges were determined after accepting the objection from the judge, the President of the Kavadarci Basic Court,⁷¹ on which, on the other hand, it was established that the members of the Council acted inconsistently, when it came to their “formalist approach” in regard to the requirements for the documents submitted by the candidates who wanted to become members of the Council.⁷²

The election was held on 13 July 2023, and two new members of the Judicial Council were elected.⁷³ However, the only candidate from the electoral area of the SCRNM was elected, for whom some information was previously published in the media about the procedure initiated by the Council for his unprofessional and negligent work that was halted,⁷⁴ as well as the

65 “Press Release from the 444th urgent session of the Judicial Council of RNM – 08.06.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3SSV3v9>.

66 At the session when the end of their term in office was confirmed, two members briefly explained the reasons for their resignation as being members of the Judicial Council. It is evident from their presentations that, among other things, the resignations were due to their disagreement with the way the Council operates and decides, as well as that they could contribute much more as judges within the courts in which they work, than as members of the Council.

„(Видео) Двајцата членови го напуштија Судскиот совет: Врховната судијка укажа на незаконски одлуки, Герасимовски впери прст во превирањата“ (Video) Two members left the Judicial Council: a supreme court judge points at illegal decisions, Gerasimovsk pointed a finger at the turmoil), Makfax News Agency, 8 June 2023, <https://bit.ly/3SSYgdX>.

67 “Advertisement for the election of members of the Judicial Council from the ranks of the judges: one member from the ranks of judges from the Skopje Appellate District and one member from the ranks of judges from the Supreme Court of RNM”, Official Gazette of the Republic of North Macedonia, no. 120/2023.

68 Public call for associations and foundations in the field of human rights and the rule of law, Official Website of the Judicial Council of the Republic of North Macedonia, 13 June 2023, <https://bit.ly/46otYmt>.

69 Platform of Civil Society Organisations for Fight against Corruption and Blueprint Group for Judicial Reform, „Номинација на членови во комисијата за спроведување на избори за членови на Судскиот совет“ (Nomination of members for the commission conducting the election of members of the Judicial Council), 23 June 2023, <https://bit.ly/40SmHdJ>.

70 Contribution to the Shadow Report by “All for Fair Trials” Coalition, 17.11.2023.

71 “Press Release from the 448th session of the Judicial Council of the Republic of North Macedonia”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3Ge8RJ8>.

72 Institute for Human Rights, “Monitoring Report on the work of the Judicial Council January-July 2023”, August 2023, <https://bit.ly/3ZuDLpr>.

73 “Nakje Georgiev and Antoineta Dimovska elected from the judges’ ranks as new members of the Judicial Council”, Official Website of the Judicial Council of the Republic of North Macedonia, 17 July 2023, <https://bit.ly/45cJt0h>.

74 „Судски совет потврди дека ја запрел постапката против врховниот судија Наке Георгиев, нема информација за претседателот на Управен, Бурим Сејдини“ (The Judicial Council confirmed that it stopped the proceedings against Supreme Court Judge Nakje Georgiev, there is no information about the President of the Administrative Court, Burim Sejдини), 360 stepeni, 4 July 2023, <https://360stepeni.mk/sudski-sovet-potvr-di-deka-ja-zaprel-postapkata-protiv-vrhovniot-sudija-nake-georgiev-nema-informatsija-za-pretседателот-na-upraven-burim-sejdini/>.

for the period between October 2022 and September 2023

1. JUDICIARY

procedure before the prosecutor's office for corrupt actions while exercising his duties as a judge at the Strumica Basic Court of and the Shtip Court of Appeal.⁷⁵ Among other things, his election showed another systemic weakness in the model for electing members of the JCRNM, rooted in the Law on the Judicial Council, which lacks provisions concerning the compulsory criteria for participation and specific election thresholds for candidates.⁷⁶ Specifically, for the elected candidate, only six judges out of a total of 16 judges, registered in the Judicial Electoral Directory for this court, cast their vote.⁷⁷ 13 judges voted, of whom the majority (seven) cast invalid ballots, which can be considered as a form of election boycott.⁷⁸ This situation was further burdened by the fact that the illegitimately elected member submitted an irrevocable resignation after a few days,⁷⁹ due to the fact that a member of his family was about to be elected as a judge.⁸⁰ Subsequently, two calls were published to fill the vacant position,⁸¹ which failed due to the fact that not a single judge from SCRNM had applied, which indicated that the judges had no confidence in the Judicial Council.

In response to the above-mentioned developments in the Judicial Council, the European Union sent a peer review mission,⁸² with the objective of detecting the weaknesses in the work of the Council⁸³ and offering recommendations for future steps that would lead to its complete reform.⁸⁴

75 „Судии со постапки во Судскиот совет и обвинителство потврдени за кандидати за членови на советот“ (Judges against whom there are ongoing proceedings at the judicial council and prosecutor's office confirmed as candidates for the Council), TV Telma, 5 July 2023, <https://telma.com.mk/2023/07/05/sudii-so-postapki-vo-sudski-sovet-i-obvinitelstvo-potvrdeni-za-kandidati-za-chlenovi-na-sovetot/>.

76 Blueprint Group for Judicial Reform, „Реакција по повод избори на два члена на Судскиот совет на PCM од редот на судиите и изборот на јавни обвинители од Советот на јавни обвинители на PCM“ (Reaction to the election of two members of the Judicial Council of RNM from among judges and the election of public prosecutors by the Council of Public Prosecutors of RNM), 14 July 2023, <https://bit.ly/3Gc86jB>.

77 Ibid.

78 „Врховните судии ги испокртаа гласачките ливчиња и го бојкотираа Наке Георгиев, но тој со само 6 гласа сесе неговиот е избран за нов член на Судскиот совет. Избрана е и Антоанета Димовска“ (The supreme judges crossed out the ballots and boycotted Nakje Georgiev, but he was elected as a new member of the Judicial Council with only 6 votes, including his own. Antoineta Dimovska was also elected), Sakam da kazam, 13 July 2023, <https://sdk.mk/index.php/makedonija/vrhovnite-sudii-gi-ispochkrtaa-glasachkite-livchina-i-go-bojkotiraa-nake-georgiev-no-toj-so-samo-6-glasa-sose-negoviot-e-izbran-za-nov-chlen-na-sudskiot-sovet-izbrana-e-i-antoaneta-dimovska/>.

79 “Press Release from the 450th session of the Judicial Council of RNM – 25.07.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3Rz2Hdp>.

80 „Нејасната ‘турнеја’ на врховниот судија Наке Георгиев – По нецели две недели новиот член на Судски поднесе оставка, за синот да стане судија“ (The strange ‘tour’ of the Supreme Judge Nakje Georgiev - After less than two weeks, the new member of the Judicial Council resigned, so that his son could become a judge), Prisma – Balkan Investigative Reporting Network мрежа (BIRN) Macedonia, 25 July 2023, <https://prizma.mk/nejasnata-turneja-na-vrhovniot-sudija-nake-georgiev/>.

81 Advertisement for the election of 1 (one) member from among the judges of the Supreme Court of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia, no. 252/2023; Advertisement for the election of 1 (one) member from among the judges of the Supreme Court of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia, no. 203/2023.

82 „Судски совет од утре ‘под луна’ на ЕУ – почнува оценската мисија“ (Starting from tomorrow the Judicial Council is under EU scrutiny – the peer review mission sets off), Kanal 5, 26 July 2023, <https://kanal5.com.mk/sudski-sovet-od-utre-pod-lupa-na-eu-pochnuva-ocenskata-misija/a592935>.

83 During the visit of the peer review mission, its expert team talked to the key stakeholders from the country, including the European Policy Institute (EPI) – Skopje, especially as part of the Blueprint Group for Judicial Reform.

84 „Извештајот на оценската мисија на ЕУ ќе биде разгледуван транспарентно пред медиумите, најави претседателот на Судскиот совет“ (The report of the EU peer review mission will be reviewed transparently with the media, the President of the Judicial Council announced), 360 stepeni, 25 September 2023, <https://360Stepeni.mk/izveshtajot-na-otsenskata-misija-na-eu-ke-bide-razgleduvan-transparentno-pred-mediumite-najavi-pretседателot-na-sudskiot-sovet/>.

1. JUDICIARY

for the period between October 2022 and September 2023

Something that could be singled out as positive in the work of the Judicial Council was the adoption of the new Code of Ethics for its members,⁸⁵ which incorporates a new article: ethical behaviour on social media.⁸⁶ Furthermore, after criticism from the expert public and the indication of the need to improve and specify the Programme and the Action Plan for the prevention and monitoring of corruption in the judiciary 2022-2025,⁸⁷ in December 2022, the Judicial Council started working on changing them in line with the suggestions.⁸⁸ In addition, on 29 September 2023, it signed a Memorandum of Cooperation with CPPRNM for mutual coordination, planning and implementation of joint activities: projections for the ratio of candidates for future judges and public prosecutors during the enrolment of new candidates at the AJPP, joint communication with the state institutions in order to ensure better material and financial conditions for work, greater independence in budgeting and improvement of the status of the professional service.⁸⁹

As far as CPPRNM is concerned, the Council has filled the old and new vacancies in the Council, which means it operates with all the required members. More specifically, on 10 January 2023 it elected the member of the Council from the ranks of public prosecutors for the district of the Higher Public Prosecutor's Office Gostivar,⁹⁰ and on 26 April 2023, it elected the member of the Council, from the country's communities.⁹¹ The remaining two members of the Council were elected by the Assembly on 18 July⁹² and 26 July 2023 consequently.⁹³ The last election of a member of the Council caused reactions from the opposition,⁹⁴ and consequently the public,⁹⁵ due to the fact that in 2009, according to the

85 "Press Release from the 417th session of the Judicial Council of RNM – 19.10.2022", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bitly.ly/3X106J6>.

86 Code of Ethics for the members of the Judicial Council of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia, no. 228/2022.

87 Judicial Council of the Republic of North Macedonia, "2022-2025 Programme and Action Plan for prevention and monitoring of corruption in judiciary", 7 September 2022, <https://bit.ly/3DNooPw>.

88 "Press Release from the continuation of the 421st session of the Judicial Council of RNM", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3kKhKsK>.

89 "Memorandum – new beginning for the cooperation between the Judicial Council and the Council of Public Prosecutors", Official Website of the Judicial Council of the Republic of North Macedonia, 27 September 2023, <https://bit.ly/3PysYWB>.

90 "Press Release", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 10 January 2023, <https://bit.ly/43h4kj4>.

91 "Press Release", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 27 April 2023, <https://bit.ly/3sXALps>; "Press Release on the election", official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://bit.ly/3Gd1Zvl>.

92 "Taking the Oath", Official website of Assembly of the Republic of North Macedonia, 25 July 2023, <https://www.sobranie.mk/ns-newsarticle-davane-svecena-izjava-25-juli-2023.nspix>.

93 „Кети Петкова даде свечена изјава како нов член на Советот на јавни обвинители“ (Keti Petkova took the oath as a new member of the Council of Public Prosecutors), 360 stepeni, 26 July 2023, <https://360stepeni.mk/foto-keti-petkova-dade-svecena-izjava-kako-nov-chlen-na-sovetot-na-javni-obviniteli/>.

94 „Пратениците на ВМРО-ДПМНЕ против предлогот Кети Петкова да стане член на Советот на јавни обвинители“ (VMRO-DPMNE's MPs opposing the proposal for Keti Petkova to become a member of the Council of Public Prosecutors), A1 on, 19 July 2023, <https://a1on.mk/macedonia/pratenicite-na-vmro-dpmne-protiv-predlogot-keti-petkova-da-stane-chlen-na-sovetot-na-javni-obviniteli/>.

95 „Како 'разрешената' обвинителка Кети Петкова сега ќе бира и разрешува обвинители?“ (How will the 'dismissed' prosecutor Keti Petkova choose and dismiss prosecutors now), 360 stepeni, 27 July 2023, <https://360stepeni.mk/kako-razreshenata-obvinitelka-keti-petkova-sega-ke-bira-i-razreshuva-obviniteli/>.

for the period between October 2022 and September 2023

1. JUDICIARY

law at that time,⁹⁶ he was not re-elected for the position of basic public prosecutor because of a decision for unprofessional and negligent performance of duties.⁹⁷ In addition, on 27 September 2023, the term of office of the current President of the Council was terminated, and a new president was elected at the same session.⁹⁸ In this sense, it is exceptionally important to point out that only the president at the time proposed a candidate for the president's position, while the other members of the Council had no proposals, so there was practically no competition for the position as a new President of the Council.⁹⁹

It is necessary to revise the procedure for determining disciplinary responsibility of a member of the Judicial Council in order to strengthen the grounds for initiating the procedure and expanding the circle of entities that could submit requests for disciplinary proceedings;

The provisions of the Law on the Judicial Council need to be amended in order to change and specify the procedure for the election of members of the Council, both from the ranks of the judges and by the Assembly. Regarding the first way of election, it is necessary to establish a mandatory census, i.e. a minimum percentage of judges' turnout in order for the elections to be valid, as well as to establish a required majority of votes to consider the candidate elected. Furthermore, in relation to the second way of election, it is necessary to establish a preliminary scrutiny and an extended session of the SCRNM at which, in addition to all judges of the Supreme Court, the presidents of all courts in the country would also attend. In addition, the election procedure should also include a mandatory interview before the competent parliamentary working body, at which representatives of the previously mentioned entities, as well as civil society organisations, would take part,¹⁰⁰

A preliminary checking and a mandatory interview are also required for candidates for members of the Council of Public Prosecutors, in order to present their achievements, work programme and motivation for being a member of the Council.

96 According to the law at that time, prosecutors were elected for a term of six years and each elected prosecutor applied for (re)election/extension of their term, before those six years expired. At that time, the Council of Public Prosecutors was the body that decided on the extension of the terms of public prosecutors. The session of the Council held on 20 July 2009 was the last time they decided about this according to that law, because the position of the public prosecutor became permanent according to the then new law.

97 "Decision for termination of the term in office of a public prosecutor", Official Gazette of Republic of Macedonia, no. 90/2009.

98 "Press Release", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 27 September 2023, <https://bit.ly/3t2Q-3Jh>.

99 Contribution to the Shadow Report by "All for Fair Trials" Coalition, 17.11.2023.

100 Blueprint Group for Judicial Reform, "How to restore citizens' trust in the Judicial Council of RNM? Between the status quo and radical reforms – Recommendations for improving the legal and institutional framework for operation of the Judicial Council".

INDEPENDENCE AND IMPARTIALITY

The legal framework, as a guarantee for judiciary's independence, is well set up and fully implemented,¹⁰¹ except for the part concerning the financial independence of the courts' budget. However, despite the established legal framework, citizens' lack of trust in judiciary is on the rise, as indicated by the latest survey of the Balkan Barometer, where the Republic of North Macedonia, compared to the previous year, has a rise of 10%.¹⁰² This is also evident in the data from the latest survey of the International Republican Institute (IRI), which shows that 80% of the citizens-respondents do not trust or are suspicious of the institutions that are directly involved in combating organised crime and corruption, and they are also not sure that they can get adequate protection of their rights before the courts.¹⁰³ A key role in strengthening citizens' trust in the judiciary is played by the legislator, the executive branch, the media, JCRNM and CPPRNM, by ensuring transparency of their actions, encouraging transparency of court proceedings, execution of judgments, and thus maintaining public trust in the independence and impartiality of the judiciary.¹⁰⁴

*Improving the transparency remains a challenge for both councils. During the reporting period, the sessions of the Judicial Council were for the most part public and the presence of representatives of the media and of the civil sector was noted.*¹⁰⁵ However, after the unlawful dismissal of the President of the Council, the previous practice of having the public attending the sessions also changed, and there was also an attempt to change the practice that allowed the media to record the entire Council sessions. In regard to the former, if a person is interested in following the public sessions of the JCRNM, they need to acquire an approval from the JCRNM beforehand.¹⁰⁶ This change, without having a legitimate reason, directly contradicts the principle of transparency and openness of the institutions.¹⁰⁷ In regard to the latter, an attempt was made at the session held on 9 May 2023, at which the media were allowed to record only short sections,

¹⁰¹ Part of the activities and measures determined in the 2017-2022 Strategy for Reform of the Judicial Sector, which refer to independence and impartiality, have been implemented with the adoption of the third set of amendments to the Law on Courts and the new Law on the Judicial Council. The Law on the Public Prosecutor's Office and the Law amending the Law on the Council of Public Prosecutors are aimed at increasing the independence of judiciary. The third set of amendments to the Law on Courts and the new Law on the Judicial Council have contributed in particular to the implementation of the recommendations of the expert group headed by Priebe and the recommendations given by the Venice Commission.

¹⁰² Balkan Public Barometer – Results Table, Regional Cooperation Council (RCC), <https://www.rcc.int/balkanbarometer/results/2/public>.

¹⁰³ International Republican Institute (IRI), National Survey of North Macedonia | April – May 2023, 10 July 2023, <https://www.iri.org/resources/national-survey-of-north-macedonia-april-may-2023/>.

¹⁰⁴ Ledi Bianku and Hannah Smith, "Independence and impartiality of the judiciary - an overview of the relevant jurisprudence of the European Court of Human Rights", 2021, <<https://www.rolplatform.org/wp-content/uploads/2021/09/independence-and-impartiality-of-judiciary-mkd.pdf>>.

¹⁰⁵ Contribution to the Shadow Report by "All for Fair Trials" Coalition, 17.11.2023.

¹⁰⁶ Ивана Петковска и Лејла Тутиќ, „Годишен мониторинг извештај за работата на Судскиот совет и Советот на јавни обвинители of the Republic of North Macedonia" (Ivana Petkovska and Lejla Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia) "All for Fair Trials" Coalition, 2023, <https://all4fairtrials.org.mk/wp-content/uploads/2023/12/63-MISO-2023.pdf>.

¹⁰⁷ Ibid.

for the period between October 2022 and September 2023

1. JUDICIARY

after which it was requested for the cameras to be removed from the room, on the grounds that there was not enough space in the conference room, and that the cameras affected the concentration of the Council's members.¹⁰⁸ This decision was changed the very next day, with the rationale that video recording of the session was allowed,¹⁰⁹ and consequently the sessions of the Council could be broadcasted live by the Media Information Agency (MIA).¹¹⁰ *The other meetings of the Council were not public, after the decision by the Council to exclude the public. At the closed meetings, the standard of proceedings and interpretation of the relevant provisions regulating this issue was not equal, and they were even breached. Namely, the Law on the Judicial Council determines in exactly which situations the Council can decide to exclude the public from the sessions.*¹¹¹ Specifically, Article 39 Paragraph 2 provisions that the public can be excluded for the purpose of protecting the reputation and integrity of the judge or a candidate for judge, and according to Paragraph 3 when the Council adopts such a decision, it is obliged to inform the public of the reasons for such a decision. Additionally, if it is a case in which the Council must decide on a certain point for which the public would be excluded, the voting about the decision must be public, just like the decision to exclude the public.¹¹² Starting from this way of regulating the issue of the public, when it comes to the work of the Judicial Council, at the 440th and 441st session of the Council, a violation of the provisions was established, by excluding the public, without prior public announcement that the sessions were convened and without previously given explanation of the reasons for making such a decision.¹¹³ The reason for excluding the public was that it was a sensitive topic - interpersonal relations, concerning two utterly important issues - revoking of the decision to dismiss the president, as well as adopting a new decision for her dismissal.¹¹⁴ On the other hand, at the 438th session of the Council, when the President was originally dismissed, the citizens were allowed to follow the discussion and the adoption of a decision after it.¹¹⁵ *Unequal treatment was also observed during the exclusion of the public from the 454th session, held on 14 September 2023, due to a report containing information related to the work of the President of the Basic Court Kavadarci, which was prepared based on allegations submitted to the Council, and presented by citizens, CPPRNM, SCPC and*

- 108 "The Judicial Council has an obligation to be transparent", Official website of Association of Journalists of Macedonia, 9 May 2023, <https://bit.ly/47MxWq8>.
- 109 "There will be cameras in the Judicial Council as before and from now on", Official Facebook profile of Judicial-Media Council of the Association of Judges of the Republic of North Macedonia, 19 May 2023, <https://www.facebook.com/SMSovet/posts/pfbid031EpGHec59Gs2bRg6jo8pDR153g-4w4HePbYLZsSJ7iAtDhyc47a3apkp1WYRrt966l>.
- 110 „Георгиев: Овој состав на Судскиот совет ќе биде исклучително транспарентен“ (Georgiev: This Judicial Council will be exceptionally transparent), Media Information Agency – MIA, 10 May 2023, <https://bit.ly/3MYWZyi>.
- 111 Law on the Judicial Council of the Republic of North Macedonia.
- 112 Ibid.
- 113 Blueprint Group for Judicial Reform, "The Judicial Council continues with its unlawful and non-transparent actions - Reaction to what happened at the Judicial Council of RNM during its session held on 4 May 2023".
- 114 Ibid.
- 115 All for Fair Trials" Coalition, "Special report on the session of the Judicial Council of the RNM held on 05/04/2023", <https://drive.google.com/file/d/1PbXN6QrSYuTbew4gEH4tiIrgKxNmj8g3/view>.

1. JUDICIARY

for the period between October 2022 and September 2023

other stakeholders.¹¹⁶ Specifically, it was not explained clearly why the Council considered that this report would threaten the reputation of the judge, i.e. the president of the court, that it believed it was necessary to adopt a decision to exclude the public, when reports on the work of a specific court or a president of a court used to be presented publicly.¹¹⁷

A direct violation of the legal provisions and the provisions of the Rules of Procedure of the JCRNM¹¹⁸ regarding transparency and publicity in the work of the Council were confirmed with the session when the new President of the Council was elected, by convening the session after the working hours of the Council and about fifteen minutes before the start at the session.¹¹⁹

The working meetings of the members of the JCRNM remain a challenge.¹²⁰ One can conclude that the members of the Council discuss the important points of the agenda “behind closed doors”, and then with agreed views they have a public session, at which they adopt the previously agreed decisions without or with a minimum of discussion, in order to leave a positive impression in front of the attending public.¹²¹ It is also necessary to use more the audio-visual and audio recording of sessions and trials, which, although a legal obligation, has not been practiced consistently and regularly.¹²²

The publication of information on the Council’s website about scheduled and held sessions, adopted decisions, held meetings, prepared reports, minutes, and other materials related to the Council’s work is a positive thing in the work of the Council. For this purpose, a public relations representative has been engaged,¹²³ and the meetings with the Judicial-Media Council are more frequent in order to improve the transparency of the Council,¹²⁴ which results are yet to be seen in the coming period.

116 Petkovska and Tutic, “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia”

117 Ibid.

118 Pursuant to Article 38 of the Law on JCRNM and Article 11 of the Rules of Procedure of JCRNM, the day when the Council’s meeting is convened is published on the Council’s website, immediately after the meeting is scheduled, and simultaneously with the delivery of the invitations to the members of the Council. The invitation is delivered at least seven days before the day of the scheduled meeting, but there is a possibility for urgent matters, the session to be scheduled earlier than that.

119 Blueprint Group for Judicial Reform, “The Judicial Council continues with its unlawful and non-transparent actions - Reaction to what happened at the Judicial Council of RNM during its session held on 4 May 2023”.

120 The option to hold working meetings (staff meetings) was made possible by the 2015 Rules of Procedure of the Judicial Council, where it was stipulated in Article 15 that the President of the Council can convene and hold meetings whenever they deem necessary. In the Rules of Procedure that are currently in force, that provision is mirrored in Article 19. “Rules of Procedure for the work of the Judicial Council of the Republic of North Macedonia”, Official Gazette of the Republic of North Macedonia no. 274/2019.

121 Petkovska and Tutic, “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia”

122 Some time after the dismissal of the former president, the electronic system for sound recording and voting seems was not working again, unlike before, so members voted by show of hands. Neither the former vice-president Selim Ademi, who chaired the sessions until the election of the new president, nor the new president Sashko Georgiev, explained why the system was not in operation during that period. Institute for Human Rights, “Monitoring Report on the work of the Judicial Council January-July 2023”.

123 “Press Release”, Official Website of the Judicial Council of the Republic of North Macedonia, 19 May 2023, <https://bit.ly/3GmG19a>.

124 “Meeting of the Judicial Council with members of the Judicial-Media Council, Official Website of the Judicial Council of the Republic of North Macedonia, 19 May 2023, <https://bit.ly/3uFqJK5>.

for the period between October 2022 and September 2023

1. JUDICIARY

Significant measures to improve the transparency of judiciary have been undertaken by the Judicial Media Council and the SCRNM. Through their mutual support and cooperation, a principled position was initially adopted in regard to the publishing of the decisions that are not final (judgements and decisions) by the courts, a which refer to cases of public interest,¹²⁵ and an initiative was submitted to the Ministry of Justice for amending Article 9 of the Law on Case Flow Management¹²⁶ and Article 99 Paragraph 5 of the Law on Courts,¹²⁷ which should enable the implementation of this principled position. Then, a principled position was adopted for the media accreditation regarding the approvals for video recording and taking photos during the proceedings of a specific case.¹²⁸ In this sense, the Judicial Media Council adopted the Council's work plan for 2023-2025 for the promotion of transparency and cooperation between journalists and judges,¹²⁹ based on which it appointed members responsible for communication with the Court Budget Council for securing funds for hiring staff for public relations at the courts of appeal and courts with extended jurisdiction,¹³⁰ as well as for organising communication skills training for 40 judges and court spokespersons.¹³¹

In order to improve the professionalism and competence of judges, and to ensure proper performance of judicial duties, it is necessary for judges to consult the Advisory Body for Judicial Ethics more often. Following the previous reporting period until September 2023, the Advisory Body has not received a single request for an advisory opinion.¹³²

Regarding the transparency of the work of CPPRNM one could conclude that the sessions are open to the public and they can be attended regardless of the item of the agenda being discussed, except when the public is excluded as required by the law.¹³³ At the sessions, the members have a discussion, but they lack initiative to propose items on the agenda that would be further considered and discussed.¹³⁴ As for the available information on the

125 Supreme Court of the Republic of North Macedonia, "Principled position concerning the publishing of court decisions on courts' websites", 21 December 2022, <https://bit.ly/3GLvZP1>.

126 "The Ministry of Justice accepted the initiative of the Judicial Media Council", Official Facebook profile of Judicial-Media Council of the Association of Judges of the Republic of North Macedonia, 22 June 2023, <https://bit.ly/49UKzkJ>.

127 "Press Release from the General Session of the Supreme Court of the Republic of North Macedonia", Official website of Supreme Court of the Republic of North Macedonia, 30 December 2022, <https://bit.ly/3iJcVsN>.

128 "The Supreme Court established a principled position on media accreditation", Official website of Supreme Court of the Republic of North Macedonia, 14 July 2023, <https://bit.ly/3rY1C4n>.

129 "Press Release", Official Facebook profile of Judicial-Media Council of the Association of Judges of the Republic of North Macedonia, 28 April 2023, <https://www.facebook.com/SMSovet/posts/pfbid0bMBkxevh8z1fhFzQmmabKYV2pjBR9ktec8fbEwqRdPXi2ePTgnyFV7DnBLXVI>.

130 Ibid.

131 "Press Release", Official Facebook profile of Judicial-Media Council of the Association of Judges of the Republic of North Macedonia, 8 November 2023, <https://bit.ly/3sRTwe4>.

132 "Asked Questions and Answers", Official website of the Advisory Body on Jurisprudence, <https://sudiskaetika.mk/#sudija>.

133 CPPRNM can exclude the public only with a decision, in order to protect the reputation and integrity of the public prosecutor. According to Article 14 of the Rules of Procedure of CPPRNM, the Council can decide to exclude the public from the sessions with a two-thirds majority of the total number of members. If the Council makes such a decision, it is obliged to inform the public about the reasons for excluding the public.

134 Petkovska and Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia"

1. JUDICIARY

for the period between October 2022 and September 2023

website, the notifications about the sessions are published timely, respecting the prescribed deadline. However, CPPRNM continues with the practice of not publishing the sessions' minutes regularly. In addition, the published minutes contain only general and generic data and do not reflect the real discussion from the session and are not published in an appropriate format.¹³⁵ The same remarks apply to the publication of the decisions with a rational about the election, promotion and dismissal of public prosecutors, as well as other decisions made by them, which is completely contrary to the Rules of Procedure of CPPRNM.¹³⁶ There is also a lack of active transparency in the area of public relations and publication of information related to the day-to-day activities of CPPRNM. In this regard, the website does not contain contact information for a public relations officer, as well as information about a person responsible for free access to public information, which is contrary to Article 10 of the Law on Free Access to Public Information.

Despite the criticisms and appeals over the years for changing the wordings in certain parts of Article 10 of the Public Prosecutors' Code of Ethics¹³⁷, which limit the ability of public prosecutors to comment on cases and publicly discuss the work of CPPRNM and of the Republic's Public Prosecutor,¹³⁸ during the reporting period they began to apply them.¹³⁹ Thus, when a public prosecutor publicly criticised the work of the Council, at a conference,¹⁴⁰ the Council referred the matter to the Ethical Council of Public Prosecutors to determine whether the prosecutor should be held accountable for the remarks.¹⁴¹ The formulations, as well as the actions of the Council, are contrary to the concept of transparency and accountability of the Council, and they limit the freedom of expression and the possibility for the public prosecutors to share their critical thinking. The need to change the Code of Ethics was also noted by the Group of States Against Corruption (GRECO), after which a proposal for its amendment was drafted by the Association of Public Prosecutors.¹⁴² Namely, the proposal of the Asso-

135 The minutes of the meetings are published in image format, not in a document format, which makes it impossible for the public to download them, in order to have an easier access to the information they need. Ibid.

136 Article 16 Paragraph 7 of the Rules for the work of CPPRNM states that the Council's decisions must be explained, and they are published on the Council's website. "Laws and by-laws", Official Website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://bit.ly/3v8rfGh>.

137 Iva Conevska Vangelova and Ismail Kamberi, "Shadow report for Chapter 23 for the period between April 2020 and September 2021", Skopje, 2021, <https://bit.ly/3DQ0h0x>; Angela Delevska and Beba Zhagar, "Shadow report for Chapter 23 for the period between October 2021 - September 2022", Skopje 29 December 2022, <https://epi.org.mk/post/23011>.

138 "Code of Ethics for Public Prosecutors in the Republic of North Macedonia", Public Prosecutor's Office of the Republic of North Macedonia, 5 May 2021, <https://jorm.gov.mk/wp-content/uploads/2021/05/etichki-kodeks-na-%D1%98avnite-obviniteli-2021.pdf>.

139 "All for Fair Trials" Coalition, "Report on the 78th session of the Council of Public Prosecutors of RNM, held on 27.04.2023", <https://drive.google.com/file/d/1qIOHQ2NZR0MkwoFz1o1iq8fG537RNFP/view>.

140 „Ленче Ристоска: Советот на јавни обвинители е извор на тргување со влијание и треба да се реформира“ (Lenche Ristoska: The Council of Public Prosecutors is a source of trading in influence and needs to be reformed), Telma TV, 25 April 2023, <https://telma.com.mk/2023/04/25/lenche-ristoska-sovetot-na-javni-obviniteli-e-izvor-na-trguvanje-na-vlijanie-i-treba-da-se-reformira/>.

141 „Советот на јавни обвинители и се налуту на Ленче Ристоска за изјавата дека тргуваат со влијание“ (The Council of Public Prosecutors gets angry with Lenche Ristoska for her statement that they trade in influence), Sakam da kazam, 27 April 2023, <https://sdk.mk/index.php/makedonija/sovetot-na-javni-obviniteli-se-naluti-na-lenche-ristoska-za-izjavata-deka-trguvaat-so-vlijanie/>.

142 Contribution to the Shadow Report by the Association of Public Prosecutors of the Republic of North Macedonia, 29.11.2023.

for the period between October 2022 and September 2023

1. JUDICIARY

ciation follows the GRECO's recommendation to amend Article 7 in order to introduce and explain the term "hospitality", as well as to amend the strict prohibition in Article 10.¹⁴³

With the election of the new bodies,¹⁴⁴ the Association undertook a series of activities to improve the transparency and integrity of public prosecutors. More specifically, it improved the cooperation with certain institutions,¹⁴⁵ chambers¹⁴⁶ and civil society organisations,¹⁴⁷ including the Association of Journalists of Macedonia (AJM),¹⁴⁸ and started working on a new website design where information of interest to the public would be published.¹⁴⁹

As stated in previous shadow reports, an important aspect of the judicial system's independence is certainly its financial independence. Namely, the financial independence and the increase of salaries in judiciary have been the subject of discussion for a number of years. However, there is consistency in the policies of the legislative and executive branches of power in the failure to execute the legal guarantees for the financial independence of the judicial system by not ensuring the mandatory 0.8% of GDP in any state budget since the Law on the Court Budget was passed in 2010.¹⁵⁰ The court budget even recorded a drop compared to last year, since in 2022 it was 0.3% of GDP, while in 2023 it was 0.296% of GDP, which is 60% less than the legally required limit.¹⁵¹ Therefore, the court budget is inadequate to cover all the needs of the judiciary and does not allow greater financial investments for greater functionality, which is why the courts operate under minimum working conditions. It is also necessary to increase the funds allocated to the Public Prosecutor's Office, as a key authority for the suppression of crime and corruption. The approved amount of earmarked funds for the Public Prosecutor's Office for 2022 was 0.22% of the Budget of the Republic of North Macedonia,¹⁵² which was not sufficient to meet its needs, as opposed to the legally established 0.4% of the Budget of the Republic of North Macedonia.¹⁵³

143 CPPRNM at the eighty-ninth session, held on 08.11.2023, adopted the proposal of the Association of Public Prosecutors for amending the Code of Ethics for Public Prosecutors and adopted a Code of Ethics amending the Code of Ethics for Public Prosecutors of the Republic of North Macedonia. "Press Release", Official Website of the Council of Public Prosecutors of the Republic of North Macedonia, 8 November 2023, <https://bit.ly/3GmL1uI>.

144 "New bodies of the Association of Public Prosecutors were elected", Official Website of the Public Prosecutor's Office of the Republic of North Macedonia, 22 December 2022, <https://jorm.gov.mk/izbrani-novi-organi-na-zdruzhenieto-na-javnite-obviniteli/>.

145 "The Association of Public Prosecutors - initiator of a protocol for cooperation between the Public Prosecutor's Office and the Ministry of the Interior", Official Website of the Association of Public Prosecutors of the Republic of North Macedonia, 30 March 2023, <http://212.13.72.102/mk/news/index/5>.

146 "Signed Memorandum of Cooperation between the Association of Public Prosecutors and the Bar Association", Official Website of Association of Public Prosecutors of the Republic of North Macedonia, 23 May 2023, <http://212.13.72.102/mk/news/index/6>.

147 "Meeting between the EPI and the President of the Association of Public Prosecutors", Official Facebook profile of European Policy Institute (EPI) - Skopje, 3 February 2023, <https://www.facebook.com/EPI.Skopje/posts/pfbid031LhbM6fk8hFESvYtx5ys9yKpND5PneZwy5H8vziVmZFsppe6QugsRfuSxvTvjWDKl>.

148 "Cooperation for enhanced transparency - meeting with AJM", Official Website of the Association of Public Prosecutors of the Republic of North Macedonia, 18 February 2023, <http://212.13.72.102/mk/news/index/1>.

149 The website will be launched in January 2024. Contribution to the Shadow Report by Association of Public Prosecutors of the Republic of North Macedonia, 29.11.2023.

150 Center for Legal Research and Analysis, "Plan to improve the work of and the conditions in the basic courts", 2021, <https://bit.ly/3h0kZUN>.

151 Judicial Council of the Republic of North Macedonia, "Response to a request for free access to information of public character", 15 December 2023.

152 Ibid.

153 Law on the Public Prosecutor's Office, Official Gazette of the Republic of North Macedonia, no. 42/2020.

Digitalisation of the Judiciary and ACCMIS

The process of digitisation of the judiciary is carried out through the ICT Coordination Council in the judiciary (ICT Council) within the Ministry of Justice. During the reporting period, in accordance with the Operational plan for digitisation of the judiciary, and with the support of the Mission of the Organisation for Security and Cooperation in Europe (OSCE) in Skopje, the equipping of the five courtrooms of the basic courts in Strumica, Shtip, Kavadarci, Basic Civil Court Skopje and Basic Criminal Court Skopje (which was officially launched on 28 October 2022) was completed.¹⁵⁴ Then, on 30 November 2022, with the support of the EU, the largest and most equipped digital courtroom at the “Idrizovo” Prison was officially launched.¹⁵⁵ However, after the first hearing was held in the courtroom on 14 December 2022,¹⁵⁶ there were certain reactions due to violation of the principle of publicity of the criminal proceedings.¹⁵⁷ More specifically, there was a reaction to the untimely notification of the public about the hearing, failure to note the exact time and location of the hearing in the calendar of trials on the court’s official website, as well as the inaccessibility to the courtroom.¹⁵⁸ Therefore, although the courts may depart from the principle of publicity for certain legal reasons, including the safety of the participants in the proceedings, the security measures should be adapted and be in accordance with the principle of proportionality, after considering all possible alternatives for ensuring safety and security in the courtroom.¹⁵⁹

By the end of the reporting period, no other hearing was held in the digital courtroom at the “Idrizovo” Prison. In addition, the equipment procured for the five aforementioned courtrooms is used only at the Basic Criminal Court Skopje and the Basic Court Kavadarci.¹⁶⁰

However, the ICT Council continues with its digitisation activities. The Court Budget Council approved the request from the Council to provide finances for the purchase of 46 femida audio recording licenses and eight audiovisual recording licenses for the courts, and another

154 “Public Announcement: Final project - Launching of the new courtroom of the Basic Criminal Court Skopje”, judicial portal of the Republic of North Macedonia, 28 October 2022.

155 “Official launch of the largest digital courtroom in the country”, Official website of the Ministry of Justice, 30 November 2022, <https://www.pravda.gov.mk/vest/6453>.

156 “Public Announcement: First trial in the new digital courtroom in the Idrizovo Prison”, Judicial Portal of the Republic of North Macedonia, 14 December 2022, <https://bit.ly/3T57Vye>.

157 “All for Fair Trials” Coalition, “The cost-effectiveness of the procedure must not be at the expense of the public and transparency”, 2022, <https://all4fairtrials.org.mk/wp-content/uploads/2023/04/25-JR-122022.pdf>.

158 Ibid.

159 European Court of Human Rights, *Krestovskiy v. Russia* (Application no. 14040/03), 28 October 2010, <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-101314&filename=001-101314.pdf&TID=ihgdqbxnf>.

160 “Discussion on the Shadow report for Chapter 23 for the period between October 2022 - September 2023”, Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

for the period between October 2022 and September 2023

1. JUDICIARY

decision was made to replace all the computers using the XP operating system.¹⁶¹ Actions were also taken to put into use as soon as possible the service for electronic issuance of certificates from the criminal records for natural persons and legal entities.¹⁶² Likewise, the activities to upgrade the format of the certificates from the penal records have been intensified and improved, including the need to record the archive number, the name of the court and the name of the president of the court as a result of the remarks by the courts and the inability of issuing an apostille for the electronic certificates.¹⁶³

On 1 January 2023, the mandatory application of the case management system by the public prosecutor's offices¹⁶⁴ began, and in September 2023, the Ministry of Justice, following the example of the implemented regular supervision of the Automated Court Case Management Information System (ACCMIS), announced oversight of the system for electronic distribution of cases in the public prosecutor's offices.¹⁶⁵ In the coming period, it is expected that the Draft Law amending the Law on the Public Prosecutor's Office to be published in the Single National Electronic Register of Regulations of the Republic of North Macedonia (ENER).¹⁶⁶

According to the reports¹⁶⁷ and the plan for oversight of the ACCMIS functionality,¹⁶⁸ supervision of the functioning of ACCMIS is carried out regularly. Namely, according to the data published by the Ministry of Justice, supervision was carried out in 11 courts in 2022,¹⁶⁹ and in ten courts by September 2023.¹⁷⁰ In addition, in the annual report on the implementation of the Strategy of the Ministry of Justice for 2022, it was noted that the regular oversight had been producing results, i.e. that progress had generally been noted in the organisation of the courts related to the ACCMIS system.¹⁷¹ However, from the publicly available reports concerning the working visits to the courts by the Judicial Council, a series of irregularities related to the distribution of cases via the ACCMIS system, and its tempering were established.¹⁷² Such

161 Ministry of Justice, "Draft semi-annual report on the work of the ICT Coordination Council in the judiciary for January/June 2023", <https://bit.ly/412Y2D6>.

162 Ibid.

163 Ibid.

164 "Starting from 1 January 2023, the application of the case management system at the public prosecutor's offices will be mandatorily", Official website of the Ministry of Justice, 1 January 2023, <https://pravda.gov.mk/vest/6465>.

165 "The Ministry of Justice will supervise the system for electronic distribution of cases at the public prosecutor's offices", Official website of the Ministry of Justice, 16 September 2023, <https://pravda.gov.mk/vest/6595>.

166 Ibid.

167 "Minutes from court inspections", Official website of the Ministry of Justice, <https://www.pravda.gov.mk/resursi/22>.

168 Oversight Plan 08-1001/1 from 12.02.2020 and Oversight Plan 08-33/4 from 31.01.2022.

169 Ministry of Justice, "Annual Report on the Implementation of the Strategy for Reform of the Judicial Sector 2017-2022 for 2022", 2022, <https://bit.ly/47VOYCN>.

170 Ministry of Justice, "Minutes from court inspections", <https://www.pravda.gov.mk/resursi/22>.

171 Ibid.

172 "Reports (monthly, quarterly, semimanual, annual)", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3uYoTn0>.

1. JUDICIARY

for the period between October 2022 and September 2023

is the case with the Basic Court Kumanovo, where, apart from the abuse of the ACCMIS system by the acting president of the court, the supervision carried out in February 2023 also established that the reputation of the judicial function was tarnished, as well as gross violations of the principle of non-discrimination.¹⁷³ In June 2023, a criminal complaint was filed against the President of the Administrative Court Skopje by the employees of the Court claiming abuse of the ACCMIS.¹⁷⁴ The identified abuses of the ACCMIS system were subsequently the subject of accusations and shifting of responsibility between the Minister of Justice and the Judicial Council.¹⁷⁵

There are some registered shortcomings of the ACCMIS system due to the fact that it is old and needs major upgrading.¹⁷⁶ For this purpose, the need of upgrading the existing or introducing a new software system was established, and the Kingdom of Norway promised a donation of 6.8 million euros.¹⁷⁷ Subsequently, study visits to the Kingdom of Norway were organised in order for the Macedonian judges and members of the ICT Council to familiarise themselves with the characteristics of the Norwegian system for court case management, which in the future would serve as an example for the development of a new ACCMIS system in the country.¹⁷⁸ However, due to lack of finances on the part of the state for maintaining a new ACCMIS system, its replacement is at a standstill.¹⁷⁹

173 „Разгорени“ меѓучовечките односи во кумановскиот суд“ (‘Heated’ interpersonal relations in the Kumanovo court), Radio Free Europe, 12 July 2023, <https://www.slobodnaevropa.mk/a/razgoreni-meguchovechките-odnosi-vo-kumanovskiot-sud-/32498983.html>.

174 Court staff suspected manual distribution of cases, deliberate delay of over 190 cases between 2021 and 2023 that were consequently statute-barred, mostly financial cases involving the Customs Administration and the Public Revenue Office, as well as employment of close family members. The criminal complaint was forwarded to the Prime Minister, the Deputy Prime Minister in charge of good governance, the Financial Police Office and to the State Commission for Prevention of Corruption. The accused President of the court dismissed the allegations as prejudicial. So far, only the Financial Police has opened a case to investigate the allegations, without a specified deadline for further actions. „Кривична пријава против шефот на Управниот суд, Бурим Сејдини“ (‘Criminal complaint against the head of the Administrative Court, Burim Sejdini’), Alsat M, 9 July 2023, <https://alsat.mk/mk/krivichna-prijava-protiv-shefot-na-upravniot-sud-burim-sejdini/>.

175 The Minister of Justice pointed out that five months had passed since the Council’s visit to the court and that an urgent request was sent to the Judicial Council, but no measures had been undertaken yet. In response, the Judicial Council clarified that ACCMIS was under the authority of the Ministry, which is responsible for regular and extraordinary supervision of the courts in relation to it. If deviations or irregularities are determined, the Ministry can prepare a report for initiating appropriate procedures. “Press Release”, Official Website of the Judicial Council of the Republic of North Macedonia, 12 July 2023, <https://bit.ly/3Q1cvKy>.

176 “Discussion on the Shadow report for Chapter 23 for the period between October 2021 - September 2021”, Official website of the European Policy Institute – Skopje, 25 November 2022, <https://epi.org.mk/post/22609>.

177 „Норвешка ќе донира 6,8 милиони евра за нов АКМИС систем“ (Norway to donate 6.8 million euros for a new ACCMIS system), Kanal 5, 19 September 2022, <https://kanal5.com.mk/norveshka-kje-donira-6-8-milioni-evra-za-nov-akmis-sistem/a547593>.

178 „Претставници на Врховниот суд остварија студиска посета во Осло за унапредувањето на системот АКМИС“ (Representatives of the Supreme Court had a study visit to Oslo focusing on the upgrade of the ACCMIS system), Official website of the Supreme Court of the Republic of North Macedonia, 26 October 2022, <https://bit.ly/3D27b3Y>.

179 “Discussion on the Shadow report for Chapter 23 for the period between October 2022 - September 2023”, Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

Despite the established legal framework, which along with the Constitution of the RNM, guarantees the independence of the judiciary and the principle of separation of powers, citizens' lack of trust in the judiciary is on the rise, as shown by the latest survey by the Balkan Barometer, which for the Republic of North Macedonia, in comparison to the previous year, recorded a 10% rise. The trust in the Public Prosecutor's Office is not high either;

Consistent application of the legal provisions and the provisions of the Rules of Procedure of the JCRNM concerning transparency and publicity in the work of the Judicial Council is necessary, as well as putting an end to the practice of making decisions for the election and dismissal of judges without giving any arguments and behind closed doors;

The publication of decisions with rationale on the election, promotion and dismissal of public prosecutors, as well as other decisions made by the Council of Public Prosecutors, is of exceptional importance for restoring the citizens' trust in the public prosecutor's office. There is a need for active transparency in the public relations area and publication of information related to the daily activities of the Council of Public Prosecutors in order to bring the Council's work closer to the public and affirm the Council's competences;

It is necessary to increase the budget of judiciary and public prosecutor's office. The measures in the 2017-2022 Strategy for Reform of the Judicial Sector, which foresee an increase in the court budget, have not been implemented yet. The Law on the Court Budget when it comes to the percentage from the GDP to be allocated to judiciary has not been implemented for years;

It is necessary to analyse the current application of the ACCMIS system and determine, whether a new software system should be introduced, or the existing one should be upgraded. In this sense, it is necessary to determine how much state funds are available for consistent maintenance of the system. A more thorough supervision of the system's operation as well as consistent and timely sanctioning any abuse is also needed.

ACCOUNTABILITY

In accordance with the legal amendments of 2019,¹⁸⁰ three decisions for the dismissal of judges were made during the reporting period.¹⁸¹ The basis for dismissal in two of the decisions was unprofessional and negligent performance of the function – deliberate and unjustified making of a major professional error by different interpretation of the law and facts, while in the third decision, the basis for dismissal was failure to schedule hearings for assigned cases.¹⁸² During the reporting period, not a single court president was dismissed. In addition, during the reporting period, the JCRNM did not initiate any disciplinary proceedings against judges and presidents of courts, as well as against members of the JCRNM.¹⁸³

In terms of handling complaints, during the reporting period the JCRNM processed 446 complaints from citizens and legal entities about the work of the courts, court presidents and judges, of which 372 complaints or 85% were rejected as unfounded.¹⁸⁴ The largest part of the submitted complaints, identically as in the previous reporting periods, have been dismissed or rejected as unfounded because the complainants complained about things for which only the higher courts have jurisdiction.¹⁸⁵ Hence, it is obvious that over the years the same problem has prevailed, that is, the citizens do not understand the concept and purpose of the complaints, and the JCRNM is extremely passive regarding the problem. In relation to the way the JCRNM deals with the complaints, the practice of having a member of the Council elaborating the complaint with a few sentences without going into the crucial part and the reasons why the complaint is considered founded or unfounded remains, and then a decision is adopted unanimously by the members of the JCRNM based on the proposal of the rapporteur who reports on the complaint.¹⁸⁶ The complaints that are founded, on the other hand, cannot be followed up.¹⁸⁷ Also there is no information about them in the annual reports on the work of the Judicial Council, which only gives the total number of well-founded complaints, without providing an overview of the reason for which they were considered founded, as well as what measures were taken by the coordinator appointed that year for the court in question, authorised to monitor the work of the judge to whom the submitted complaint referred.

180 Law amending the Law on Courts, Official Gazette of the Republic of North Macedonia, no. 96/2019; „Law on the Judicial Council of the Republic of North Macedonia”, Official Gazette of the Republic of North Macedonia, no. 102/2019.

181 Judicial Council of the Republic of North Macedonia, “Response to a request for free access to information of public character”, 15 December 2023.

182 Ibid.

183 Ibid.

184 Petkovska and Tutic, “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia”

185 Ibid.

186 Ibid.

187 Ibid.

for the period between October 2022 and September 2023

1. JUDICIARY

Therefore, it is necessary to increase the efforts of the JCRNM to educate citizens about the proper use of this mechanism, as well as to adequately inform the public regarding the handling of the complaints, for the purpose of increasing the trust in the judiciary.

Pursuant to the 2020 amendments to the Law¹⁸⁸ during the reporting period there were no dismissed public prosecutors.¹⁸⁹

After the disciplinary procedure against three female public prosecutors, involved in the search of the offices of the Financial Police Office¹⁹⁰ and reviewing the report by the prosecutor-rapporteur, on 30 March 2023, the PPORNM's Commission for determining disciplinary responsibility of a public prosecutor when performing their duties as a public prosecutor, adopted a Decision that the previous head of the BPPOPOCC committed a serious disciplinary offense, and submitted a proposal to CPPORNM for her dismissal.¹⁹¹ The second public prosecutor from BPPOPOCC was sanctioned with 30% monthly salary cut for a period of six months, and the third public prosecutor was absolved of liability.¹⁹² Regarding the proposal for dismissal, the former head of BPPOPOCC said on a debate show on a national television that it was pressure and a threat to resign,¹⁹³ after investigating the former Secretary General of the Government for the procurement of software for traffic violations.¹⁹⁴

Warnings for potential disciplinary proceedings against public prosecutors with multiple unjustified absences were sent by the Public Prosecutor of the Public Prosecutor's Office of the Republic of North Macedonia (PPORNM), following the report of the JCRNM from the working visit to the Basic Criminal Court Skopje.¹⁹⁵ The report from the working visit of the court indicated multiple delays of court hearings due to the absence of public prosecutors, after which the Public Prosecutor of PPORNM requested a detailed report from the JCRNM about the adjourning of hearings and the justifications for the absences of public prosecutors.¹⁹⁶

188 "Law on the Public Prosecutor's Office", Official Gazette of the Republic of North Macedonia, no. 42/2020; "Law amending the Law on the Council of Public Prosecutors", Official Gazette of the Republic of North Macedonia, no. 42/2020.

189 Council of Public Prosecutors of the Republic of North Macedonia, Response to a request for free access to information of public character", 5 December 2023.

190 "Press Release", Official website of the Public Prosecutor's Office of the Republic of North Macedonia, 1 August 2022.

191 "Press Release", Official website of the Public Prosecutor's Office of the Republic of North Macedonia, 30 March 2023, <https://jorm.gov.mk/sooop-shtenie/>.

192 Ibid.

193 Vilma Ruskovska, "Top Tema", Telma TV, 3 April 2023, <https://www.youtube.com/watch?v=9elwuTjvUXI&t=488s>.

194 Vilma Ruskovska indicated when interviewed at the debate programme that she was offered the position of a deputy public prosecutor of PPORNM in exchange for her resignation. Unlike her, her sister's nephew, a public prosecutor in the Basic Public Prosecutor's Office in Kumanovo, was promised a job in the Higher Public Prosecutor's Office in Skopje. She emphasised that the disciplinary procedure against her and the proposal for her dismissal were intended to "trick her". Ibid.

195 "The Public Prosecutor of the RNM sent a written request to the Judicial Council", Official website of the Public Prosecutor's Office of the Republic of North Macedonia, 1 September 2023, <https://jorm.gov.mk/javniot-obvinitel-na-RNM-isprati-pismeno-barane-do-sudskiot-sovet/>.

196 Ibid.

1. JUDICIARY

for the period between October 2022 and September 2023

In regard to the complaints, in 2022, CPPRNM processed all the 182 filed complaints, which, on the other hand, represents a 78% decrease in the number of filed complaints compared to the previous year.¹⁹⁷ Most of the complaints were submitted by damaged parties expressing dissatisfaction with the duration of the procedure and failure for immediate actions to be taken by the public prosecutor in the given case, as well as the public prosecutors' decisions to reject the cases.¹⁹⁸ The number of complaints concerning the expiring of the statute of limitations in criminal cases and the inability for the public prosecutor to take actions in those cases is insignificant. On the other hand, when it comes to processing of complaints during the Council sessions, one could conclude that CPPRNM rarely presents, explains or initiates any discussion on any complaint during its meetings.¹⁹⁹ In addition, in the 2022 Annual Report of CPPRNM it is stated that during the verification of the allegations from the complaints, oversights of a formal nature were noted concerning the actions taken by the public prosecutors as well as some smaller number of substantial oversights.²⁰⁰

During the reporting period, civil society organisations expressed concerns that CPPRNM was not familiar with the work and handling of cases of two public prosecutors who, after four years at the Special Prosecutor's Office (SPO), returned to the prosecutor's office. This concern was expressed in a letter from a public prosecutor from the Kumanovo Public Prosecutor's Office, and it was published by "All for Fair Trials" Coalition.²⁰¹ Article 9 of the Law on the Council of Public Prosecutors²⁰² lists the powers of the Council, including the obligation to review and evaluate the annual reports of the public prosecutor's offices, hence the concern that when the reports from the prosecutor's offices where those prosecutors work were evaluated, the Council failed to see any oversights. In addition, one of the public prosecutors in question is also responsible for the liaison office with Eurojustice, which requires preparation of special reports on their work in relation to that function. In that sense, the Public Prosecutor of the PPORNM adopted also special decisions tasking the aforementioned public prosecutors to take care of the materials, inventory and premises used by the former SPO.²⁰³

197 Council of Public Prosecutors of the Republic of North Macedonia, "Annual report on the work of the Council of Public Prosecutors of the Republic of North Macedonia for 2022", March 2023, <https://bit.ly/3RzdmEm>.

198 Ibid.

199 Emilija Spasovska, "Monitoring Report on the Judicial Council and the Council of Public Prosecutors in 2022", "All for Fair Trials" Coalition, 2022.

200 Council of Public Prosecutors of the Republic of North Macedonia, "Annual report on the work of the Council of Public Prosecutors of the Republic of North Macedonia for 2022", March 2023, <https://bit.ly/3RzdmEm>.

201 "Report from the 78th session of the Council of Public Prosecutors of the RNM held on 27.04. 2023", "All for Fair Trials" Coalition, https://drive.google.com/file/d/1qIOHQ2NZR0MkwofZ1o1iq8fG537RNFP/view?fbclid=IwAR195t3PmzVikX6vRSZCzAU6r1Dwde4kSYLEthrnETYJj2B8dVm-IW_8qRc.

202 „Law amending the Law on the Council of Public Prosecutors", Official Gazette of the Republic of North Macedonia, no. 42/2020.

203 Ibid.

for the period between October 2022 and September 2023

1. JUDICIARY

As a result of the public reactions caused by the annulment of the first instance judgements in the “Target-Tvrđina”²⁰⁴ and “Trezor”²⁰⁵ cases by the Skopje Court of Appeal and their return for retrial an investigation was initiated by the Judicial Council.²⁰⁶ The investigation established an unjustified delay of the cases thus violating legally established time limitations.²⁰⁷ Although the judge-rapporteur in the first case cited the large number of scheduled high-profile cases as an explanation for this situation, the investigation determined that most of the scheduled cases were resolved, including newer cases from 2022.²⁰⁸ Oversights related to adjournment of a case by the same judge-rapporteur have also been established for the “Transporter” case.²⁰⁹ On the other hand, the judge-rapporteur in the second case, did not give any explanation as to why it took him five months to write the judgment. According to the findings, a fair decision by the Judicial Council is expected in the coming period.²¹⁰

204 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 16 December 2022, <https://bit.ly/3Rg4S3H>.

205 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 25 November 2022, <https://bit.ly/3R0Z2m5>.

206 “Press Release from the 427th session of the Judicial Council of RNM – 11.01.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3oazSaw>.

207 Ibid.

208 „Апелација неоправдано го чувала во фиока предметот за Мијалков кој е блиску да застари констатираше Судски совет, а се решавале понови предмети“ (The Court of Appeal kept the Mijalkov case, which is close to becoming statute-barred, in a drawer for no justified reason, the Judicial Council concluded, while newer cases were being resolved), A1 on, 11 January 2023, <https://a1on.mk/macedonia/apelacija-neopravdano-go-chuvala-vo-fioka-predmetot-za-mijalkov-koj-e-blisku-da-zastari-konstatirashe-sudski-sovet-a-se-reshavale-ponovi-predmeti/>.

209 Shortcomings identified in the ‘Alpha’ case, a murder that took place 14 years ago, and the case is still pending. The judgement of the last instance was delivered in 2019, and the judge-rapporteur is Zoran Dimitrievski. „Утврдени пропусти кај судии во Апелација во четири предмети, но одговорност засега нема“ (“Identified oversights among judges in the Court of Appeal in four cases, but nobody is held responsible for the time being), Fokus, 11 January 2023, <https://fokus.mk/utvrdeni-propusti-na-svvvudii-vo-apelatsija-vo-chetiri-predmeti-no-odgovornost-zasega-nema/>.

210 „Ке има ли одговорност? (Will anybody be held responsible?)“, TV 24, 12 January 2023, <https://24.mk/details/kje-ima-li-odgovornost>.

1. JUDICIARY

for the period between October 2022 and September 2023

The Judicial Council continues to reject the majority of the complaints submitted by the citizens, mostly due to insufficient familiarity of citizens with the purpose of the complaints. Therefore, it is necessary to increase the efforts of the Council to educate the citizens about the proper use of this mechanism, as well as to adequately inform the citizens regarding the processing of the well-founded complaints, for the purpose of increasing the trust in judiciary;

The trend of filing complaints to the Council of Public Prosecutors continued, but the Council does not play a major role in supervising the work of public prosecutors, since if the members of the Council consider that the complaints are well-founded, they simply send them to the Public Prosecutor of RNM, who should then take actions to check the public prosecutors. On the other hand, the Public Prosecutor's Office also has the authority to receive complaints from citizens, so the question arises, why having two institutions competent to process complaints? In addition, this can be confusing for the citizens who would not know where to file a complaint. In that sense, greater power should be given to the Council of Public Prosecutors for dealing with complaints, especially since it has been noted that PPORNM does not respond to the filed complaints, and at the same time, it would be more rational and efficient both for the citizens and for the public prosecutors to be handled by one institution;

It is necessary for both councils to present, explain or initiate a discussion regarding the complaints during their sessions, as well as to make public the outcomes after acting upon a complaint that was declared as well-founded. This would increase the transparency of the work of the two councils, as well as the trust of the citizens in judiciary.

PROFESSIONALISM AND COMPETENCE

The legal framework, as well as the guarantees for the proper application of the merit system, have already been established²¹¹ and noted in previous shadow reports.²¹²

During the reporting period, the Judicial Council finally, after a long period of time, by applying the new criteria for the election of judges for the higher courts, as well as by conducting an extraordinary evaluation of the candidates for judges, elected judges from the SCRNM and Gostivar Court of Appeal.²¹³ More specifically, at the session held on 29 March 2023, two judges were elected for the civil department of the SCRNM and two judges for the criminal division of the Gostivar Court of Appeal.²¹⁴ None of the five candidates for the criminal department of the SCRNM received the required number of votes to be elected.²¹⁵ During the voting, there was no discussion among or explanation by the members of the JCRNM about the reason for voting against all the candidates who applied.²¹⁶ Nor was there a proper explanation given for the election of the fifth- and sixth-ranked candidate from the final ranking list for candidates for judges for the criminal division in the Gostivar Court of Appeal.²¹⁷ Among other things, the procedure for the election of eight judges to the Skopje Court of Appeal, which began on 5 July 2021, has not yet been completed. One of the stated reasons for blocking the procedure was not having an accredited institution for conducting the psychological and integrity tests

211 With the adoption of the latest amendments to the Law on Courts, the new Law on the Judicial Council, the Law on the Public Prosecutor's Office and the amendments to the Law on the Council of Public Prosecutors, a legal framework was created that is largely harmonised with international standards regarding the election of judges and public prosecutors based on the merit system. The Academy for Judges and Public Prosecutors is the only entry point for judges and public prosecutors. Regarding the legal protection of judges related to certain measures taken against judges, the right to appeal to the Council dealing with complaints at the Supreme Court was introduced as a kind of a guarantee, both in regard to the (non) election of judges and presidents of courts, and in regard to the evaluation decision.

212 "Shadow Report for Chapter 23" Publications, Official website of the European Policy Institute (EPI) – Skopje, <https://bit.ly/3tUCPMR>.

213 "Press Release from the 436th session of the Judicial Council of RNM – 29.03.2023", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/40Mlq5U>.

214 Ibid.

215 The judge from the Court of Appeal, Enver Bexheti, was one of the rejected candidates for the Criminal Department of the Supreme Court. Bexheti became known to the public as the judge-rapporteur, who, according to the analysis of the Judicial Council, hid the "Target-Tvrdina" case in a drawer for months, in which Sasho Mijalkov, Nikola Gruevski and other former employees of the Bureau for Security and Counterintelligence were charged with the crime of illegal wiretapping. Despite the revelations of the delay of the court proceedings and the published policy of the Judicial Council on determining possible liability for oversights, Bexheti did manage to get four votes, even though twice less than the required. The other candidates received the same number of votes, that is, four "Yes" and eight "No" each, with the exception of the Supreme Judge candidate, Danka Ristova, who received six "Yes" votes. „И Врховниот суд останува со само петмина судии“ ("The Supreme Court also remains with only five judges"), Sloboden pecat, 29 March 2023, <https://www.slobodenpecat.mk/i-vrhovniot-sud-ostanuva-so-samo-petmina-sudii/>.

216 The Council only stated that no judges were elected for the Criminal Department of the Supreme Court of the RNM, without the members giving any explanation as to why they believed that none of the candidates should be promoted. In relation to this, it is evident that the Law does not provide an obligation for the members to elaborate their decision against the election of a candidate for judge, as it is required of them when they support the election of a certain candidate for a judge, however this in no case means they can't and shouldn't do it.

217 „Судскиот совет ги избра Даут Рустеми и Александар Милошески за судии во Апелациониот суд Гостивар“ (The Judicial Council elected Daut Rustemi and Aleksandar Milosheski as judges in the Gostivar Court of Appeal), A1 on, 29 March 2023, <https://a1on.mk/macedonia/sudski-ot-sovet-gi-izbra-daut-rustemi-i-aleksandar-milosheski-za-sudii-vo-apelacionen-sud-gostivar/>.

1. JUDICIARY

for the period between October 2022 and September 2023

with the candidates.²¹⁸ However, after receiving an opinion from the Government on 15 June 2023, JCRNM concluded a new annex agreement for one year with the company “Vista Group” and the Institute for Sociological and Political-Legal Research, which has been conducting the tests so far.²¹⁹ This is a temporary solution until another institution or body is accredited.²²⁰

After the extension of the contract with the above-mentioned company and with the institute, all 30 candidates for judges of the seventh generation were selected for initial training at AJPP.²²¹ Namely, on 25 July 2023, twenty-four judges were elected in most of the basic courts in the country, including the Basic Courts in Bitola, Sveti Nikole, Strumica and Tetovo, and the Skopje Basic Civil Court and the Skopje Basic Criminal Court. The election process²²² was based on calls published on 6 April²²³ and 30 May 2023.²²⁴ The remaining six judges were elected on 26 September 2023,²²⁵ based on a call published on 8 August 2023.²²⁶ According to the published calls for election of judges to the basic courts and the applications submitted by the candidates who successfully completed the initial training at AJPP, the general impression is that there is no interest for the basic courts in the smaller towns around the country. So, in many of the basic courts where according to the analysis the situation is alarming,²²⁷ the necessary number of judges were not elected. The Council tried to solve this problem with a temporary referral for a period of one year and according to this decision the basic courts in Berovo, Delchevo, Kichevo, Kumanovo, Prilep and Struga got judges.²²⁸ In the coming

218 After the expiration of the last annex to the agreement on 16 December 2022, the former president of the Judicial Council asked the Government for an opinion on the continuation of cooperation, to which the Accreditation Institute said that the above-mentioned company and institute were not accredited and there was no institution with the necessary accreditation in the country. In addition, the Ministry of Justice replied to the Council that the problem has been solved and that the psychological and integrity tests should be taken at the AJPP. But AJPP's position was that their tests were only for candidates for judges and public prosecutors and that they could not give the tests to other institutions (i.e. they were not accredited). „Психолошките тестови – кочница за избор на нови судии“ (Psychological tests – an obstacle for the election of new judges), Prizma/BIRN Macedonia, 7 June 2023, <https://prizma.mk/psiholoskite-testovi-kochnitsa-za-izbor-na-novi-sudii/?fbclid=IwAR17HMxWY8JmJ3kADNMVl9AiHol-SUZrBopXUdEZcSDQDP0RjYMEQYgcLKQ>.

219 “Press Release from the 445th session of the Judicial Council of the Republic of North Macedonia”, Official Website of the Judicial Council of the Republic of North Macedonia, 15 June 2023, <https://avbc.me/Z9n9luMk>.

220 „Судскиот совет ќе продолжи со истите тестови за судиите, иако во земјава нема акредитирана институција за нив“ (The Judicial Council will continue with the same tests for judges, even though there is no accredited institution for them in the country), 360 stepeni, 15 June 2023, <https://360stepeni.mk/sudskiot-sovet-ke-prodolzhi-so-istite-testovi-za-sudiite-ia-ko-vo-zemjava-nema-akreditirana-institutsija-za-niv/>.

221 “The ranking list with final results from the final exam at the Academy for Judges and Public Prosecutors for the seventh generation of initial training and the final ranking list of candidates for judges and public prosecutors published”, Official website of the Academy for Judges and Public Prosecutors “Pavel Shatev”, 20 February 2023, <https://bit.ly/3KhfOul>.

222 “Press Release from the 450th session of the Judicial Council of RNM – 25.07.202-3”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3FgKmkV>.

223 Official Gazette of the Republic of North Macedonia, no. 73/2023.

224 Official Gazette of the Republic of North Macedonia, no. 112/2023.

225 “Press Release from the 455th session of the Judicial Council of RNM – 26.09.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3PWNrfz>.

226 Official Gazette of the Republic of North Macedonia, no. 168/2023.

227 “Press Release from the 432nd session of the Judicial Council of RNM – 28.02.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/481NKfQ>.

228 “Press Release from the 453rd urgent session of the Judicial Council of RNM – 06.09.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3NeWruD>.

for the period between October 2022 and September 2023

1. JUDICIARY

period, the effectiveness of this measure will be established, bearing in mind its temporary character. In addition to the judges of the seventh generation who attended initial training at the AJPP, six more judges, four presidents of courts and 50 lay judges were elected during the reporting period.²²⁹

On 20 February 2023, the Judicial Council proposed a new constitutional judge,²³⁰ since the term in office of the previous one ended in December 2022.²³¹ Specifically, the first proposed candidate was approved, with the required number of votes, but not unanimously, and without giving the remaining two proposed candidates a chance to go through the approval procedure, contrary to Article 23 Paragraph 3 of the Rules of Procedure of the Judicial Council. In addition to this the procedure does not incorporate having a ranking list, that is, there is no application procedure to be followed by preparing ranking lists and having the proposals put to a vote. In this procedure, the members of the JCRNM put forward proposals for judges, who meet the required conditions as provided by law. As a result, proposals are put to a vote, in the order in which they were presented during the Council session.²³² The fact that they did not vote for the remaining two candidates caused a public outcry and disapproval from the opposition when the proposed candidate was considered.²³³ However, the proposed candidate was elected by the Assembly on 10 April 2023.²³⁴

As a result of the six positions for judges opened by the International Criminal Court in The Hague, including two for Eastern and Central Europe, a candidate from the Republic of North Macedonia, a judge from the SCRNM, was nominated for the first time.²³⁵

During the reporting period, 40 public prosecutors were elected to the prosecutor's offices of the Republic of North Macedonia.²³⁶ Among the elected ones are 24 public prosecutors appointed to the basic public prosecutor's offices (BPPOs) across the country, who are from the

229 Judicial Council of the Republic of North Macedonia, Response to a request for free access to information of public character", 15 December 2023.

230 Press Release from the 431st session of the Judicial Council of RNM – 20.02.2023", Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/47D8lux>.

231 „Заврши мандатот на судијата Вангелина Маркудова, Уставниот суд остана со 6 судии од предвидени 9" (Vangelina Markudova's term in office has ended, the Constitutional Court is left with 6 judges out of 9), A1 on, 9 December 2022, <https://bit.ly/3K943pG>.

232 Petkovska and Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia"

233 „Собраниска расправа за изборот на Дуковска за судија на Уставен суд, за опозицијата прекршен е Уставот", (Dispute in the Assembly about the election of Dukovska as a judge to the Constitutional Court, the opposition claims the Constitution was violated) A1 on, 22 March 2023, <https://a1on.mk/macedonia/sobraniska-rasprava-za-izborot-na-dukovska-za-sudija-na-ustaven-sud-za-opozicijata-prekrshen-e-ustavot/>.

234 „Елизабета Дуковска од скопска Апелација е нова уставна судијка" (Elizabeta Dukovska from Skopje Court of Appeal is the new constitutional judge), 360 stepeni, 10 April 2023, <https://360stepeni.mk/elizabeta-dukovska-od-skopska-apelatsija-e-nova-ustavna-sudijka/>.

235 "From the 138th government session: Decision to freeze the prices of chicken eggs and rice; conclusion concerning the reliability of central heating supply in the City of Skopje; A European regional conference of Interpol will be held in the country for the first time", Official website of the Government of the Republic of North Macedonia, 21 March 2023, <https://vlada.mk/node/32594>.

236 Council of Public Prosecutors of the Republic of North Macedonia, Response to a request for free access to information of public character", 5 December 2023.

1. JUDICIARY

for the period between October 2022 and September 2023

seventh generation of candidates and who attended the initial training at the AJPP.²³⁷ In the coming period, from the list of candidates who completed their training at the Academy, two more public prosecutors in the Tetovo Public Prosecutor's Office, one public prosecutor in the Skopje Public Prosecutor's Office and one public prosecutor in the Struga Public Prosecutor's Office remain to be elected.²³⁸

A general observation concerning all the elected public prosecutors is that the practice of electing them without providing an explanation for the reasons of their election and the absence of discussion, i.e. only by voting "yes" and "No", continues. In rare cases when there is a discussion about the elections, the members of CPPRNM tend to use general conclusions with abstract rationales. The lists of candidates for election are not made public on the Council's website, except for the list of candidates from the AJPP's seventh generation that completed the initial training.²³⁹ The way the candidate lists are created, on the other hand, remains unclear, considering that during the election of public prosecutors there is no ranking of the candidates, and they are not even listed in alphabetical order.²⁴⁰ However, CPPRNM's approach to the election of public prosecutors is positive, unlike in the case of JCRNM, taking into consideration that they vote for all the candidates on the list, regardless of whether some candidates previously received the necessary majority of votes to be elected.²⁴¹

The failed election of four public prosecutors for the BPPPOCC on 27 October 2022²⁴² caused an overlap of competences between the Public Prosecutor of PPORNM and CPPRNM.²⁴³ Namely, CPPRNM did not elect any of the six candidates who applied, two of whom were former prosecutors at the same prosecutor's office, whose term in office finished, and failed to provide explanation why they voted the way they did.²⁴⁴ A re-election was held on 12 July 2023,

237 Ibid.

238 Contribution to the brief "Rule of Law in View of EU Accession - July-September 2023" by "All for Fair Trials" Coalition 02.10.2023.

239 "Candidates for public prosecutors", Advertisement – Official Gazette No. 93/23 from 02.05.2023", official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://bit.ly/3ReoDsl>; "Candidates for public prosecutors", Advertisement – Official Gazette No. 93/23 from 02.05.2023", official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://bit.ly/47PbA7X>.

240 Petkovska and Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia"

241 "Reaction to the election of two members of the Judicial Council of RNM from among judges and the election of public prosecutors by the Council of Public Prosecutors of RNM", Official website of the Blueprint Group for Judicial Reform, 14 July 2023, <https://bit.ly/3Gc86jB>.

242 „Од шест пријавени, Советот на јавни обвинители не избра ниту еден за ОЈО за гонење организиран криминал" (Out of six applicants, the Council of Public Prosecutors did not choose any of them for the BPPPO for prosecuting organised crime), 360 stepen, 27 October 2022, <https://360stepeni.mk/od-shest-prijaveni-sovetot-na-javni-obviniteli-ne-izbra-nitu-eden-za-ojo-za-gonene-organiziran-kriminal/>.

243 Petkovska and Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia"

244 "Out of six applicants, the Council of Public Prosecutors did not choose any of them for the BPPPO for prosecuting organised crime".

for the period between October 2022 and September 2023

1. JUDICIARY

when three public prosecutors were elected,²⁴⁵ although the published advertisement advertised four vacant positions for public prosecutors. During this vacuum of eight months, the Public Prosecutor of PPORNM, without proper notification to the Council, referred one of the public prosecutors, who was not elected at the first abovementioned call for the BPPOPOCC. This action by the Public Prosecutor of PPORNM opened a discussion about the application of the principles of hierarchy and subordination as basic principles on which the functioning of the public prosecutor's office in the country is founded.²⁴⁶ In addition, it may have a negative impact on the systematisation of the number of public prosecutors at the public prosecutor's offices around the country, as well as on the plan for the election of public prosecutors and their appropriate distribution.²⁴⁷

After the suspension of the Basic Public Prosecutor of the BPPOPOCC,²⁴⁸ on 7 November 2022, a new head of the institution was elected.²⁴⁹ For the first time, the election of the basic public prosecutor of BPPOPOCC was carried out involving all public prosecutors in the country, by applying Article 66 of the new Law on Public Prosecutors.²⁵⁰ This way of electing the basic public prosecutor of BPPOPOCC is an advanced process that contributes for the strengthening of the independence of public prosecutors and the internal control of the public prosecutor's profession. However, the praises for the improved election process quickly turned into criticism from the professional public due to the lack of transparency and errors made during the election procedure.²⁵¹ Namely, during the election process, information was missing concerning the professional career of the four candidates.²⁵² At the same time, the candidates' CVs with their professional competencies were not published on CPPRNM's website either.²⁵³ In addition, the public, and especially the professional public, did not get an opportunity to familiarise themselves with the programmes proposed by the candidates, in order to help

245 "Decision on the election of two public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, two public prosecutors in the Higher Public Prosecutor's Office Skopje, three public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption - Skopje, a basic public prosecutor in the Basic Public Prosecutor's Office Gostivar, one public prosecutor in the Basic Public Prosecutor's Office Kavadarci, five public prosecutors in the Basic Public Prosecutor's Office Skopje" (Council of Public Prosecutors of the Republic of North Macedonia, 12 July 2023), <https://bit.ly/3t4t7cD>.

246 Petkovska and Tutic, "Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia"

247 Ibid.

248 „Вилма Русковска суспендирана, дисциплинска за уште две обвинителки“ (Vilma Ruskovska suspended, disciplinary proceedings against two more prosecutors), 16 August 2022, <https://netpress.com.mk/vilma-ruskovska-suspendirana-disciplinska-za-ushte-dve-obvinitelki/>.

249 "Press Release - Formal appointment of the new Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption", Official Website of the Judicial Council of the Republic of North Macedonia, 14 November 2022, <https://bit.ly/3WhmrAS>.

250 "The Law on Public Prosecutor's Office", Official Gazette of the Republic of North Macedonia, no. 42/2020.

251 "Insufficient transparency and oversights in the election of the basic public prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption", Official website of the Blueprint Group for Judicial Reform, 10 November 2022, <https://bit.ly/3GD1ydD>.

252 Ibid.

253 Ibid.

1. JUDICIARY

for the period between October 2022 and September 2023

increase the trust in the process and thus increase their trust in the institution.²⁵⁴ There were also reactions concerning the media, due to the publication of unofficial election information.²⁵⁵ In addition, there were remarks about the potential influences and connections of the new leader with one of the parties in the ruling coalition,²⁵⁶ as well as about the insufficiently strict rules and criteria of the election model.²⁵⁷

The reactions by the professional public, especially among the civil society, such as the Blueprint Group for Judicial Reform, have been the subject of attacks by some members of CP-PRNM,²⁵⁸ which again indicated the institution's inability to deal with public criticism regarding its work.

254 Ibid.

255 Ibid.

256 The embassies of the USA, the EU and the Netherlands, as proven partners of the country in the judicial reforms and the fight against corruption, when asked and after the issues we raised by the programme "360 degrees", expressed dissatisfaction with the election. The US Ambassador even directly and harshly criticised the election. „САД се збунети од изборот на Ислам Абазии, особено по потрошени милиони долари за обука на обвинители“ (The USA is confused by the election of Islam Abazi, especially after spending millions of dollars on training the prosecutors), 360 stepeni, 18 November 2022, <https://360stepeni.mk/sad-se-zbuneti-od-izborot-na-islam-abazi-osobeno-po-potrosheni-milioni-dolari-za-obuka-na-obviniteli/>.

257 „Изборот на Ислам Абазии ставен на тест на јавноста“ (Islam Abazi's election to be tested by the public), Deutsche Welle, 9 November 2022, <https://www.dw.com/mk/somnezi-i-osporuvana-na-izborot-na-islam-abazi-za-sef-na-organiziran-kriminal/a-63694136>.

258 "Reaction after the discussion during the session of the Council of Public Prosecutors about the publicly expressed position by the Blueprint Group on the election of the basic public prosecutor of the BPPPOCC", Official website of the Blueprint Group for Judicial Reform, 14 November 2022, <https://bit.ly/3H6p700>.

A general observation concerning all the elected judges and public prosecutors is that the practice of electing them without providing a rationale why they are elected and the absence of discussion, remains. In rare cases when there is a discussion about the elections, the members of CJRNM and CPPRNM usually use general conclusions with abstract rationales. It remains unclear why the members of the JCRNM do not provide rationale why they voted AGAINST, as well as why there is a possibility for the members of the CPPRNM to vote WITH RESERVATION when electing public prosecutors;

In order to deal with any suspicions of trading in influence and political influence during the election of public prosecutors by CPPRNM, it is necessary for the Council to pass an internal act that will regulate in detail the procedure and the necessary criteria for the election of public prosecutors, and especially the drafting of a list of candidates, which at the moment is not the case;

The established overlapping of competences between the Public Prosecutor of the PPORNM and CPPRNM, in the event when public prosecutors who are not selected by CPPRNM for another public prosecutor's office are then referred by the Public Prosecutor of PPORNM to the same public prosecutor's office for which they were not elected, requires expert debate on the real need for participation of the Public Prosecutor of PPORNM as a member of the Council. The overlapping of competences also affects the systematisation of public prosecutors at the public prosecutor's offices;

A prompt response is needed by both councils concerning the election of certain judges and public prosecutors in order to prevent the prolonging of the procedures and lower efficiency and quality of work of courts and public prosecutor's offices.

QUALITY OF JUSTICE

When the term in office of the AJPP's Management Board expired, a constitutive session of the new Management Board was held on 29 November 2022, at which the terms of the members and deputy members, proposed by the competent institutions and associations, were verified.²⁵⁹ At the session, a President and a Vice-president of the Management Board were appointed, the end of AJPP Director's term of office was confirmed, and an acting director of AJPP was appointed.²⁶⁰ Due to the conflict of interests if performing three functions at the same time, as explained above,²⁶¹ the appointed acting director resigned and a new acting director of AJPP was elected.²⁶²

The call for the election of a new director of AJPP was published on 16 November 2022,²⁶³ to which four candidates applied,²⁶⁴ including the AJPP's director at the time, who was re-elected to the position on 9 December 2022.²⁶⁵

AJPP remains the only point of entry for the judiciary and public prosecutor's office, and this is guaranteed by the new Law on the Academy for Judges and Public Prosecutors, adopted by the Parliament on 14 June 2023.²⁶⁶ The final ranking list of candidates for judges and public prosecutors of the AJPP's seventh generation was published on 20 February 2023²⁶⁷ (with the publication of the additional ranking list on 1 March, due to the right of candidates to retake

259 "Press Release from the constitutive session of the Academy's Management Board".

260 Ibid.

261 At the session, the member of JCRNM, Zoran Gerasimoski, was appointed acting director of AJPP until the election of the new president. The decision to appoint Zoran Gerasimoski as Acting Director of AJPP was criticised even more than his appointment as a member of AJPP's Management Board, as explained before. In that context, SCPC stated that he could not hold three offices at the same time, that is, he could not be a member of the Judicial Council, a member of the Management Board of the Academy and an acting director of the Academy at the same time. As a result of the caution by the SCPC, just a few days after the election, he resigned and a new acting director of AJPP was elected.

262 "Press Release from the 188th session of AJPP", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 5 December 2022, <https://bit.ly/3kAisCo>.

263 "Decision for a public advertisement for a Director of the Academy for Judges and Public Prosecutors 'Pavel Shatev' Skopje", Official Gazette of the Republic of North Macedonia, no. 245/2022.

264 Initially, the election of the new director was supposed to be held on 7 December 2022, but due to late receipt of the documents of the candidate, Judge Andrej Dimovski from the Basic Civil Court Skopje by post, the election was held on 9 December 2022. „Не се избра директор на Академијата за судии и обвинители: Пошта доцнела и во последен момент донесе кандидатура од судијата Димовски" (The director of the Academy for Judges and Prosecutors was not elected: the post was late and the candidacy of Judge Dimovski was introduced at the last minute), A1 on, 7 December 2022, <https://a1.on.mk/macedonia/macedonia/ne-se-izbra-direktor-na-akademijata-za-sudii-i-obviniteli-poshtata-docnela-i-vo-posleden-moment-donese-kandidatura-od-sudijata-dimovski/?swfpc=1>.

265 „Наташа Габер-Дамјановска реизбрана за директорка на Академијата за судии и јавни обвинители" (Natasha Gaber- Damjanovska re-elected as Director of the Academy for Judges and Public Prosecutors), Radio Free Europe, 9 December 2022, <https://www.slobodnaevropa.mk/a/32169701.html>.

266 "Law on the Academy for Judges and Public Prosecutors", Official Gazette of the Republic of North Macedonia, no. 129/2023.

267 "The publishing ranking list with final results of the final exam at the Academy for Judges and Public Prosecutors for the seventh generation that went through the initial training and the final ranking list of candidates for judges and public prosecutors.", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 20 February 2023, <https://bit.ly/3KhfOul>.

for the period between October 2022 and September 2023

1. JUDICIARY

the final exam),²⁶⁸ after which the ranking list was sent to JCRNM and CPPRNM for their appropriate allocation.²⁶⁹ Previously, on 30 January 2023, there was a public advertisement for the admission of 130 candidates for the ninth generation of candidates to attend the initial training at AJPP.²⁷⁰

In order to adapt the stages of the entrance exam for the initial training of the new, ninth generation at the AJPP with the new law, the Rulebook²⁷¹ and the timeline for taking the next part of the entrance exam were changed,²⁷² and a new Statute of AJPP was adopted.²⁷³ However, due to delays in the implementation of the revised entrance exam proceedings by the remaining relevant institutions, the psychological test for the ninth generation of candidates was rescheduled twice in September 2023.²⁷⁴ After the second rescheduling, the psychological test is expected to be conducted in October 2023.²⁷⁵ In the coming period, according to the new law, the remaining by-laws are expected to be adopted.²⁷⁶

AJPP has been working continuously on improving the quality and the way the trainings are conducted as well as on introducing the necessary training topics based on the conducted evaluations of the trainings and the proposed topics submitted by JCRNM, CPPRNM, experts and non-governmental organisations, and in accordance with the provisions of the new law.²⁷⁷ During the reporting period, there was an increase in the number of realised trainings. Namely, in comparison to the 214 trainings conducted in 2021,²⁷⁸ in 2022 AJPP organised 227 trainings within the framework of the initial and continuous training for judges and public prosecutors

268 "The publishing of ranking list with final results of the final exam at the Academy for Judges and Public Prosecutors for the seventh generation who attended initial training and the final ranking list of candidates for judges and public prosecutors.", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 1 March 2023, <https://bit.ly/3KGPIrB>.

269 The seventh generation ended up with 30 candidates for judges and 28 for public prosecutors. The Council of Public Prosecutors published an information about the election of public prosecutors for the basic public prosecutor's offices from the candidates who completed the initial training on 6 March 2023, Official Gazette of the Republic of North Macedonia, no. 48/2023. The Judicial Council published an information about the election of judges for the basic courts from the candidates who completed the initial training on 29 March 2023, Official Gazette of the Republic of North Macedonia, no. 69/2023.

270 Public call for applying for initial training at Academy for Judges and Public Prosecutors 'Pavel Shatev', Official Gazette of the Republic of North Macedonia, no. 19/2023.

271 "Information about the adoption of a new Rulebook for taking the entrance exam at the Academy for Judges and Public Prosecutors", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 19 September 2023, <https://bit.ly/4a8bMkk>.

272 "Notification about further steps to be taken with regard to the entrance exam for admission of the 9th generation to attend initial training", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 23 May 2023, <https://bit.ly/46PMnIZ>.

273 "Statute of the Academy for Judges and Public Prosecutors", Official Gazette of the Republic of North Macedonia, no. 172/2023.

274 It was originally planned for 5 and 6 September 2023, but the dates were moved to 23 and 24 September 2023. "Notification about the postponing of the psychological test", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 22 September 2023, <https://bit.ly/46OWHSb>.

275 Ibid.

276 "Notification about a new "Statute of the Academy for Judges and Public Prosecutors", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 14 August 2023, <https://bit.ly/4abm5Uv>.

277 "Law on the Academy for Judges and Public Prosecutors", Official Gazette of the Republic of North Macedonia, No. 129/2023.

278 Academy for Judges and Public Prosecutors, Response to a request for free access to information of public character", 12 April 2021.

1. JUDICIARY

for the period between October 2022 and September 2023

and the voluntary training for the professional services of the courts and prosecutor's offices.²⁷⁹ In addition, in the first nine months of 2023, a total of 98 trainings were conducted.²⁸⁰ For the purpose of improving the content and quality of training the cooperation with several relevant institutions, international and non-governmental organisations was initiated²⁸¹ or continued,²⁸² along with exchange of good practices for the conceptualisation and organisation of trainings with several European centres²⁸³ and academies.²⁸⁴ Consequently, the significant engagement of AJPP's Director, as a member of the Consultative Body of the Academy of European Law (ERA), which is an institution that plays a key role in the advancement of professional judicial training, especially in the context of issues related to the EU.²⁸⁵ One of the priority issues in the ERA programme in the coming period is exactly the judicial training strategies of the Western Balkans countries.²⁸⁶

However, staffing and technical equipping, as well as the provision of adequate premises for work, still remain a challenge. The need to upgrade the premises of AJPP, primarily the classrooms, but also the need of more staff and a budget increase, are some of the general recommendations in the report of the TAIEX peer review mission.²⁸⁷ The need to strengthen the capacities of AJPP, especially to improve the budget and the autonomy of AJPP, is established in the Plan of activities for the implementation of the urgent reform priorities.²⁸⁸ In this regard, the noted increase of the budget approved for AJPP in the last two years, as opposed to the observed fluctuations in the amounts approved annually in the past six years,²⁸⁹ is due only to the admission of the eighth and the call for the ninth generation of candidates for initial training at AJPP. So, the budget of AJPP was 131,793,000.00 MKD for 2022 and 124,285,222.00 MKD for 2023,²⁹⁰ compared to 2021, when it was 72,200,000.00 MKD.²⁹¹ Therefore, it is also

279 Academy for Judges and Public Prosecutors, Response to a request for free access to information of public character", 1 November 2022.

280 Academy for Judges and Public Prosecutors, Response to a request for free access to information of public character", 13 December 2023.

281 "A Memorandum of Cooperation was signed with the Center for International Legal Cooperation (CILC) from the Kingdom of the Netherlands", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 15 November 2022, <https://bit.ly/46IKFt1>.

282 "A Memorandum of Cooperation was signed between the Academy for Judges and Public Prosecutors and the OSCE Mission to Skopje", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 27 February 2023, <https://bit.ly/3t33uJB>.

283 "Exchange of good practices for conceptualisation and organisation of judicial trainings: the Spanish and the Macedonian model Spain, 13-16 February 2023", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 20 February 2023, <https://bit.ly/3RtEIBi>.

284 "Representatives of the Academy for Judges and Public Prosecutors on a study visit to the Academy of European Law (ERA)", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 9 May 2023, <https://bit.ly/3GsyHJc>.

285 "The director of the Academy is the new member of the Board of Trustees of the Academy of European Law (ERA)", Official website of the Academy for Judges and Public Prosecutors 'Pavel Shatev', 19 September 2023, <https://bit.ly/48Y0Bd6>.

286 Ibid.

287 Report from the TAIEX peer review mission on training of judges and public prosecutors in the Republic of Macedonia, Judge Lennart Johansson and Judge Dragomir Jordanov (unpublished).

288 "Action plan for the implementation of urgent reform priorities 2015 (working document)", <https://www.sep.gov.mk/post/?id=862>.

289 Ardita Abazi Imeri et al. "Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)" (European Policy Institute– Skopje, 10 November 2022), <https://bit.ly/3X2nox8>

290 Academy for Judges and Public Prosecutors, Response to a request for free access to information of public character", 13 December 2023.

291 Academy for Judges and Public Prosecutors, Response to a request for free access to information of public character", 26 August 2022.

for the period between October 2022 and September 2023

1. JUDICIARY

necessary to increase the available budget of AJPP, in accordance with the remaining needs for smooth operation and maintaining of quality.²⁹²

Regarding the harmonisation of the case law, the Case Law Department at the Supreme Court held four sessions²⁹³ in 2022, and two sessions between January and September 2023.²⁹⁴ The intensity of the working meetings between judges and representatives from the four appellate districts and the Supreme Court of RNM for case law harmonisation was low. Specifically, during the reporting period, only one meeting was held to harmonise the case law,²⁹⁵ compared to the three in the previous reporting period (September 2021 – October 2022).²⁹⁶ The financial support for the organisation of these meetings continues to come from outside and within the framework of projects as a result of which the civil society also attends the meetings.²⁹⁷ In order to achieve greater harmonisation of the case law, a greater number of meetings of the Supreme Court with the courts of appeal is needed, as well as an increased activity of the case law departments. In order to follow the directions and positions taken by the courts at their meetings, the conclusions of these meetings should be more transparent, which will simplify the application of case law.²⁹⁸ In addition, the process of publishing court decisions proceeds smoothly, and all court decisions are published on the court's internet portal www.sud.mk, but there is no possibility to use the decisions in an easy and accessible way. This is due to the fact that there is no possibility to accurately and quickly find a specific case law, nor is there a methodology for extracting key decisions for the purpose of developing a case law.²⁹⁹

During the reporting period, the proactive role of the Case Law Department for adopting principled positions and principled legal opinions continued. Namely, the Case Law Department recorded the principled positions and principled legal opinions agreed at the General Session of the SCRNM, the legal opinions and conclusions of the specialised departments and the approved sentences of the councils by systematising them by legal areas and publishing them on the website of the SCRNM in the section dedicated for the

292 "Discussion on the Shadow report for Chapter 23 for the period between October 2022 - September 2023", Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

293 Supreme Court of the Republic of North Macedonia, Response to a request for free access to information of public character", 14 December 2023.

294 Supreme Court of the Republic of North Macedonia, Response to a request for free access to information of public character", 7 November 2022.

295 "Working meeting of the Supreme Court and the four appellate courts to harmonise the judicial practice", Official website of the Supreme Court of the Republic of North Macedonia, 27 March 2023, <https://bit.ly/46LYaln>.

296 Supreme Court of the Republic of North Macedonia, Response to a request for free access to information of public character", 7 November 2022.

297 Ardita Abazi Imeri et al. "Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)" (European Policy Institute– Skopje, 10 November 2022), <https://bit.ly/3X2noxB>

298 Dusko Georgievski, "Analysis of the quality and uniformity of court decisions in civil cases", European Policy Institute and 'Zenith' Association, August 2021, <<https://bit.ly/3UfOKPz>>.

299 Ardita Abazi Imeri et al. "Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)" (European Policy Institute– Skopje, 10 November 2022), <https://bit.ly/3X2noxB>.

1. JUDICIARY

for the period between October 2022 and September 2023

case law. Hence, during the reporting period, four principled positions were published on SCRNM's website.³⁰⁰ Specifically, apart from the above-mentioned principled positions concerning the publishing of the court decisions that are not final but refer to matters of public interest³⁰¹ and the accreditation of media related to the permits for recording and photographing specific case hearings,³⁰² the adoption of a principled position concerning the direct application of the provisions of the Constitution and the European Convention on Human Rights (ECHR)³⁰³ in appeal procedures against the decisions of the Judicial Council for dismissal of judges or presidents of courts is also significant.³⁰⁴ In addition, one principled legal opinion, eight legal opinions, twelve conclusions and seven sentences were adopted.³⁰⁵

During the reporting period, there were no significant changes or improvements in the field of mediation. On 6 June 2023, bylaws were drawn up to regulate the work of the National Mediation Council, including: Rules of Procedure regulating the work of the National Mediation Council, Rulebook on issuing and revoking licenses in mediation, Rulebook on the form and the content of a mediator's license, Pricelist for costs incurred when issuing mediators' licenses, mediators' licenses in specific areas, mediators' trainers licenses and accreditation of mediator training programmes, and Rulebook on the methodology and manner of monitoring and evaluating the quality of the work of mediators in accordance with the annexes to the Rulebook.³⁰⁶ However, by the end of the reporting period, the drafted by-laws had not yet been adopted by the Government³⁰⁷ and, in practice, the Council is still non-functional. In the coming period, a consistent and timely application of the legal amendments is needed, as well as an improvement of the system for achieving quality in the work of mediators.

300 Supreme Court of the Republic of North Macedonia, Response to a request for free access to information of public character", 14 December 2023.

301 Supreme Court of the Republic of North Macedonia, "Principled position concerning the publishing of court decisions on courts' websites".

302 "The Supreme Court adopted a principled position on media accreditation", Official website of the Supreme Court of the Republic of North Macedonia, 14 July 2023, <https://bit.ly/3rY1C4n>.

303 More specifically Amendment XXI (Article 15) and Article 50 of the Constitution of the Republic of North Macedonia, as well as Article 6 and Article 13 of the European Convention on Human Rights.

304 "The Supreme Court adopted a principled position on the direct application of the Constitution and the European Convention on Human Rights", Official website of the Supreme Court of the Republic of North Macedonia, 23 February 2023, <https://bit.ly/3RFRBDb>.

305 Supreme Court of the Republic of North Macedonia, Response to a request for free access to information of public character", 14 December 2023.

306 "Bylaws – mediation", Official website of the Ministry of Justice, <https://www.pravda.gov.mk/resursi/3/7>.

307 The stated bylaws were published after they were approved by the Government on 16 November 2023.

for the period between October 2022 and September 2023

1. JUDICIARY

The draft Law on Litigation Procedure, submitted to the Assembly in August 2021,³⁰⁸ finally passed the second reading stage.³⁰⁹ No amendments were submitted by authorised parties within the deadline set by the Rules of Procedure of the Assembly, after which the Committee on European Affairs and the Legislative Committee in May 2023 forwarded the draft law for further proceedings in the Assembly.³¹⁰ The draft law foresees a comprehensive reform in a large number of legal institutes, efficient exercising of rights and interests by all the participants in the procedure, as well as its clarification and harmonisation with related laws. Its adoption is of exceptional importance, and the European Commission reacted again for that purpose.³¹¹ Therefore, it is necessary for the Parliament to pass the law without further delay, in order to promptly start the extensive activities necessary to build the capacities of the judiciary for its application.³¹²

On 18 July 2023, the new Law on Expertise was adopted.³¹³ The key reform resulting from this law is the closing of the Bureau of Forensic Expertise as a separate body of the state that produces expert opinions. In addition, the legal framework concerning the functioning of the Chamber of Expert Witnesses is enhanced, the provisions for disciplinary responsibility of experts are additionally regulated and an attempt is made to eliminate other shortcomings. With the reforms in the expert opinions system, it is necessary, among other things, to provide access to experts for the beneficiaries of the right to free legal aid.³¹⁴

The amendments in the criminal law are elaborated below in the section on “Corruption”.

308 „Новиот Закон за парничната постапка – реформа која сè уште е во собраниска процедура“ (The new Law on Litigation Procedure - a reform that is still in parliamentary procedure), Akademik, 3 May 2022, <https://akademik.mk/noviot-zakon-za-parnichnata-postapka-reforma-koja-se-ush-te-e-vo-sobraniska-protsedura/>.

309 “Details concerning the material - Proposed Law on Litigation Procedure”, Official website of the Assembly of the Republic of North Macedonia, <https://www.sobranie.mk/detali-na-materijal.nspx?param=d1d44644-0f3a-4f12-b3da-bea6154d4f87>.

310 Ibid.

311 European Commission, Commission Staff Working Document – North Macedonia 2023 Report, 8 November 2023, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf.

312 Ardita Abazi Imeri et al. “Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)” (European Policy Institute– Skopje, 10 November 2022), <https://bit.ly/3X2noxB>

313 “Law on Expertise”, Official Gazette of the Republic of North Macedonia, no. 154/2023.

314 Ardita Abazi Imeri et al. “Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)” (European Policy Institute– Skopje, 10 November 2022), <https://bit.ly/3X2noxB>.

1. JUDICIARY

for the period between October 2022 and September 2023

Staffing, and technical and infrastructural equipping still remain a challenge, and are of exceptional importance for improving the quality of the trainings conducted by AJPP. It is necessary to provide new premises for the Academy for Judges and Public Prosecutors in order to be able to fully perform its primary competencies, namely to organise trainings within the framework of continuous training, as well as to have sufficient opportunities to admit new candidates for initial training; There is also a need for a realistic increase of AJPP's budget, in accordance with the needs for smooth operation and maintaining of quality;

The proactive role of the Case Law Department in adopting principled positions and principled legal opinions continued. To achieve greater harmonisation of the case law, more meetings of the Supreme Court with the courts of appeal are needed, as well as an increased engagement by the case law departments. For the purpose of following the directions and positions taken by the appellate courts at their meetings, the conclusions of these meetings should be more transparent, which will simplify the application of the case law.

It is necessary to further promote the concept of mediation with promotional activities. A consistent and timely application of the legal amendments is also necessary, while making sure that there is no overlapping of competences between the Chamber of Mediators and the National Mediation Council, but also improving the system for achieving quality in the work of the mediators;

It is necessary, without further delay, for the Assembly to pass the new law in order to start the extensive activities necessary to build the capacities of judiciary for its application timely.

for the period between October 2022 and September 2023

1. JUDICIARY

EFFICIENCY

According to the data from the Annual Report of the Judicial Council for 2022, the courts in 2022 failed to master the influx of cases and increased the backlog by 11,785 cases.³¹⁵ Based on the statistical reports on the work of the courts, the JCRNM states that in 2022, out of 34 courts, 19 courts were up-to-date, while 15 courts were not, namely two courts of appeal and 13 basic courts.³¹⁶

It is necessary to determine the efficiency and effectiveness of the multiannual measure taken to reduce the backlog of old cases in the courts, cases older than three, seven and ten years,³¹⁷ due to the partial efficiency of the measure. Namely, the pace at which old cases are resolved is not fast enough to deal with the influx of new cases that become old cases, which is why the absolute number of old cases that the courts have to deal with remains the same throughout the years.³¹⁸ Thus, in 2022, according to the data from the report, the courts increased the backlog of old court cases by more than 10% concerning the cases older than three and seven years, and by 6% concerning the cases older than ten years.³¹⁹

After the Judicial Council adopted the decision to determine the indicative number of cases for 2023, on 30 May 2023,³²⁰ retroactivity in the action was established, contrary to Article 52 Paragraph 4 of the Constitution of the Republic of North Macedonia. In addition, the delayed adoption of this decision calls into question the oversight of the implementation of the orientational norm by the courts, as well as the quality of the evaluation conducted on the quarterly reports on the work of the courts.³²¹

During the reporting period, more specifically on 25 November and 16 December 2022, the defendants in the “Trezor”³²² and “Target-Tvrdina”³²³ cases won the appeals in the Skopje

315 Judicial Council of the Republic of North Macedonia, “Annual report on the work of the Judicial Council of the Republic of North Macedonia for 2022”, February 2023, <https://bit.ly/3RbFZGq>.

316 Ibid.

317 In order to reduce the number of cases older than three, seven and ten years, the JCRNM made a decision that judges who have this type of cases to be given a task by the presidents of the courts to prepare a plan and projection for solving each case. The plan and the projection represent an integral part of the reports of the working bodies that are submitted monthly to the JCRNM.

318 Petkovska and Tutic, “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia”

319 Judicial Council of the Republic of North Macedonia, “Annual report on the work of the Judicial Council of the Republic of North Macedonia for 2022”, February 2023, <https://bit.ly/3RbFZGq>.

320 “Press Release from the 443rd session of the Judicial Council of RNM – 30.05.2023”, Official Website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/483rcoB>.

321 Petkovska and Tutic, “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of the Republic of North Macedonia”

322 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 25 November 2022, <https://bit.ly/3R0Z2m5>.

323 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 16 December 2022, <https://bit.ly/3Rg4S3H>.

Court of Appeal, thereby the court revoked the first-instance judgements and returned the cases to the Basic Criminal Court Skopje for retrial. Consequently, the first defendant in both cases was released from serving the sentences (a prison sentence of eight years³²⁴ and twelve years³²⁵ respectfully). The stated reason for the revoking of the first instance court judgments was the fact that essential violations of the provisions of the Law on Criminal Procedure on the part of the Basic Criminal Court Skopje were established, which called into question the factual situation and the proper application of the Criminal Law.³²⁶ With this decision of the Skopje Court of Appeal, there is a possibility the statute of limitations to expire for the first defendant in the “Target-Tvrdina” case, unless a new final judgment is passed by 2025.³²⁷ Subsequently, on 23 March 2023, the Court of Appeal confirmed the acquittal by the Basic Criminal Court for the same first defendant in the “Tortura” case,³²⁸ and a day later, replaced the prison sentence of that person who was the first defendant in the “Vodno Plots” case with a suspended sentence.³²⁹ In addition, after the hearing scheduled on 30 March 2023 was postponed, because of the absence of many of the parties and rescheduling it for 13 April 2023, the statute of limitation of the case “Titanic 2” concerning the same first defendant expired.³³⁰ All this led to criticism from the professional public and diplomatic missions,³³¹ as well as the initiation of an investigation into the efficiency of the Skopje Court of Appeal in reviewing the appeals in two of the above-mentioned cases,³³² explained in more detail in the “Accountability” section.

324 „Апелација укина пресуда за Мијалков со која требаше да лежи 8 години во затвор и во буџетот да се вратат 860 илјади евра“, (Court of Appeal overturned a judgement against Mijalkov that sentenced him to 8 years in prison and reimbursement of 860 thousand euros to the budget) A1 on, 25 November 2022, <https://bit.ly/3wkMi0e>.

325 „Апелација ја укина пресудата за прислушувањето, Мијалков ослободен од 12-годишната затворска казна“ (Court of Appeal overturned a judgement against Mijalkov for the wiretapping, releasing him of the 12 year prison sentence), A1 on, 16 December 2022, <https://a1on.mk/macedonia/apelacija-ja-ukina-presudata-za-prislushuvanje-to-mijalkov-osloboden-od-12-godishnata-zatvorska-kazna/>.

326 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 25 November 2022, <https://bit.ly/3R0Z2m5>; “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 16 December 2022, <https://bit.ly/3Rg4S3H>.

327 „Поништени пресуди – застарена правда“ (Reversed judgements – expired justice), Radio Free Europe, 19 December 2022, <https://bit.ly/3QXUzAC>.

328 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 23 March 2023, <https://bit.ly/3RijFLI>.

329 “Public Announcement”, Skopje Court of Appeal – Judicial portal of the Republic of North Macedonia, 24 March 2023, <https://bit.ly/3TgYLYz>.

330 The second judgement of the Basic Criminal Court was delivered on 23 January 2023, by which the first defendant was sentenced to two years in prison. The Prosecutor’s Office stressed that it will not appeal the judgement in order not to prolong the procedure and for the statute of limitation to expire. „Од денеска делото на Мијалков во ‘Титаник 2’ е застарено“ (As of today, statute of limitation of Mijalkov’s crime in ‘Titanic 2’ is expired), 360 stepeni, 7 April 2023, <https://360stepeni.mk/od-deneska-deloto-na-mijalkov-vo-titanik-2-e-zastareno/>.

331 „Американскиот амбасадор ги прекори правосудните институции“ (The American ambassador rebuked the judicial institutions), Alsats M, 25 April 2023, <https://alsat.mk/mk/amerikanskiot-ambasador-gi-prekori-pravosudnite-institutsii/>.

332 „Ќе се истражува зошто апелационите судии ги држат во фиока предметите за прислушувањето со кои Мијалков неправосилно е осуден на 20 години затвор“ (There will be an investigation why the appellate judges keep in a drawer the wiretapping cases for which Mijalkov was sentenced to 20 years in prison with a judgement, which is not final), Sakam da kazam, 23 November 2022, <https://sdk.mk/index.php/makedonija/ke-se-istrazuva-zoshto-apelatsionite-sudii-gi-drzhat-vo-fioka-predmetite-za-prislushuvaneto-so-koi-mijalkov-nepravosilno-e-osuden-na-20-godini-zatvor/>.

for the period between October 2022 and September 2023

1. JUDICIARY

According to the 2022 Annual Report on the work of the Public Prosecutor's Offices,³³³ the PPORN, the higher public prosecutor's offices, the basic public prosecutor's offices, and the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption in 2022 acted in an efficient and professional manner. Despite the problems they have been faced with, such as a significantly reduced number of public prosecutors, insufficiently staffed public prosecutor's office and lack of funds, the public prosecutor's offices, in general, managed to overcome the influx of new criminal cases and reduce the number of pending cases. Meaning, 61.6% of initiatives for criminal charges were resolved in 2022, which is a slight drop compared to 2021, when 62.8% of initiatives for criminal charges were resolved. Subsequently, a slight increase was noted at the end of 2022 in initiatives for criminal charges that were pending, when 38.4% of the initiatives were still pending, compared to 2021, when it was 37.2%.

The problem with the lack of staff, as one of the main problems faced by judiciary and the public prosecutor's office, although slightly alleviated by the appropriate distribution of 58 candidates for judges and public prosecutors from the AJPP's seventh generation, still remained during the reporting period. In the coming period, it is necessary to make an analysis with reliable statistical data concerning the work of judiciary and prosecution, in order to plan timely how much staff they would need, in accordance with the recommendations and the methodology of the European Commission for the Efficiency of Justice (CEPEJ).³³⁴

During the reporting period, the Constitutional Court continued to work with a shortage of staff. Although two constitutional judges were elected on 28 October 2022,³³⁵ and on 10 April 2023, another constitutional judge was elected,³³⁶ due to the fact that the term of another constitutional judge expired,³³⁷ the court continued to work with two judges less than required. The debate on the proposal for the Republic's Public Prosecutor to become a

333 Public Prosecutor's Office of the Republic of North Macedonia, "Report on the work of the public prosecutor's offices of the Republic of North Macedonia in 2022", July 2023, https://jorm.gov.mk/wp-content/uploads/2023/09/izvestaj-za-rabotata-na-javnite-obvinitelsta_2022_2-mail-2-3.pdf

334 European Commission for the Efficiency of Justice (CEPEJ), "Evaluation of the judicial systems (2020-2022): North Macedonia" (Council of Europe, 30 September 2022), <https://rm.coe.int/north-macedonia-2020-en/1680a85c90>.

335 „Фатмир Скендер и Татјана Васик-Бозаджиева избрани за нови уставни судии“ (Fatmir Skender and Tatjana Vasic- Bozadjieva elected as new constitutional judges), *Sloboden pecat*, 28 October 2022, <https://www.slobodenpecat.mk/fatmir-skender-i-tatjana-vasikj-bozadzheva-izbrani-za-novi-ustavni-sudii/>.

336 „Елизабета Дуковска од Скопска Апелација е нова уставна судија“ ("Elizabeta Dukovska from the Skopje Court of Appeal is the new constitutional judge").

337 "The President of the Constitutional Court, Dobrila Kacarska, informed the President of the Judicial Council, Pavlina Crvenkovska, in a letter about the expiration of the term in office of Judge Vangelina Markudova", Official website of the Constitutional Court of the Republic of North Macedonia, 7 October 2022, <http://ustavensud.mk/?p=22787>.

1. JUDICIARY

for the period between October 2022 and September 2023

constitutional judge has been blocked in the Assembly,³³⁸ while the proposal for the other vacant position since January 2022 has not been determined yet by the Committee on Election and Appointment Issues.³³⁹

The adoption of the amendments to the Law on the Judicial Service³⁴⁰ and the Law on the Prosecution Service³⁴¹ was not met with rejoice by the judicial and prosecution staff,³⁴² primarily due to the decision of the Constitutional Court to abolish Article 4 of the Law amending the Law on salaries and others compensation for elected and appointed persons in the Republic of Macedonia from 2010³⁴³ and Article 1 of the Law amending the Law on salaries and other compensation for elected and appointed persons in the Republic of Macedonia from 2014,³⁴⁴ which established a fixed amount that served as a basis for determining the salaries of the officials.³⁴⁵ More specifically, the repeal of these provisions results from the duality in regulating the basis of the salary of elected and appointed persons by having in parallel two norms (the other norm is Article 11) in the same law.³⁴⁶ Article 11 is still in force, according to which the basis is determined according to the average salary earned in the previous year determined by the State Statistics Office (SSO), multiplied by the established coefficient, and increased by the percentage of the working experience from 2.2 to 4.5 percent.³⁴⁷ Namely, with this decision 1,060 officials have been receiving 78% higher salaries since April 2023.³⁴⁸

338 „Десетници закони и одлуки во Собрание чекаат „брзи прсти“ (Dozens of laws and decisions are waiting in the Assembly for green light), Radio Free Europe, 8 December 2023, <https://www.slobodnaevropa.mk/a/desetici-zakoni-i-odluki-vo-sobranie-chekaat-brzi-prsti-/32721155.html>.

339 The proposal for the election of a judge of the Constitutional Court of the Republic of North Macedonia was included as an item on the agenda of the session of the Committee on Elections and Appointment Issues to be held on 6 November 2023. Working body: Committee on Elections and Appointment Issues, <https://www.sobranie.mk/detali-na-komisija.nsp?param=e048a1e0-0892-46ec-8af0-e20d0667fc60>

340 Law amending the Law on the Judicial Service, Official Gazette of the Republic of North Macedonia, no. 235/2022.

341 Law amending the Law on the Prosecution Service, Official Gazette of the Republic of North Macedonia, no. 235/2022.

342 The amendments to the Law on the Judicial Service provide equality between employees in the private and public sectors, by establishing the same amount of legally required minimum wage and harmonising (in levels) other supplements for the judicial staff at all levels, and also ensuring continuity of the changes in the salaries of employees in the judicial administration in relation to the minimum wage at the national level, as a long-term goal. By harmonising the Law on the Judicial Service with the Law on Minimum Wage, the salaries of employees in the judicial service are increased by 15%. The improvement of the capacities of the public prosecutor's service is aimed at harmonising the Law on the Prosecution Service with the Law on Employees in the Public Sector and the Law on Civil Servants due to the fact that in the current legal solution there are inaccuracies in the way the salary supplements to public prosecutor's offices' staff are defined and paid. The draft law amending the Law on the Prosecution Service establishes the same amount of the legally required minimum wage and a gradual adjustment of the remaining salaries of the public prosecutor's office staff at all levels, as well as ensuring the continuity of salary changes in the public prosecutor's office administration in relation to the minimum salary at the national level.

343 "Law amending the Law on salaries and other supplements for elected and appointed persons in Republic of Macedonia", Official Gazette of Republic of Macedonia, no. 97/2010.

344 "Law amending the Law on salaries and other supplements for elected and appointed persons in Republic of Macedonia", Official Gazette of Republic of Macedonia, no. 139/2014.

345 "U. br. 113/2022-1", Official website of the Constitutional Court of the Republic of North Macedonia, 21 March 2023, <https://ustavensud.mk/?p=23879>.

346 U. br. 113/2022-1.

347 Ibid.

348 „Повисоки плати за 78 проценти добиле 1060 функционери“ (1600 officials have received 78% higher salaries), Radio Free Europe, 15 May 2023, <https://www.slobodnaevropa.mk/a/32412337.html>.

for the period between October 2022 and September 2023

1. JUDICIARY

This decision, which caused fierce reactions among the public,³⁴⁹ was subsequently pointed out by judicial and prosecution staff as the reason for curtailing and non-payment of salary supplements. An immediate resolution of the issue of salary supplements and salary increases for the employees of both services was originally requested in June 2023.³⁵⁰ The problem escalated with the disagreements and the rejection of the complaint, sent by the Court Budget Council to the Ministry of Finance for redistribution of funds for the payment of salary supplements,³⁵¹ which on 28 September 2023 resulted in a general strike of the judicial³⁵² and prosecution services.³⁵³ The strike, led mainly by the Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Republic of Macedonia (UPOZ), was driven by demands for a 78% increase in wages and the return of the salary supplements of 35%.³⁵⁴

349 „За 78% ќе се зголеми платата на функционерите, градоначалниците, судиите, пресметaa синдикатите“ (The salaries of officials, mayors and judges will increase by 78%, the trade unions did the math), Telma TV, 31 March 2023, <https://telma.com.mk/2023/03/31/za-78-kje-se-zgolemi-plata-na-funkcionerite-gradonachalnicite-sudiite-presmetaa-sindikatite/>.

350 „A strike in the courts is looming if the problem with salary supplements and the salaries amoun of employees in the judicial service is not resolved“. Official website of the Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Republic of Macedonia, 6 June 2023, <https://www.upoz.org.mk/mk/novosti/353-se-poizvesen-e-strajkot-vo-sudovite-dokolku-ne-se-resi-problemot-so-dodatocite-na-plata-visinata-na-plat-na-vrabotenite-vo-sudskata-sluzba>.

351 At the session held on 07.07.2023, the Judicial Budget Council decided to secure funds for the payment of salary supplements for June 2023 in the amount of 15% for court clerks and staff of the Judicial Council and the Academy for Judges and Public Prosecutors. However, the Ministry of Finance informed them that there was no fiscal possibility for the payment of salary supplements for the month of June, with the reasoning that according to the budgetary regulations, no liabilities should be taken above the limit of the approved funds from the budget. "Notification from the Ministry of Finance", 11 July 2023, <https://bit.ly/48RsOCs>.

352 "The judicial service taking to the streets again", Official website of the Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Republic of Macedonia (UPOZ), 29 September 2023, <https://www.upoz.org.mk/mk/novosti/368-sudskata-sluzba-povtorno-na-ulica>.

353 "The strike of the Public Prosecutor's Offices began", Official website of the Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Republic of Macedonia (UPOZ), 29 September 2023, <https://www.upoz.org.mk/mk/novosti/367-zapocnat-strajk-vo-javnite-obvinitelstva>.

354 „Или повисоки плати или штрајк – вработените во Обвинителствата и судовите со ултиматум“ ("Higher salaries or a strike - the employees of prosecutor's offices and courts with an ultimatum"), Telma TV, 19 September 2023, <https://telma.com.mk/2023/09/19/ili-povisoki-plati-ili-shtrajk-vrabotenite-vo-obvinitelstvata-i-sudovite-so-ultimatum/>.

1. JUDICIARY

for the period between October 2022 and September 2023

It is necessary to adopt a methodology for keeping single and absolutely accurate statistics on the workload of the courts and prosecutor's offices in order to plan timely for the staff that would be needed and to perform accurate analysis, as well as take appropriate actions to overcome the inefficiency of the courts and prosecutor's offices, by ensuring mutual coordination and cooperation between JCRNM and SCRNM on one hand and CPPRNM and PPORNM on the other;

It is necessary to determine the efficiency and effectiveness of the multiannual measure undertaken by the Judicial Council to reduce the backlog of old cases in judiciary, cases older than three, seven and ten years, due to the partial success of the measure.

An increased efficiency of the courts and public prosecutors' offices requires more finances, more human resources, as well as an improved spatial and technical conditions for work. It is also necessary to replace the dilapidated IT equipment used by the majority of the public prosecution staff;

It is necessary to properly resolve the problem with salary supplements and increase the salaries of the judicial and prosecution staff, following the adoption of appropriate legal amendments to reduce the salaries of elected and appointed persons in the RNM.

2. Fight against Corruption

The Republic of North Macedonia has shown progress in the fight against corruption, yet the problem of corruption remains a major challenge for the citizens. Reports from various sources, including Transparency International,³⁵⁵ the US Department of State³⁵⁶ and Freedom House,³⁵⁷ show progress, but also point at the need to advance the fight against corruption, with a focus on increasing the resources and support for institutions that implement anti-corruption measures.

The EC progress³⁵⁸ and screening reports³⁵⁹ on the Republic of North Macedonia emphasise the need to increase resources for fighting corruption and conflict of interests, as well as support for the institutions that implement anti-corruption measures.

The recommendations include increasing of the institutions' resources, including the number of financial experts, implementing GRECO's recommendations and ensuring effective accountability for high-level corruption cases. It also emphasises the need to increase the number of final judgments in this type of corruption cases.

355 Transparency International, "2022 Corruption Perceptions Index" (2023), <https://www.transparency.org/en/cpi/2022/index/mkd>.

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

357 „Извештај на 'Фридом хаус': За Македонија, најниска оценка за корупција" (Freedom House Report: Macedonia with the lowest score for corruption), 24 Vesti, 24 May 2023, <https://24.mk/details/izveshtaj-na-fridom-khaus-za-makedonija-najniska-ocenka-za-korupcija>.

358 European Commission, Commission Staff Working Document – North Macedonia 2023 Report, 12 October 2022, https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en.

359 European Commission, "Screening Report – North Macedonia", 24 July 2023, https://neighbourhood-enlargement.ec.europa.eu/screening-report-north-macedonia_en.

INSTITUTIONAL FRAMEWORK

State Commission for Prevention of Corruption

During 2022, the SCPC received 698 reports from citizens about cases of corruption and abuse of public office. It opened 127 cases on its own initiative and issued 403 misdemeanour payment orders. In the area of corruption, it adopted decisions in 509 cases, in the area of conflict of interest it adopted decisions in 161 cases, in the field of election campaigns financing it adopted decisions in 14 cases, and in relation to the assets declaration it adopted decisions in 372 cases (1,056 decisions in total).³⁶⁰ The annual report on the implementation of the National Strategy for the Prevention of Corruption and Conflict of Interest for 2022 showed that only 10% of the activities planned for 2022 were fully implemented, 35% were in the process of implementation, and 55% were not implemented at all, with the greatest progress in the area of justice and education.³⁶¹ Workshops were organised for changing the Strategy, and SCPC has cooperated with other institutions in exchanging information on cases of corruption and conflict of interests.³⁶²

In mid-February 2023, a TAIEX expert mission was carried out concerning the establishment of an analytical centre within SCPC, the purpose of which would be to improve the capacities of institutions and organisations for fighting against corruption and to increase the integrity and the trust of citizens.³⁶³

During the reporting period, the SCPC attracted considerable attention due to a series of investigations conducted against current and former officials. The investigations covered the failure on the part of several officials to submit assets declarations, and the Commission concluded that in none of the cases material interest could have been proven.³⁶⁴ In addition, the SCPC rejected a report against the work of a former Deputy Minister of Culture in connection

360 State Commission for Prevention of Corruption, "2022 Annual report on the work of the State Commission for Prevention of Corruption", March 2023, <https://dksk.mk/wp-content/uploads/2023/03/GI-2022-konечен.pdf>.

361 State Commission for Prevention of Corruption, "Annual report on the implementation of the 2021-2025 National Strategy for Prevention of Corruption and Conflict of Interest for the period between 01.01.2022 and 31.12.2022", March 2023, https://dksk.mk/wp-content/uploads/2023/03/Годишен-извештај-НССКСИ_финален.pdf.

362 "Workshops for amending the 2021-2025 National Strategy for Prevention of Corruption and Conflict of Interest", Official website of the State Commission for Prevention of Corruption, 8 May 2023, bit.ly/3MxuX5k.

363 TAIEX expert mission for the establishment of an Analytical Centre within the framework of the SCPC, Official website of the State Commission for Prevention of Corruption, 14 February 2023, <https://bit.ly/3KotXGf.s>

364 „ДКСК затвори повеќе предмети за недоставување на анкетен лист од функционери“ (SCPC closed several cases concerning senior officials who failed to submit an asset declaration), Pravdiko, 14 October 2022, <https://www.pravdiko.mk/dksk-zatvori-poveke-predmeti-za-nedostavuvane-na-anketen-list-od-funktsioneri/>.

for the period between October 2022 and September 2023

2. FIGHT AGAINST CORRUPTION

to alleged abuse of office and obtaining material gain by extorting money,³⁶⁵ but there are still ongoing criminal proceedings against another former Minister of Culture for the same offence,³⁶⁶ and during the investigation of the bar exam taken by the son of the current Speaker of the Assembly, it was concluded that it was possible to revoke his bar exam certificate, because he was allowed to take it with a discretionary decision by the former Minister of Justice, without meeting the prescribed conditions related to his education.³⁶⁷ However, he managed to enrol and graduate from the Academy for Judges and Public Prosecutors with that certificate, so his name was on the list of future public prosecutors published by the Academy in mid-February 2023.³⁶⁸

The SCPC's investigations also extended to other cases of potential corruption, including against the Mayor of Struga, whose involvement in corrupt practices resulted in finding himself on US blacklist.³⁶⁹ This procedure culminated with an initiative for criminal charges against the mayor and persons close to him due to suspicions concerning the sale of a state property and potential money laundering.³⁷⁰ Other investigations have revealed cases of irregularities in public procurements³⁷¹ and invalid contracts with companies linked to political figures,³⁷² raising serious questions about the public procurements' transparency in the country. These actions of the SCPC caused significant reactions and discussions about the need to strengthen the oversight and transparency of government institutions and processes in the Republic of North Macedonia.

365 „ДКСК затвори повеќе предмети за недоставување на анкетен лист од функционери“ (SCPC closed several cases concerning senior officials who failed to submit an asset declaration), Pravdiko, 14 October 2022, <https://www.pravdiko.mk/dksk-zatvori-poveke-predmeti-za-nedostavuvane-na-anketen-list-od-funktsionieri/>.

366 "Discussion on the Shadow report for Chapter 23 for the period between October 2022 – September 2023", Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

367 „Синот на Џафери избран за обвинител иако Антикорупциска води случај за него“ (Xhaferi's son elected as a prosecutor even though SCPC opened a case against him), Alsat M, 21 February 2023, <https://alsat.mk/mk/sinot-na-dhaferi-izbran-za-obvinitel-iako-antikoruptionska-vodi-sluchaj-za-nego/>.

368 „Синот на Џафери меѓу избраните кандидати за обвинители, иако антикорупциска води случај за него“ (Xhaferi's son among the elected prosecutors even though SCPC opened a case against him), Telma, 22 February 2023, <https://telma.com.mk/2023/02/22/sinot-na-dzhaferi-izbran-za-obvinitel-iako-antikoruptionska-vodi-sluchaj-za-nego/>.

369 „Мерка за Мерко – непожелен во САД, прв на проширената 'црна листа'“ (A Measure for Merko – persona non grata in the USA, first on the extended 'black list'), Slobodnaevropa.mk, 21 June 2023, <https://bit.ly/3JlaXD7>.

370 „ДКСК иницира кривична постапка против Мерко, заверил фалсификуван документ за отуѓување државно земјиште во Струга“ (SCPC initiates criminal proceedings against Merko, who certified a falsified document for sale of state owned land in Struga), 360 stepeni, 11 September 2023, <https://360stepeni.mk/dksk-initsira-krivichna-postapka-protiv-merko-zaveril-falsifikuvan-dokument-za-otuguvane-na-drzavno-zemjishte-vo-struga/>.

371 „ДКСК ќе отвори предмет за 'Еуровиа' – фирмата што го доби тендерот од МНР за адаптација на салата 'Борис Трајковски'“ (SCPC will open a case for 'Eurovia' - the company that won the tender of the Ministry of Foreign Affairs for adaptation of the 'Boris Trajkovski' sports hall), 360 stepeni, 29 August 2023, <https://360stepeni.mk/dksk-ke-otvori-predmet-za-eurovia-firmata-shto-go-dobi-tenderot-od-mnr-za-adaptatsija-na-salata-boris-trajkovski/>.

372 „Антикорупциска ќе ги стави 'на тапет' внучите на Ахмети“ (SCPC looking into Ahmeti's nephews), 360 stepeni, 3 July 2023, <https://360stepeni.mk/antikoruptionska-ke-gi-stavi-na-tapet-vnutsite-na-ahmeti/>.

2. FIGHT AGAINST CORRUPTION

for the period between October 2022 and September 2023

Although the SCPC and PPORNM held a meeting for the purpose of reinforcing their cooperation,³⁷³ the investigation of the “Trust” case by SCPC disrupted their cooperation, as it revealed numerous irregularities and abuses by important involved parties, including the BP-POPOCC.³⁷⁴ Afterwards, the SCPC submitted an initiative to PPORNM to investigate intentional damage to creditors by forging documents and other violations, and PPORNM responded that the investigation was unnecessary, and its purpose was to influence the investigation conducted by BPPOPOCC.³⁷⁵ Although the activities provided for in the Memorandum of Cooperation between the SCPC and PPORNM were temporarily frozen,³⁷⁶ the SCPC continued to communicate with PPORNM concerning the potential criminal proceedings prompted by cases of corruption.³⁷⁷

SCPC signed agreements for electronic use of data from the Central Registry of the Republic of North Macedonia,³⁷⁸ the Agency for Real Estate Cadastre³⁷⁹ and the Central Security Depository,³⁸⁰ while with the Ministry of Interior (Moi) it signed an Agreement for Cooperation and Exchange of Electronic Data and a Memorandum of Cooperation.³⁸¹ SCPC also signed a Memorandum of Cooperation with the Ministry of Information Society and Administration (MIOA)³⁸² and with PPORNM³⁸³.

373 Intensified cooperation between SCPC and the Public Prosecutor's Office, Official website of the State Commission for Prevention of Corruption, 17 July 2023, <https://bit.ly/3Mqx7v9>.

374 „Антикорупциска го одмота клопчето на Сеад Кочан, Трансмет и Пуцко Петрол, државата оштетена за милионски суми, вмешани обвинители, судии, нотари, извршители и проценители“ (SCPC is untangling the case of Sead Kocan, Transmet and Pucko Petrol, the state lost millions, prosecutors, judges, notaries, executors and appraisers were involved), Sloboden pecat, 19 July 2023, <https://bit.ly/3QM2Yc8>.

375 Press Release from 23.07.2023, Official Website of the Public Prosecutor's Office of the Republic of North Macedonia, 23 July 2023 Предложен притвор за лице барано со меѓународна потерница – ЈАВНО ОБВИНИТЕЛСТВО НА РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА (jorm.gov.mk)

376 „Труст“ ги замрзла односите на ЈО и ДКК: Антикорупционерите се обидуваат да влијаат врз постапките на Обвинителството (Trust” froze the relations of BPPO and SCPC: SCPC is trying to influence the actions of the Prosecutor's Office), Sloboden pecat, 20 July 2023, „Труст“ ги замрзла односите на ЈО и ДКК: Антикорупционерите се обидуваат да влијаат врз постапките на Обвинителството - Сloboden pecat (slobodenpecat.mk)

377 “Discussion on the Shadow report for Chapter 23 for the period between October 2022 – September 2023”, Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

378 “Signed agreement for electronic use of data with the Central Registry of the Republic of North Macedonia”, Official website of the State Commission for Prevention of Corruption, 6 October 2022, <https://bit.ly/3ZVQfWF>.

379 “SCPC gets electronic access to the data of the Agency for Real Estate Cadastre”, Official website of the State Commission for Prevention of Corruption, 28 October 2022, <https://bit.ly/3iVdPSZ>.

380 “SCPC will receive data electronically from the Central Securities Depository”, Official website of the State Commission for Prevention of Corruption, 26 July 2023, <https://bit.ly/48OMIOF>.

381 “The President of the SCSC, Biljana Ivanovska, and the Minister of Interior, Oliver Spasovski, signed an Agreement for cooperation and exchange of data in electronic format and a Memorandum for the promotion of the whistleblower protection system, as an effective tool in the fight against corruption”, Official website of the State Commission for Prevention of Corruption, 14 October 2022, <https://bit.ly/3HqgJbU>.

382 “Signed Memorandum of Cooperation with the Ministry of Information Society and Administration”, Official website of the State Commission for Prevention of Corruption, 3 November 2022, <https://bit.ly/3wqsFUF>.

383 “Signed Memorandum of Cooperation with the Public Prosecutor's Office of the Republic of North Macedonia”, Official website of the State Commission for Prevention of Corruption, 20 February 2023, <https://bit.ly/3KqDc8J>.

for the period between October 2022 and September 2023

2. FIGHT AGAINST CORRUPTION

Public Prosecutor's Office

The latest report on the public prosecutor's offices points to the challenge they face with the growing number of cases and reduced number of public prosecutors, where each prosecutor handles about 170 new cases per year. The lack of technical equipment and financial independence, along with the limited staff at the public prosecutor's offices, remain the main challenges for these institutions. Intensive efforts are made to raise public confidence by increasing the transparency of procedures and inter-institutional and international cooperation for the purpose of capacity building.³⁸⁴

Although four investigative centres have been established in the Public Prosecutor's Office so far, including in the Basic Public Prosecutor's Office for prosecuting organised crime and corruption, no new centres have been opened since 2018.³⁸⁵

In September 2023, PPORNM signed a declaration for participation in the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE), together with the anti-corruption authorities of other countries in the region. The participation in this network is important for encouraging the exchange of experiences and international cooperation when prosecuting corruption cases.³⁸⁶

Amendments to the Criminal Code, which provide for reduced penalties for crimes of abuse of office and authority and criminal association, have been put to the test in several high-profile corruption cases. The public prosecutor in the closing argument in the "Titanic" case³⁸⁷ announced the withdrawal of the indictment count of criminal association, but the trial would continue due to additional counts in the indictment that were not statute-barred.³⁸⁸ The trial for the "Trajectory" case followed a similar course, while the main hearing did not apply the

384 Public Prosecutor's Office of the Republic of North Macedonia, "Report on the work of the public prosecutor's offices of the Republic of North Macedonia in 2022", July 2022, https://jorm.gov.mk/wp-content/uploads/2023/09/izveshtaj-za-rabotata-na-javnite-obvinitelsta_2022_2_mail-2-3.pdf.

385 Ibid.

386 "The Public Prosecutor's Office - signatory to the Declaration for the establishment of a regional component of the GlobE network in the Western Balkans", Official website of the Public Prosecutor's Office of the Republic of North Macedonia, 5 September 2023, <https://bit.ly/46XCdql>.

387 „Измените на Кривичниот законик денеска на тест на рочиштето за „Титаник“ (Amendments to the Criminal Code put to the test today at the 'Titanic' hearing), Telma TV, 18 September 2023, <https://telma.com.mk/2023/09/18/izmenite-na-krivichniot-zakonik-deneska-na-test-na-rochishteto-za-titanik/>.

388 „Обвинителката во 'Титаник' во завршен збор ќе го повлече обвинението за злосторничко здружување, судењето продолжува зашто обвинетите одговараат и за други кривични дела што не застаруваат“ (The prosecutor in 'Titanic' will withdraw the indictment's count of criminal association in the closing argument, the trial continues because the defendants are also indicted for other crimes that are not statute-barred), Telma TV, 18 September 2023, <https://bit.ly/3F0b39V>.

2. БОРБА ПРОТИВ КОРУПЦИЈАТА

for the period between October 2022 and September 2023

amendments to the Criminal Code.³⁸⁹ In contrast, the public prosecutors in the “Target-Tvr-dina” case requested for the hearing to be adjourned in order to analyse the impact of the amendments to the law on the legal qualification of the crimes for which the defendants were charged.³⁹⁰

Before the adoption of the abovementioned amendments to the Criminal Code, there was noticeable progress in the high-level corruption cases. In the “Titanic” case, the former Minister of Transport and Communications was sentenced to three years and six months in prison.³⁹¹ In the “Software” case, the evidentiary hearing was completed,³⁹² after which the former Secretary General of the Government got an eight-year prison sentence.³⁹³

On 8 March 2023, the Contract for the construction of Corridors 8 and 10 was signed by the Ministry of Transport and Communications, the Public Enterprise for State Roads and the Bechtel - Enka Consortium. The Contract regulates a government investment worth 1.3 billion euros, the purpose of which is to improve the quality of road infrastructure and traffic by constructing four highway sections with a total length of 110 kilometres.³⁹⁴ After the allegations of a series of irregularities,³⁹⁵ БРПОРОС³⁹⁶ and СРПС³⁹⁷ opened investigations in connection to the abovementioned contract, after which the Government provided them with the text of the

389 „Додека се чека Обвинителството да каже што по измените на КЗ, судските процеси течат со различен ритам“ *While waiting for the Prosecutor's Office to say what will happen after the amendments to the Criminal Code, the court processes are proceeding at a different pace), 360 stepeni, 22 September 2023, <https://360stepeni.mk/dodeka-se-cheka-obvinitelstvoto-da-kazhe-shto-po-izmenite-na-kz-sudskite-protse-si-techat-so-razlichen-ritam/>.

390 „Таргет-Тврдина“ се одложи додека обвинителите анализираат кои дела застаруваат, а кои остануваат“ (‘Target-Tvr-dina’ has been postponed while the prosecutors analyse for which crimes the statute of limitation expires and for which not), Telma, 19 September 2023, <https://telma.com.mk/2023/09/19/target-tvr-dina-se-odlozhi-dodeka-obvinitelite-analiziraat-koi-dela-zastaruvaat-a-koi-ostanuvaa/>.

391 „Поранешниот министер Јанакиески замина во ‘Идризово’ со спакувани торби на грб и под седативи“ (Former Minister Janakieski left for ‘Idrizovo’ with a packed bag on his back and sedated), Mkd.mk, 6 July 2023, <https://mkd.mk/node/519894>.

392 „Рашковски тврди дека софтверот бил набавен само за анализи и бара од судот да го тестира во живо“ (Rashkovski claims that the software was purchased only for analysis and asks the court to test it live), 360 stepeni, 1 November 2022, <https://360stepeni.mk/rashkovski-tvrdi-deka-softverot-bil-nabaven-samo-za-analizi-i-bara-od-sudot-da-go-testira-vo-zhivo/>; „Спасовски: Не бев запознаен со софтверот на Рашковски, МВР правеше свои анализи за надградба на ‘Сејф сити’ на барање на Заев“ (Spasovski: I was not informed about Rashkovski's software, the Ministry of Interior carried out its own analyses for the upgrade of ‘Safe City’ at the request of Zaev), 360 stepeni, 1 November 2022, <https://bit.ly/3Dq47if>.

393 „Рашковски осуден на осум години казна затвор“ (Rashkovski sentenced to eight years in prison), Makfax, 6 July 2023, <https://bit.ly/3FkYi6C>.

394 „Потпишан договорот за изградба на Коридорот 8 и 10 д, започнува реализацијата на еден од најголемите инфраструктурни проекти“ (The contract for the construction of Corridor 8 and 10 d has been signed, the implementation of one of the largest infrastructure projects begins), Official website of the Government of the Republic of North Macedonia, 8 March 2023, <https://vlada.mk/node/32389>.

395 The biggest opposition political party, VMRO-DPMNE, pointed out a series of alleged irregularities in connection with this contract, such as: one of the contracted companies received its permit while the public procurement procedure was underway; the very same company has another main business activity registered, not road construction; and the amount to be paid for project oversight will be seven times higher compared to other projects.

396 „Обвинителството отвори предмет за надзорот врз коридорите 8 и 10 д“ (The prosecutor's office opened a case for the corridors 8 and 10 d oversight), Nova Televizija, 28 March 2023, <https://novatv.mk/obvinitelstvoto-otvori-predmet-za-nadzorot-vrz-koridorite-8-i-10-d/>.

397 „Антикорупциска отвора предмет за изградбата на коридорите 8 и 10“ (SCPC opens a case about the construction of corridors 8 and 10), Republika, 9 March 2023, <https://republika.mk/vesti/makedonija/antikoruptiska-otvara-predmet-za-izgradbata-na-koridorite-8-i-10/>.

for the period between October 2022 and September 2023

2. БОРБА ПРОТИВ КОРУПЦИЈАТА

Contract,^{398, 399} but in a redacted version due to the confidentiality clause.⁴⁰⁰ In the meantime, the Assembly passed⁴⁰¹ amendments to laws⁴⁰² in order to make the construction faster and cheaper.⁴⁰³ The use of EU flag procedure for these laws raised concerns at the EU Delegation, stating that the amendments to the laws might not be in line with EU legislation and standards.⁴⁰⁴ In addition to all the stated indications, the preparatory activities for the construction of the corridors continued,⁴⁰⁵ and the construction started in mid-September 2023.⁴⁰⁶

A short documentary titled “Murder in Tetovo”, produced by the Investigative Reporting Lab (IRL) revealed that the initial tender for the selection of a contractor for the modular hospitals during the Covid-19 pandemic was annulled due to suspicion of procedural inconsistencies and favouritism. Then, the Government entrusted the procurement to the Ministry of Health. The documents presented in the film suggest that both the Ministry of Health and the selected contractor were aware of the fact that the facilities were substandard, and which later burned down.⁴⁰⁷ PPORNM warned against the spread of potentially false information and appealed for responsible journalism due to ongoing complaints and open cases, and that this could have had negative impact on them.⁴⁰⁸ Meanwhile, the Anti-Corruption Platform

398 „Договорот со ‘Бехтел и Енка’ доставен до Јавното обвинителство“ (The contract with ‘Bechtel and Enka’ provided to the Public Prosecutor’s Office), Sloboden pecat, 5 May 2023, <https://bit.ly/3QPbqaf>.

399 „Договорот со ‘Бехтел и Енка’ на биро кај Антикорупционерите“ (The contract with ‘Bechtel and Enka’ on the desk of the Anti-corruption Commission), Telma TV, 19 May 2023, <https://telma.com.mk/2023/05/19/dogovorot-so-behtel-i-enka-na-biro-kaj-antikorpucionerite/>.

400 „Груби – Антикорупциска доби редакцирана верзија од договорот со ‘Бехтел и Енка’“ (Grubi – SCPC received a redacted version of the agreement with ‘Bechtel and Enka’), Free Europe, 1 June 2023, <https://www.slobodnaevropa.mk/a/32438910.html>.

401 „На денот резервиран за пратенички прашања, парламентарното мнозинство ги донесе петте закони за градбата на автопатите од ‘Бехтел и Енка’“ (On the day reserved for parliamentary questions, the parliamentary majority passed the five laws concerning the construction of highways by ‘Bechtel and Enka’), Sakam da kazam, 26 May 2023, <https://bit.ly/3QL2dA6>.

402 Law amending the Law on Labour Relations; Law amending the Law on Expropriation; Law amending the Law on Construction; Law amending the Law on Urban Planning и Law amending the Law on Establishing Public Interest and Appointment of a Strategic Partner for the Implementation of the Project for the Construction of Infrastructural Corridor 8 (section: Tetovo-Gostivar- Bukojchani and the Project for the highway Trebenishta -Struga-Kjafasan) and Corridor 10 d (section of the highway Prilep-Bitola) in the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia, no. 111/2023.

403 „Груби: Нови пет предлог-закони за коридорите 8 и 10 д, од пратениците зависи дали ќе биде побрза и поевтина и побавна и поскапа“ (Grubi: five new draft laws for corridors 8 and 10 e, it depends on the MPs whether it will be faster and cheaper or slower and more expensive), Brif.mk, 5 May 2023, <https://www.brif.mk/grubi-novi-pet-predlog-zakoni-za-koridorite-8-i-10-d-od-pratenicite-zavis-i-dali-izgradbata-ke-bide-pobrza-i-poevtina-ili-pobavna-i-poskapa/>.

404 „Од Делегацијата на ЕУ: за ‘Sloboden pecat’: Не е оправдано европското знаме на предлог-законите за коридорите“ (From the EU Delegation for ‘Sloboden Pecat’: The European flag on the draft laws for the corridors is not justified), Sloboden pecat, 5 May 2023, <https://www.slobodenpecat.mk/od-delagacijata-na-eu-za-sloboden-pecat-ne-e-opravdano-evropskoto-zname-na-predlog-zakone-za-koridorite/>.

405 „Потпишан договорот со ‘Бехтел и Енка’ за коридорите 8 и 10-д: За Владата ова е историски проект“ (The contract signed with ‘Bechtel and Enka’ for Corridors 8 and 10-e: for the Government, this is a historic project), 360 stepeni, 8 March 2023, <https://360stepeni.mk/video-potpishan-dogovorot-so-behtel-i-enka-za-koridorite-8-i-10-d-za-vladata-ova-e-istoriski-proekt/>.

406 „Бехтел и Енка’ почна со градежните работи на Коридорот 8“ (Bechtel and Enka’ started construction work on Corridor 8), 360 stepeni, 12 September 2023, <https://360stepeni.mk/behtel-i-enka-pochna-so-gradezhnite-raboti-na-koridorot-8/>.

407 „Документарецот на ИРЛ повторно го распламте огнот за трагедијата во модларната болница во Тетово“ (The IRL documentary stirred up the feelings again concerning the tragedy in the modular hospital in Tetovo), 360 stepeni, 14 August 2023, <https://360stepeni.mk/video-dokumentaretsot-na-irl-povtorno-go-rasplamte-ognot-za-tragedijata-vo-modlarnata-bolnitsa-vo-tetovo/>.

408 „ЈО за аудиоснимката од ИРЛ: Итно да престане злоупотребата на овој процес, лага е дека била прикриена експертизата од германските стручни лица“ (BPPD on the audio recording from the IRL: The abuse of this process must be stopped urgently, it is a lie that the expertise of the German experts was concealed), 360 stepeni, 18 August 2023, <https://360stepeni.mk/jo-za-audiosnimkata-od-irl-itno-da-prestane-zloupotreba-na-ovoj-protses-laga-e-deka-bila-prikriena-ekspertizata-od-germanskite-struchni-litsa/>.

2. FIGHT AGAINST CORRUPTION

for the period between October 2022 and September 2023

called for the resignation of PPORNM's Public Prosecutor, citing the suspicions raised by the film that PPORNM's investigation may have lacked thoroughness and due consideration of expert findings.⁴⁰⁹

BPPOPOCC closed the open cases⁴¹⁰ against the former Director of the Financial Police Office (FPO), as it determined that he did not commit crimes of abuse of office, accepting bribes, violence and harassment.⁴¹¹ The exonerated former director accused the former chief of BPPOPOCC of abusing her position as a public prosecutor in these cases and announced civil lawsuits against her for presenting false information and defamation against him.⁴¹²

On 29 June 2023, a former mayor and several others were detained as part of the investigation in the "Phoenix" case concerning money laundering in the process of public procurement of monuments.⁴¹³ Among the suspects there were government officials,⁴¹⁴ and the court ordered pre-trial detention for some of them.⁴¹⁵

409 „Платформата за борба против корупција бара оставка од јавниот обвинител Љубомир Јовески“ (The Anti-Corruption Platform demands resignation of the public prosecutor Ljubomir Joveski), TV 21, 17 August 2023, <https://mk.tv21.tv/platformata-za-borba-protiv-korupsija-bara-os-tavka-od-javniot-obvinitel-lubomir-joveski/>.

410 „Каква разврска ќе има битката на Муареми со Русковска и Стафа“ (What outcome will Muaremi's battle with Ruskovska and Stafa have), Free Europe, 29 July 2022, <https://bit.ly/3ryiXQX>.

411 „ОЈОГОКК ги затвори предметите за Арафат Муареми отворени во мандатот на претходната шефица Русковска“ (BPPOPOCC closed the cases against Ararat Muaremi opened during the term of the previous chief prosecutor Ruskovska), 360 stepeni, 9 June 2023, https://360stepeni.mk/ojo-gokk-gi-zatvori-predmetite-za-arafat-muaremi-otvoreni-vo-mandat-na-prethodnata-shefitsa-ruskovska/?fbclid=IwAR0_HzGmnPFM-56dxXRuFJJmJRuckiDUCMO-uhJ7m-mDzHWH0LqjksR6Gi7Y.

412 „Муареми ја тужи Русковска“ (Muaremi sues Ruskovska), Sitel TB, 10 June 2023, <https://sitel.com.mk/muaremi-ja-tuzhi-ruskoska>.

413 „Тодоровиќ и уште десетина лица приведени на скопскиот аеродром“ (Todorović and a dozen other people detained at the Skopje airport), Skopje Info, 30 June 2023, <https://bit.ly/3FL0Fjl>.

414 „Феникс: Споменици од 'Скопје 2014' биле плаќани драстично поскапо од цените за кои биле направени во Италија“ („Fenix: Monuments from 'Skopje 2014' were paid drastically more than the prices for which they were made in Italy), 360 stepeni, 30 June 2023, <https://360stepeni.mk/video-feniks-spomennis-od-skopje-2014-bile-plakani-drastichno-poskapo-od-tsenite-za-koi-bile-izleani-vo-italija/>.

415 „Притвор за Владимир и Александар Здравев, осомничени за перење пари од спомениците од 'Скопје 2014', поранешниот градоначалник Тодоровиќ доби куќен притвор“ (Detention for Vladimir and Aleksandar Zdraev, suspected of laundering money from the 'Skopje 2014' monuments, former mayor Todorovic got house arrest), Sakam da kazam, 30 June 2023, <https://bit.ly/30hYCIl>.

for the period between October 2022 and September 2023

2. FIGHT AGAINST CORRUPTION

LEGAL FRAMEWORK

In February 2023, amendments to the Criminal Code were adopted that introduced new crimes related to gender-based violence, reformed the confiscation of property, and adapted the acts related to the safety of journalists.⁴¹⁶ However, six months later there was a new amendment to the Criminal Code, which reduced the sentences for the crimes of abuse of office and authority, and criminal association,⁴¹⁷ which caused concern due to the accelerated legislative process and the use of the EU flag procedure without opening a comprehensive public and expert debate or doing analysis of potential consequences.⁴¹⁸

In November 2022, the draft version of the new Law on Criminal Procedure was made public, the aim of which is to comply with the new EU directives related to the right to interpretation and translation in criminal proceedings, protection of personal data during cooperation on criminal matters and support and protection of victims of crimes.⁴¹⁹

In April 2023, a debate was opened at the Assembly on the draft Law on Combating Serious Forms of Organised Crime and High-Profile Corruption, which provides for the establishment of an independent agency for combating organised crime.⁴²⁰

Although there are certain mechanisms in place for detecting illegally acquired assets, the draft law on the origin of wealth has not yet been published.⁴²¹

416 Law amending the Criminal Code, Official Gazette of the Republic of North Macedonia, no. 36/2023.

417 Law amending the Criminal Code, Official Gazette of the Republic of North Macedonia, no. 188/2023.

418 „Европската комисија е загрижена поради измените на Кривичниот законик“ (The European Commission is concerned about the amendments to the Criminal Code), Free Europe, 12 September 2023, <https://www.slobodnaevropa.mk/a/32589801.html>.

419 Ministry of Justice, “Draft Law on Criminal Procedure”, ENER, 9 November 2022, https://ener.gov.mk/Default.aspx?item=pub_regulation&sub-item=view_reg_detail&itemid=76038.

420 „Собранието денеска треба да почне со расправа за формирање на Агенција за борба против висока корупција“ (The Assembly should start today with a debate on the establishment of the Agency for Combating High Corruption), Telma TV, 19 April 2023, <https://telma.com.mk/2023/04/19/sobraniето-deneska-treba-da-pochne-so-rasprava-za-formiranje-na-agencija-za-borba-protiv-visoka-korupcija/>.

421 “Tupanceski: There are instruments and mechanisms for proving and discovering illegally acquired property”, Official website of the Ministry of Justice, 25 October 2022, <https://pravda.gov.mk/vest/6430>.

2. FIGHT AGAINST CORRUPTION

for the period between October 2022 and September 2023

For successful fight against corruption and for progress it is necessary to follow the recommendations of the EC;

It is important to support the efforts of state institutions in implementing the National Strategy for Prevention of Corruption and Conflict of Interest;

The implementation of GRECO's recommendations is key, as well as provision of sufficient resources for the SCPC and BPPOPOCC, including financial independence, to ensure effective liability for cases of high corruption;

It is necessary to work on improving the staffing and technical equipping of the public prosecutor's offices, as well as making progress in the establishment of new investigative centres;

The new amendments to the Criminal Code should be carefully implemented and monitored to see if they will have negative impact on the outcome of high-level corruption cases;

It is necessary to adopt new laws and processes to combat organised crime and corruption, as well as to draft a law on the origin of property.



3. Fundamental Rights

While some progress can be observed in the area of fundamental rights in the Republic of North Macedonia, the following problems are still present, which are also noted in the US Department of State Report: inhuman and degrading treatment and severe overcrowding in certain prison units; violence and threats of violence against journalists; lack of accountability for gender-based and family violence; and crimes involving violence and threats of violence targeting persons from the LGBTI+ community.⁴²²

⁴²² US Department of State, "2022 Country Reports on Human Rights Practices: North Macedonia" 21 March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.

CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

The European Court of Human Rights (ECtHR) dealt with 314 applications concerning the Republic of North Macedonia in 2022, of which 302 were declared inadmissible or struck out. It delivered 6 judgments in four cases, establishing violation of the right to a fair trial, protected by Article 6 of the European Convention on Human Rights.⁴²³ In the first seven months of 2023, the ECtHR dealt with 163 applications concerning the Republic of North Macedonia.⁴²⁴

In the first half of 2023, the Bureau for Representation of the Republic of North Macedonia before the ECtHR published the Annual Report on its work in 2022,⁴²⁵ stating that the trend of rising number of applications submitted to the ECtHR against the Republic of North Macedonia continued, but in 2022 the number of applications against the state for which a decision was adopted dropped by 54 applications. The report shows that, as in previous years, in 2022 this number is above the European average according to the Index of submitted applications per 10,000 inhabitants, which is 2.00 in the country, and 0.54 at the European level.⁴²⁶ The Annual Report on the work of the Interagency Committee for Execution of Judgements of the ECtHR for 2022 was also published at that time.⁴²⁷

In one of the cases against the Republic of North Macedonia before the Court, the applicant Dimchevska complained that she did not get a retrial after she was convicted in absence. The ECtHR found that she did not receive a sufficiently reliable opportunity for a new decision by the court on the merits of the charges against her, nor an opportunity to fully exercise her right to a defence, which resulted in violation of her right to a fair trial.⁴²⁸

In another case, the applicants, Kitanovska and Barbulovski complained that their objections to the court's payment orders had been overruled. The ECtHR declared the *complaint* admissible in part concerning the access to a court, and finding a violation of their rights.⁴²⁹

423 European Court of Human Rights – Country Brief (2023), https://echr.coe.int/Documents/CP_Republic_of_North_Macedonia_ENG.pdf, accessed on 15 September 2023.

424 Ibid.

425 Ministry of Justice, "Annual report on the work of the Bureau for Representation of the RNM before the ECtHR for 2022", May 2023, <https://bit.ly/48e4quu>.

426 Ibid.

427 Ministry of Justice, "Annual report on the work of the Interagency Committee for Execution of Judgements of the ECtHR for 2022", May 2023, <https://bit.ly/3LoqpFp>.

428 ECtHR, "Dimchevska v. North Macedonia", Application No. 13919/18, 4 April 2023, <https://bit.ly/43HqGK6>.

429 ECtHR, "Kitanovska and Barbulovski v. North Macedonia", Applications Nos. 53030/19 and 31378/20, 9 May 2023, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-224560%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224560%22]}).

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

In mid-July 2023, the ECtHR delivered a judgement in the case of D.H. and others v. North Macedonia, which is an important case concerning the rights of sex workers in the country. In this case, the applicants submitted requests to verify the legality of their detention. They claimed that they had been detained unjustifiably; that they had not been informed of the reasons of their arrest; that no official record of the seized objects had been provided to them; that no food, water and use of toilet had been provided; that no medical care had been provided and that the taking of their blood samples had been carried out without a court order. Based on these allegations, the ECtHR decided that there was a violation of Article 3 and Article 8 of the ECHR and decided that the state should compensate the applicants.⁴³⁰

THE OMBUDSMAN

According to the data in the 2022 Annual Report, the Ombudsman in the course of that year processed/considered a total of 3,482 complaints, of which 3,209 complaints were from 2022, while the other 273 cases were carried over from the previous year. Out of the total number of complaints, the Ombudsman initiated proceedings in 2,173 cases (or in 62.41%). During that reporting year, the largest number of established violations were in the areas of protection of children's rights (103 cases), judiciary (89 cases), civil and other internal affairs (58 cases), consumer rights (53 cases), social protection (47 cases), protection of rights arising from labour relations (44 cases), pension and disability insurance (42 cases) etc.⁴³¹

In the 2022 Annual Report of the National Preventive Mechanism,⁴³² the Ombudsman highlighted the urgent problems that existed at the psychiatric hospitals and penitentiary institutions and expressed concern about poor hygiene and finding torture equipment in the psychiatric hospitals in Skopje and Demir Hisar.⁴³³ It was pointed out that they lacked staff. For the Idrizovo prison inhuman conditions, overcrowding and lack of prison staff, including medical staff, were established. There were inmates sharing beds or sleeping on the floor, with limited access to adequate sanitary facilities.⁴³⁴

430 ECtHR, "D.H. and others v. North Macedonia", Application No. 44033/17, 18 July 2023, <https://bit.ly/3LBRUv2>.

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

432 Ombudsman of the Republic of North Macedonia, "2022 Annual report of the National Preventive Mechanism", 26 June 2023, <https://bit.ly/3K2ldWN>.

433 „Во психијатриска болница во Демир Хисар Народниот правобранител нашол каиши за врзување, синџири со катанџи и дебели кабел“ (In the psychiatric hospital in Demir Hisar, the Ombudsman found straps, chains with padlocks and a thick cable), Sakam da kazam, 26 June 2023, <https://sdk.mk/index.php/makedonija/vo-psihijatriskata-bolnitsa-demir-hisar-narodniot-pravobranitel-nashol-kaishi-za-vrzuvane-sindhiri-so-katantsi-i-debel-kabel/>.

434 „Лоши услови и нечовечки третман во психијатриските болници и затворите констатира омбудсманот“ (Poor conditions and inhuman treatment in psychiatric hospitals and prisons, the ombudsman states), Free Europe, 26 June 2023, <https://www.slobodnaevropa.mk/a/32476533.html>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

In November 2022, the Ombudsman published the 2021 Report on the Monitoring of the Application of the Principle of Adequate and Fair Representation.⁴³⁵ According to him, during that reporting year, compared to the previous one, the percentual representation of the majority community dropped by 5%, and the Albanian community had the highest increase of 4%. However, the Ombudsman points out again that there were institutions in which the smaller communities are not represented at all, and in particular appealed to Macedonian Academy of Sciences and Arts (MASA), the Higher Administrative Court and the Council of Public Prosecutors to implement their annual employment plans by applying the principle of adequate and fair representation. With the establishment of the new Ministry of Political System and Inter-Community Relations, the Report notes a change in the ratio of representation in favour of minority communities compared to the majority community by 3.2%.⁴³⁶

The Ombudsman and the Commission for Prevention and Protection against Discrimination (CPPD) signed a Memorandum of Cooperation, which emphasises the commitment of both parties to work together on promoting and protecting all citizens' rights.⁴³⁷

435 Ombudsman of the Republic of North Macedonia "2021 Report on the monitoring of the application of the principle of adequate and equitable representation", November 2022, <https://bit.ly/3PCPhf0>.

436 Ibid.

437 "A Memorandum of Cooperation signed with the Commission for Prevention and Protection against Discrimination", Official website of the Ombudsman of the Republic of North Macedonia, 7 March 2023, <https://bit.ly/3MIEkN>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

In the course of 2022, the Ombudsman dealt with 11 complaints of torture, inhumane and inhuman treatment by police officers and members of the prison police.⁴³⁸ Out of these submitted complaints, two refer to the use of excessive force and physical abuse, committed by members of the prison police, and nine refer to ill-treatment by police officers while performing official duties.⁴³⁹ During the proceedings, the Ombudsman submitted three requests for establishing criminal liability, and in one of the two cases a final judgement was passed by the Basic Criminal Court Skopje, finding the defendant guilty of the crime of ill-treatment while performing official duties, while the other cases are still pending.

During 2022, the Department of Internal Control, Criminal Investigations and Professional Standards at the Ministry of the Interior undertook measures to examine a total of 1,269 cases of apparent malfeasance and abuse of office and authority, out of which in four cases criminal charges were filed for ill-treatment while performing duties.⁴⁴⁰ For comparison purposes, in the first nine months of 2023, the Department undertook measures to investigate a total of 866 cases of indicated unlawful, unprofessional, and unethical behaviour by Ministry's employees, two of which refer to ill-treatment while performing duties.⁴⁴¹

In late 2022, the Court convicted two police officers who were found guilty of ill-treatment while performing duties. The two police officers approached a person and asked for his ID card. The person talked back, after which they conducted a rough search on him and hit him on the head. Then they handcuffed him and started hitting him again, after which they lifted the injured man in order to take him to the police station.⁴⁴² The two officers were sentenced to one year in prison and suspended for three years.

No convict has filed a complaint of torture and inhuman treatment to the Directorate for Execution of Sanctions in the last three years.⁴⁴³

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

439 Ibid.

440 Ministry of Interior, "2022 Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards", January 2023, <https://bit.ly/40iZkcP>.

441 Ministry of Interior, "Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards in the first nine months of 2023", 25 October 2023, https://mvr.gov.mk/Upload/Editor_Upload/png2pdf.pdf.

442 Helsinki Committee for Human Rights of the Republic of North Macedonia, "New court decision that sanctions police brutality", 19 December 2022, <https://mhc.org.mk/news/nova-sudska-odluka-shto-ja-sankcionira-policiiskata-brutalnost/>.

443 Macedonian Association of Young Lawyers, "Annual Report on the Efficiency of Legal Protection of Human Rights in the Republic of North Macedonia - 2022", December 2022, https://myla.org.mk/wp-content/uploads/2022/12/MYLA-Годишен-Извештај-2022-WEB_compressed.pdf.

PRISONS AND REMAND DETENTION FACILITIES

In mid-September 2023, the Ministry of Justice (MOJ) prepared a new Amnesty Law, aimed at alleviating the alarming situation in the country's prisons, which had been highlighted in numerous international reports, including by the Council of Europe.⁴⁴⁴ The draft law proposed full release of those sentenced to prison for up to six months, while for those serving sentences longer than six months, to have their sentences reduced by 30 percent.⁴⁴⁵ On 26 September the draft law was approved by the Government, after which it entered the parliamentary procedure.⁴⁴⁶

At the same time, the Government approved the amendments to the Law on Primary Education, in order to ensure regular education for juveniles in correctional and penitentiary institutions. These changes were made in order to comply with the recommendations by the Ombudsman⁴⁴⁷ and CPPD.⁴⁴⁸

Following the recommendation of the Ombudsman after visiting the "Idrizovo" Prison,⁴⁴⁹ the Minister of Justice confirmed that the juvenile girls serving their sentences in that institution would be transferred to the "Volkovija" correctional facility.⁴⁵⁰

At the same time, the CPPD issued General Recommendations for the preparation of action plans for reconstruction or construction of open and semi-open penitentiary facilities since all female convicts in the country serve their prison sentences only in the "Idrizovo" Prison.

This situation puts women in an unequal position, compared to male convicts, who have the opportunity to serve sentences in other semi-open and open penitentiary institutions.⁴⁵¹

444 „Министерството за правда го подготви предлог-законот за амнестија: сторителите на лесни кривични дела ќе се ослободат од затвор или ќе добијат помали казни“ (Ministry of Justice has prepared the draft law on amnesty: perpetrators of less serious crimes will be released from prison or receive shorter sentences), 360 stepeni, 13 September 2023, <https://360stepeni.mk/pravda-go-podgotvi-predlog-zakonot-za-amnestija-storitelite-na-lesni-krivichni-dela-ke-se-oslobodat-od-zatvor-ili-ke-dobijat-pomali-kazni/>.

445 „Лога: Состојбата во затворите е алармантна, ги замолувам сите политички партии да го поддржат предлог-законот за амнестија“ (Loga: The situation in prisons is alarming, I urge all political parties to support the Amnesty Law), 360 stepeni, 14 September 2023, <https://360stepeni.mk/loga-sostojbata-vo-zatvorite-e-alarmanтна-gi-zamoluvam-site-politichki-partii-da-go-poddrzhat-predlog-zakonot-za-amnestija/>.

446 „Законот за амнестија го помина владиниот филтер, утре влегува во собраниска процедура“ (The Amnesty Law passed the government filter, tomorrow it goes into parliamentary procedure), Kanal 5, 26 September 2023, <https://kanal5.com.mk/zakonot-za-amnestija-go-pomina-vladiniot-filter-utре-vleguva-vo-sobraniska-procedura/a602552>.

447 „За истата мерка, момчињата во казнено-поправниот дом, девојчињата во затвор“ (For the same measure, the boys go to a correctional institution, the girls to prison), 24 Vesti, 2 April 2022, <https://24.mk/details/za-ista-merka-momchinjata-vo-vospitno-popraven-dom-devojchinjata-vo-zatvor>.

448 "CPPD with a general recommendation for the MES and the Directorate for Execution of Sanctions concerning the provision of compulsory education in correctional and penitentiary institutions", Official website of the Commission for Prevention and Protection against Discrimination, 29 March 2023, <https://bit.ly/3nQdtyY>.

449 „За иста мерка, момчињата во воспитно-поправен дом, девојчињата во затвор“ (For the same measure, the boys go to a correctional institution, the girls to prison), 24 Vesti, 2 April 2022, <https://24.mk/details/za-ista-merka-momchinjata-vo-vospitno-popraven-dom-devojchinjata-vo-zatvor>.

450 Ministry of Justice, "Tupancheski: The measure 'referral to a Correctional Facility' imposed on female juveniles will be served in 'Volkovija'", Official website of the Ministry of Justice, 20 October 2022, <https://pravda.gov.mk/vest/6424>.

451 "General Recommendation", Commission for Prevention and Protection against Discrimination, 23 March 2023, <https://bit.ly/3UxOdn>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

CPPD also published an opinion and another general recommendation for the Ministry of Education and Science (MES) concerning the discrimination against children serving correctional measures at the Correctional Institution in Tetovo. Namely, CPPD determined direct and continuous discrimination by MES because the correctional facility had no access to compulsory education. The general recommendation requires the MES to cooperate with the Directorate for Execution of Sanctions to ensure systematic, sustainable, and continuous access to compulsory education for all convicted persons or children while serving prison sentences or correctional measures.⁴⁵²

On 12 June 2023, the amendments to the Rulebook on placement, classification, and accommodation of convicted persons in penitentiary institutions were published, which aim was to provide women serving prison sentences with the same rights and benefits as men.⁴⁵³ The implementation of the amendments started immediately, with five requests for benefits by female convicts submitted in the first two weeks,⁴⁵⁴ after they were published in the Official Gazette of the Republic of North Macedonia.

At the beginning of 2023, the Directorate for Execution of Sanctions implemented measures and activities for the establishment, development, and promotion of the probation service.⁴⁵⁵ The Directorate announced that they have established a functional probation service in the country with a total of 11 operating probation offices, for the districts of the basic courts in Skopje, Kumanovo, Tetovo, Bitola, Shtip, Veles, Strumica, Ohrid, Prilep, Kavadarci and Gevgelija and a total of 33 probation officers were hired for the Probation Department. Their data shows that the number of cases is growing with every year. While the number of probation cases in 2019 was 165, in 2020 it was 276. In 2021 there were 451 and in 2022 there were 475 cases.⁴⁵⁶ For further improvement of the probation service in the country, the Directorate announced cooperation with various state institutions and several legal amendments.⁴⁵⁷

452 "CPPD with a general recommendation for the MES and the Directorate for Execution of Sanctions concerning the provision of compulsory education in correctional and penitentiary institutions", Official website of the Commission for Prevention and Protection against Discrimination, 29 March 2023, <https://bit.ly/3nQdyY>.

453 "Rulebook amending the Rulebook on placement, classification, and reallocation of convicted persons in penitentiary institutions", Official Gazette of the Republic of North Macedonia, no. 120/2023.

454 „По скоро три години, Јанкулоска за првпат на викенд отсуство – пет жени излегоа од 'Идризово' со измената на Правилникот" (After almost three years, Jankuloska for the first time on a weekend leave - five women went out of 'Idrizovo' as a result of the amendments to the Rulebook), Makfax, 1 July 2023, <https://bit.ly/3ZuELtq>.

455 "The Directorate for Execution of Sanctions undertakes measures and activities for establishing, developing and promoting the probation service", Official website of the Directorate for Execution of Sanctions, 2 January 2023, <https://bit.ly/40biTTs>.

456 Ibid.

457 Ibid.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

In early December 2022, the Helsinki Committee on Human Rights (HCHR) published its 2022 report on the conditions in penitentiary institutions and the correctional facility.⁴⁵⁸ The findings in the report show improved material conditions in some penitentiary institutions, as well as efforts to educate the staff, but also systemic shortcomings, such as: low level of multisectoral cooperation among competent institutions, lack of access to health care and education, corruption, substandard living conditions in some penitentiary institutions, as well as lack of adequate conditions for implementing programmes for resocialisation, as well as free and professional activities for the inmates.

The most pressing problems in the penitentiary system continue to be the poor material conditions in the largest “Idrizovo” Prison, access to health care, corruption, appointment of unprofessional staff on managerial positions and as governors, as well as insufficient internal and external mechanisms for reporting and prosecuting cases of torture and inhuman treatment of convicted persons.⁴⁵⁹

458 Ina Djugumanova “Report on the Conditions in Penitentiary Institutions and the Correctional Facility in 2022”, Helsinki Committee for Human Rights of the Republic of North Macedonia, 6 December 2022, <https://mhc.org.mk/wp-content/uploads/2022/12/borba-protiv-tortura-i-nehuman-tretman.pdf>.

459 Macedonian Association of Young Lawyers, “Annual Report on the Efficiency of Legal Protection of Human Rights in the Republic of North Macedonia - 2022”, December 2022, https://myla.org.mk/wp-content/uploads/2022/12/MYLA-Годишен-Извештај-2022-WEB_compressed.pdf.

PERSONAL DATA PROTECTION

Regarding the number of complaints, in 2022 a total of 300 complaints were submitted to the Personal Data Protection Agency (PDPA), of which 232 complaints (77%) were about abuses of social networks. The rest are on other grounds, for example direct marketing, not having possibility to withdraw a consent, failure to provide conditions for the persons to exercise their rights, related to personal data etc. Regarding the abuse of social networks, most of the complaints concern fake profiles, unauthorised taking over of profiles, posting video and audio recordings of other people, insults, defamation, and online blackmail. The social network with the biggest number of complaints is “Facebook” (116), followed by “Instagram” (103), while the rest concern “YouTube”, “TikTok”, “Twitter”, “Snapchat” and others.⁴⁶⁰

In 2023, the Ministry of the Interior reported rise in cases of misuse of other people’s personal data for obtaining quick loans, compared to last year when 43 cases were recorded, while 76 cases were registered between 2019 and 2021. Although the Ministry of Finance supervises the companies in the financial sector, it has not dealt with the irregularities related to the misuse of data, claiming that the Ministry of the Interior and PDPA were responsible. They, however, said that the remote identification software used by those companies could facilitate the misuse of data and urged people to report abuses so that an investigation could be carried out.⁴⁶¹ In that context, at the end of July, PDPA imposed five sanctions in the total amount of 1,318,384 MKD, including a sanction against a company that approved online loans to natural persons who misused other people’s personal data.⁴⁶²

SCPC has initiated proceedings against two former directors of the Office for Management of Registers of Births, Marriages and Deaths (OMRBMD) on suspicion of trading in personal data of Macedonian citizens, related to the digitisation of millions of documents in the registers of deaths, births and marriages. According to them, in two tender procedures, no adequate protective measures were provided to preserve the privacy of citizens’ personal data. PDPA carried out an extraordinary supervision of OMRBMD, during which it was established that they did not have fully defined processes and procedures that would ensure compliance with the regulations for the protection of personal data in relation to the management of the system for the protection of personal data and in relation to the security

⁴⁶⁰ Personal Data Protection Agency of the Republic of North Macedonia, “2022 Annual Report”, 31 March 2023, <https://bit.ly/43hA8oe>.

⁴⁶¹ „Брзи кредити на туѓ грб“ (Quick loans on someone else’s back), Prizma, 29 May 2023, <https://prizma.mk/brzi-krediti-na-tug-grb/>.

⁴⁶² “Personal Data Protection Agency imposed five misdemeanour sanctions in the total amount of 1,318,384”, Official website of the Personal Data Protection Agency, 26 July 2023, <https://bit.ly/3RDPvUy>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

of the personal data processed in the process of digitisation of registers that were kept in paper or electronic format.⁴⁶³

In October 2022, PDPA completed the implementation of the twinning project “Support in the implementation of the modernised national framework for the protection of personal data”, financed by the European Union, the main objective of which was to improve the protection of fundamental human rights and the system for the protection of personal data in the Republic of North Macedonia in line with the standards of the EU legislation.⁴⁶⁴

At the end of 2022, PDPA via TAIEX was granted approval for a series of events aimed at preparation of the new Strategy for the Implementation of the Right to Personal Data Protection (2024-2030), which is a key document for the protection of personal data in the Republic of North Macedonia and an instrument that will describe the state of the system for the protection of personal data at a national level, envisaging complete and modernised approach to the right to personal data protection.⁴⁶⁵

It is necessary to implement the Ombudsman’s recommendations concerning the problems that need to be urgently addressed, and which concern the psychiatric hospitals and penitentiary institutions: poor hygiene, equipment for torture at the psychiatric hospitals, lack of staff, inhuman conditions and prison overcrowding;

It is necessary to ensure financial independence of the Ombudsman’s Office in order to use its budget without seeking approval from the Ministry of Finance;

It is necessary for the courts to follow the positive example of the Basic Criminal Court Skopje that sentenced police officers to prison for ill-treatment while performing duties;

Cooperation among competent institutions is necessary to overcome the negative trend of misuse of other people’s personal data for obtaining quick loans.

⁴⁶³ “Information on the extraordinary supervision at the Office for Management of Registers”, Official website of the Personal Data Protection Agency, 21 July 2023, <https://bit.ly/3Py567>.

⁴⁶⁴ Personal Data Protection Agency of the Republic of North Macedonia, Response to a request for free access to information of public character”, 2 December 2023.

⁴⁶⁵ Ibid.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

In the US Department of State 2022 Report on International Religious Freedom Report: North Macedonia, it is noted that in the course of that year the Basic Civil Court received six applications for registration of churches and religious communities/groups. The court decided on two of them, and the remaining four applications are still pending.⁴⁶⁶ The Report also points out that the HCHR registered two incidents of hate speech with a religious component during that year, which shows a significant drop compared to the previous year.⁴⁶⁷

FREEDOM OF EXPRESSION

On 17 November 2022, the Parliament adopted the new Law on Civil Liability for Insult and Defamation, as a result of which the number of sentences against journalists, editors and legal entities for defamation and insult was five times lower compared to the previous law.⁴⁶⁸

In the second half of July, the Law on Audio and Audiovisual Media Services was amended,⁴⁶⁹ concerning the financing of the public broadcasting service, the Macedonian Radio Television (MRT) and the regulation of multimedia content, which contains text, audio and video, while the Internet portals are to be regulated with by-laws that are yet to be adopted.⁴⁷⁰

BPPO Skopje has appointed one of their public prosecutors as a contact person for cases related to the safety of journalists, which are under their authority.⁴⁷¹ The purpose of this appointment is to serve as a direct contact point between any attacked journalist and the BPPO Skopje and to coordinate the procedures dealing with cases of destroyed property belonging to journalists and media workers, when related to their work.⁴⁷²

466 Office of International Religious Freedom, US Department of State "2022 Report on International Religious Freedom Report: North Macedonia" (2023) <<https://www.state.gov/reports/2022-report-on-international-religious-freedom/north-macedonia/>>.

467 Ibid.

468 Law on Civil Liability for Insult and Defamation, Official Gazette of the Republic of North Macedonia, no. 251/22.

469 Law amending the Law on audio and audio-visual media services, Official Gazette of the Republic of North Macedonia, no. 154/23.

470 "From the 149th Government session: the deadline for freezing the prices of certain products has been extended; the proposal of the Law on AAVMS has been agreed; conclusions concerning the terminal in Alexandroupolis", Official website of the Government of the Republic of North Macedonia, 25 April 2023, <https://vlada.mk/node/33034>.

471 "AJM: 'BPPO Skopje has appointed a public prosecutor as a contact person for cases related to the safety of journalist'", Official website of the Association of Journalists of Macedonia, 4 October 2022, <https://bit.ly/3QtqZmw>.

472 "The cooperation of AJM with the prosecutor responsible for attacked journalists has begun, old pending investigations are being activated", Official website of the Association of Journalists of Macedonia, 31 October 2022, <https://bit.ly/3ivQHKw>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

The International Fact-Finding Mission organised by AJM expressed concern over the delay in appointing members of the Council of the Agency for Audio and Audiovisual Media Services (AAVMS) and the MRT Programme Council by the Assembly. In the absence of political consensus, these bodies are currently functioning with members whose terms in office have expired, but they are still working as acting officials.⁴⁷³

The Republic of North Macedonia has improved its ranking according to the World Press Freedom Index of Reporters Without Borders. The country is currently ranked 38th out of 180 countries, a significant climb from its previous 57th spot. However, the report highlights challenges such as widespread disinformation, lack of professionalism and weakened trust in the media, which expose the independent journalists to threats and attacks. The report also notes the persistent problem of hostile and degrading behaviour of state officials towards journalists.⁴⁷⁴

During the reporting period, AJM signed Memoranda of Cooperation with MRT⁴⁷⁵ and the Judicial Media Council.⁴⁷⁶

Pressure on Journalists

On 13 February 2023, the long-awaited amendments to the Criminal Code were adopted,⁴⁷⁷ which enabled greater protection of journalists and media workers, since attacks on them are to be treated as attacks on officials.⁴⁷⁸

AJM had registered a total of seven cases of attacks and serious threats in the course of 2022, which is a slight increase compared to 2021, when five such incidents were recorded.⁴⁷⁹ However, journalists and media workers still do not report many of the incidents and feel insecure due to the inertia of prosecution and judiciary in solving past cases of attacks.⁴⁸⁰

473 Association of Journalists of Macedonia, "Media Freedom in North Macedonia: Fragile Progress. Fact-Finding Press Freedom Mission Report", (2023) <<https://znm.org.mk/wp-content/uploads/2023/11/MK-Fact-Finding-PFM-Report-251023-web-final.pdf>>.

474 „С. Македонија напредува според слободата на медиумите" (N. Macedonia shows progress in regard to media freedom), Deutsche Welle, 3 May 2023, https://www.dw.com/mk/s-makedonija-napreduva-sporod-slobodata-na-mediumite/a-65500645?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

475 "Memorandum of Cooperation signed between AJM and MRT: regular trainings for journalists and cameramen from the public broadcasting service", Official website of the Association of Journalists of Macedonia, 15 November 2022, <https://bit.ly/3XmEFSx>.

476 "Memorandum of Cooperation signed between AJM and Judicial-Media Council", Official website of the Association of Journalists of Macedonia, 24 February 2023, <https://bit.ly/3IfYY6R>.

477 „Минаа измените на Кривичниот законик" (The Amendments to the Criminal Code have been passed), 24.mk, 13 February 2023, <https://24.mk/details/minaa-izmenite-na-krivichniot-zakonik>.

478 „Новинарите бараат итно усвојување на измените на Кривичниот законик за нивна поголема заштита" (Journalists demand immediate adoption of amendments to the Criminal Code for their greater protection), Radio MOF, 2 November 2022, <https://www.radiomof.mk/novinarite-baraat-itno-usvojuvanje-na-izmenite-na-krivichniot-zakonik-za-nivna-pogolema-zashtita/>.

479 Association of Journalists of Macedonia, "North Macedonia: Indicators for the degree of media freedom and journalists safety in 2022", (2023) <<https://znm.org.mk/wp-content/uploads/2023/03/MK-MK-2022.pdf>>.

480 Ibid.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

The index of safety of journalists in the Western Balkans shows a slight decline compared to the previous year from 3.95 in 2021 to 3.92 in 2022, which is due to the increase in the number of defamation or insult court cases against journalists and media in 2022, as well as the increased number of physical attacks and threats against journalists, followed by slow investigations and a high level of impunity.⁴⁸¹

The numerous incidents between the media and government officials⁴⁸² culminated in a protest march in defence of journalistic dignity organised by AJM and the Independent Union of Journalists and Media Workers (SSNM) in mid-February 2023. On this occasion, journalists demanded immediate adoption of relevant laws, concerning their rights and the work of the media as well as their consistent implementation. Additionally, they demanded that public officials and politicians respect journalists and media workers and to put an end to the aggressive state PR, greater support for local journalists and media, and respect for labour rights and safe working conditions for journalists and media workers.⁴⁸³ Subsequently, the European Federation of Journalists condemned the inappropriate behaviour of state officials towards journalists and reminded them of the moral obligations that come with taking a public office.⁴⁸⁴

There is an urgent need to elect new members of the AAVMS Council and MRT's Programme Council;

It is necessary for the competent institutions to consistently apply the amendments to the Criminal Code, that treat any attack on a journalist as an attack on an official, as well as to act more effectively when reporting a threat to the safety of journalists and media workers;

It is necessary to sensitise the representatives of political parties and public institutions to the work of journalists and the principle of freedom of expression, in order to be able to respond to the public interest of being informed, but also to avoid the spread of hate speech and attacks on media crews.

481 Milan Spirovski, "Western Balkans Journalists' Safety Index. North Macedonia – Narrative Report 2022" (Association of Journalists of Macedonia, 2023), <https://znm.org.mk/wp-content/uploads/2023/06/MK-MK.pdf>.

482 The president of the political party Democratic Union for Integration publicly labelled two TV stations as hostile during his address when he tried to express dissatisfaction with the media's coverage of his party's activities, calling them "enemies of the Albanians"; During a press conference, the Minister of Economy accused a journalist of asking questions on behalf of others and reminded another journalist that his role was to ask questions, not to comment on the answers; According to AJM and AAVMS, another incident occurred at the 151st anniversary since the birth of a Macedonian revolutionary, when the Government applied a selective approach in accrediting media to cover the event.

483 „Марш за одбрана на новинарското достоинство“ (March in defence of journalistic dignity), Kanal 5, 17 February 2023, <https://kanal5.com.mk/marsh-za-odbrana-na-novinarskoto-dostoinstvo/a569044>.

484 "North Macedonia: EFJ condemns inappropriate behaviour of state officials towards journalists", European Federation of Journalists, 8 February 2023, <https://europeanjournalists.org/blog/2023/02/08/north-macedonia-efj-condemns-inappropriate-behaviour-of-state-officials-towards-journalists/>.

VULNERABLE GROUPS AND THE PRINCIPLE OF NON-DISCRIMINATION

At the 118th session, the Government of the Republic of North Macedonia reviewed and approved the action plan for the implementation of the 2022-2026 National Strategy for Equality and Non-Discrimination, which includes a timeline and financial elements in order to ensure that the Strategy is fully implemented by 2026 year.⁴⁸⁵

Commission for Prevention and Protection against Discrimination

At the beginning of November 2022, after the resignation of the President and a member of the CPPD, the members of the Commission elected a new President and a Vice-President,⁴⁸⁶ and in mid-February 2023, the CPPD published a call for the election of two members: one for a term of five years and one for a term of one year, two months and eight days.⁴⁸⁷

The EC 2022 report on the Republic of North Macedonia⁴⁸⁸ indicated the same problems mentioned in the previous report on the country, i.e. it listed numerous logistical and financial challenges that hindered the work of CPPD. Furthermore, it was stated that the Government had again cut the annual budget of CPPD, and they were still understaffed. There was also a remark concerning the lack of independence of the CPPD in relation to the budget due to inconsistency in the current legal framework and the lack of diversity in the composition of the CPPD, especially in terms of gender and persons with disabilities.⁴⁸⁹

According to the 2022 Annual Report, CPPD processed a total of 248 complaints, which represents an increase of 188.37% compared to 2021, and opened seven cases on its own initiative. CPPD established discrimination in 70 cases, while 64 cases were declared unfounded; in 17 cases it decided not to act, not to initiate or to halt the procedure, while 63 complaints

485 "The 118th Government session was held: The second semester of the school year will begin on 23 January; the Action Plan for the implementation of the National Strategy for Equality and Non-Discrimination for 2022-2026 was adopted", Official website of the Government of the Republic of North Macedonia, 10 January 2023, <https://vlada.mk/node/31667>.

486 "CPPD has a new President", Official website of the Commission for Prevention and Protection against Discrimination, 3 November 2022, <https://bit.ly/3klkxsl>.

487 "Decision to publish a public advertisement for the election of members of the Commission for Prevention and Protection against Discrimination", Official Gazette of the Republic of North Macedonia, no. 34/2023.

488 European Commission, "Commission Staff Working Document – North Macedonia 2022 Report", 12 October 2022, https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en.

489 "CPPD in the European Commission Report", Official website of the Commission for Prevention and Protection against Discrimination, 18 October 2022, <https://bit.ly/3ZEAS50>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

were rejected on the bases that they were incompetent to act or due to incompleteness or inadmissibility. The reported cases concern the areas of work and labour relations (86 cases), public information and media (78 cases), access to goods and services (26 cases), education, science, and sports (21 cases), social insurance (18 cases), judiciary and public administration (11 cases), housing (9 cases) and other areas. The most common grounds of discrimination were national or ethnic background (124 cases), followed by personal traits and social status (75 cases), gender (56 cases), belonging to a marginalised group (51 cases), gender identity (45 cases) and sexual orientation (43 cases).⁴⁹⁰

In addition, during the reporting period, CPPD signed memoranda of cooperation with the National Bank of the Republic of North Macedonia and with AAVMS.⁴⁹¹

Persons with Disabilities

The draft 2023-2030 National Strategy on the Rights of Persons with Disabilities, which aims to promote and protect the rights of persons with disabilities and ensure their full participation and dignity, was published in April 2023,⁴⁹² followed by final consultations in June 2023.⁴⁹³ However, the “We Change” Coalition criticised the inclusiveness of the drafting process,⁴⁹⁴ while the Ministry of Labour and Social Policy (MLSP) responded that several associations of persons with disabilities were involved in the process.⁴⁹⁵

On 22 May 2023, the draft Law on the System for the Assessment of Persons with Disabilities was posted on ENER, and it covers various aspects of the process of assessment of persons with disabilities, as well as the functioning of the Central Coordinating Body for the Assessment of Persons with Disabilities.⁴⁹⁶

⁴⁹⁰ Commission for Prevention and Protection against Discrimination, “Annual Report of the Commission for Prevention and Protection against Discrimination (CPPD) for 2022” (2023) <<https://bit.ly/3oPWOfM>> accessed on 30 October 2023.

⁴⁹¹ “CPPD and the Agency for Audio and Audio-Visual Media Services signed a Memorandum of Cooperation”, Official website of the Commission for Prevention and Protection against Discrimination, 24 August 2023, <https://bit.ly/3PTZlJQ>.

⁴⁹² Ministry of Labour and Social Policy, “Draft National Strategy for the Rights of Persons with Disabilities 2023-2030 with Action Plans 2023-2026”, ENER, 3 April 2023, <https://ener.gov.mk/Default.aspx?item=newdocumentdetails&detailid=61>.

⁴⁹³ “Final consultation on the draft Strategy for the Rights of Persons with Disabilities”, Official website of the Ombudsman of the Republic of North Macedonia, 9 June 2023, <https://bit.ly/3NJfc2o>.

⁴⁹⁴ „Коалицијата ‘Менуваме’ ги поздравува предлог законските измени во Собранието, но бара лицата со попреченост да бидат наведени во Уставот” (“We Change” Coalition welcomes the law amendments that were proposed in the Parliament, but demands that persons with disabilities be named in the Constitution), Opserver, 12 June 2023, <https://opserver.mk/politika/koalicija-menuvame-gi-pozdravuva-predlog-zakonskite-izmeni-vo-sobranieto-no-bara-licata-so-poprechenost-da-bidat-definirani-vo-ustavot/>.

⁴⁹⁵ „Коалицијата ‘Менуваме’ не ја прифаќа нацрт-националната стратегија за правата на лицата со попреченост” (“We Change” Coalition does not accept the draft National Strategy for the Rights of Persons with Disabilities), Telma TV, 12 June 2023, <https://telma.com.mk/2023/06/12/koalicijata-menuvame-ne-ja-prifakja-nacrt-nacionalnata-strategija-za-pravata-na-licata-so-poprechenost/>.

⁴⁹⁶ Ministry of Labour and Social Policy, “Draft Law on the Disability Assessment System”, ENER, 22 May 2023, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=79449.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

After it was determined that 23 persons with disabilities were denied financial assistance from the state because of their age, the Ombudsman requested an amendment to the Law on Social Protection.⁴⁹⁷ He located discriminatory elements in this law because it stipulates that people over 65 years of age do not have the right to financial assistance, although according to the Ombudsman, that is when they need it the most.⁴⁹⁸

On 12 January 2023, the Minister of Labour and Social Policy, the Minister of Health and the Minister of Education and Science signed the Rulebook for Functional Assessment of Children and Young People with Disabilities, which regulates the functioning of expert assessment bodies, the assessment method, and the provision of additional support in education, health, social protection and child protection.⁴⁹⁹

Until the end of the 2022/2023 academic year, the Ombudsman continued to receive complaints from parents of students due to the lack of educational assistants.⁵⁰⁰ As a long-term solution, the Ombudsman recommended for the MES to intensify the activities for the adoption of a new Law on Secondary Education and to harmonise it with the Convention on the Rights of Persons with Disabilities, and until then, the Ombudsman recommended that the MES should ensure education and support from an educational assistant for each child with a disability.⁵⁰¹

Before the beginning of the new 2023/2024 academic year, the Ombudsman prepared an Information on the inclusive education with a focus on the right to educational and personal assistance for pupils with disabilities at the municipal primary schools in the 2022/2023 academic year. Namely, the Ombudsman stated that MES increased the number of educational assistants, which amounted to 720, who provided services to a total number of 775 pupils with disabilities enrolled in the municipal primary schools. The primary schools with a resource centre rationalised the allocation of educational assistants, so 55 educational assistants supported more than one pupil at a time. However, despite efforts to ensure that every pupil

497 Official Gazette of the Republic of North Macedonia, no. 104/2019, 146/2019, 275/2019, 302/2020, 311/2020, 163/2021, 294/2021, 99/2022, 236/22 и 65/23.

498 „Омбудсманот бара измени во законот за социјална заштита на лица со попреченост“ (The Ombudsman demands changes in the Law on Social Protection of Persons with Disabilities), Telma TV, 23 November 2022, <https://bit.ly/3D9R7x8>.

499 “The Rulebook for Functional Assessment of Children and Young People with Disabilities is signed”, Official website of the Government of the Republic of North Macedonia, 12 January 2023, <https://vlada.mk/node/31688>.

500 „Министерството за образование станува најпроблематичен и најнефункционален ресор, Омбудсманот Зибер ги објави сите поплаки на родители и ученици“ (Ministry of Education is becoming the most problematic and dysfunctional department, Ombudsman Ziberi released all the complaints by parents and students), Sakam da kazam, 30 September 2022, <https://bit.ly/3kS434B>.

501 „Народен правобранител: ‘Има ученици за кои не се обезбедени образовни асистенти’“ (Ombudsman: ‘There are students for whom educational assistants are not provided’), Radio MOF, 3 December 2022, <https://www.radiomof.mk/naroden-pravobranitel-ima-uchenici-za-koi-ne-se-obezbedeni-obrazovni-asistenti/>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

received the necessary support, a total of 61 pupils with disabilities, in the previous school year, attended classes without the support of an educational assistant. The Ombudsman submitted this information to the MES, the Ministry of Health and the MLSP with a recommendation to take measures to overcome the identified deficiencies and achieve efficient and smooth inclusion of children with disabilities and full participation in the teaching process in the new school year.⁵⁰²

According to a new analysis prepared by the Association for Assistive Technology “Open the Windows”, in cooperation with the Ombudsman, another area where that accessibility remains a challenge is higher education.⁵⁰³ Namely, no faculty provides notifications and documents in accessible formats such as Braille and audio format or enhanced text, the physical access to lecture halls and libraries is limited in many cases, with 55% of faculties having no elevators and only 10 % of faculties offer literatures in accessible formats.⁵⁰⁴

During the reporting period, the Basic Civil Court, following the example of the first one,⁵⁰⁵ delivered another judgment which highlighted the direct discrimination of persons with disabilities in exercising their right to vote, emphasising the need for accessible polling stations.⁵⁰⁶

502 Ombudsman of the Republic of North Macedonia “Report on the situation and recommendations of the Ombudsman for the provision of educational and personal assistants for students with disabilities”, Official website of the Ombudsman of the Republic of North Macedonia, 22 August 2023, <https://bit.ly/3SbsSXJ>.

503 “Presentation of the key findings of the Analysis of accessibility to higher education for persons with disabilities”, Official website of the Commission for Prevention and Protection against Discrimination, 25 July 2023, <https://bit.ly/3PXwuvb>.

504 „Високото образование е недостапно за многу лица со попреченост во земјава, не се запишуваат на факултет бидејќи нема соодветен пристап” (Higher education is inaccessible to many people with disabilities in the country, they do not enrol in university because there is no adequate access), Sloboden pecat, 21 July 2023, <https://bit.ly/49mWRCh>.

505 “The Government and the State Election Commission committed direct discrimination against persons with disabilities when exercising their right to vote”, Official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 1 September 2022, <https://bit.ly/3hHEqSk>.

506 “The Basic Civil Court established that the Government and SEC discriminated against persons with disabilities”, Official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 19 April 2023, <https://mhc.org.mk/news/osnovniot-graganski-sud-utvr-di-de-ka-vladata-i-dik-gi-diskriminirale-licata-so-poprechenost/>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

GENDER

On 17 November 2022, the Assembly adopted the Law on Compensation of Victims of Violent Crimes, which entered into force on 17 May 2023. The monetary compensation should prevent possible and secondary victimisation as additional suffering caused by the approach of the competent authorities.⁵⁰⁷

The amendments to the Criminal Code of 13 February 2023 include provisions for the implementation of the Istanbul Convention, mention gender-based violence as a term for the first time, add new crimes, and provision higher penalties for crimes committed or resulting from gender-based violence.⁵⁰⁸

At the beginning of December 2022, the Government presented the new Tax Reforms Concept, in which one of the initiatives is the reduction of the VAT rate from 18% to 5% for menstrual hygiene products.⁵⁰⁹ This measure, intended to contribute to the fight against period poverty and making these products more accessible to all women and girls, regardless of their economic status and purchasing power, was implemented by amending the Value Added Tax Law at the end of September 2023.⁵¹⁰

In January 2023, AAVMS launched a specialised website on gender and media, available in Macedonian, Albanian and English languages: www.rodotimediumite.mk. The purpose of this website is to be a resource centre for the media where they can find resources, information, and links on various aspects of gender issues, including gender-based violence, but also a place where citizens can find useful links and information, including institutions and organisations from which they can seek help in case they are exposed to gender-based violence.⁵¹¹

In March 2023, AAVMS presented the “Analysis of gender issues and the way women and men were presented in the broadcasters’ entertainment programmes in 2022”, which showed that in some of the analysed TV programmes there was no gender sensitivity, and on the other hand there were also programmes that questioned the traditionally established gender roles

507 „МЗМП: ‘Донесен е Законот за исплата на паричен надоместок на жртви од кривични дела со насилство’ (MYLA: The Law on Compensation of Victims of Violent Crimes was passed)”, Akademik, 2 December 2022, <https://bit.ly/40iBsWj>.

508 Law amending the Criminal Code, Official Gazette of the Republic of North Macedonia, no. 36/2023.

509 „Ковачевски најави намалување на данокот на менструалните производи од 18% на 5%” (Kovachevski announced a tax reduction for menstrual products from 18% to 5%), Radio MOF, 1 December 2022, <https://www.radiomof.mk/kovachevski-najavi-namaluvanje-na-danokot-na-menstrualni-te-proizvodi-od-18-na-5/>.

510 Law amending the Law on Value Added Tax, Official Gazette of the Republic of North Macedonia, no. 199/2023.

511 “MLSP and AAVMS commit to advance gender issues”, Official website of the Ministry of Labour and Social Policy, 7 March 2023, https://www.mtsp.gov.mk/pocetna-ns_article-mtsp-i-avmu-so-zaednicki-zalozbi-za-unapreduvanje-na-rodovite-prashanja.nsp.x.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

and norms, and women were promoted in various social spheres. Although the general conclusion is that most of the contents were gender neutral, both extremes of strikingly traditional aspects and strikingly progressive and modern attitudes towards gender were equality observed.⁵¹²

After the reactions of the agricultural organisations⁵¹³ and other NGOs⁵¹⁴ regarding the systemic problem with unregulated paid maternity leave for women working in the agricultural sector, the Government adopted a programme to ensure social security for women working in agriculture.⁵¹⁵ At the beginning of March 2023, CPPD published an opinion regarding the established discrimination in this area,⁵¹⁶ after which the adoption of the proposed Law amending the Law on Health Insurance at the Assembly in the first stage of the legislative procedure followed, but the amendment is still in parliamentary procedure.⁵¹⁷

The potential adoption of the Law on Civil Registry and the Law on Gender Equality caused concern among the leaders of religious communities in the Republic of North Macedonia about the future of their members, especially women and children.⁵¹⁸ Claiming that the promotion of different gender identities and fluidity among them could cause harm, the religious communities organised a protest contesting the laws.⁵¹⁹ Civil society reacted, with the HCHR expressing concerns about the safety of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons during the protest,⁵²⁰ and the Platform for Gender Equality and the Anti-Discrimination Network condemning the protest as an attempt to pressure for the laws to be withdrawn.⁵²¹

⁵¹² Agency for Audio and Audio-Visual Media Services, Response to a request for free access to information of public character", 28 November 2023.

⁵¹³ „Земјоделките произведуваат храна за сите и одгледуваат генерации, а немаат платено породилно отсуство" (Farmers produce food for everyone and raise generations, but they do not have paid maternity leave), Radio MOF, 12 December 2022, <https://www.radiomof.mk/zemjodelkite-proizveduvaat-hrana-za-site-i-odgleduvaat-generacii-a-nemaat-plateno-porodilno-otsustvo/>.

⁵¹⁴ „Жените земјоделки бараат законско решение за породилно отсуство" (Women farmers demand for their maternity leave to be regulated), Sitel, 20 February 2023, <https://sitel.com.mk/zhenite-zemjodelki-baraat-zakonsko-reshenie-za-porodilno-otsustvo>.

⁵¹⁵ "Programme supporting social safety of women engaged in agricultural activity for 2023", Official Gazette of the Republic of North Macedonia, no. 31/2023.

⁵¹⁶ "Opinion" (Commission for Prevention and Protection against Discrimination, 2 March 2023), <https://bit.ly/3KFxukJ>.

⁵¹⁷ "The Assembly of the RNM voted on the draft Law amending the Law on Health Insurance, which provides for paid maternity leave for women-farmers", Official website of the Commission for Prevention and Protection against Discrimination, 12 May 2023, <https://bit.ly/3MYjwKU>.

⁵¹⁸ „Лидерите на петте верски заедници предлагаат повлекување на предлог-законите за матична евиденција и за родова еднаквост" (The leaders of the five religious communities propose the withdrawal of the draft laws on civil registry and gender equality), 24 Vesti, 5 May 2023, <https://24.mk/details/liderite-na-pette-verski-zaednici-predlagaat-povlekuvanje-na-predlog-zakonite-za-maticna-evidencija-i-za-rodova-ednakvost>.

⁵¹⁹ „МПЦ-ОА организира протест против Законот за родова еднаквост и измените за матична евиденција" (MOC-OA organises a protest against the Law on Gender Equality and the amendments concerning the civil registry), Sloboden pecat, 23 June 2023, <https://bit.ly/44NTgdh>.

⁵²⁰ „Хелсиншки објави препораки за ЛГБТИ-лицата бидејќи е загрижен за нивната безбедност за време на утрешниот протест" (Helsinki Committee issues recommendations for LGBTI people as it is concerned about their safety during tomorrow's protest), 360 stepeni, 28 June 2023, <https://360stepeni.mk/helsinshki-objavi-preporaki-za-lgbti-litsata-bidejki-e-zagrizhen-za-nivnata-bezbednost-za-vreme-na-utreshniot-protest/>.

⁵²¹ „Платформа за родова еднаквост: Стоп за омразата и насилството врз жените" (Platform for Gender Equality: Stop to hatred and violence against women), Radio MOF, 28 June 2023, <https://www.radiomof.mk/platforma-za-rodova-ednakvost-stop-za-omrazata-i-nasilstvo-vrz-zhenite/>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

At the beginning of January 2023, the MoJ published the 2023 Operational Plan for the implementation of the 2018-2023 Action Plan for the Istanbul Convention, which contains activities in this area under the jurisdiction of the MoJ, together with the 2023 timeline and budget for their implementation.⁵²² At the same time, the Ministry of Justice published its Annual Operational Plan for 2023 for the implementation of the Second National Action Plan of the Republic of North Macedonia for the implementation of UN Resolution 1325 “Women, Peace and Security” (2020-2025) - a strategic framework, which also includes the activities that are planned under the jurisdiction of the MoJ, together with the timeline for 2023 and the budget for their implementation.⁵²³

In mid-December 2022, MLSP announced that they opened a centre for women, victims of domestic violence in the Polog region, as it was the only region in the country where there was no facility providing services of temporary accommodation, protection, psychosocial assistance and support for victims who experienced violence and abuse.⁵²⁴

In April 2023, the National Council for Gender Equality opened a counselling centre for victims of domestic violence and signed a Memorandum of Cooperation with the Ministry of Interior for the promotion of prevention and protection from domestic and gender-based violence.⁵²⁵

522 “The 2023 Operational Plan for the Implementation of the 2018-2023 Action Plan for the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)” (Ministry of Justice, 3 January 2023), <https://pravda.gov.mk/Upload/Documents/NAP%20GREVIO%202023.PDF>.

523 “2023 Annual operational plan of the Ministry of Justice for the implementation of the Second National Action Plan of the Republic of North Macedonia for the implementation of UN Resolution 1325 “Women, peace and security” (2020-2025) - strategic framework” (Ministry of Justice, 16 January 2023), <https://bit.ly/3JttfHc>.

524 „Полошкиот регион го доби првиот Центар за жени-жртви на семејно насилство” (The Polog region got its first Centre for Women Victims of Domestic Violence), Radio MOF, 13 December 2022, <https://bit.ly/3XGSwn5>.

525 „Отворено советуваиште за жртви на семејно насилство и потпишан Меморандум за соработка помеѓу МВР и НСГП” (Counseling center for victims of domestic violence opened and a Memorandum of Cooperation signed between the MoI and the National Council for Gender Equality), Sloboden pecat, 13 April 2023, <https://bit.ly/3J1MKYd>.

HATE SPEECH

In 2022, the HCHR on the portal www.govornaomraza.mk registered 150 cases of hate speech on social media, of which 61 were cases of hate speech based on political affiliation, 52 cases based on ethnic background, 39 cases based on sexual orientation and gender identity and eight cases based on sex and gender. However, there have not been any indictments, yet, following the initiatives for criminal charges filed by HCHR in 2022 concerning cases of hate speech.⁵²⁶

Hate Crime

During 2022, HCHR registered around 160 incidents related to hate crime, which is almost twice more than the number in the previous year. Most of them are crimes of violence, bodily injuries or grievous bodily harm, damaged property, thefts, serious threats, and destruction of symbols. Most of the crimes are motivated by the ethnic background of the victim, but also other motives such as migrant status, political convictions, religious belief, and sexual orientation are noted.⁵²⁷

Three years after the first Pride Parade was held in Skopje, crime charges were brought for a hate crime against a member of the LGBTI community in the Republic of North Macedonia.⁵²⁸

Another positive example of the judicial system's reaction to a hate crime against members of the LGBTI community is the judgement delivered by the Basic Court Strumica in November 2022, based on the defendant's confession.⁵²⁹ In the judgement, the Court found the defendant guilty of committing a hate crime against the president of the LGBTI association "United", which represents an important step for the justice, and it is expected that these positive changes in the criminal system will finally put an end to the practice of impunity for the perpetrators of hate crimes against the LGBTI community.⁵³⁰

526 Helsinki Committee for Human Rights of the Republic of North Macedonia, "Annual Report on Human Rights in 2022" (2023), <https://mhc.org.mk/wp-content/uploads/2023/09/godishen-izvestaj-2022-mk-fin.pdf>.

527 Natasha Petkovska, "Annual report on hate crime in 2022", Helsinki Committee for Human Rights of the Republic of North Macedonia (2023), https://mhc.org.mk/wp-content/uploads/2023/08/godisen-izvestaj_zlostorstva-od-omraza-2022_mk_alb_eng_po653136_23.08.2023-1.pdf.

528 „По три години обвинение за напад врз член на ЛГБТ-заедницата“ (After three years finally an indictment for assault on a member of the LGBT community), Deutsche Welle, 30 November 2022, <https://bit.ly/3W0Ngt6>.

529 "Discussion on the Shadow report for Chapter 23 for the period between October 2022 – September 2023", Official website of the European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

530 „ЛГБТИ Јунајтед: 'Казна затвор од 6 месеци за лице кое физички го нападна активистот Беким Асани'“ (LGBTI United: 'Sentence of 6 months in prison for the person who physically attacked the activist Bekim Asani'), Radio MOF, 6 December 2022, <https://www.radiomof.mk/lgbti-ju-najtjed-kazna-zatvor-od-6-meseci-za-liceto-koe-fizichki-go-napadna-aktivistot-bekim-asani/>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

Acting on the proposal for indictment by the Skopje Public Prosecutor's Office, the Basic Criminal Court Skopje found the defendant guilty of hate violence due to sexual orientation and belonging to the LGBT community, emphasising the importance of the concept of hate crimes, which resulted with a 2-year prison sentence.⁵³¹

531 „Две години затвор за лицето што го нападна активистот Беким Асани на плоштадот 'Скендербер' во Скопје" (Two years in prison for the person who attacked the activist Bekim Asani at Skanderbeg Square in Skopje), Official website of the LGBTI United, 5 September 2023, <https://lgbtiunited.mk/2023/09/05/dve-godini-zatvor-za-liceto-shto-go-napadna-aktivistot-bekim-asani-na-ploshtadot-skenderbeg-vo-skopje/>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

LGBTI+

In the past year, the Government withdrew the previous version of the proposed Law amending the Law on Civil Registry,⁵³² due to the necessity to finalise the law.⁵³³ This decision caused different reactions among the national organisations⁵³⁴ and international stakeholders.⁵³⁵ Hence, the Ministry of Justice promoted an initiative for the drafting of a new draft Law on Civil Registry.⁵³⁶ The proposed text of the Law should include provisions regarding the types and contents of the registers, the additional registration in the register of births after the established deadline and the additional registration of persons born at home, the international legal cooperation concerning civil registry, procedures for legal recognition of gender and digitalisation and interoperability.⁵³⁷

At the end of 2022, the national coordinating body for monitoring the situation with non-discrimination and implementation of laws, by-laws and strategic documents in this area held a constitutive session of the second component of this body. At the constitutive session, the need for the adoption of a national action plan for the advancement of the rights of the LGBTI+ community in the Republic of North Macedonia was reiterated.⁵³⁸

A meeting of representatives of civil society organisations working on LGBTI+ related topics with MPs from the Inter-Party Parliamentary Group for Improvement of the Rights of LGBTI+ Persons was held at the Parliament of the Republic of North Macedonia on 6 March 2023. At the meeting they discussed the proposed action plan and cooperation with the non-governmental sector. They discussed the steps that should follow in order for the amendments to the Law on Civil Registry that will enable legal recognition of gender to be adopted.⁵³⁹

⁵³² „Предлог на Законот за изменување и дополнување на Законот за матична евиденција“ (Draft Law amending Law on Civil Registry), ENER, 2019, <https://bit.ly/3kGICVo>.

⁵³³ „Повлечен владиниот предлог-закон за промена на полот со нотарска изјава“ (Government's proposed law enabling sex change with notarised statement was withdrawn), TV 24, 22 March 2022, <https://bit.ly/3ra8FTQ>.

⁵³⁴ „Мрежата за борба против хомофобија и трансфобија ја осудува одлуката за повлекување на предлогот за изменување и дополнување на Законот за матична евиденција“ (The network for combating homophobia and transphobia condemns the decision to withdraw the proposal to amend the Law on Civil Registry), TV 21, 22 March 2022, <https://bit.ly/3raynaR>.

⁵³⁵ „Letter: MPs from the European Parliament addressed the Government of North Macedonia regarding the legal recognition of gender and the Law on Civil Registry“, 21 April 2022, <http://coalition.org.mk/archives/12152>.

⁵³⁶ „Ќе се изготвува нов Закон за матичната евиденција (A new law on civil registry will be drafted)“, Pravdiko, 16 January 2023, <https://www.pravdiko.mk/85386-2/>.

⁵³⁷ „Draft Law on Civil Registry“, ENER, 2023, <https://bit.ly/3Zsh3Nq>.

⁵³⁸ „The second composition of the National Coordinating Body for Non-Discrimination constituted“, Official website of LGBTI United, 16 January 2023, <https://lgbtiunited.mk/2023/01/16/konstituiran-vtoriot-sostav-na-nacionalnoto-koordinativno-telo-za-nediskriminacija/>.

⁵³⁹ „Legal recognition of gender for transgender people back in the focus of the authorities and the legislature“, Official website of LGBTI United, 6 March 2023, <https://lgbtiunited.mk/2023/03/06/pravnoto-priznavanje-na-rodot-za-transrodovite-lica-se-vrakja-vo-fokusot-na-vlastite-i-zakonodavniot-dom/>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

The Republic of North Macedonia has experienced a slight setback in terms of LGBTI+ rights, according to ILGA-Europe's Rainbow Map and Index. The country is ranked 32nd out of 49 European countries, one place lower from the previous year. To improve the situation, ILGA-Europe recommends the adoption of a fair and transparent legal framework for gender recognition, development of action plans that address sexual orientation and gender identity specifically, and allocation of finances for their implementation. In addition, the report proposes introduction of hate speech legislation aimed at crimes motivated by sexual orientation and gender identity, along with mechanisms for their effective implementation.⁵⁴⁰

The annual Pride Parade, organised by the National Network Against Homophobia and Transphobia, took place on 24 June under the slogan "Loud and Proud". The parade aimed to create a supportive and celebratory environment for LGBTQ+ people and attracted an estimated 1,500 to 2,000 participants, including governmental officials and foreign diplomats.⁵⁴¹ The event was peaceful, and the increased police presence guaranteed safety.⁵⁴² However, a small counter-protest was organised by a group of students, which failed to attract bigger crowd.⁵⁴³

540 „С. Македонија назадуваше едно место според ЛГБТ+ правата, останува меѓу најлошите во регионот“ (N. Macedonia dropped one place in terms of LGBT+ rights, still among the worst ones in the region), Radio MOF, 17 May 2023, <https://www.radiomof.mk/s-makedonija-nazaduvash-edno-mesto-sporod-lgbt-pravata-ostanuva-megju-najloshite-vo-regionot/>.

541 „На 24 јуни под слоганот 'Гласни и горди', се организира четврта Парада на гордоста во Скопје“ (On June 24, under the slogan 'Loud and Proud', the fourth Pride Parade is organised in Skopje), Alfa, 4 June 2023, <https://bit.ly/45LNIHf>.

542 „Мирно, со полиција и поддршка од амбасадите: Барања за слободно родово самоопределување упатени од скопската Парада на гордоста“ (Peaceful, with police and support from embassies: Demands for free gender self-determination made by the Skopje Pride Parade), Voice of America, 25 June 2023, <https://mk.voanews.com/a/7151637.html>.

543 „Протест против 'Парадата на гордоста' – слаб интерес, присуствуваа само четворица луѓе“ (Anti 'Pride Parade' Protest – low interest, only four people attended), TV 21, 24 June 2023, <https://mk.tv21.tv/protest-protiv-paradata-na-gordosta-slab-interes-prisustvuva-samo-chetvorit-sa-luge/>.

for the period between October 2022 and September 2023

3. FUNDAMENTAL RIGHTS

ROMA

The ECtHR delivered a judgment on 13 December 2022, in which it found that two primary schools, “Gjorgji Sugarev” in Bitola and “Goce Delchev” in Shtip, violated the right to non-discrimination (Article 14) in conjunction with the right to education (Article 2 of Protocol 1) of Roma children. For several years, Roma children have been studying in increasingly segregated classes, a trend that has already resulted in Roma-only classes due to the fact that non-Roma parents have been enrolling their children in other schools. Having that in mind, parents of Roma children believe that the quality of education offered to children in schools with a majority Roma population is declining. Hence, the ECtHR found that there was discriminatory treatment and awarded compensation to the households where those children live.⁵⁴⁴

The Macedonian Young Lawyers Association (MYLA) informed about the death of a young Roma, who could not get an identity card, as a result of which he did not have access to health care. The man, aged twenty, died due to untreated type 1 diabetes. MYLA noted that factors that contributed to the tragic outcome were administrative obstacles, non-compliance with conventions in the laws and by-laws and general institutional negligence of individuals without proper identification documents.⁵⁴⁵ In connection with this case, the CPPD issued an opinion establishing indirect discrimination on the basis of property and social origin, with a recommendation for the Ministry of Interior to propose amendments to the Law on Registration of the Place of Domicile and Place of Residence, which would enable registration of domicile and place of residence by persons who do not own property, nor have property under lease.⁵⁴⁶

At the beginning of June 2023, offensive graffiti with swastikas and offensive inscriptions were found on houses owned by the Roma community in Bitola. The HCHR strongly condemned this act and called on the authorities to investigate the incident, identify the perpetrators and classify it as a hate crime.⁵⁴⁷

For the 2023/2024 academic year, MES had a public call for hiring 40 Roma educational mediators to support the primary education of Roma.⁵⁴⁸ The mediators should work with pupils from 28 municipalities, cooperate with schools, work and cooperate with parents/guardians

⁵⁴⁴ ECtHR, “Elmazova and others v. North Macedonia”, Applications No. 11811/20 и 13550/20, 13 December 2022, <https://bit.ly/3i92CxS>.

⁵⁴⁵ „Почина нашиот сограѓанин Мемет Камбер, дваесетгодишник кој не доби право да има права“ (Our fellow citizen Memet Kamber died, a twenty-year-old man who was denied the right to have rights), Official website of the Macedonian Association of Young Lawyers, 30 May 2023, <https://myla.org.mk/49083/>.

⁵⁴⁶ Commission for Prevention and Protection against Discrimination, “Opinion”, 29 August 2023, http://www.errc.org/uploads/upload_en/file/5522_file2_errc-МИСЛЕЊЕ-08-401.pdf.

⁵⁴⁷ “Swastikas on Roma houses is a hate crime”, Official website of the Helsinki Committee for Human Rights, 8 June 2023, <https://bit.ly/3Xi5yZ8>.

⁵⁴⁸ “Public call for hiring 40 Roma educational mediators to support the primary education of Roma in the 2023/2024 school year”, Official website of the Ministry of Education and Science, 31 August 2023, <https://mon.gov.mk/content/?id=7271>.

3. FUNDAMENTAL RIGHTS

for the period between October 2022 and September 2023

and the community and make regular visits, as well as cooperate with the local authorities, the civil sector and other institutions and organisations.⁵⁴⁹ At the moment, there are no Roma mediators working in secondary education, because the new text of the Law on Secondary Education has not been drafted yet to incorporate them.⁵⁵⁰

The non-governmental organisation “Romaversitas” expressed concern about the abuse of enrolment quotas at state universities and the need to adjust the enrolment policy. This reaction was prompted by the rejection of five Roma students who applied at the Medical Faculty under both state and private quotas. The existing enrolment policy, which sets aside only 10% for minority students, is considered insufficient, and in addition, there are concerns about potential abuses of these quotas, where individuals can falsely claim to be Roma in order to get into universities.⁵⁵¹

It is necessary to fully implement the measures provisioned in the 2022-2026 National Strategy for Equality and Non-Discrimination, according to the timeline from the Action Plan;

Measures are needed to enable the functionality of the CPPD: appropriate selection of Commission members in order to be complete, overcoming logistical problems and lack of human resources and ensuring the financial autonomy of the CPPD to use its budget without approval from the Ministry of Finance;

It is necessary to adopt the new 2023-2030 National Strategy for the Rights of Persons with Disabilities of the Republic of North Macedonia and consistent implementation of its measures, in order to fully meet the requirements of persons with disabilities;

It is necessary to urgently fulfil the duties imposed to the competent institutions by the judgments of the Basic Civil Court in Skopje, which established direct discrimination against persons with disabilities when exercising their right to vote, especially considering the upcoming elections in 2024;

549 „Повик за ангажирање 40 ромски образовни медијатори за поддршка на основци Роми за учебната 2023/2024“ (Call for hiring 40 Roma educational mediators to support Roma primary school pupils in the course of 2023/2024 school year), Media Information Agency – MIA, 31 August 2023, <https://bit.ly/46f6b8l>.

550 European Commission against Racism and Intolerance (ECRI) of the Council of Europe, “ECRI Country Monitoring Report: North Macedonia (Sixth Monitoring Cycle), 20 September 2023, <https://bit.ly/3FWBUAs>.

551 „Ромаверзитас“: Пет ромски студенти кои аплицираа на Медицинскиот факултет се одбиени од државна и приватна квота (“Romaversitas”: Five Roma students who applied to the Faculty of Medicine were rejected under both state and private quota), Sloboden pecat, 11 September 2023, <https://www.slobodenpecat.mk/romaverzitas-pet-romski-studenti-koi-apliciraa-na-medicinskiot-fakultet-se-odbieni-od-drzhavna-i-privatna-kvota/>.

Compliance with the Convention on the Rights of Persons with Disabilities is required, in order to ensure efficient and smooth inclusion of children with disabilities and their full participation in the educational process;

It is necessary to continue strengthening the legal framework for violence against women and domestic violence in accordance with the Istanbul Convention, including consistent implementation of the amendments to the Criminal Code;

It is necessary to systematically solve the issue of maternity leave for women working in the agricultural sector by adopting the draft Law amending the Law on Health Insurance;

It is necessary to enact the Law on Gender Equality, with the aim of achieving full gender equality in all spheres of public and private life, as well as applying an intersectional approach to finding legal solutions for achieving gender equality;

The need for the adoption of a National Action Plan for the improvement of the rights of the LGBTI+ community in the Republic of North Macedonia, as well as the adoption of the Law on Civil Registry for the purpose of legal recognition of gender in accordance with the case law of the European Court of Human Rights, is emphasised;

The problem of the “invisible persons” remains, which especially affects the Roma, which is why the competent institutions should make appropriate legal changes and subsequently, to implement them consistently;

It is necessary to pass the new Law on Secondary Education, which would introduce Roma mediators for students with disabilities in secondary education;

It is necessary to carry out campaigns to inform the public and to raise the awareness of citizens to deal with stereotypes and discriminatory practices towards vulnerable groups of citizens;

It is crucial for the policies concerning people from vulnerable categories to be drafted in an inclusive way, in consultation with all stakeholders (for example, women working in agriculture, LGBTI persons, Roma, etc.).

References

- 24 Вести. „Изготвена стратегијата за реформа односно развој на правосудството 2023-2027“. 23 април 2023. (24 Vesti. “The 2023-2027 strategy for reform i.e. development of the judiciary has been drafted”. 23 April 2023) <https://24.mk/details/izgotvena-strategijata-za-reforma-odnosno-razvoj-na-pravosudstvoto-2023-2027>.
- 24 Вести. „Извештај на 'Фридом хаус': За Македонија, најниска оценка за корупција“. 24 мај 2023. (24 Vesti. “Freedom House: Macedonia with the lowest score concerning corruption”. 24 May 2023.) <https://24.mk/details/izveshtaj-na-fridom-khaus-za-makedonija-najniska-ocenka-za-korupcija>.
- 360 степени. „Лога: Состојбата во затворите е алармантна, ги замолувам сите политички партии да го поддржат предлог-законот за амнестија“. 14 септември 2023. (360 stepeni. Loga: The situation in prisons is alarming, and I ask all the political parties to support the draft Law on Amnesty”. 14 September 2023.) <https://360stepeni.mk/loga-sostojbata-vo-zatvorite-e-alarmanтна-gi-zamoluvam-site-politichki-partii-da-go-poddrzhat-predlog-zakonot-za-amnestija/>.
- 360 степени. „Правда го подготви предлог-законот за амнестија: Сторителите на лесни кривични дела ќе се ослободат од затвор или ќе добијат помали казни“. 13 септември, 2023. (360 stepeni. “The Ministry of Justice prepared the draft Law on Amnesty: the perpetrators of minor crimes will be released from prison or will receive reduced sentences”. 13 September 2023.) <https://360stepeni.mk/pravda-go-podgotvi-predlog-zakonot-za-amnestija-storitelite-na-lesni-krivichni-dela-ke-se-oslobodat-od-zatvor-ili-ke-dobijat-pomali-kazni/>.
- 360 степени. „Елизабета Дуковска од Скопска Апелација е нова уставна судијка“. 10 април 2023. (360 stepeni. “Elizabeta Dukovska from the Skopje Court of Appeal is the new Constitutional Court Judge”. 10 April 2023) <https://360stepeni.mk/elizabeta-dukovska-od-skopska-apelatsija-e-nova-ustavna-sudijka/>.
- 360 степени. „Како „разрешената“ обвинителка Кети Петкова сега ќе бира и разрешува обвинители?“. 27 јули 2023. (360 stepeni. “How the ‘dismissed’ Prosecutor Ketі Petkova is going to elect and dismiss prosecutors?”. 27 July 2023.) <https://360stepeni.mk/kako-razreshenata-obvinitelka-ke-ti-petkova-sega-ke-bira-i-razreshuva-obviniteli/>.
- 360 степени. „Кети Петкова даде свечена изјава како нов член на Советот на јавни обвинители“. 26 јули 2023. (360 stepeni. “Ketі Petkova took the oath as a new member of the Council of Public Prosecutors”. 26 July 2023.) <https://360stepeni.mk/foto-keti-petkova-dade-svechena-izjava-ko-nov-chlen-na-sovetot-na-javni-obviniteli/>.

360 степени. „Од шест пријавени, Советот на јавни обвинители не избра ниту еден за ОЈО за гонење организиран криминал“. 27 октомври 2022. (360 stepeni. “Out of six candidates who applied, the Council of Public Prosecutors elected none for the BPPO for prosecuting organised crime“. 27 October 2023.) <https://360stepeni.mk/od-shest-prijaveni-sovetot-na-javni-obviniteli-ne-izbra-nitu-eden-za-ojo-za-gonene-organiziran-kriminal/>.

360 степени. „Судскиот совет ќе продолжи со истите тестови за судиите, иако во земјава нема акредитирана институција за нив“. 15 јуни 2023. (360 stepeni. “The Judicial Council will continue using the same tests for the judges, even though there is no accredited institution in the country to apply them”. 15 June 2023.) <https://360stepeni.mk/sudskiot-sovet-ke-prodolzhi-so-istite-testovi-za-sudiite-iako-vo-zemjava-nema-akreditirana-institutsija-za-niv/>.

A1 on. „Антикорупциска контра Герасимовски: Не се консултирал со нас, не може судија да извршува три функции“. 2 декември 2022. (A1 on. “Anticorruption Commission opposing Gerasimovski: He did not consult us, a judge cannot hold three offices“. 2 December 2022.) <https://a1on.mk/macedonia/antikorupciska-kontra-gerasimovski-ne-se-konsultiral-so-nas-ne-mozhe-sudija-da-izvrshuva-tri-funkcii/>.

Abazi Imeri, Ardita, Darko Avramovski, Beba Zhagar, Goce Kocevski, Jelena Kadric, Tona Kareva, Uranija Pirovska, and Zarko Hadji-Zafirov. "Analysis – Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)". European Policy Institute - Skopje, 10 November 2022.) http://blueprint.org.mk/wp-content/uploads/2022/11/%D0%90%D0%9D%D0%90%D0%9B%D0%98%D0%97%D0%90_mk-1-1.pdf.

Personal Data Protection Agency of the Republic of North Macedonia, “2022 Annual Report”, 31 March 2023. <https://bit.ly/43hA8oe>.

for the period between October 2022 and September 2023

Академик. „Павлина Црвенковска едногласно избрана за нов претседател на Судскиот совет“. 28 април 2021. (Академик. “Pavlina Crvenkovska was unanimously elected as the new President of the Judicial Council”. 28 April 2021.) <https://akademik.mk/pavlina-crvenkovska-ednoglasno-izbrana-za-nov-pretsedatel-na-sudskiot-sovet/>.

Алфа ТВ. „Абази се повлече од академијата ама Беса Адеми нема таква намера“. 12 ноември 2022. (Alfa TV. “Abazi withdrew from the Academy, but Besa Ademi has no such intention”. 12 November 2022.) <https://bit.ly/3MJUKPI>.

Blueprint Group for Judicial Reform. “How to restore citizens’ trust in the Judicial Council of RNM? Between the status quo and radical reforms – Recommendations for improving the legal and institutional framework for operation of the Judicial Council” („Како да се врати довербата на граѓаните во Судскиот совет на РСМ? Помеѓу статус кво и коренити реформи – Препораки за унапредување на правната и институционалната рамка во која дејствува Судскиот совет на РСМ.“) 2023. Not published.

———. “Reaction to the election of two members of the Judicial Council of RNM from the judges’ ranks and the election of public prosecutors by the Council of Public Prosecutors of RNM”. 14 July 2023. („Реакција по повод избори на два члена на Судскиот совет на РСМ од редот на судиите и изборот на јавни обвинители од Советот на јавни обвинители на РСМ“. 14 јули 2023.) <https://bit.ly/3Gc86jB>.

———. “The Judicial Council continues with its unlawful and non-transparent actions - Reaction to what happened at the Judicial Council of RNM during its session held on 4 May 2023.” 5 May 2023 („Судскиот совет продолжува со незаконитото и нетранспарентното постапување – Реакција по повод случувањата во Судскиот совет на РСМ на седницата одржана на 4 мај 2023“. 5 мај 2023.) <https://bit.ly/47pkAjX>.

Supreme Court of the Republic of North Macedonia. “Principled position concerning the publishing of the court decisions on courts’ web sites”. 21 December 2022. („Начелен став за објавување на донесените судски одлуки на интернет-страниците на судовите“. 21 декември 2022.) <https://bit.ly/3GLvZP1>.

“Annual Operating Plan of the MoJ for 2023 for the implementation of the Second National Action Plan of the Republic of North Macedonia concerning the implementation of the UN Resolution 1325 ‘Women, Peace and Security’ (2020-2025) - Strategic Framework” („Годишен оперативен план на МП за 2023 година за имплементација на Вториот национален акциски план на Република Северна Македонија за имплементација за Резолуцијата на ООН 13/25 ‘Жени, мир и безбедност’ (2020-2025) – стратедиска рамка“) (Ministry of Justice, 16 January 2023), <https://bit.ly/3JttfHc>.

Delevska, Angela, and Zhagar, Beba. “Shadow Report on Chapter 23 for the Period October 2021 – September 2022”. 29 December 2022. <https://epi.org.mk/post/23011>.

for the period between October 2022 and September 2023

Rules of Procedure of the Judicial Council of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia No. 274/2019.

Deutsche Welle. „Пендаровски: Судскиот совет се посрамоти“. 29 мај 2023. (Deutsche Welle. “Pendarovski: The Judicial Council embarrassed itself”. 29 May 2023.) <https://www.dw.com/mk/pendarovski-celiot-sostav-na-sudskiot-sovet-se-posramoti-vo-ocite-na-javnosta/a-65763482>.

“Debate concerning the Shadow Report on Chapter 23 for the Period October 2022 – September 2023”. Official Website of European Policy Institute – Skopje, 22 December 2023, <https://epi.org.mk/post/25506>.

Државен завод за ревизија. „Конечен извештај за извршена ревизија на успешност, ’Ефективност на спроведување на Стратегијата за реформи во правосудниот сектор 2017-2022 и спроведување на Акцискиот план на стратегијата“. 2022. (State Audit Office. “Final report from the performance audit, ‘Effectiveness of the implementation of the 2017-2022 Strategy for Reform of the Judicial Sector and of the Strategy’s Action Plan’”. 2022.) <https://bit.ly/3Jy04oh>.

Државна комисија за спречување на корупција, „Годишен извештај за работата на Државната комисија за спречување на корупција за 2022 година“, март 2023. (State Commission for Prevention of Corruption, “Annual report on the work of the State Commission for Prevention of Corruption”, March 2023.) <https://dksk.mk/wp-content/uploads/2023/03/GI-2022-конечен.pdf>.

Државна комисија за спречување на корупција, „Годишен извештај за спроведување на Националната стратегија за спречување на корупцијата и судирот на интереси 2021- – 2025 за период 01.01.2022 година до 31.12.2022 година“, март 2023, (State Commission for Prevention of Corruption, “Annual report on the implementation of the National Strategy for the Prevention of Corruption and Conflict of Interest 2021-2025 for the period 01.01.2022 - 31.12.2022”, March 2023) https://dksk.mk/wp-content/uploads/2023/03/Годишен-извештај-НССКСИ_финален.pdf.

European Commission for the Efficiency of Justice (CEPEJ). “Evaluation of the judicial systems (2020-2022): North Macedonia”. Council of Europe, 30 September 2022. <https://rm.coe.int/north-macedonia-2020-en/1680a85c90>.

European Commission against Racism and Intolerance (ECRI), founded by the Council of Europe. “ECRI Country Monitoring Report: North Macedonia (Sixth Monitoring Cycle)”. 20 September 2023. <https://rm.coe.int/sixth-ecri-report-on-north-macedonia/1680ac8c47>.

European Commission against Racism and Intolerance (ECRI) of the Council of Europe, “ECRI Country Monitoring Report: North Macedonia (Sixth Monitoring Cycle)”. 20 September 2023. <https://rm.coe.int/sixth-ecri-report-on-north-macedonia/1680ac8c47>.

ECtHR. “D.H. and Others v. North Macedonia” (A. No. 44033/17). 18 July 2023. <https://bit.ly/3LBRUv2>.

ECtHR. “Elmazova and Others v. North Macedonia”, Applications Nos. 11811/20 and 13550/20, 13 December 2022, <https://bit.ly/3i92CxS>.

for the period between October 2022 and September 2023

Law on Expertise, Official Gazette of the Republic of North Macedonia, No. 154/2023.

Law amending the Law on Courts, Official Gazette of the Republic of North Macedonia, No. 96/2019.

Law on the Judicial Council of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia, No. 102/2019.

Law amending the Criminal Code, Official Gazette of the Republic of North Macedonia, No. 36/2023.

Law amending the Criminal Code, Official Gazette of the Republic of North Macedonia, No. 188/2023.

Law on Public Prosecutor's Office, Official Gazette of the Republic of North Macedonia, No. 42/2020. Institute for Human Rights.

„Извештај од следењето на работата на Судскиот совет за периодот јануари-јули 2023 година“. 2023. (Report of the monitoring of the work of the Judicial Council for the period January-July 2023, 2023) <https://bit.ly/3ZuDLpr>.

Јавно обвинителство на Република Северна Македонија, „Извештај за работата на јавните обвинителства на Република Северна Македонија во 2022 година“, јули 2022, (Public Prosecutor's Office of the Republic of North Macedonia, "Report on the work of the public prosecutor's offices of the Republic of North Macedonia in 2022", July 2022) https://jorm.gov.mk/wp-content/uploads/2023/09/izveshtaj-za-rabotata-na-javnite-obvinitelsta_2022_2_mail-2-3.pdf.

Канал 5. „Норвешка ќе донира 6,8 милиони евра за нов АКМИС систем“. 19 септември 2022. (Kanal 5. "Norway to donate 6.8 million euros for a new ACCMIS system." 19 September 2022.) <https://kanal5.com.mk/norveshka-kje-donira-6-8-milioni-evra-za-nov-akmis-sistem/a547593>.

Канал 5. „Законот за амнестија го помина владиниот филтер, утре влегува во собраниска процедура“. 26 септември 2023. (Kanal 5. "The Amnesty Law passed the government filter, tomorrow it goes into parliamentary procedure". 26 September 2023.) <https://kanal5.com.mk/zakonot-za-amnestija-go-pomina-vladiniot-filter-ut্রে-vleguva-vo-sobraniska-procedura/a602552>.

US Department of State, Office of International Religious Freedom, "2022 Report on International Religious Freedom: North Macedonia" (2023) <<https://www.state.gov/reports/2022-report-on-international-religious-freedom/north-macedonia/>>.

Коалиција „Сите за правично судење“. „Економичноста на постапката не смее да биде на сметка на јавноста и транспарентноста“. 2022. ("All for Fair Trials" Coalition. "The cost-effectiveness of the procedure must not be at the expense of the public and transparency." 2022.) <https://all4fairtrials.org.mk/wp-content/uploads/2023/04/25-JR-122022.pdf>.

Коалицијата „Сите за правично судење“. „Извештај за 78. седница на Советот на јавните обвинители на РСМ одржана на 27.04.2023 година“. ("All for Fair Trials" Coalition. "Report on the 78th session of the Council of Public Prosecutors of RNM held on 27 April 2023) <https://drive.google.com/file/d/1q1OHQu2NZR0MkwoFz1o1iq8fG537RNFP/view>.

for the period between October 2022 and September 2023

———. „Посебен извештај за седницата на Судскиот совет на РСМ одржана на 04.05.2023 година“. n.d. (“Special report on the session of the Judicial Council of RNM held on 05/04/2023”) <https://drive.google.com/file/d/1PbXN6QrSYuTbew4gEH4tilrgKxNmj8g3/view>.

Комисија за спречување и заштита од дискриминација, „Годишен извештај на Комисијата за спречување и заштита од дискриминација (КСЗД) за 2022 година“ (2023) (Commission for Prevention and Protection against Discrimination, “Annual Report of the Commission for Prevention and Protection against Discrimination (CPPD) for 2022” (2023)), <https://bit.ly/3oPWOfM>.

Olivier Costa, Daniela Schwarzer, Pervenche Berès, Gilles Gressani, Gaëlle Marti, Franz Mayer, Thu Nguyen, et al “Report of the Franco-German Working Group on EU Institutional Reform – Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century”. 18 September 2023. <https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>.

Македонско здружение на млади правници, „Годишен извештај за ефикасноста на правната заштита на човековите права во Република Северна Македонија – 2022 година“, декември 2022 (Macedonian Young Lawyers’ Association, “Annual Report on the Efficiency of Legal Protection of Human Rights in the Republic of North Macedonia – 2022”, December 2022), https://myla.org.mk/wp-content/uploads/2022/12/MYLA-Годишен-Извештаj-2022-WEB_compressed.pdf.

Makfax. „По скоро три години, Јанкулоска за првпат на викенд отсуство – пет жени излегоа од ‘Идризово‘ со измената на Правилникот“. 1 јули 2023. (Makfax. “After almost three years, Jankuloska for the first time on a weekend leave - five women went out of the Idrizovo Prison as a result of the amendments to the Rulebook”. 1 July 2023.) <https://bit.ly/3ZuELtq>.

Makfax News Agency. „(Видео) Двајцата членови го напуштија Судскиот совет: врховната судијка укажа на незаконски одлуки, Герасимовски впери прст во превирањата“. 8 јуни 2023. (Makfax News Agency. “(Video) Two members left the Judicial Council: a supreme court judge points at illegal decisions, Gerasimovski pointed a finger at the turmoil”. 8 June 2023.) <https://bit.ly/3SSYgdX>.

International Republican Institute (IRI). “National Survey of North Macedonia | April – May 2023”. 19 July 2023. <https://www.iri.org/resources/national-survey-of-north-macedonia-april-may-2023/>.

Медиумска информативна агенција – МИА. „Георгиев: Овој состав на Судскиот совет ќе биде исклучително транспарентен“. 10 мај 2023. (Media Information Agency – MIA. “Georgiev: This composition of the Judicial Council will be exceptionally transparent”. 10 May 2023.) <https://bit.ly/3MYWZyi>.

Медиумска информативна агенција – МИА. „Повик за ангажирање 40 ромски образовни медијатори за поддршка на основци Роми за учебната 2023/2024“. 31 август 2023. (Media Information Agency – MIA. “Call for hiring 40 Roma educational mediators to support Roma primary school pupils in the course of 2023/2024 school year”. 31 August 2023.) <https://bit.ly/46f6b8l>.

for the period between October 2022 and September 2023

Meta.mk. „Судскиот совет расправаше за судир на интереси на експретседателката Дамева“. 5 јуни 2023. (Meta.mk. “The Judicial Council discussed the conflict of interests of the ex-President Dameva”. 5 June 2023) <https://meta.mk/sudskiot-sovet-raspravashe-za-sudir-na-intere-si-na-ekspretsedatelkata-dameva/>.

Министерство за внатрешни работи, „Извештај за работата на Одделот за внатрешна контрола, криминалистички истраги и професионални стандарди во 2022 година“, јануари 2023, (Ministry of Interior, “Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards in 2022”, January 2023), <https://bit.ly/40iZkcP>.

Министерство за внатрешни работи, „Извештај за работата на Одделот за внатрешна контрола, криминалистички истраги и професионални стандарди во првите девет месеци од 2023 година“, 25 октомври 2023, (Ministry of Interior, “Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards in the first nine months of 2023”, 25 October 2023), https://mvr.gov.mk/Upload/Editor_Upload/png2pdf.pdf.

Министерство за правда. „Предлог полугодишен извештај за работа на Совет за координирање на информатичко-комуникациска технологија во правосудните органи за јануари/јуни 2023 година“. (Ministry of Justice. “Draft semi-annual report on the work of the ICT Coordination Council in the judiciary for January/June 2023”) <https://bit.ly/412Y2D6>.

Министерство за правда, „Предлог на Законот за кривичната постапка“, ЕНЕР, 9 ноември 2022 (Ministry of Justice, “Draft Law on Criminal Procedure”, ENER, 9 November 2022), https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76038.

Министерство за правда, „Годишен извештај за работата на Бирото за застапување на РСМ пред ЕСПЧ за 2022 година“, мај 2023 (Ministry of Justice, “Annual report on the work of the Bureau for Representation of the RNM before the ECtHR for 2022”, May 2023), <https://bit.ly/48e4quu>.

Министерство за правда, „Годишен извештај за работата на Меѓуресорската комисија за извршување на одлуките на ЕСПЧ за 2022 година“, мај 2023 (Ministry of Justice, “Annual report on the work of the Interagency Committee for Execution of Judgements of the ECtHR for 2022”, May 2023), <https://bit.ly/3LoqpFp>.

Министерство за труд и социјална политика, „Нацрт-национална стратегија за правата на лицата со попреченост 2023-2030 со Акциски планови 2023-2026“, ЕНЕР, 3 април 2023, (Ministry of Labour and Social Policy, “Draft National Strategy on the rights of persons with disabilities 2023-2030 with the Action Plans 2023-2026”, ENER, 3 April 2023) <https://ener.gov.mk/Default.aspx?item=newdocumentdetails&detailid=61>.

МКД. „СЕП ги седна на маса невладините, заедно ќе ги подготвуваат документите за преговорите со ЕУ“. 24 август 2023. (MKD. SEA sat down with the non-governmental organisations and together they will be drafting the documents for the negotiations with the EU”. 24 August 2023.) <https://m.mkd.mk/node/523612>.

for the period between October 2022 and September 2023

Наташа Петковска, „Годишен извештај за криминалот од омраза во 2022 година: злосторства од омраза“, Хелсиншки комитет за човекови права на Република Северна Македонија (2023) (Natasha Petkovska, “2022 Annual Report on Hate Crime: Hate Crimes”, Helsinki Committee for Human Rights of the Republic of North Macedonia (2023)), https://mhc.org.mk/wp-content/uploads/2023/08/godisen-izvestaj_zlostorstva-od-omraza-2022_mk_alb_eng_po653136_23.08.2023-1.pdf.

Народен правобранител на Република Северна Македонија, „Извештај за состојбата и препораки на Народниот правобранител за обезбедување на образовни и лични асистенти за учениците со попреченост“, (Ombudsman of the Republic of North Macedonia. “Report on the situation and recommendations of the Ombudsman for the provision of educational and personal assistants for students with disabilities”), Official Website of the Ombudsman of the Republic of North Macedonia, 22 August 2023, <https://bit.ly/3SbsSXJ>.

Народен правобранител на Република Северна Македонија, „Годишен извештај за степенот на обезбедување почитување, унапредување и заштита на човековите слободи и права 2022“, март 2023 (Ombudsman of the Republic of North Macedonia, “2022 Annual report on the degree of ensuring respect, promotion and protection of fundamental freedoms and human rights”, March 2023), <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2022/GI-2022.pdf>

Народен правобранител на Република Северна Македонија, „Годишен извештај на националниот превентивен механизам за 2022 година“, 26 јуни 2023 (Ombudsman of the Republic of North Macedonia, “Annual report of the National Preventive Mechanism for 2022”, 26 June 2023), <https://bit.ly/3K2ldWN>.

Народен правобранител на Република Северна Македонија, „Извештај за следењето на примената на начелото на соодветна и правична застапеност за 2021 година“, ноември 2022 (Ombudsman of the Republic of North Macedonia, “2021 Report on the monitoring of the application of the principle of adequate and equitable representation”, November 2022), <https://bit.ly/3PCPhf0>.

Нова ТВ. „Обвинителството отвори предмет за надзорот врз коридорите 8 и 10 д“. 28 март 2023. (Nova TV. “The Prosecutor’s Office opened a case concerning the oversight of corridors 8 and 10d.” 28 March 2023.) <https://novatv.mk/obvinitelstvoto-otvori-predmet-za-nadzorot-vrz-koridorite-8-i-10-d/>.

Decision for termination of the public prosecutor’s term in office Official Gazette of Republic of Macedonia, No. 90/2009.

Decision to have a public call for the election of a Director of the Academy for Judges and Public Prosecutors “Pavel Shatev” Skopje, Official Gazette of the Republic of North Macedonia, No. 245/2022.

Official Website of the Personal Data Protection Agency of the Republic of North Macedonia. “Information about the extraordinary supervision at the Office for Management of Registers of Births, Marriages and Deaths”. 21 July 2023. <https://bit.ly/3Pya567>.

for the period between October 2022 and September 2023

- Official Website of the Personal Data Protection Agency of the Republic of North Macedonia. "Personal Data Protection Agency imposed five misdemeanour sanctions in the amount of 1,318,384 MKD". 26 July 2023. <https://bit.ly/3RDPvUy>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Notification about a new Statute of the Academy for Judges and Public Prosecutors", 14 August 2023. <https://bit.ly/4abm5Uv>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Notification about the further steps to be taken with regard to the entrance exam for admission of the 9th generation for initial training", 23 May 2023. <https://bit.ly/46PMnIZ>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Notification about the adoption of a new Rulebook on the entrance exam at the Academy for Judges and Public Prosecutors", 19 September 2023. <https://bit.ly/4a8bMkk>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "A Memorandum of Cooperation between the Academy for Judges and Public Prosecutors and the OSCE Mission to Skopje was signed", 27 February 2023. <https://bit.ly/3t33uJB>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "A Memorandum of Cooperation was signed with the Center for International Legal Cooperation (CILC) from the Kingdom of the Netherlands", 15 November 2022. <https://bit.ly/46IKFt1>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Representatives of the Academy for Judges and Public Prosecutors on a study visit to the Academy of European Law (ERA)", 9 May 2023. <https://bit.ly/3GsyHJc>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Exchange of good practices for conceptualisation and organisation of judicial trainings: the Spanish and the Macedonian models, Spain 13-16 February 2023", 20 February 2023. <https://bit.ly/3RtElBi>.
- Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev". "Press Release about the constitutive session of the Management Board of the Academy", 30 November 2022. <https://bit.ly/3SJ6WDG>.
- Official Website of the Blueprint Group for Judicial Reform. "Reaction to the election of two members of the Judicial Council of RNM from among the judges and the election of public prosecutors from the Council of Public Prosecutors of RNM", 14 July 2023. <https://bit.ly/3Gc86jB>.
- Official Website of the Blueprint Group for Judicial Reform. "Reaction to the amendments to the Criminal Code in summary proceedings", 6 September 2023. <https://bit.ly/3RCwT6Z>.

for the period between October 2022 and September 2023

- Official Website of the Government of the Republic of North Macedonia. "From the 138th Government session: Decision to freeze the prices of chicken eggs and rice; conclusion concerning the reliability of the central heating supply in the City of Skopje; A European regional conference of Interpol will be held in the country for the first time", 21 March 2023. <https://vlada.mk/node/32594>.
- Official Website of the Supreme Court of the Republic of North Macedonia. "The Supreme Court adopted a principled position concerning the direct application of the Constitution and the European Convention for the Protection of Human Rights", 23 February 2023. <https://bit.ly/3RFRBDd>.
- Official Website of the Supreme Court of the Republic of North Macedonia. "Working meeting of the Supreme Court and the four courts of appeal to harmonise the judicial practice", 27 March 2023. <https://bit.ly/46LYaIn>.
- Official Website of the Association of Public Prosecutors of the Republic of North Macedonia. "The Association of Public Prosecutors – initiator of a protocol for cooperation between the Public Prosecutor's Office and the Ministry of Interior", 30 March 2023. <http://212.13.72.102/mk/news/index/5>.
- Official Website of the Association of Public Prosecutors of the Republic of North Macedonia. "Cooperation for enhanced transparency - meeting with AJM", 18 February 2023. <http://212.13.72.102/mk/news/index/1>.
- Official Website of the Association of Journalist of Macedonia. "The Judicial Council is obligated to be transparent to the public", 9 May 2023. <https://bit.ly/47MxWq8>.
- Official Website of the Public Prosecutor's office of the Republic of North Macedonia. "New bodies of the Association of Public Prosecutors were elected", 22 December 2022. <https://jorm.gov.mk/izbrani-novi-organi-na-zdruzhenieto-na-javnite-obviniteli/>.
- Official Website of the Ministry of Education and Science. "Public call for the hiring 40 Roma educational mediators to support the primary education of Roma in the 2023/2024 school year". 31 August 2023. <https://mon.gov.mk/content/?id=7271>.
- Official Website of the Ministry of Justice. "From 1 January 2023 the case management system in the public prosecutor's offices will be mandatory", 1 January 2023. <https://pravda.gov.mk/vest/6465>.
- Official Website of the Ministry of Justice. "Official launch of the biggest digital courtroom in the country", 30 November 2022. <https://www.pravda.gov.mk/vest/6453>.
- Official Website of the Ministry of Justice. "The Ministry of Justice, in cooperation with the team from the Rule of Law Project, organised a working meeting with the members of the working group for planning the activities for finalising the Draft Development Strategy for the Justice Sector 2023-2027", 19 October 2023. <https://www.pravda.gov.mk/vest/6607>.

for the period between October 2022 and September 2023

Official Website of the Ministry of Justice. "The Ministry of Justice will supervise the system for electronic distribution of cases at the public prosecutor's offices", 16 September 2023. <https://pravda.gov.mk/vest/6595>.

Official Website of the Ministry of Justice. "Bylaws – Mediation", <https://www.pravda.gov.mk/resursi/3/7>.

Official Website of the Ombudsman of the Republic of North Macedonia. "Report on the situation and recommendations of the Ombudsman for the provision of educational and personal assistants for students with disabilities". 22 August 2023. <https://bit.ly/3SbsSXJ>.

Official Website of the Assembly of the Republic of North Macedonia. "Taking the oath", 25 July 2023. <https://www.sobranie.mk/ns-newsarticle-davane-svecena-izjava-25-juli-2023.nspix>.

Official Website of the Assembly of the Republic of North Macedonia. "Details concerning the material - Proposed Law on Litigation Procedure", <https://www.sobranie.mk/detali-na-materijal.nspix?param=d1d44644-0f3a-4f12-b3da-bea6154d4f87>.

Official Website of the Council of Public Prosecutors of the Republic of North Macedonia. "Minutes from the 69th session of the Council of Public Prosecutors of the Republic of North Macedonia". <https://bit.ly/46lPrfM>.

Official Website of the Council of Public Prosecutors of the Republic of North Macedonia. "Candidates for Public Prosecutors, Advertisement – Official Gazette, No. 48/23 of 06.03.2023". <https://bit.ly/3ReoDsl>.

Official Website of the Council of Public Prosecutors of the Republic of North Macedonia. "Candidates for Public Prosecutors, Advertisement – Official Gazette, No. 93/23 of 02.05.2023". <https://bit.ly/47PbA7X>.

Official Website of the Council of Public Prosecutors of the Republic of North Macedonia. "Press Release". 8 November 2023. <https://bit.ly/3GmL1ul>.

Official Website of the Judicial Council of the Republic of North Macedonia. "Reports (monthly, quarterly, semi-annual, annual)". <https://bit.ly/3uYoTnO>.

Official Website of the Judicial Council of the Republic of North Macedonia. "Public call to associations and foundations in the field of human rights and rule of law". 13 June 2023. <https://bit.ly/46otYmt>.

Official Website of the Judicial Council of the Republic of North Macedonia. "Press Release". 19 May 2023. <https://bit.ly/3GmG19a>.

Official Website of the Judicial Council of the Republic of North Macedonia. "Press Release from the 432nd session of the Judicial Council of RNM – 28.02.2023". <https://bit.ly/481NKFQ>.

for the period between October 2022 and September 2023

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the 443rd session of the Judicial Council of RNM – 30.05.2023”. <https://bit.ly/483rcoB>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the 444th urgent session of the Judicial Council of RNM – 08.06.2023”. <https://bit.ly/3SSV3v9>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the 422nd session of the Judicial Council of RNM – 05.12.2022”. <https://bit.ly/3G2etpH>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the 448th session of the Judicial Council of the Republic of North Macedonia”. <https://bit.ly/3Ge8RJ8>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the 453rd urgent session of the Judicial Council of RNM – 06.09.2023”. <https://bit.ly/3NeWRuD>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the continuation of the 439th urgent session of the Judicial Council of RNM – 04.05.2023”. 4 May 2023. <https://bit.ly/3ukXxlg>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Press Release from the continuation of the 420th session of the Judicial Council of RNM – 07.12.2022”. <https://bit.ly/47wRM8D>.

Official Website of the Judicial Council of the Republic of North Macedonia. “Meeting of the Judicial Council with members of the Judicial-Media Council”. 19 May 2023. <https://bit.ly/3uFqJK5>.

Official Website of the Constitutional Court of the Republic of North Macedonia. “Repealed part of Article 8 of the Law on the Judicial Council that referred to the election of the President”. 7 March 2023. <https://ustavensud.mk/?p=23710>.

Official Facebook Profile of the European Policy Institute (EPI) – Skopje. “Meeting between EPI and the president of the Association of Public Prosecutors”. 3 February 2023. <https://www.facebook.com/EPI.Skopje/posts/pfbid031LhbM6fk8hFESvYtx5ys9yKpND5PneZwy5H8vziVmZFsp-pe6QugsRfuSxvTvjWDKL>.

Official Facebook Profile of the Judicial Media Council of the Association of Judges of the Republic of North Macedonia. “The Ministry of Justice accepted the initiative of the Judicial Media Council”. 22 June 2023. <https://bit.ly/49UKzkJ>.

Official Facebook Profile of the Judicial Media Council of the Association of Judges of the Republic of North Macedonia. “Press Release”. 8 November 2023. <https://bit.ly/3sRTwe4>.

Петковска, Ивана и Лејла Тутиќ. „Годишен мониторинг извештај за работата на Судскиот совет и Советот на јавни обвинители на јавни обвинители“. Коалиција „Сите за правично судење“, 2023 (Petkovska, Ivana and Lejla Tutic. “Annual monitoring report on the work of the Judicial Council and the Council of Public Prosecutors of Public Prosecutors”. All for Fair Trials Coalition, 2023). <https://all4fairtrials.org.mk/wp-content/uploads/2023/12/63-MISo-2023.pdf>.

for the period between October 2022 and September 2023

Платформа на граѓански организации за борба против корупцијата. „Барање за поднесување на оставка на членовите на Судскиот совет“ (Platform of Civil Society Organisations for Fight against Corruption. “Call for the members of the Judicial Council to resign”). 10 May 2023. <https://transparency.mk/wp-content/uploads/2023/05/reakczi%D1%98a-sudski-sovet-1.pdf>.

Платформа на граѓански организации за борба против корупцијата и Блупринт група за реформи во правосудството. „Номинација на членови во комисијата за спроведување на избори за членови на Судскиот совет“ (Platform of Civil Society Organisations for Fight against Corruption and Blueprint Group for Judicial Reform. “Nomination of members for the commission conducting the election of members of the Judicial Council”). 23 June 2023. <https://bit.ly/40Sm-HdJ>.

„Потпишан Меморандум за соработка меѓу Здружението на јавните обвинители и Адвокатската комора“ (“A Memorandum of Cooperation between the Association of Public Prosecutors and the Bar Association was signed”). 23 May 2023. <http://212.13.72.102/mk/news/index/6>.

Правилник за дополнување на правилникот за распоредување, класификација и разместување на осудените лица во казнено-поправните установи (Rulebook amending the Rulebook on Placement, Classification and Reallocation of Convicted Persons in Penitentiary Institutions), Official Gazette of the Republic of North Macedonia, No. 120/2023.

Draft Law on Civil Registry, ENER, 2023, <https://bit.ly/3Zsh3Nq>.

Призма – Балканската истражувачка репортерска мрежа (БИРН) Македонија. „Нејасната ‘турнеја’ на врховниот судија Наќе Георгиев – По нецели две недели новиот член на Судски поднесе оставка, за синот да стане судија“ (Prisma – Balkan Investigative Reporting Network (BIRN) Macedonia. “The strange ‘tour’ of the Supreme Judge Nakje Georgiev - After less than two weeks, the new member of the Judicial Council resigned, so that his son could become a judge”). 25 July 2023. <https://prizma.mk/nejasnata-turneja-na-vrhovniot-sudija-nake-georgiev/>.

„Програма за поддршка за социјална сигурност на жените кои вршат земјоделска дејност за 2023 година“ (“Programme supporting social safety of women engaged in agricultural activity for 2023”), Official Gazette of the Republic of North Macedonia, No. 31/2023.

Commission Staff Working Document – North Macedonia 2022 Report, European Commission, 12 October 2022, https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en.

Radio Free Europe. „Агелер: Судскиот совет не ги исполни своите законски обврски“ (“Aggeler: We have seen little evidence that Judicial Council is fulfilling its duties”). 8 November 2023. <https://www.slobodnaevropa.mk/a/32676162.html>.

Radio Free Europe. „Десетици закони и одлуки во Собрание чекаат ‘брзи прсти’“ (“Dozens of laws and decisions in the Assembly are waiting for green light”). 8 December 2023. <https://www.slobodnaevropa.mk/a/desetici-zakoni-i-odluki-vo-sobranie-chekaat-brzi-prsti-/32721155.html>.

for the period between October 2022 and September 2023

- Radio Free Europe. „Повисоки плати за 78 проценти добиле 1060 функционери“ (“1060 officials received higher salaries by 78 percent”). 15 May 2023. <https://www.slobodnaevropa.mk/a/32412337.html>.
- Radio Free Europe. „‘Разгорени’ меѓучовечките односи во кумановскиот суд“ (“‘Heated’ interpersonal relations in the Kumanovo court”). 12 July 2023. <https://www.slobodnaevropa.mk/a/razgore-ni-megjuchovechkite-odnosi-vo-kumanovskiot-sud-/32498983.html>.
- Radio Free Europe. „Холандија стави во мирување проект со Судскиот совет поради скандалите“ (“The Netherlands puts the project with the Judicial Council on hold because of the scandals”). 26 May 2023. <https://bit.ly/3uAgg2z>.
- Republika. „Антикорупциска отвора предмет за изградбата на коридорите 8 и 10“ (“The Anti-corruption Commission is opening a case for the construction of Corridors 8 and 10”). 9 March 2023. <https://republika.mk/vesti/makedonija/antikoruptionska-otvara-predmet-za-izgradbata-na-koridorite-8-i-10/>.
- Screening Report North Macedonia Cluster 1 – Fundamentals. European Commission, 20 July 2023. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/MK%20Cluster_1%20Draft%20screening%20report_external%20version.pdf.
- Regional Cooperation Council (RCC). “Balkan Public Barometer – results table”. <https://www.rcc.int/balkanbarometer/results/2/public>.
- Спировски, Милан. „Индекс на безбедноста на новинарите на Западен Балкан Република Северна Македонија – Наративен извештај 2022“. Здружение на новинарите на Македонија, 2023 (Spirovski, Milan. “Western Balkans Journalists’ Safety Index - Republic of North Macedonia - Narrative report 2022”. Association of Journalists of Macedonia, 2023). <https://znm.org.mk/wp-content/uploads/2023/06/MK-MK.pdf>.
- US Department of State, “2022 Country Reports on Human Rights Practices: North Macedonia”, 21 March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.
- Judicial Portal of the Republic of North Macedonia. “Public Announcement: Completed Project – Launching of the new courtroom of the Basic Criminal Court Скопје“ („Соопштение за јавност: Завршен проект – Промоција на новата судница во Основниот кривичен суд Скопје“). 28 October 2022.
- Judicial Portal of the Republic of North Macedonia. “Public Announcement: First trial in the new digital courtroom in the Idrizovo Prison” („Соопштение за јавност: Прво судење во новата дигитална судница во рамките на КПУ Идризово“). 14 December 2022. <https://bit.ly/3T57Vye>.
- TV 21. „Министерот Лога предложи распуштање на Судскиот совет“ (“Minister Loga proposed dissolution of the Judicial Council”). 19 June 2023. <https://mk.tv21.tv/ministerot-loga-predlozhi-raspushtane-na-sudskiot-sovet/>.

- TV 21. „Мрежата за борба против хомофобија и трансфобија ја осудува одлуката за повлекување на Предлогот за изменување и дополнување на Законот за матична евиденција“ (“The National Network against Homophobia and Transphobia condemns the decision to withdraw the proposal for amending the Law on Civil Registry”). 22 March 2022. <https://bit.ly/3raynaR>.
- TV Telma. „Судии со постапки во судски совет и обвинителство потврдени за кандидати за членови на советот“ (“Judges against whom there are ongoing proceedings at the judicial council and prosecutor’s office confirmed as candidates for the Council”). 5 July 2023. <https://telma.com.mk/2023/07/05/sudii-so-postapki-vo-sudski-sovet-i-obvinitelstvo-potvrdeni-za-kandidati-za-chlenovi-na-sovetot/>.
- Transparency International, “2022 Corruption Perceptions Index” (2023), <https://www.transparency.org/en/cpi/2022/index/mkd>.
- Helsinki Committee for Human Rights of the Republic of North Macedonia, “Annual report on human rights in 2022” (2023), <https://mhc.org.mk/wp-content/uploads/2023/09/godishen-izvestaj-2022-mk-fin.pdf>.
- Djugumanova, Ina, “Report on the Conditions in Penitentiary Institutions and the Correctional Facility in 2022”, Helsinki Committee for Human Rights of the Republic of North Macedonia, 6 December 2022, <https://mhc.org.mk/wp-content/uploads/2022/12/borba-protiv-tortura-i-nehuman-tretman.pdf>.

