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Skopje

SHADOW REPORT ON CHAPTER 23

FOR THE PERIOD BETWEEN OCTOBER 2023 - SEPTEMBER 2024



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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 |
| MoI | Ministry of the Interior |
| 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 |
| BPPOCC | 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 Prosecuting Criminal Offenses Related to and Arising from the Content of the Illegally Intercepted Communications (Special Public 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 | Directorate 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 unites in a coherent manner 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 ninth such report published by the European Policy Institute (EPI) – Skopje, taking into account the comments and opinions of both state institutions and non-governmental organisations. The previous eight 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 2021,⁶ October 2021 – September 2022⁷ and October 2022 – September 2023.⁸

This report covers the period from the beginning of October 2023 until the end of September 2024. The report provides data that are relevant even before October 2023, if they were needed for contextualisation or clarification of new information from the current reporting period, and which are relevant for it. The period covered by 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 covered area, we have singled out in a frame the recommendations.

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- 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 on 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 on 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 on Chapter 23 for the period between June 2018 and March 2019”, 2019).
 - 5 Iva Conevska et al., “Shadow Report on 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 on 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 on Chapter 23 for the period between October 2021 - September 2022”, 29 December 2022, <https://epi.org.mk/post/23011>.
 - 8 Angela Delevska and Beba Zhagar, “Shadow Report on Chapter 23 for the period between October 2022 - September 2023”, 29 December 2023, <https://epi.org.mk/post/25518>.

The reporting period was marked by the drafting of the Reform Agenda of North Macedonia under the EU Growth Plan for the Western Balkans,⁹ which represents a comprehensive package of measures to achieve the envisaged goals in the priority areas agreed with the EC, including the rule of law. At the same time, the period was marked by presidential¹⁰ and parliamentary¹¹ elections, forming of a new government,¹² as well as the European elections and the nomination of a new college of commissioners, including a new Commissioner for Neighbourhood and Enlargement.¹³ Post-election meetings of the new governing structures confirmed the established positions and criteria of both sides,¹⁴ leaving North Macedonia's accession process at a standstill.¹⁵

This Shadow Report was drafted 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.

9 "Reform Agenda of North Macedonia 2024-2027", (Ministry for European Affairs, 6 November 2024), <https://mep.gov.mk/en/post/?id=15800>.

10 Delivery of the Decision to Announce the Presidential Elections in the Republic of North Macedonia, 14 February 2024, <https://drive.google.com/file/d/1LgvXvn7-cx3IWbxLchlxEZY0cj-yiKqYB/view>.

11 Delivery of the Decision to Announce the Parliamentary Elections in the Republic of North Macedonia, 14 February 2024, <https://drive.google.com/file/d/1XP6jrSKDr-BVIDuMAwCJqBGA-k88qbx2g/view>.

12 „Владата предложи до Собранието имиња на заменици министри, владиниот кабинет се комплетира“ (The Government submits to the Assembly the names of the deputy ministers, the Government's cabinet is completed), TV 21, 17 July 2024, <https://mk.tv21.tv/vladata-predlozhi-do-sobranieto-imina-na-zamenitsi-ministri-vladiniot-kabinet-se-kompletira/>.

13 Press Statement by President von Der Leyen on the next College of Commissioners, European Commission, 17 September 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4723.

14 „Пет земји од регионот со конкретни резултати од Брисел, од делегацијата од Македонија добивме пораки што ги знаеме и од дома“ (Five countries from the region with concrete results from Brussels, from the Macedonia Delegation we received messages that we are familiar with at home) RACIN.mk, 20 September 2024, <https://racin.mk/vesti/pet-zemji-od-regionot-so-konkretni-rezultati-od-brisel-od-delegacijata-od-makedonija-dobivme-poraki-shto-gi-znaeme-i-od-doma/>.

15 "Albania set to open first negotiating chapters in October and decouple from North Macedonia". European Western Balkans, 26 September 2024, <https://europeanwesternbalkans.com/2024/09/26/albania-set-to-open-first-negotiating-chapters-in-october-and-decouple-from-north-macedonia/>.



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,¹⁶ developed in 2015 and already applied in the previous reports. It incorporates desktop research of the official sources from public and judicial institutions, analysis of the media coverage of certain events in these areas during the period in question, as well as numerous analyses and reports by civil society organisations. In addition, data were obtained by submitting requests for access to public information, but for some of them we are still waiting for answers.

When drafting 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 data related to Chapter 23.

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 in the course of the year. They are available on the following link: <https://epi.org.mk/cat/mesecni-izvestai>.

16 Наталија Шикова (уред.), „Методологија за мониторинг и евалуација на јавните политики од Поглавјето 23 – правосудство и фундаментални права од законодавството на Европската унија“ (Methodology for monitoring and evaluation of public policies from Chapter 23 – Judiciary and Fundamental Rights from the European Union legislation) (Center for Change Management), https://epi.org.mk/docs/Metodologija_mk.pdf.

1. Judiciary

In the area of judiciary, the implementation of the recommendations of the EU Peer Review Mission concerning the work of the Judicial Council was in the focus during this reporting period. These recommendations were integrated into the new Judicial Sector Development Strategy (2024–2028) with an Action Plan,¹⁷ the measures of which are also partially included in the Reform Agenda of North Macedonia under the EU Growth Plan for the Western Balkans.¹⁸ Despite significant efforts to advance judicial reforms, the reporting period was characterised by challenges in ensuring greater transparency and accountability in the election and dismissal of judges and public prosecutors, as well as in strengthening the financial independence of judiciary.

The announced reforms to redefine the role and composition of the Judicial Council and the Council of Public Prosecutors¹⁹ have prompted a broader discussion on the most appropriate mechanisms for enhancing the independence and efficiency of the judicial system. Any change must be in line with the Constitution, relevant laws and international standards, ensuring for the reforms to strengthen the judiciary as an independent and autonomous authority, free from political influence in its functioning.

While the strategic guidelines create a solid framework for progress, their consistent implementation remains a key priority for further strengthening the rule of law.

17 From the session of the Government: Prices of basic food products, water, still and carbonated beverages and beer remain frozen until 31 January, official website of the Government of the Republic of North Macedonia, 26 December 2023, <https://vlada.mk/node/35627>.

18 “Reform Agenda of North Macedonia 2024-2027”, (Ministry for European Affairs, 6 November 2024), <https://mep.gov.mk/en/post/?id=15800>.

19 „Мицкоски бара двотретинско мнозинство за да донесе закон со кој ќе ги распушти Судскиот совет и Советот на јавни обвинители“ (Mickoski seeks a two-thirds majority to pass a law that will dissolve the Judicial Council and the Council of Public Prosecutors), Sakam Da Kazam, 6 June 2024, <https://sdk.mk/index.php/makedonija/mitskoski-bara-dvotretinsko-mnozinstvo-za-da-donese-zakon-so-koj-ke-gi-raspushti-sudskiot-sovet-i-sovetot-na-javni-obviniteli/>.

Strategic documents

After a long period of delays, on 26 December 2023, the Government reviewed and adopted the Judicial Sector Development Strategy (2024–2028) with an Action Plan,²⁰ which was then officially presented to the public on 28 December 2023, by the Minister of Justice and the President of the Working Group drafting the strategy.²¹ The strategy is based on the experiences and assessments from the implementation of the Strategy for Reform of the Judicial Sector (2017–2022), continuing the reform process and foreseeing the implementation of measures that were planned but not implemented with the previous strategy.²² In addition, it addresses the key issues identified by the European Commission in the screening report for Cluster 1, “Fundamentals”, related to the judiciary. The strategy also integrates the recommendations of the European Union Peer Review Mission on the work of the Judicial Council, along with the recommendations from the training of judges and public prosecutors as well as administrative justice and enforcement.²³ The document, developed with the participation of the academic community and relevant civil society organisations, with support from the EU Rule of Law Project, identifies five priority areas that are interconnected: 1) judiciary and public prosecution in accordance with European Union standards; 2) institutions of the justice system; 3) independent professions and public services; 4) reform of the Constitutional Court of the Republic of North Macedonia; 5) reforms in specific legal areas - criminal and civil.²⁴ The Strategy’s Action Plan²⁵ sets realistic deadlines, with a logical order of implementation of activities. The plan also includes measures for enacting laws in areas outside judiciary that are under the jurisdiction of the Ministry of Justice, such as: reform of the Electoral Code to align with OSCE/ODIHR recommendations; reform of the Law on Financing of Political Parties and its alignment with the reforms in the Electoral Code; enacting a law to regulate fair and adequate representation.²⁶ However, the Action Plan does not provide specific budgeting for the planned activities, which is a significant shortcoming.

Implementation of the activities began in early 2024. In order to ensure continuity in monitoring the reforms, the Government established the Council for Monitoring the Implementation of the Strategy on 26 May 2024.²⁷ The Council, headed by the Minister of Justice, also includes

20 „Од владината седница: Цените на основните прехранбени производи, вода, негазирани и газирани пијалаци и пиво остануваат замрзнати до 31 јануари“ (From the session of the Government: Prices of basic food products, water, still and carbonated beverages and beer remain frozen until 31 January), official website of the Government of the Republic of North Macedonia, 26 December 2023, <https://vlada.mk/node/35627>.

21 „Стратегијата за развој на правосудниот систем е патоказ за враќање на довербата на граѓаните во судството“ (The Strategy for the development of the judicial system is a roadmap for restoring citizens’ trust in the judiciary), Makfax, 28 December 2023, <https://bit.ly/48JlITV>.

22 “Judiciary Sector Development Strategy (2024 – 2028)” (Ministry of Justice, 2023), <https://bit.ly/30AQbr5>.

23 Ibid.

24 Ibid.

25 “Action Plan for the Implementation of the Judicial Sector Development Strategy 2024–2028” (Ministry of Justice, 2023), <https://bit.ly/30C9tfy>.

26 Ibid.

27 “Constitutive session of the Council for monitoring the implementation of the Judicial Sector Development Strategy (2024 – 2028),” official website of the Ministry of Justice, 23 May 2024, <https://www.pravda.gov.mk/vest/6701>.

the ministers of internal affairs, information society and administration, and finance, the vice-prime ministers for European affairs and governance, the republic's public prosecutor, the presidents of the Supreme Court, the Judicial Council and the Council for Public Prosecutors, as well as representatives of the academic community and civil society organisations.²⁸ Even though it was established, the Council has not yet met, raising serious questions and concerns regarding the efficiency and consistency in the implementation and monitoring of the Strategy's implementation. The Ministry of Justice justified the delay with a plan to restructure the Council into a broader and more inclusive body, which will coordinate the reforms of the Strategy and the Reform Agenda of North Macedonia, given that many of the measures/steps overlap in both documents. The aim is to ensure streamlined oversight, better coordination and timely implementation of all envisaged activities.²⁹

During this reporting period, no significant activities have yet been observed to improve the situation with human resources by implementing the Human Resources Strategy for the Judicial Network³⁰ and the Human Resources Strategy for the Public Prosecutors Network.³¹

The Government should urgently determine the expanded composition of the Council for Monitoring the Implementation of the Judicial Sector Development Strategy (2024–2028) and the Reform Agenda of North Macedonia under the EU Growth Plan for the Western Balkans and ensure its regular functioning. This includes establishing a clear dynamic of the meetings, improved coordination between institutions, transparency in the implementation of activities, and establishing efficient mechanisms for monitoring and evaluating progress. It is also necessary to rationalise the overlapping measures between the Strategy and the Reform Agenda;

The Government and the institutions should also establish more transparent mechanisms for reporting on the progress, including clear communication with the public on the achieved results and future steps.

28 Ibid.

29 "Contribution from the Ministry of Justice within the framework of the discussion on the Shadow Report on Chapter 23 for the period October 2023 – September 2024," official website of the European Policy Institute (EPI) - Skopje, 24 December 2024, <https://epi.org.mk/post/27153>.

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

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

Governing bodies

The reporting period began with the Report of the EU Peer Review Mission on the work of the Judicial Council, which contains forty recommendations aimed at improving its work, in particular in the areas identified in the previous reporting period. On 12 December 2023, the EU Ambassador to the country presented the recommendations to the media and the public,³² while the report itself, previously submitted to the Government and competent institutions, was not published in full to avoid making it less effective.³³ The recommendations are organised into six main segments: structure and competence of the Judicial Council, mandate of its members, the process of selection and election of judges, disciplinary proceedings, transparency and communication with the public, as well as resources and financing. Of these, 17 are within the domain of the Judicial Council itself,³⁴ while the remaining 23 require amendments to the Constitution and relevant laws.³⁵

The implementation of the peer review mission's recommendations by the Judicial Council began after the final judgment of the Administrative Court the dismissal of the former president was challenged. Namely, on 29 December 2023, after a long delay of the lawsuit,³⁶ the Administrative Court issued a final and irrevocable decision, declaring the dismissal unlawful.³⁷ With this ruling, the dismissed president was reinstated to office on 3 January 2024, while the decision of the Judicial Council of 5 December 2022 to elect the president remained in force.³⁸ This decision confirmed numerous criticisms from the civil sector and the academia concerning the unlawful actions of the Judicial Council,³⁹ while at the same time raising concerns about the validity of the decisions made during the period when the office was held by a president with an unlawful mandate.⁴⁰ Specifically, although the decisions were collective and formally legitimate, them being signed by a president with an unlawful mandate sparked debates about the legal and in-

32 „ЕУ и 40 препораки: Како до независен Судски совет“, (EU and the 40 Recommendations: How to Get an Independent Judicial Council), 360 Stepeni, 12 December 2023, <https://360stepeni.mk/eu-i-40-preporaki-kako-do-nezavisen-sudski-sovet/>.

33 Ibid.

34 Out of the 17, five refer to election and appointment of members to the Council, one refers to disciplinary procedures, nine deal with transparency and communication, and two recommendations refer to resources and finances. „Судскиот совет го усвои Акцискиот план за спроведување на препораките на ЕУ“ (The Judicial Council Adopts the Action Plan for the Implementation of the EU Recommendations), Media Information Agency- MIA, 29 February 2024, <https://bit.ly/4fYM3x6>.

35 Ibid.

36 „Експретседателката на Судскиот совет, Весна Дамева, поднесе кривична пријава до Скопско обвинителство и тужба до Управниот суд за нејзино разрешување“ (The former President of the Judicial Council, Vesna Dameva, filed initiative for criminal charges with the Skopje Prosecutor's Office and a lawsuit with the Administrative Court regarding her dismissal), Sakam Da Kazam, 19 May 2023, <https://bit.ly/3s1splH>.

37 “Press Release”, official website of the Administrative Court of the Republic of North Macedonia, 3 January 2024, <https://bit.ly/3vqSCWJ>.

38 “Press Release from the 471st emergency session of the Judicial Council of the Republic of North Macedonia - 03.01.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/41bATAF>.

39 „Блупринт групата за реформи во правосудството ја поздравува одлуката на Управниот суд за поништување на одлуката за разрешување од функција на тогашната претседателка на Судски совет на РСМ“ (The Blueprint Group for Judicial Reform welcomes the decision of the Administrative Court to annul the decision for dismissal of the President of the Judicial Council of the Republic of Macedonia at the time), Official website of the Blueprint Group for Judicial Reform, 16 January 2024, <https://bit.ly/49PHAsT>.

40 „Судски совет: Важат сите одлуки донесени од Советот како колективно тело“ (Judicial Council: All decisions made by the Council as a collective body are valid), Sloboden Pечат, 5 January 2024, <https://www.slobodenpecat.mk/sudski-sovet-vazhat-site-odluki-doneseni-od-sovetot-kako-kolektivno-telo/>.

stitutional consequences of this situation.⁴¹ At the same time, the decision of the Administrative Court was welcomed by the diplomatic missions⁴² and other stakeholders, which enabled the continuation of previously halted projects intended for and with the Judicial Council.⁴³

The first step towards implementing the recommendations was the adoption of the Action Plan at the session held on 29 February 2024, with clearly defined deadlines for their implementation.⁴⁴ Within the framework of the plan, in March 2024, the development of the Communication Strategy (2024–2028) for the Judicial Council and the courts of the Republic of North Macedonia began, through an inclusive process with the participation of representatives from the courts, civil society, Judicial Media Council and journalists.⁴⁵ The Strategy was adopted on 10 June 2024 with the support by the EU Rule of Law Project⁴⁶ and aligned with all national development policies, as well as with the European standards set by the Council of Europe.⁴⁷ Subsequently, on 29 May 2024, the amendments to the Rules of Procedure of the Judicial Council and the Rulebook on Ranking of Candidates to be Elected as Judges to a Higher Court were adopted.⁴⁸ The amendments to the Rules of Procedure regarding the obligation to elaborate on decisions, although already understood as an inherent responsibility in accordance with the nature of the mandate of the Council's members, represent a formal strengthening of these standards. With the amendments, the Council's members are obliged to elaborate on their decisions, especially in cases when they vote against the election of a judge, in order to ensure their individualisation, application of objective criteria

41 „Пресудата на Управен значи дека Судскиот совет работи незаконски, членовите треба да си поднесат оставка“ (The Decision of the administrative council means that the Judicial Council is acting contrary to the Law, members should resign), TV Telma, 30 December 2023, <https://telma.com.mk/2023/12/30/presudata-na-upraven-znachi-deka-sudskiot-sovet-raboti-nezakonski-chlenovite-treba-da-si-podnesat-ostavka/>; „Press Release“, official website of the Judicial Council of the Republic of North Macedonia, 5 January 2024, <https://bit.ly/3w7E9jh>.

42 „Амбасадорот Гир и претседателката Дамева се согласија за важноста на независноста во работењето на Судскиот совет“ (Ambassador Gere and President Dameva agreed on the importance of the independence of the Judicial Council), official website of the Judicial Council of the Republic of North Macedonia, 16 January 2024, <https://bit.ly/3vUrYX7>; „Средба на американската амбасадорка Агелер со претседателката Дамева“ (Meeting of US Ambassador Aggeler with President Dameva), official website of the Judicial Council of the Republic of North Macedonia, 26 January 2024, <https://bit.ly/4b1fTO5>; „Претседателката Весна Дамева оствари работна посета со шефот на Мисијата на ОБСЕ во Скопје, амбасадорот Килијан Вал“ (President Vesna Dameva paid a working visit to the Head of the OSCE Mission to Skopje, Ambassador Kilian Wahl), official website of the Judicial Council of the Republic of North Macedonia, 27 February 2024, <https://bit.ly/4d145h4>.

43 „Средба на претседателката Дамева со амбасадорот Коп за обновување на проектот МАТРА“ (Meeting of President Dameva with Ambassador Kopp on the renewal of the MATRA project), official website of the Judicial Council of the Republic of North Macedonia, 6 February 2024, <https://bit.ly/3JxklUj>.

44 “Press Release from the 480th session of the Judicial Council of the Republic of North Macedonia – 29.02.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3UcMlqy>.

45 „Работилница за изработка на Комуникациска стратегија на Судскиот совет и судовите на Република Северна Македонија (2024–2028)“ (Workshop for the development of a Communication Strategy of the Judicial Council and the Courts of the Republic of North Macedonia (2024–2028)), official website of the Judicial Council of the Republic of North Macedonia, 19 March 2024, <https://bit.ly/3vXJqjd>.

46 “Press Release from the 490th session of the Judicial Council of the Republic of North Macedonia – 10.06.2024,” official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4cykWAR>.

47 Judiciary Sector Development Strategy (2024–2028), National Open Government Partnership Action Plan (2024–2026), Information Communication Technology Strategy (2019–2024), Human Resources Strategy for the Judicial Network (2020) and Open Judiciary Declaration (2022).

48 “Press Release from the 488th session of the Judicial Council of the Republic of North Macedonia – 29.05.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4b0IHLk>.

and the possibility for consistent comparability.⁴⁹ Additionally, the amendments introduced specific deadlines for the procedures for establishing the accountability of judges or court presidents.⁵⁰ The new rules also provide for the active involvement of the Association of Judges and relevant civil society organisations in the process of discussing and adopting the Annual Report on the work of the Judicial Council.⁵¹ The updated ranking rules, in turn, introduced new criteria that value the additional work of judges, as well as temporary referrals, ensuring priority for election to higher courts based on real qualitative results.⁵² The rules will apply to new calls for election of judges, which were not announced in the course of the reporting period, while the ongoing procedures were conducted according to the Rulebook from February 2020.⁵³

With these amendments to the bylaws, strategies and work plans, the Judicial Council partially implemented 7 out of 17 recommendations that do not require constitutional or legal amendments. Further monitoring of their implementation in practice is required. Two recommendations were fully implemented, relating to the improvement of information sharing about the work of the Council, which is discussed in more detail in the section “Independence and Impartiality”.

During the reporting period, the Judicial Council, after three unsuccessful attempts, finally elected a member of the Judicial Council from the ranks of the judges of the Supreme Court of the Republic of North Macedonia on 6 June 2024.⁵⁴ The candidacy of the judge who was elected from the general list of candidates sparked a debate among the members of the Council concerning the right of the representatives of communities that are not majority to run on the general list, taking into account the separate list for those communities established with the Law on the Judicial Council.⁵⁵ Some members believed that there were legal obstacles,⁵⁶ while others assessed that all judges of the Supreme Court have an equal right to run.⁵⁷ Despite the opposing views, the candidacy was confirmed, since the quota for those communities in the Council had already been filled by the time the advertisement was published.⁵⁸ The other candidate for the same position withdrew her candidacy a few days before the elections, citing health reasons.

49 Ibid.

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

54 “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 7 June 2024, <https://bit.ly/3LqHedu>.

55 Institute for Human Rights - Skopje, “Report from the monitoring of the work of the Judicial Council for the period January - July 2024” 2024, <https://bit.ly/3OC5DTV>.

56 Article 6, Paragraph 1 Indent 2 of the Law on the Judicial Council of the Republic of North Macedonia provides that “eight members of the Council shall be elected by the judges from their own ranks, with three of the elected members being members of communities that are not the majority in the Republic of North Macedonia, thereby ensuring the appropriate and fair representation of citizens belonging to all communities.” An identical provision is also provided for in Article 104 of the Constitution. Some of the members of the Council emphasised that when preparing and determining the candidate lists, the Council is obliged to respect the composition and number of members, as required by the Constitution and the Law. They further pointed out that the regulation of the composition of the Council prior to the procedure for the election of members is not accidental, but rather represents mandatory compliance with the constitutional and legal provisions for the appropriate structure of the Council Ibid.

57 Ibid.

58 “Advertisement for the election of 1 (one) member from the ranks of the judges of the Supreme Court of the Republic of North Macedonia and for the election of 1 (one) member from the ranks of the judges of the Bitola Appellate District,” Official Gazette of the Republic of Macedonia No. 28/2024. Official Gazette of the Republic of Macedonia No. 28/2024.

This raised suspicions of possible political influence, since the members of the Council learned that the judge continued her regular work at the Supreme Court without taking a sick leave.⁵⁹ At the same session, a member from the Appellate District of Bitola was also elected, whose position had been vacant since January 2024.⁶⁰ Subsequently, on 4 September 2024, a member from the special list for communities that make up less than 20% of the population⁶¹ was also elected, filling the position vacated after the term of office of the previous member ended that very month, and who had previously unlawfully held the position of a president.⁶² All elections were conducted properly, with media coverage by the Media Information Agency (MIA) and public notifications,⁶³ and the aggregate results of the vote were also published.⁶⁴

The Council of Public Prosecutors, on the other hand, elected four new members of the Council during the reporting period, due to the end of the terms of office of their predecessors.⁶⁵ On 15 December 2023, a member was elected from the Shtip Higher Public Prosecutor's Office (Electoral District 4), from three registered candidates.⁶⁶ In addition, on 26 January 2024, a member was elected from the Higher Public Prosecutor's Office (Electoral District 3),⁶⁷ also from three candidates.⁶⁸ On 22 March 2024, the Council elected the new member from the Public Prosecutor's Office of the Republic of North Macedonia (Electoral District 5),⁶⁹ again from

59 Ивана Петковска и Лејла Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024) (Coalition “All for a Fair Trial”, 2024), <https://all4fairtrials.org.mk/wp-content/uploads/2024/12/68-AN-SJOSS-2024.pdf>.

60 “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 7 June 2024, <https://bit.ly/3LqhEdu>.

61 “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 5 September 2024, <https://bit.ly/3BGf29A>.

62 “Press Release from the 498th session of the Judicial Council of the Republic of North Macedonia – 10.09.2024,” official website of the Judicial Council of the Republic of North Macedonia, 10 September 2024, <https://bit.ly/4eDm79A>.

63 “Judicial Council - Sessions”, Media Information Agency - MIA, <https://bit.ly/4ihytXf>.

64 “Candidate lists for the election of members of the Council from the ranks of the judges”, official website of the Judicial Council of the Republic of North Macedonia, 22 April 2024, <https://bit.ly/3xOQk2>; “Press Release from the 486th session of the Judicial Council of the Republic of North Macedonia – 15.05.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3S32Sgf>; “Press Release from the 489th urgent session of the Judicial Council of the Republic of North Macedonia – 03.06.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3W6dLij>; “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 5 June 2024, <https://bit.ly/4cGm2RA>; “Single separate list for a candidate from the ranks of the judges”, official website of the Judicial Council of the Republic of North Macedonia, 26 July 2024, <https://bit.ly/3Vk2ZG7>.

65 “Decision on termination of the term of office of a member – Fidanka Rajevska”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, 13 February 2024, <https://bit.ly/3xOMUiK>; “Minutes from the 100th 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, 28 March 2024, <https://bit.ly/3QfvhKo>; “Minutes from the 106th session of the Council of Public Prosecutors,” official website of the Council of Public Prosecutors of the Republic of North Macedonia, 17 July 2024, <https://sjorm.gov.mk/zapisnik-od-106-sednica-na-sjorm/>.

66 “Candidate list of registered candidates for member of the Council of Public Prosecutors of the Republic of North Macedonia, from the ranks of public prosecutors from the district of the Shtip Higher Public Prosecutor's Office, in the electoral district no. 4”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, 4 December 2023, <https://bit.ly/3NZsN6H>.

67 “Press Release”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, 26 January 2024, <https://bit.ly/44d4QzK>.

68 “Candidate list of registered candidates for member of the Council of Public Prosecutors of the Republic of North Macedonia, from the ranks of the public prosecutors from the district of the Skopje Higher Public Prosecutor's Office, in the electoral district no. 3,” official website of the Council of Public Prosecutors of the Republic of North Macedonia, 18 January 2024, <https://sjorm.gov.mk/kanjdidatska-lista-od-prijavenjite-kanj-2/>.

69 “Announcement Press Release of the final results from the election of a member 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, 22 March 2024, <https://bit.ly/3Uxgh21>.

three registered candidates.⁷⁰ Finally, on 29 July 2024, a member was elected from the Bitola Higher Public Prosecutor's Office (Electoral District 1), who was also the only registered candidate.⁷¹

On 14 August 2024, the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (BPPO POCC) reached a plea agreement with a member of the Council of Public Prosecutors, who was also its Vice-President, concerning a reasonable suspicion that he committed a crime of "receiving a reward for unlawful influence," which is punishable by prison sentence from 1 to 5 years.⁷² The agreement envisaged a suspended prison sentence of 1 year, provided that no new crime was committed within 3 years, as well as an additional penalty - a ban to engage in a profession, activity or take on a duty for a period of 3 years.⁷³ Prior to this, on 9 August 2024, the member submitted an irrevocable resignation to the Assembly,⁷⁴ as the competent authority, taking into account that he was elected by the legislature.⁷⁵ The resignation was accepted on 3 September 2024,⁷⁶ after which the Council of Public Prosecutors formally confirmed the termination of his term of office.⁷⁷ However, according to Article 35 of the Law on the Council of Public Prosecutors, the termination of the term of office came into effect immediately after the imposition of the suspended sentence,⁷⁸ which highlights the need to harmonise procedures for timely action.⁷⁹

70 "Candidate list of registered candidates for a member of the Council of Public Prosecutors of the Republic of North Macedonia, from the ranks of the Public Prosecutor's Office of the Republic of North Macedonia, in the electoral district No. 5," official website of the Council of Public Prosecutors of the Republic of North Macedonia, 11 March 2024, <https://sjorm.gov.mk/kanjdidatska-lista-od-prijavenjite-kanj-3/>.

71 "Press Release on the final results from the election of a member of the Council of Public Prosecutors from the district of the Bitola Higher Public Prosecutor's Office, held on 29.07.2024," official website of the Council of Public Prosecutors of the Republic of North Macedonia, 29 July 2024, <https://sjorm.gov.mk/soopshtenie-za-konechni-rezultati-od-sprovedeni-izbori-za-chlen-na-sovetot-na-javnite-obviniteli-od-podrachjeto-na-vishoto-javno-obvinitelstvo-bitola-odrzhani-na-29-07-2024-godina/>.

72 "Plea agreement reached with a suspect for receiving reward for unlawful influence," official website of the Public Prosecutor's Office of the Republic of North Macedonia, 14 August 2024, <https://jorm.gov.mk/postignata-predlog-spogodba-so-osomnichen-za-primane-nagrada-na-protivzakonito-vlijanie/>.

73 Ibid.

74 "Resignation of Ixhet Memeti as a member of the Council of Public Prosecutors of the Republic of North Macedonia," official website of the Assembly of the Republic of North Macedonia, 9 August 2024, <https://bit.ly/4fYNP1n>.

75 „Омбудсманот Иџет Мемети избран за член на Советот на јавни обвинители“ (The Ombudsman Ixhet Memeti elected as a member of the Council of Public Prosecutors), Kanal 5, 16 December 2020, <https://kanal5.com.mk/ombudsmanot-idjet-memeti-izbran-za-chlen-na-sovetot-na-javni-obviniteli/a452829>.

76 „Осудениот за мито Иџет Мемети формално ќе биде разрешен од функцијата во вторник, вели Гаши“ (Ixhet Memeti, convicted of bribery, will be formally dismissed from office on Tuesday, says Gashi), Sakam Da Kazam, 31 August 2024, <https://sdk.mk/index.php/makedonija/osudeni-za-mito-idhet-memeti-formalno-ke-bide-razreshen-od-funksijata-vo-vtornik-veli-gashi/>.

77 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

78 The Law on the Council of Public Prosecutors lists the circumstances under which the term of office of a member of the Council is terminated, including a conviction by a final judgment for a criminal offense with a prison sentence that is not suspended or at least six months or a less severe sentence for another criminal offense that makes him unfit to perform the function of a member of the Council. This legal solution provides also alternative, which means that the term of office is also terminated in the event of a conviction with a suspended sentence for a criminal offense that makes the member unfit for the office. Hence, in the present case, it should not be disputed that the termination of the member's term of office should have been established immediately after the judgment became final on 14 August 2024. Instead, the confirmation of the termination was postponed until the resignation was accepted by the Assembly on 3 September 2024, leaving a time gap of three weeks. This delayed process highlights the need to harmonise the procedures for timely action under such circumstances. "Law on the Council of Public Prosecutors," Official Gazette of the Republic of Macedonia No. 150/2007, 100/2011, and Official Gazette of the Republic of North Macedonia 42/2020.

79 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

Additionally, in the three-month period from the issuance of the order for the investigation until the settlement was reached, four sessions of the Council were scheduled, of which the member did not attend three of them of his own accord.⁸⁰ This highlights a legal gap in the Law on the Council of Public Prosecutors, which, unlike the Law on the Judicial Council, does not provide for the possibility of temporarily removing from office a member against whom criminal procedure is initiated. This situation leaves decisions for non-attendance to depend solely on the will and conscience of the member concerned, allowing them to continue to participate in the work of the Council, including in decision-making processes, while the procedure is ongoing, which compromises the functional independence of the Council.⁸¹ Moreover, recent amendments to the Criminal Code, which reduced the legally prescribed maximum prison sentence for corruption crimes,⁸² have led to the application of the relevant provisions applicable to the summary proceeding in these cases, which do not provide for an assessment of the indictment.⁸³ This raises concerns that, if such a solution is interpreted restrictively, temporary removal from office may not apply to summary proceedings, including cases related to corruption.⁸⁴ In view of this, amendments to the Law on the Council of Public Prosecutors are necessary. First, the possibility of temporary removal from office of a member against whom criminal proceedings have been initiated should be introduced. Second, such removal should be decided upon at the time of filing the indictment, as an initial act when initiating proceedings before a court. These amendments will ensure the applicability of the measure to both summary and regular proceedings, thus preserving the integrity of the Council.⁸⁵

80 "Minutes from the 103rd 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, 29 May 2024, <https://sjorm.gov.mk/zapisnjik-od-103-sednjica-nja-sjorsm/>; "Minutes from the 104th session of the CPPRNM," official website of the Council of Public Prosecutors of the Republic of North Macedonia, 27 June 2024, <https://sjorm.gov.mk/zapisnjik-od-104-sednjica-nja-sjorsm/>; Петковска и Тутиќ, "Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година" (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

81 „Од Советот на јавни обвинители велат дека не можат да го разрешат осомничениот за корупција Иџет Мемети, колегите му препорачаа да не учествува во работата додека трае истрагата" (The Council of Public Prosecutors state that they cannot dismiss their member who is suspected of corruption, Ixhet Memeti, and his colleagues urge him not to participate in the work of the Council while the investigation is pending), Sakam Da Kazam, 29 May 2024, <https://sdk.mk/index.php/makedonija/od-sovetot-na-javni-obviniteli-velat-deka-ne-mozhat-da-go-razreshat-osomnicheniot-za-koruptsija-idhet-memeti-kolegite-mu-preporachaa-da-ne-uchestvuva-vo-rabotata-dodeka-trae-istragata/>.

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

83 Петковска и Тутиќ, "Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година" (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

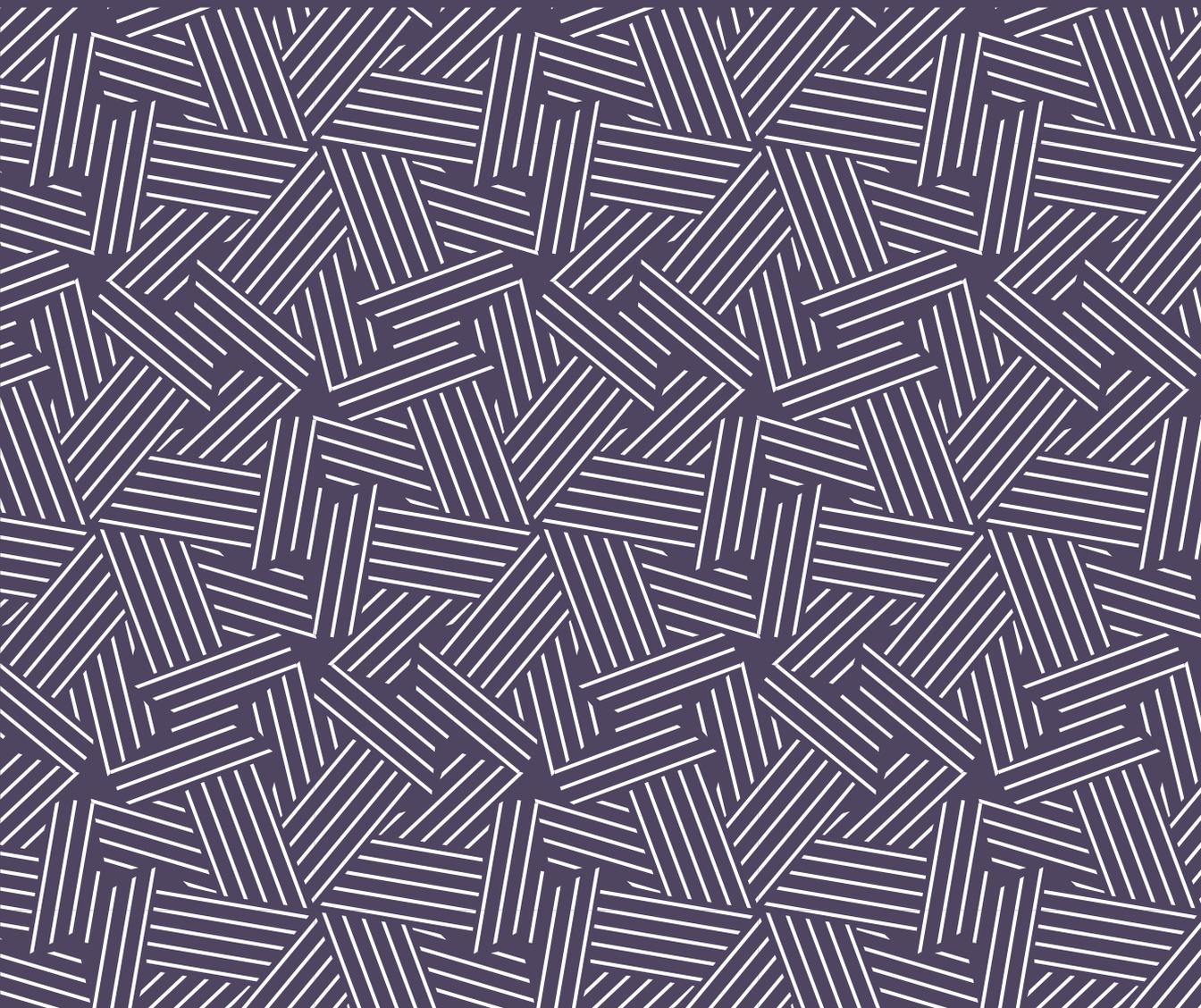
84 Ibid.

85 Ibid.

There should be consistent implementation of the Action Plan for the implementation of the European Union recommendations addressed to the Judicial Council, as well as for the Judicial Council to set up a mechanism for consistent monitoring of their effectiveness in practice;

The Law on the Council of Public Prosecutors needs to be revised in order to introduce the possibility of temporary removal from office of a member of the Council against whom criminal procedure is initiated.

This measure should apply from the moment of filing the indictment, as an initial act when initiating proceedings before a court. These amendments will ensure the applicability of the measure to both summary and regular proceedings, thus preserving the integrity of the work of the Council.



Independence and impartiality

The practical implementation of the legal framework for guaranteeing the independence of the judiciary, established with the third set of legislative amendments under the Strategy for Reform of the Judicial Sector (2017–2022),⁸⁶ revealed shortcomings in the functioning of the Judicial Council and the Council of Public Prosecutors. These problems were noted in the EU Peer Review Mission Report on the work of the Judicial Council and in the European Commission's Annual Report for 2023.⁸⁷ In response, a process was initiated to revise the Law on the Judicial Council⁸⁸ and the Law on Public Prosecutor's Office,⁸⁹ with an emphasis on improving the transparency, accountability and functionality of these bodies. These amendments are also included in the new Judicial Sector Development Strategy (2024–2028)⁹⁰ and Action Plan⁹¹, as well as the Reform Agenda of North Macedonia under the EU Growth Plan for the Western Balkans.⁹²

Specifically, on 16 November 2023, a constituent session of the Working Group for amending the Law on the Judicial Council⁹³ was held, which by the end of the reporting period held a total of 22 meetings,⁹⁴ ensuring transparency and inclusiveness in the process. The key changes are aimed at: introducing clear bases for individual disciplinary liability of the members of the Council, defining the bodies competent to initiate proceedings and the right to appeal; increasing the minimum judicial seniority for members from the ranks of judges; increasing the required work experience as a requirement for the members elected by the Assembly; and introducing an electoral census.⁹⁵ At the same time, the working group for amending the Law on Public Prosecutor's Office, from its establishment until the end of the reporting period, held a total of nine meetings and one coordination meeting.⁹⁶ Its work was aimed at strengthening the mechanisms for electronic case allocation, clearly defining the oversight responsibilities and accountability of relevant institutions and public prosecutors, as well as improving the follow-up to recommendations for disciplinary violations and sanctions.⁹⁷

86 2019 Law amending the Law on Courts, 2019 Law on the Judicial Council, 2020 Law on the Public Prosecutor's Office, and 2020 Law amending the Law on the Council of Public Prosecutors.

87 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.

88 "Moj formed a working group for reform of the Judicial Council," official website of the Ministry of Justice, 1 November 2023, <https://www.pravda.gov.mk/vest/6615>.

89 Ministry of Justice, "Draft Law amending the Law on the Public Prosecutor's Office," Single National Electronic Register of Regulations of the Republic of North Macedonia-ENER, 15 September 2023, https://ener.gov.mk/default.aspx?item=-pub_regulation&subitem=view_reg_detail&itemid=80780.

90 "Judicial Sector Development Strategy (2024 – 2028)."

91 "Action Plan for the Implementation of the Judicial Sector Development Strategy 2024-2028."

92 "Reform Agenda of North Macedonia 2024-2027", (Ministry for European Affairs, 6 November 2024), <https://mep.gov.mk/en/post/?id=15800>.

93 "First constitutive session of the working group for amending the Law on the Judicial Council," official website of the Ministry of Justice, 16 November 2023, <https://www.pravda.gov.mk/vest/6620>.

94 Information from the representatives of the Blueprint Group for Judicial Reform participating in the Working Group.

95 „Законски измени место распуштање на Судскиот совет“ (Legal amendments instead of dissolution of the Judicial Council) Deutsche Welle, 11 June 2024, <https://www.dw.com/mk/krenar-loga-so-zakonski-izmeni-ke-se-bori-protiv-navjave-za-raspustane-na-sudskiot-sovet/a-69329763>.

96 Information from the representatives of the Blueprint Group for Judicial Reform participating in the Working Group.

97 Ministry of Justice, "Draft Law Amending the Law on the Public Prosecutor's Office"

The actions taken have contributed to improving the trust in the judiciary, according to the latest Balkan Barometer survey in comparison to the previous year.⁹⁸ However, the initiated actions were not enough for the new Government to abandon its promise from the elections to dissolve the Judicial Council and the Council of Public Prosecutors.⁹⁹ These plans, subsequently included in the Government's Work Programme of June 2024, aim to prevent party influence on these bodies.¹⁰⁰ The proposed reforms include legislative amendments concerning the election of councils' members by the Assembly and the President of the country, as well as constitutional amendments to reorganise the composition of the councils, which would allow members to be elected directly from the ranks of judges and public prosecutors.¹⁰¹

The lack of specific details and a timeframe for the reforms, as well as the uncertainty about whether they will apply only to the current composition or to future structures, has raised concerns among diplomatic corps,¹⁰² the expert community¹⁰³ and the former Minister of Justice.¹⁰⁴ They have warned of the risk of concentration of power and a standstill in the election of new judges and prosecutors, which could jeopardise the functionality of the justice system. The Prime Minister rejected the reactions of the diplomatic missions as interference in the internal affairs of the country,¹⁰⁵ but at the same time expressed readiness to consider proposals for alternative solutions.¹⁰⁶ Despite this, since the adoption of the programme till the end of the reporting period, no concrete steps were taken to carry out the reforms. Some of the members of the Judicial Council from the ranks of the judges, who were active during its unlawful operation, have already completed their terms¹⁰⁷ or would complete them by the

98 "Balkan Public Barometer – Key Findings", Regional Cooperation Council (RCC), https://www.rcc.int/balkanbarometer/key_findings_2024/2/.

99 „Мицкоски бара двотретинско мнозинство за да донесе закон со кој ќе ги распусти Судскиот совет и Советот на јавни обвинители“ (Mickoski seeks a two-thirds majority to pass a law that will dissolve the Judicial Council and the Council of Public Prosecutors), Sakam Da Kazam, 6 June 2024, <https://sdk.mk/index.php/makedonija/mitskoski-bara-dvotretinsko-mnozinstvo-za-da-donese-zakon-so-koj-ke-gi-raspushti-sudskiot-sovet-i-sovetot-na-javni-obviniteli/>.

100 "Documents – Draft Work Programme of the Government", official website of the Assembly of the Republic of North Macedonia, <https://www.sobranie.mk/detali-na-materijal.nspx?param=3ae13141-ac9e-486a-950e-f603c34dcea4>.

101 Ibid.

102 „ЕУ и САД му дадоа поддршка на Судскиот совет“ (EU and US support the Judicial Council), Deutsche Welle, 3 July 2024, <https://www.dw.com/mk/eu-i-sad-mu-dadoa-poddrska-na-sudskiot-sovet/a-69549287>.

103 „Цветановска: Распуштањето на Судскиот совет ќе постави опасен преседан и дополнително ќе ја наруши довербата во правосудството“ (Cvetanovska: Dissolving the Judicial Council will set a dangerous precedent and further undermine trust in judiciary), TV Telma, 5 June 2024, <https://telma.com.mk/2024/06/05/czvetanovska-raspushtaneto-na-sudskiot-sovet-ke-postavi-opasen-presedan-i-dopolnitelno-ke-ja-narushi-doverbata-vo-pravosudstvoto/>.

104 "Krenar Loga informed the international community in a letter," official website of the Ministry of Justice, 4 June 2024, <https://pravda.gov.mk/galerija/3394>.

105 „Фактор на денот: Премиерот реагира дека амбасадорите се мешаат во внатрешните работи и бара ако имаат решенија да понудат“ (Factor of the Day: the Prime Minister reacts that ambassadors are interfering in internal affairs and asks if they have solutions to offer), Faktor 4 July 2024, <https://faktor.mk/faktor-na-denot-premierot-reagira-deka-ambasadorite-se-meshaat-vo-vnatreshnite-raboti-i-bara-ako-imaat-reshenija-da-ponudat>.

106 „Мицкоски: Програмата на ВМРО предвидува распуштање на Судскиот совет, но отворени сме за предлози“ (Mickoski: VMRO's programme foresees the dissolution of the Judicial Council, but we are open to proposals), Alsat M, 21 August 2024, <https://alsat.mk/mk/mitskoski-programata-na-vmro-predviduva-raspushtane-na-sudskiot-sovet-no-otvoreni-sme-za-predlozi/>.

107 "Press Release from the 498th session of the Judicial Council of the Republic of North Macedonia - 10.09.2024," official website of the Judicial Council of the Republic of North Macedonia, 10 September 2024, <https://bit.ly/4eDm79A>.

end of December 2024, following the resignations of two members in June 2023.¹⁰⁸ As for the members elected by the Assembly, they can always be replaced with interpellation, in order to ensure a more efficient and good quality composition of the councils.

The transparent operation of the Judicial Council and the Council of Public Prosecutors, despite some improvements, is still a challenge. During the reporting period, most sessions of the Judicial Council were public, in the presence of representatives of civil society organisations, media and citizens.¹⁰⁹ The efforts to increase transparency by regularly publishing press releases about scheduled and held sessions, as well as about the decisions taken accompanied by more detailed and better explained information, are noteworthy.¹¹⁰ In addition, the Judicial Council also published information about their daily activities, ensuring that the public was informed about ongoing activities and processes.¹¹¹ Significant progress was also achieved by broadcasting the sessions live via MIA's internet channel,¹¹² which enabled regular and full monitoring of the work of the Council by citizens. In order to increase transparency, an open day for citizens was organised on 29 March 2024, enabling direct communication with the public.¹¹³ Furthermore, on 26 April 2024, the President of the Judicial Council held a briefing with journalists,¹¹⁴ which stands out as a positive practice that should be continued. With these activities, the Judicial Council managed to meet two of the recommendations of the EU Peer Review Mission, laying the foundation to further improve transparency and trust in the institution.

However, only 28% of the sessions were held with all its members attending.¹¹⁵ The practice of elaborating only when they voted in favour, with stereotypical and vague arguments, continued, and the published minutes of the sessions contain only summarised results without the individual members' votes,¹¹⁶ despite the conclusion from 27 July 2023 to publish the lists of the cast votes.¹¹⁷ This aspect requires improvement, which can be achieved by implementing the adopted public procurement plan of 12 February 2024 for the purchase of recording and

108 "Press Release from the 444th urgent session of the Judicial Council of the Republic of North Macedonia – 08.06.2023", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3SSV3v9>.

109 The citizens attended the sessions at which petitions and complaints from citizens about the work of judges and court presidents are reviewed.

110 Monitoring of the official website of the Judicial Council of the Republic of North Macedonia (court portal) - <https://bit.ly/3D8QEyo>.

111 Ibid.

112 "Judicial Council – Sessions"

113 "Open Day at the Judicial Council of the Republic of North Macedonia on the occasion of the celebrating the Day of Justice on 31 March," official website of the Judicial Council of the Republic of North Macedonia, 26 March 2024, <https://bit.ly/3VsPzre>.

114 "Media Briefing," official website of the Judicial Council of the Republic of North Macedonia, 26 April 2024, <https://bit.ly/3Y2hikR>.

115 The most common reasons given for their absence are health reasons or taking annual vacation, and in rare situations it was an absence due to official duties. Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

116 All minutes from the sessions state: "The audio recording and the voting results are an integral part of these minutes." "Other documents," official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/41kdKfp>.

117 "Minutes from the 451st session of the Judicial Council of the Republic of North Macedonia" (Judicial Council of the Republic of North Macedonia, 27 July 2023), <https://bit.ly/3Vukyn3>.

voting software.¹¹⁸ In addition, the inadequate explanations concerning the transition from electronic voting to voting by show of hands and the discrepancies in the results when using both methods,¹¹⁹ remain a significant challenge that undermines trust and transparency in the work of the Council.

Regarding the transparency of the work of Council of Public Prosecutors one could conclude that the sessions are open to the public and one can attend the discussion on any item of the agenda, except when the public is excluded as provisioned by the law.¹²⁰ However, only 35% of the sessions were attended by all members, and unlike the Judicial Council, and the reasons for the absence of certain members are not stated.¹²¹ In addition, the practice remains that members discuss and decide only on items previously proposed by the President of the Council, while the initiative of the members to propose new items on the agenda is almost non-existent.¹²² Furthermore, the practice remains that decisions are elaborated only when support is given for the election of public prosecutors from the list of candidates of the Academy for Judges and Public Prosecutors, while the vote of “abstention” when electing public prosecutors is usually not elaborated.¹²³ The explanations given, however, are general and abstract, without specific arguments, which further undermines the quality of transparency.¹²⁴ Regarding the publication on the website, compared to the previous reporting period, the press releases on the held sessions were usually not published within the prescribed period, which represents a step backwards in this aspect of transparency.¹²⁵ However, a positive development was the announcement of 20 September 2024 about the development of a new website.¹²⁶ The new website is planned to contain short statements on the items discussed at the sessions, as well as regular publication of standardised minutes from the held sessions, which could significantly improve the level of transparency.¹²⁷

A positive step during this reporting period was the adoption of amendments to the Code of Ethics for Public Prosecutors, in response to long-standing criticism and calls for change. Specifically, on 8 November 2023,¹²⁸ the Council adopted the proposed amendments by the

118 “Minutes from the 477th session of the Judicial Council of the Republic of North Macedonia” (Judicial Council of the Republic of North Macedonia, 12 February 2024), <https://bit.ly/3B8ufk7>.

119 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година” (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

120 CPPRNM may exclude the public only with a decision passed for the purpose of protecting the reputation and integrity of the public prosecutor. According to Article 14 of the Rules of Procedure of the CPPRNM, the Council may decide to exclude the public from its sessions with a decision supported by a two-thirds majority of the total number of members. If the Council makes such a decision, it must inform the public of the reasons for excluding the public.

121 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година” (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

122 Ibid.

123 Ibid.

124 Ibid.

125 Ibid.

126 “Press Release about the session held on 20.09.2024”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://sjorm.gov.mk/soopshtenie-za-javnost-za-odrzhana-sednica-na-den-20-09-2024-godina/>.

127 Ibid.

128 “Press Release”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, 8 November 2023, <https://bit.ly/3Gm1u1l>.

Association of Public Prosecutors, with a particular focus on the recommendations of the Group of States against Corruption (GRECO),¹²⁹ which resolved issues such as the definition of “hospitality” and the revision of the prohibitions in the disputed articles.¹³⁰

The activities to promote transparency of judiciary by the Supreme Court of the Republic of North Macedonia (SCRNM) and the Judicial Media Council continued during this reporting period. In this regard, on 12 July 2024, the SCRNM adopted a principled position on media accreditation in civil cases of public interest, in accordance with Articles 6 and 10 of the European Convention on Human Rights,¹³¹ and on 19 September 2024, it adopted amendments to the Rules of Procedure, which enabled publicity of general sessions and media presence, thus emphasising the importance of legal issues and the interest of the public.¹³² In line with these commitments of the court, the Judicial Media Council organised trainings for journalists on following criminal and civil proceedings,¹³³ the use of legal terminology,¹³⁴ and published a “Guide for Journalists to Ensure Publicity in Court Proceedings”,¹³⁵ and a “Guide for Recording and Taking Photographs in Courtrooms.”¹³⁶ These activities have significantly contributed to improving informed reporting on court processes. Additionally, through the Open Judiciary Council and the national interoperability platform, new services for exchanging data on citizens’ social rights have been developed and will soon be operational, enabling easier access to information and strengthening transparency.¹³⁷

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 on Judicial Ethics more often. From the previous reporting period until September 2024, the Advisory Body has not received a single request for an advisory opinion.¹³⁸

129 Annex to the Shadow Report of the Association of Public Prosecutors of the Republic of North Macedonia, 29.11.2023.

130 With the amendments, Article 10 Paragraph 6 is amended to read: “Public prosecutors shall be careful not to harm their professional and personal reputation, as well as the reputation of the Public Prosecutor’s Office and the Council of Public Prosecutors, during public appearances.” Association of Public Prosecutors of the Republic of North Macedonia, Code of Ethics Amending the Code of Ethics of Public Prosecutors of the Republic of North Macedonia, Council of Public Prosecutors of the Republic of North Macedonia, October 2023, <https://bit.ly/3TWpuB9>.

131 “The Supreme Court issues a principled position on media accreditation in civil cases of public interest,” official website of the Supreme Court of the Republic of North Macedonia, 12 July 2024, <https://bit.ly/3BKmkcs>.

132 “The general sessions of the Supreme Court will be public”, official website of the Supreme Court of the Republic of North Macedonia, 19 September 2024, <https://bit.ly/4gn8LyK>.

133 “Two-day legal training for monitoring court cases in criminal and civil proceedings,” official Facebook page of the Judicial Media Council of the Association of Judges of the Republic of North Macedonia, 16 February 2024, <https://www.facebook.com/SMSovet/posts/pfbid02PYHGGC6ULLcEzwP9PXh9GC1KAxqtWE7KtMNxXu3TMuDC2L8tvC6A5zEkUUuzP3gl>.

134 “The First Training on Legal Terminology,” official Facebook page of the Judicial-Media Council of the Association of Judges of the Republic of North Macedonia, 4 December 2023, <https://www.facebook.com/SMSovet/posts/pfbid034Z7d-QhqzNoPDLqrTCA3TVi7FzjapVtTYS1zUanwmx1bLEDm9QiuZLnWLEqMiFKml>.

135 Саше Димовски и Александар Димитриевски, „Водич за новинари за јавност во судските постапки (Guidebook for journalists for ensuring publicity of court proceedings)” (Judicial Media Council, 2024), <https://bit.ly/4g4cNMK>.

136 “Recommendations for recording and taking photos in the courtroom,” (Judicial Media Council, 1 June 2024), <https://bit.ly/3ZHWOOD>.

137 “In the Supreme Court, based on the efforts of the Council for open judiciary, new services for the social rights of citizens have been developed.” official website of the Supreme Court of the Republic of North Macedonia, 12 June 2024, <https://bit.ly/3ZJc4L8>.

138 “Questions and Answers”, official website of the Judicial Ethics Advisory Body, <https://sudiskaetika.mk/#sudija>.

As highlighted in previous shadow reports, financial independence is a key aspect of the independence of the judicial system. The issue of financial independence and the raise of salaries in judiciary has been the subject of long-standing discussions and has been highlighted as a recommendation and measure in the EU Peer Review Mission Report on the work of the Judicial Council, as well as in the Reform Agenda of North Macedonia for the EU Growth Plan for the Western Balkans.¹³⁹ Timely implementation of this recommendation and measure is necessary to end the long-standing practice of allocating an annual budget for the judiciary that is 60% below the legally established limit,¹⁴⁰ and for the public prosecutor's office, 50% below the legal limit.¹⁴¹

139 "Reform Agenda of North Macedonia 2024-2027",

140 2023 Annual Report on the Work of the Judicial Council of the Republic of North Macedonia" (Judicial Council of the Republic of North Macedonia, 2024), <https://bit.ly/49uSnK8>.

141 Each year, instead of the legally prescribed budget as provided for in Article 101, Paragraph 1 of the Law on the Public Prosecutor's Office, i.e. 0.4% of the total budget of the previous year, the Ministry of Finance approves half of this amount, i.e. 0.2% of the amount of the total budget of the previous year. Law on the Public Prosecutor's Office, Official Gazette of the Republic of North Macedonia No. 42/2020.

Digitalisation of judiciary and ACCMIS

The process of digitisation in the judiciary is carried out through the ICT Coordination Council in the Judiciary (ICT Council) within the Ministry of Justice, which composition changed during the reporting period. On 6 November 2023, the Minister of Justice dismissed the President of the ICT Council, who was also the President of the Kavadarci Basic Court because of the Judicial Council's report and the accompanying materials submitted by the Skopje Higher Public Prosecutor's Office, as well as the reports from the Council of Public Prosecutors.¹⁴² The dismissal followed due to certain violations of the integrity standards and improper conduct with a party in a case he was presiding over.¹⁴³ In addition, the Minister initiated a procedure for assessing the judge's responsibility before the Judicial Council¹⁴⁴ and adopted a new rulebook on the functioning of the ICT Council.¹⁴⁵ Expressing concerns in regard to the Minister's claims concerning the work of the ICT Council and considering that their further work in the Council is not appropriate, two members who represented the Judicial Council within the ICT Council resigned.¹⁴⁶ On 24 January 2024, the ICT Council got a new composition, which for the first time included a member from the civil sector (Blueprint Group for Judicial Reform) and a representative of the Academy for Judges and Public Prosecutors.¹⁴⁷ This is a direct response to the recommendations of the civil sector, in order to strengthen the inclusiveness and transparency of the Council.¹⁴⁸ The constitutive session of the new composition was held on 6 February 2024, and until 30 September 2024 the Council held a total of 10 meetings.¹⁴⁹ During this period, it continued with the activities started by the previous composition, focusing on the digitalisation of judiciary and institutional interoperability. Regarding the digitalisation of the court, the Council worked on eliminating some detected technical errors and shortcomings in certain courts, in order to ensure the functionality of the system at the national level.¹⁵⁰ Regarding institutional interoperability, the Council adopted inter-institutional testing of the functionality of the system, with a focus on integration of the courts and the other institutions in the justice system.¹⁵¹

142 „Министерот Лога го разреши судијата Нанев од претседател на ИКТ за судството, побара Судскиот совет да поведе постапка за одговорност за него (Minister Loga dismissed Judge Nanev from his position as President of the ICT Council, demanding from the Judicial Council to initiate a procedure against him)” Sakam Da Kazam, 6 November 2023, <https://sdk.mk/index.php/makedonija/ministerot-loga-go-razreshi-sudijata-nanev-od-pretседател-na-ikt-za-sudstvoto-pobara-sudskiot-sovet-da-povede-postapka-za-odgovornost-za-nego/>.

143 The Skopje Higher Public Prosecutor, Mustafa Hajrullahi, based on previously received information and evidence from the Kavadarci Basic Public Prosecutor's Office, submitted a detailed report to the Judicial Council, which lists 74 calls made by Judge Lazar Nanev with a party in a trial he was presiding over.

144 “Minister Loga dismissed Judge Nanev from his position as President of the ICT Council, demanding from the Judicial Council to initiate an accountability procedure against him”.

145 “Rulebook on the composition and manner of operation of the Council for the Coordination of Information and Communication Technology in Judicial Bodies,” Official Gazette of the Republic of North Macedonia No. 265/23.

146 “Judge Loreta Gjorgieva and Milazim Mustafa, MA submitted their resignations to the Minister of Justice, Krenar Loga”, official website of the Judicial Council of the Republic of North Macedonia, 10 November 2023, <https://bit.ly/48ul6hc>.

147 “The new composition of the Judicial ICT Council has been established”, official website of the Ministry of Justice, 25 January 2024, <https://www.pravda.gov.mk/vest/6654>.

148 Angela Delevska and Beba Zhagar. “Shadow Report on Chapter 23 for the period between October 2021 - September 2022”

149 Ministry of Justice of the Republic of North Macedonia, “Response to a request for free access to public information”, 19 December 2024.

150 Ibid.

151 Ibid.

In the context of the digitalisation of the public prosecutor's office, within the framework of the EU Rule of Law Project, activities have been initiated to prepare a technical specification for the establishment of a new electronic system for managing criminal cases.¹⁵² In this regard, an in-depth analysis of the needs of prosecution was conducted, with the aim of developing a functional system that will enable the entry and processing of new reports, digital preservation of all documents related to the cases, and direct cooperation and exchange of data with other judicial institutions, such as the Ministry of the Interior, the Financial Police Office, the Customs Administration and the courts.¹⁵³ This will enable automated data transfer to and from these institutions, starting from the moment of their drafting.¹⁵⁴ In this context, the Public Prosecutor of the Republic of North Macedonia is expected to establish a special working group for digitalisation in the coming period, which will focus on determining the functional characteristics of the system. The Association of Public Prosecutors will also participate in the development and implementation processes.¹⁵⁵

According to the oversight reports of the ACCMIS functionality, supervision of the functioning of ACCMIS is carried out regularly.¹⁵⁶ Namely, according to the data published by the Ministry of Justice, supervision was carried out in seven courts in 2023, and in six courts by September 2024.¹⁵⁷ The reports from these inspections, with the established state of affairs, are regularly published on the ministry's website. By the end of 2024, it is expected that all conducted oversights in the current year will be published, taking into account that the reports are previously submitted to the courts where oversight was conducted for their feedback.

152 "Under the "EU – Support for Rule of Law" Project the Public Prosecutor's Office will receive a new electronic case management system," official website of the Public Prosecutor's Office of the Republic of North Macedonia, 14 May 2024, <https://jorm.gov.mk/preku-proektot-eu-poddrshka-za-vladeene-na-pravoto-javnoto-obvinitelstvo-ke-dobie-nov-elektronski-sistem-za-upravuvane-so-predmetite/>.

153 Ministry of Justice of the Republic of North Macedonia, "Response to a request for free access to public information", 19 December 2024.

154 Ibid.

155 "Under the "EU – Support for Rule of Law" Project the Public Prosecutor's Office will receive a new electronic case management system".

156 "Reports from inspections carried out in courts", official website of the Ministry of Justice, <https://www.pravda.gov.mk/resursi/22>.

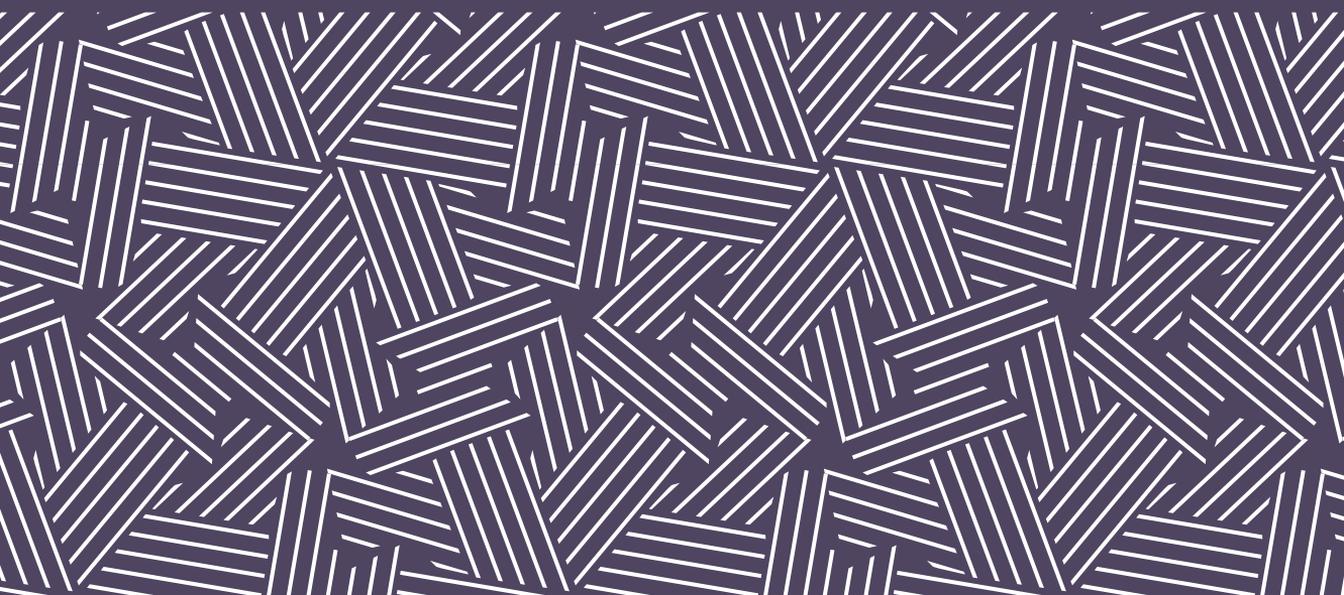
157 Ministry of Justice, "Reports from inspections carried out in courts", <https://www.pravda.gov.mk/resursi/22>.

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;

There is a need of timely implementation of the recommendations and measures of the EU Peer Review Mission Report on the work of the Judicial Council and the Reform Agenda of North Macedonia for the EU Growth Plan for the Western Balkans to increase the budget of the courts and public prosecutor's offices in accordance with the legally stipulated limit.

It is necessary to conduct a thorough analysis of the current implementation of the ACCMIS system to determine whether it is necessary to introduce a new software system or upgrade the existing one. In this regard, it is necessary to determine the available financial resources by the state to ensure its sustainable and efficient functioning. It is also necessary to strengthen supervision over the functionality of the system, consistent and timely sanctioning of possible abuses, as well as detailed reporting by the Ministry of Justice on the measures taken. In addition, the Ministry should ensure greater transparency in informing about the work of the ICT Council.



Accountability

In accordance with the 2019 legislation amendments,¹⁵⁸ in the reporting period, the termination of the term of office of a judge was confirmed, based on a final court judgement for a crime committed with a prison sentence of at least six months that was not suspended.¹⁵⁹ This is the Supreme Court judge who ran for and was elected to the Judicial Council in July 2023 despite ongoing disciplinary proceedings against him,¹⁶⁰ and who subsequently resigned from the position to allow his son to be appointed as a judge.¹⁶¹ The decision to dismiss him, adopted on 16 August 2024, resulted from a final judgment of the Basic Criminal Court Skopje,¹⁶² based on a plea agreement with the BPPPOCC, sentencing him to three years in prison for accepting a reward for unlawful influence,¹⁶³ which included the time he spent in pre-trial detention that started on 20 May 2024.¹⁶⁴ Previously, at an urgent and non-transparently scheduled meeting of the Judicial Council held on 21 May 2024,¹⁶⁵ the judge was stripped of his immunity, detained and temporarily removed from office.¹⁶⁶ These decisions were adopted without a public vote¹⁶⁷ and without proper interpretation of the legal provisions for imposing the measure of pretrial detention and temporary removal from exercising judicial office.¹⁶⁸

158 “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.

159 “Press Release from the 495th urgent session of the Judicial Council of the Republic of North Macedonia - 16.08.2024,” official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3YbYu0G>.

160 “Nakje Georgiev and Antoaneta Dimovska elected from the ranks of the judges 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>.

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

162 “Press Release”, official website of the Basic Criminal Court Skopje, 15 August 2023, <https://bit.ly/3BoTzLU>.

163 „Уапсен врховниот судија Наке Георгиев, фатен е во моментот дека зема мито, кажа МБП“ (Supreme Judge Nakje Georgiev arrested, he was caught taking a bribe, the Ministry of the Interior States), Sakam Da Kazam, 20 May 2024, <https://bit.ly/468ksp8>.

164 “Plea agreement reached on a prison sentence and a ban on engaging in a profession, activity or duty,” official website of the Public Prosecutor’s Office of the Republic of North Macedonia, 14 August 2024, <https://jorm.gov.mk/postignata-predlog-sporogodba-za-zatvorska-kazna-i-zabrana-za-vrshene-profesija-dejnost-ili-dolznost/>.

165 The session was scheduled for midnight, which directly affected the public’s right to be informed in a timely manner about the time when the sessions of the Judicial Council would be held, contrary to the case law of the European Court of Human Rights. “Public reaction by the Coalition “All for a Fair Trial” on the 487th session of the Judicial Council of the Republic of North Macedonia,” <https://all4fairtrials.org.mk/wp-content/uploads/2024/05/34-JR-SS-052024.pdf>.

166 “Press Release from the 487th urgent session of the Judicial Council of the Republic of North Macedonia - 21.05.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3zGApqq>.

167 Although the beginning of the session was public and a link to it was published on the official website of the Council, the voting by the members of the Judicial Council on the decision was not public. According to the law, the exclusion of the public can only be in order to protect the reputation and integrity of a judge, with appropriate notification to the public of the reasons for the exclusion. However, when a decision is made by voting at this type of session, the voting must also be public. “Public reaction by the Coalition “All for a Fair Trial” concerning the 487th session of the Judicial Council of the Republic of North Macedonia”.

168 The Council, at the request of a pre-trial judge, decided to lift his immunity and approve detention before a court decision on pretrial detention was made or a hearing was held. This decision of the Judicial Council to approve detention before a court decision can be considered as presuming the outcome of the detention procedure, which is being conducted before a basic court. The Council also decided to temporarily remove the judge from office. According to the law, such a decision is made when the judge is detained, criminal proceedings are being conducted for a crime for which a prison sentence of at least five years is prescribed by the law or when proceedings for liability have been initiated against him, but none of these conditions were met in this case. *Ibid*.

BPPO POCC also reached a plea agreement with the second defendant in the case,¹⁶⁹ who confessed to the crime.¹⁷⁰ He was a member of the Council of Public Prosecutors and a former Ombudsman. Details of his role and the outcome of the case are explained in more detail in the section “Governing Bodies”.

During the reporting period, the Judicial Council initiated three disciplinary proceedings, with the judges against whom initiatives for proceedings were submitted, in accordance with Article 61 Paragraph 3 of the Law on the Judicial Council, requesting that the proceedings be held in public.¹⁷¹ The first was initiated following allegations made by the President of the Supreme Court in an interview with a Macedonian portal on 3 November 2023, where she spoke about political pressure on the judges of the Supreme Court.¹⁷² These allegations prompted a member of the Council to file a request to be held accountable,¹⁷³ citing her absence from the Council sessions, including from the session at which she was called to provide clarifications on the allegations,¹⁷⁴ which, according to that Council member, hindered her active participation and undertaking the necessary measures.¹⁷⁵ The request sparked criticism from the academic community and the civil society sector,¹⁷⁶ which questioned the legitimacy of the initiative by a member of the Council to call the President of the Supreme Court to account in her capacity as a member of the Council, without the right to vote.¹⁷⁷ According to the law, her accountability relates exclusively to the obligations and competencies established by

169 „Во шема со уапсениот врховен судија Георгиев, бил Иџет Мемети, член на Советот на јавни обвинители, осомничени дека продавале информации за пари“ (Ixhet Memeti, a member of the Council of Public Prosecutors, who was colluding with the arrested Supreme Judge Georgiev, suspected of selling information for money), Sakam Da Kazam, 21 May 2024, <https://sdk.mk/index.php/makedonija/vo-shema-so-uapseniot-vrhoven-sudija-bil-idhet-memeti-chlen-na-sovetot-na-javni-obviniteli-osomnicheni-deka-prodavale-informatsii-za-pari/>.

170 “A plea agreement has been reached with a suspect for receiving a reward for unlawful influence”.

171 „Судскиот совет го прифати барањето на Беса Адеми за јавност на седницата на која ќе се одлучува по иницијативата за нејзино разрешување“ (The Judicial Council accepted Besa Ademi’s request for the session at which they will be deciding on initiative for her dismissal to be public) 360 Stepeni, 26 December 2023, <https://360stepeni.mk/sudskiot-sovet-go-pri-fati-baraneto-na-besa-ademi-za-javnost-na-sednitsata-na-koja-ke-se-odluchuva-po-initsijativata-za-nejzino-razreshuvane/>; „Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 6 September 2024, <https://bit.ly/4h73wV6>.

172 „Присутна е политичката закана за разрешување на врховни судии, ама нема основа да оживее аболицијата на Груевски, вели претседателката на Врховниот суд, Беса Адеми“ (There is a political threat of dismissing supreme judges, but there are no grounds for Gruevski’s abolition to be revived, says the President of the Supreme Court, Besa Ademi), Sakam Da Kazam, 3 November 2023, <https://bit.ly/47t07s3>.

173 „Претседателката на Врховниот суд, Беса Адеми, доби иницијатива за разрешување во Судскиот совет, откако предупреди за притисоци и закани од функционери“ (The President of the Supreme Court, Besa Ademi, facing an initiative for her dismissal from the Judicial Council after she warned of pressure and threats from public officials), Sakam Da Kazam, 28 November 2023, <https://bit.ly/3Ua6SOf>.

174 “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 3 November 2023, <https://bit.ly/3vtOupb>.

175 „Политичкиот кадар во Судскиот совет Миљазим Мустафа и се закани со затвор на претседателката на Врховниот Суд затоа што за притисоците зборувала во интервју за SakamDaKazam.mk, а не пријавила кај нив“ (The political affiliated member of the Judicial Council Milazim Mustafa threatened the President of the Supreme Court with imprisonment because she spoke about the pressures in an interview with SakamDaKazam.Mk, and failed to report it with them), Sakam Da Kazam, 29 December 2023, <https://sdk.mk/index.php/makedonija/politichkiot-kadar-vo-sudskiot-sovet-milazim-mustafa-se-zakani-so-zatvor-na-pretse-datelkata-na-vrhovniot-sud-zatoa-shto-za-pritisocite-zboruvava-vo-intervju-za-sakamdakazham-mk-a-ne-prijavila-kaj-niv/>.

176 “The Blueprint Group for Judicial Reforms called for careful action in the procedure for determining the responsibility of the President of the Supreme Court of the Republic of North Macedonia”, official website of MYLA, 29 December 2023, <https://myla.org.mk/49779/>.

177 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

the Law on Courts,¹⁷⁸ and not to her role in the Council. In addition, constitutional provisions that allow ex officio members, such as the President of the Supreme Court and the Minister of Justice, not to attend sessions are considered good practice in reducing possible external influences.¹⁷⁹

The three-member Committee of Rapporteurs held a public hearing on 29 December 2023, at which both sides presented their arguments and presented their evidence.¹⁸⁰ After the hearing, the Committee prepared a report on the established circumstances, which, together with all the documents, was submitted to the Judicial Council.¹⁸¹ At the meeting held on 17 January 2024, the Judicial Council reviewed the report and with 7 votes in favour decided to stop the disciplinary procedure.¹⁸²

The other two disciplinary proceedings were initiated against a judge from the Basic Court Kavadarci and its former president.¹⁸³ The second procedure, initiated by a member of the Judicial Council, was based on the report on the state of affairs of the Basic Court Kavadarci from 2023 by the Judicial Council, prepared based on the evidence submitted by the Skopje Higher Public Prosecutor and a prosecutor from the Basic Public Prosecutor's Office Kavadarci.¹⁸⁴ The evidence indicated negligent and unprofessional conduct by the judge while presiding with the Court, with particular emphasis on 95 telephone conversations with a defendant in a case he was presiding over.¹⁸⁵ The third proceedings were initiated by the President of the Judicial Council, due to insults and accusations that, according to her, damaged her reputation.¹⁸⁶ The hearing for the second proceedings was held on 11 September 2024,¹⁸⁷ after the

178 Law on Courts, Official Gazette of the Republic of Macedonia Nos. 58/2006; 62/2006; 35/2008; 61/2008; 118/2008; 16/2009; 150/2010; 39/2012; 83/2018; 198/2018 and Official Gazette of the Republic of North Macedonia No. 96/2019.

179 „Оценската мисија на ЕУ вели дека Беса Адеми не го крши законот со неодоенето на седниците на Судскиот совет“ (EU Peer Review Mission states that Besa Ademi did not violate the Law by not attending the Judicial Council's sessions), 360 Stepeni, 21 December 2023, <https://360stepeni.mk/otsenskata-misija-na-eu-veli-deka-besa-ademi-ne-go-krshi-zakonot-so-neodeneto-na-sednitsite-na-sudskiot-sovet/>; 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.

180 „(Не)разрешувањето на Беса Адеми - нов испит за Судскиот Совет“ (The (non)dismissal of Besa Ademi - A new test for the Judicial Council) Radio Free Europe, 29 December 2023, <https://www.slobodnaevropa.mk/a/ne-razreshuvanjeto-na-besa-ademi---nov-ispit-za-sudskiot-sovet/32752098.html>.

181 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

182 “Press Release from the 473rd session of the Judicial Council of the Republic of Macedonia – 17.01.2024”, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4ban4nB>.

183 “Press Release”, official website of the Judicial Council of the Republic of North Macedonia, 6 September 2024, <https://bit.ly/4h73wV6>.

184 „Судијата Нанев остварил 95 телефонски повици со обвинет во предмет кој го судел“ (Judge Nanev had 95 phone calls with a defendant in a trial he was presiding over), TV Telma, 11 September 2024, <https://telma.com.mk/2024/09/11/sudijata-nanev-ostvaril-95-telefonski-poviczi-so-obvinet-vo-predmet-koj-go-sudel/>.

185 „Судскиот совет одржа јавна расправа за судијата Нанев, но тој не дојде на седницата“ (The Judicial Council held a public hearing for Judge Nanev, but he did not attend the session), Media Information Agency- MIA, 11 September 2024, <https://bit.ly/41rldZY>.

186 „Кавга и меѓусебни обвинувања на Дамева и Нанев на седницата на Судски совет“ (Quarrel and mutual accusations between Dameva and Nanev at the session of the Judicial Council) TV Telma, 18 September 2024, <https://telma.com.mk/2024/09/18/kavga-i-megusebni-obvinuvana-na-dameva-i-nanev-na-sednicata-na-sudski-sovet/>.

187 “Press Release.”

adjournment in July of the same year.¹⁸⁸ The judge, although he requested for the proceedings to be open to the public when presenting his case in regard to the allegations, did not attend the hearing.¹⁸⁹ The hearing for the third proceedings was held on 18 September 2024,¹⁹⁰ at which both parties (the applicant and the judge) exchanged personal insults and belittling remarks.¹⁹¹ The outcome of these proceedings will be known in the coming period.

During the reporting period, the Judicial Council also adopted a decision on the disciplinary procedure initiated in the previous reporting period to determine the liability of a judge from the Skopje Court of Appeal, as a result of the Council's investigation, which determined unjustified delays in the "Target-Tvrđina"¹⁹² and "Trezor"¹⁹³ cases, thus breaching the deadlines established by law.¹⁹⁴ However, the imposed disciplinary measure - a 20% cut to the judge's monthly salary for a period of six months¹⁹⁵ - caused public reactions, pointing to evident inconsistencies in the application of disciplinary sanctions and a perception of impunity in the system.¹⁹⁶

Pursuant to the 2020 amendments to the Law¹⁹⁷ during the reporting period the Council of Public Prosecutors dismissed one public prosecutor.¹⁹⁸ It was the former head of the BPPO POCC who was dismissed based on the Decision of the Commission for Establishing Disciplinary Responsibility of a Public Prosecutor when Performing Duties as a Public Prosecutor at the Public Prosecutor's Office of the Republic of North Macedonia (PPORNM) of 30 March 2023.¹⁹⁹ The decision established that the former head of the BPPO POCC committed a serious disciplinary offense in his capacity as a public prosecutor.²⁰⁰ After accepting the proposal from the Commission and making the decision, the public prosecutor chose to retire, rather than appeal it before the Council.²⁰¹

188 "The Judicial Council held a public hearing for Judge Nanev, but he did not attend the session."

189 Ibid.

190 "Press Release."

191 „Дамева бара одговорност за судијата Нанев, тој ѝ одговори дека е спин-мајстор кој постапува како диктатор“ (Dameva demands judge Nanev to be held responsible, he replies that she is a spin doctor who acts like a dictator), 360 Stepeni, 18 September 2024, <https://360stepeni.mk/dameva-bara-odgovornost-za-sudijata-nanev-toj-odgovori-deka-e-spin-majstor-koj-postapuva-kako-diktator/>.

192 "Press Release", Court of Appeal Skopje – Court Portal of the Republic of North Macedonia, 16 December 2022, <https://bit.ly/3Rg4S3H>.

193 "Press Release", Court of Appeal Skopje – Court Portal of the Republic of North Macedonia, 25 November 2022, <https://bit.ly/3R0Z2m5>.

194 "Press Release from the 427th session of the Judicial Council of the Republic of North Macedonia – 11.01.2023", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3oazSaw>.

195 "Press Release from the 465th session of the Judicial Council of the Republic of North Macedonia - 23.11.2023," official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4fe17Hc>.

196 The public reacted to the dismissal of judges Lidija Nedelkova and Sofija Lalicić in 2021 for minor disciplinary offenses. „Потребни се осум гласа за разрешување на судија, а во случајот со Енвер Беџети немаше толку многу“, вели претседателот на Судскиот совет ("Eight votes are needed to dismiss a judge, and in the case of Enver Bexheti, there were not that many," says the President of the Judicial Council), 360 Stepeni, 27 November 2023, <https://360stepeni.mk/potrebnise-osum-glasa-za-razreshuvane-sudija-a-vo-sluchajot-so-enver-bedheti-nemashe-veli-pretседателот-na-sudskiot-sovet/>.

197 "Law on 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.

198 Council of Public Prosecutors of the Republic of North Macedonia, "Response to a request for free access to public information", 18 December 2024.

199 "Press Release", official website of the Public Prosecutor's Office of the Republic of North Macedonia, 30 March 2023, <https://jorm.gov.mk/sooopshtenie/>.

200 Ibid.

201 „Русковска: По отказното решение одам во пензија“ (Ruskovska: After the dismissal decision, I am retiring), Deutsche Welle, 23 November 2023, https://www.dw.com/mk/vilma-ruskovska-odlukata-za-razreshuvane-e-ocekuvana-odam-vo-penzija/a-67531011?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

Additionally, within the framework of its legal competences as a second-instance body in disciplinary proceedings against public prosecutors,²⁰² on 20 September 2024, the Council of Public Prosecutors decided on two cases, reviewing appeals filed by four public prosecutors,²⁰³ concerning the initiation of disciplinary proceedings related to the events of 27 April 2017.²⁰⁴ During the session, the Council excluded the public from the deliberation and reviewing of the cases, but the decisions on the appeals were stated publicly, having the public return.²⁰⁵ In the first case, which concerned three public prosecutors from the Skopje Higher Public Prosecutor's Office, the Basic Public Prosecutor's Office Skopje (PPO Skopje) and the Basic Public Prosecutor's Office Berovo, the disciplinary proceedings were stopped because the proposal for their initiation was not submitted on time.²⁰⁶ In the second case, regarding a public prosecutor from the Skopje Public Prosecutor's Office, the Council rejected the appeal as unfounded and upheld the decision of the Commission for Establishing Disciplinary Responsibility of a Public Prosecutor when Performing Duties as a Public Prosecutor at the PPORNМ.²⁰⁷ The public prosecutor was found guilty of a serious disciplinary violation and a disciplinary measure was imposed - his monthly salary was reduced by 30% for a period of six months.²⁰⁸

During the reporting period, the Commission for Establishing Disciplinary Responsibility of a Public Prosecutor when Performing Duties as a Public Prosecutor at the PPORNМ did not submit a single new decision to initiate disciplinary proceedings for establishing responsibility on the part of a public prosecutor for a committed disciplinary violation.²⁰⁹

An initiative to establish responsibility was also submitted by the State Commission for Prevention of Corruption (SCPC),²¹⁰ to the competent institutions, to establish the responsibility on the part of the Chairwoman and members of the Management Board of the Academy for Judges and Public Prosecutors (AJPP).²¹¹ Specifically, the initiative referred to a violation of

202 The Law on the Council of Public Prosecutors in Article 51 provides that in procedures for determining the disciplinary liability of public prosecutors, the Council acts as a second-instance body in case of an appeal submitted by the public prosecutor against whom the procedure is being conducted. Hence, the Council has several options at its disposal, namely, to revoke, modify or confirm the decision of the commission that decides in the first instance, as well as to accept or reject the proposal for dismissal. "Law amending the Law on the Council of Public Prosecutors", Official Gazette of the Republic of North Macedonia No. 42/2020.

203 "Press Release concerning the session held on 20.09.2024," official website of the Council of Public Prosecutors of the Republic of North Macedonia, <https://sjorm.gov.mk/soopshtenie-za-javnost-za-odrzhana-sednica-na-den-20-09-2024-godina/>.

204 „Дисциплинската постапка за обвинителите од 27 April запрена после 7 години“ *Disciplinary proceedings against the prosecutors involved in the 27 April related cases stopped after 7 years) TV Telma, 20 September 2024, <https://telma.com.mk/2024/09/20/disciplinskata-postapka-za-obivniteite-od-27-april-zaprena-posle-7-godini/>.

205 Петковска и Тутик, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

206 "Press Release concerning the session held on 20.09.2024,"

207 Ibid.

208 Ibid.

209 Public Prosecutor's Office of the Republic of North Macedonia, "Response to a request for free access to public information", 18 December 2024.

210 "Initiative to Establish Responsibility on the part of the Director and the Management Board of the Academy for Judges and Public Prosecutors," official website of the State Commission for Prevention of Corruption, 23 May 2024, <https://bit.ly/3Lqp40o>.

211 Provided for in Articles 9 and 14 of the "Law on the Academy for Judges and Public Prosecutors," Official Gazette of the Republic of North Macedonia No. 129/2023.

the Electoral Code²¹² and the Law on Prevention of Corruption and Conflict of Interest,²¹³ related to the prohibition of employment and dismissal in public institutions during an election period,²¹⁴ which is explained in more detail in the section “Quality of Justice”. The initiative, submitted on 23 May 2024, was rejected by the Judicial Council,²¹⁵ the Council of Public Prosecutors²¹⁶ and the Association of Judges²¹⁷ in July 2024 because it was not submitted timely. According to them, the initiative was submitted after the expiration of the legal deadline of 15 days, set out in Article 33, Paragraph 7 of the Law on Prevention of Corruption and Conflict of Interest, counted from the day of reception of the last decision of the Higher Administrative Court.²¹⁸ The SCPC contested this interpretation, adding that the deadline is instructive, not preventive, as the law does not provide for consequences for missing it.²¹⁹ The Commission noted that it learned of the rejection from media reports and announced that it would challenge the decision with all available legal means upon receiving an official notification.²²⁰

The Judicial Council should ensure consistent application of the new provisions of the Rules of Procedure, especially with regard to prompt action and strict compliance with deadlines at all stages of the procedures for determining the liability of a judge or a court president. It is also necessary to ensure consistency and proportionality in the imposition of disciplinary measures in accordance with the gravity of the violation committed, in order to promote trust in the justice system and eliminate the perception of impunity;

Timely and efficient handling of appeals for dismissal of public prosecutors by the Council of Public Prosecutors is necessary in order to enable rapid determination of possible liability and to prevent potential disruption of ongoing proceedings.

212 “Electoral Code”, Official Gazette of the Republic of Macedonia No. 127/2006; 136/2008; 148/2008; 155/2008; 163/2008; 44/2011; 51/2011; 142/2012; 31/2013; 34/2013; 14/2014; 30/2014; 31/2015; 196/2015; 35/2016; 97/2016; 99/2016; 136/2016; 142/2016; 57/2017; 67/2017; 125/2017; 35/2018; 99/2018; 140/2018; 208/2018; 27/2019, and Official Gazette of the Republic of North Macedonia No. 98/2019; 146/2019; 42/2020; 74/2021; 215/2021; 58/2024; 76/2024.

213 “Law on Prevention of Corruption and Conflict of Interest,” Official Gazette of the Republic of Macedonia No. 12/2019.

214 Ibid.

215 “Press Release from the 492nd session of the Judicial Council of the Republic of North Macedonia - 08.07.2024,” official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4f9v3Dp>.

216 “Minutes from the 106th session of the Council of Public Prosecutors.”

217 „Здружението на судии одлучи дека иницијативата на ДКСК за одговорност на УО на АСЈО е ненавремена” (The Association of Judges decided that the SCPC initiative for the accountability of the AJPP’s Board was not submitted on time), Mkd.mk, 11 July 2024, <https://mkd.mk/zdruzenieto-na-sudii-odluchi-deka-inicijativata-na-dksk-za-odgovornost-na-uo-na-asjo-e-nenavremena/>.

218 “Press Release from the 492nd session of the Judicial Council of the Republic of North Macedonia - 08.07.2024”; “The Association of Judges decided that the SCPC’s initiative for the accountability of the AJPP’s Management Board was not submitted on time”; “Minutes from the 106th session of the Council of Public Prosecutors.”

219 “Press Release concerning the Decision of the Judicial Council,” official website of the State Commission for Prevention of Corruption, 9 July 2024, <https://bit.ly/4dPDbid>.

220 Ibid.

Professionalism and competence

Much of the reporting period was marked by the suspension of the processes for the election and evaluation of the accountability of courts' presidents and judges during the presidential²²¹ and parliamentary²²² elections.²²³ This decision was based on a public statement by the SCPC,²²⁴ which invoked the provisions of the Electoral Code²²⁵ and the Law on Prevention of Corruption and Conflict of Interest,²²⁶ with the exception of emergency cases.²²⁷ The suspension of these activities raised questions about whether the judiciary, as an independent branch of government, should be subject to such restrictions. Unlike the Judicial Council, the Council of Public Prosecutors did not adopt such an approach. However, during the election period, the Council did not initiate election or dismissal procedures nor decided in disciplinary proceedings involving public prosecutors as a second-instance body. The process of recruiting 130 new candidates for judges and public prosecutors at the Academy for Judges and Public Prosecutors (AJPP) was also halted, initially due to an objection filed by the presidential candidate from the "Your Macedonia" Coalition,²²⁸ and finally due to a decision of the Higher Administrative Court.²²⁹ This case is discussed in more detail in the "Quality of Justice" section.

As noted before, during the reporting period, the Judicial Council elected 11 judges to the higher courts in the country. On 15 November 2023, the election of eight judges to the Skopje Court of Appeal was completed, a process that began on 5 July 2021.²³⁰ Four judges were elected for the civil and four for the criminal courts.²³¹ However, the process was accompanied by irregularities. At the sessions held on 18 and 19 October 2023,²³² the Judicial Council adopted conflicting decisions regarding the complaints about the ranking lists, revoking decisions

221 Delivery of the Decision to announce the Presidential elections in the Republic of North Macedonia, 14 February 2024, <https://drive.google.com/file/d/1LgvXvn7-cx3IWbxLchlxEZY0cjiYkqYB/view>.

222 Delivery of the Decision to announce the Parliamentary elections in the Republic of North Macedonia, 14 February 2024, <https://drive.google.com/file/d/1XP6jrSKDr-BVlDuMAwCjQBGAK88qbx2g/view>.

223 "Press Release from the 481st session of the Judicial Council of the Republic of North Macedonia – 13.03.2024 and its continuation on 20.03.2024", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3QgOd0e>.

224 "Notification," official website of the State Commission for Prevention of Corruption, 16 February 2024, <https://bit.ly/43RZsBO>.

225 Electoral Code.

226 Law on Prevention of Corruption and Conflict of Interest.

227 "Press Release from the 481st session of the Judicial Council of the Republic of North Macedonia – 13.03.2024 and its continuation on 20.03.2024", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3QgOd0e>.

228 „Силјановска Давкова поднесе приговор за вработувањата на идните судии и обвинители“ (Siljanovska Davkova filed a complaint about the employment of future judges and prosecutors) Mkd.mk, 6 April 2024, <https://mkd.mk/siljanovska-davkova-podnese-prigovor-za-vrabortuvanjata-na-idnite-sudii-i-obviniteli/>.

229 "Judgement on behalf of the citizens of the Republic of North Macedonia" (Higher Administrative Court of the Republic of North Macedonia, 26 April 2024), <https://bit.ly/3DqrECw>.

230 "Press Release from the 464th session of the Judicial Council of the Republic of North Macedonia" 15 November 2023, official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3O30m7P>.

231 Ibid

232 "Press Release from the 460th session of the Judicial Council of the Republic of North Macedonia - 18.10.2023 and 19.10.2023," official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4fjfs42>.

without proper legal basis and due process.²³³ Furthermore, on the day of the election, a deviation from the candidates' ranking list was made without a satisfactory justification.²³⁴ Specifically, for the civil area, the second, third, fourth and sixth ranked candidates were elected, and for the criminal area, the second, sixth, eleventh and thirteenth candidate.²³⁵ Deviations from the Law on the Judicial Council were also noted in the failure to explain the votes in favour by some of the members of the Council,²³⁶ which further marred the integrity of the process.

Deviation from the ranking list was also observed during the election of a judge for the criminal area of the Shtip Appellate Court on 13 February 2024,²³⁷ where the second-ranked candidate was elected.²³⁸ This election was done at an emergency session, which was criticised as convened in an unfair manner.²³⁹ However, at the same session, the ranking list was respected during the election of a judge for the civil area of the Shtip Appellate Court, as well as on 12 February 2024,²⁴⁰ during the election of a judge for the criminal area of the Gostivar Appellate Court.²⁴¹ These elections ended the many months-long process of filling these judicial positions, which began on 24 April 2023.²⁴²

233 At the 460th session, held on 18 and 19 October 2023, the Judicial Council discussed whether the certificate from the Academy for Judges and Public Prosecutors should be considered sufficient evidence that candidates have prepared educational materials and undergone training or whether the candidates should also submit other evidence. Before the vote and decision, three members of the Council left the session, after which a total of nine members with the right to vote remained at the session, i.e. the Council had a quorum to make a decision. Under such circumstances the Council, with five votes "IN FAVOUR" and four "AGAINST", decided to respect the candidate's objection and accept the certificate from the Academy as evidence. Following this, some members of the Council reacted that the Council had previously made a contrary decision on the same issue, according to which such certificates were not accepted as evidence of prepared educational materials and attended training. By suspending the session and resuming the session on 19.10.2023, the Council voted again on the same issue and made a different decision, i.e. with five votes "IN FAVOUR" and seven "AGAINST", i.e. the certificate from the Academy is not acceptable as evidence of attended training and prepared educational materials. "Press Release", Coalition "All for a Fair Trial", 19 October 2023, <https://drive.google.com/file/d/17SIA7t6nuXXSgdDhwWaABcz3W1N3phrN/view>.

234 Instead, the Council members indicated that due to shortcomings in the methodology for ranking candidates, "other parameters and criteria will be decisive", without specifying which criteria and regulations they were referring to. "Press Release", official Facebook page of the "Coalition "All for a Fair Trial", 15 November 2023, <https://bit.ly/3tTVLy3>.

235 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

236 Ibid.

237 "Press Release from the 478th urgent session of the Judicial Council of the Republic of North Macedonia 13.02.2024", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3QnkXF5>.

238 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024)

239 The Judicial Council scheduled an emergency session on 13 February 2024, for the election of judges to the Shtip Court of Appeal, citing that the election processes for the presidential and parliamentary elections would begin the following day. However, the advertisement for the election was published on 24 April 2023, which allowed the procedure to be completed on time, considering that the elections were announced in advance. Emergency sessions of the Council are reserved for urgent matters, which was not the case.

240 "Press Release from the 477th session of the Judicial Council of the Republic of North Macedonia - 12.02.2024," official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3BwFdzV>.

241 Петковска и Тутиќ, „Извештај од мониторингот на Судскиот совет и Советот на јавните обвинители во 2024 година“ (Report from the monitoring of the Judicial Council and the Council of Public Prosecutors in 2024).

242 "Advertisement for the election of 1 (one) judge to the Gostivar Court of Appeal for the criminal area, for the election of 1 (one) judge to the Shtip Court of Appeal for the criminal area and for the election of 1 (one) judge to the Shtip Court of Appeal for the civil area," Official Gazette of the Republic of North Macedonia No. 86/2023.

During the reporting period, the Judicial Council, in addition to the election of judges to the higher courts in the country, on several occasions also conducted the election of court presidents in the basic and higher courts, as well as the election of lay judges. Among the decisions that were adopted was also the one about the election of the President of the Kumanovo Basic Court, who had previously held the position of acting president.²⁴³ This election attracted considerable attention, given that previously, during the past reporting period,²⁴⁴ public allegations were made about the abuse of the ACCMIS system, the damage to the reputation of the judicial office, involvement in interpersonal conflicts, as well as violation of the principle of non-discrimination.²⁴⁵ The election of the new President of the Skopje Basic Civil Court²⁴⁶ was also accompanied by controversy, after he found himself in the focus of the media due to his alleged involvement in a sex scandal, for which two complaints were filed with the Council.²⁴⁷

The Council of Public Prosecutors, on the other hand, elected 10 public prosecutors during the reporting period.²⁴⁸ On 27 October 2023, the remaining 4 public prosecutors were elected from the candidates of the seventh generation attending initial training at the AJPP,²⁴⁹ namely two public prosecutors for the Basic Gostivar Public Prosecutor's Office, one for the Skopje Basic Public Prosecutor's Office and one for the Struga Basic Public Prosecutor's Office.²⁵⁰ In addition, the Council also elected public prosecutors for the higher public prosecutor's offices. Specifically, on 20 December 2023, the Council elected two public prosecutors for the PPORNM and two public prosecutors for the Gostivar Higher Public Prosecutor's Office.²⁵¹ Additionally, on 13 February 2024, two public prosecutors were elected for the Skopje Higher Public Prosecutor's Office.²⁵²

243 "Press Release from the 461st session of the Judicial Council of the Republic of North Macedonia - 30.10.2023," official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/4gy706T>.

244 Angela Delevska and Beba Zhagar, "Shadow Report on Chapter 23 for the period between October 2022 - September 2023".

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

246 Solemn oath of office by the newly elected presidents of seven courts“, official website of the Judicial Council of the Republic of North Macedonia, 22 November 2023, <https://bit.ly/3TT3GX0>.

247 „Претставка дека судијата Авдија користел простории на граѓанскиот суд со љубовницата имало и пред четири години“ (Four years ago there was also a complaint against Judge Avdija for using the premises of the Civil Court with his mistress) A1 on, 7 November 2024, <https://a1on.mk/macedonia/prestavka-deka-sudijata-avdija-koristel-prostorii-na-gragjanskiot-sud-so-ljubovnicata-imalo-i-pred-chetiri-godini/>.

248 Council of Public Prosecutors, "Response to a request for free access to public information", 18 December 2024.

249 Angela Delevska and Beba Zhagar, "Shadow Report on Chapter 23 for the period between October 2022 - September 2023".

250 "Decision on the election of two public prosecutors to the Gostivar Basic Public Prosecutor's Office, one public prosecutor to the Skopje Basic Public Prosecutor's Office and one public prosecutor to the Struga Basic Public Prosecutor's Office", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 27 October 2023, <https://bit.ly/41WsTSa>.

251 "Decision on the election of two public prosecutors to the Public Prosecutor's Office of the Republic of North Macedonia and two public prosecutors to the Gostivar Higher Public Prosecutor's Office", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 20 December 2023, <https://bit.ly/3tTz6lq>

252 "Decision on the election of public prosecutors to the Skopje Higher Public Prosecutor's Office", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 13 February 2024, <https://bit.ly/3waFtlw>.

When the term of office of the Public Prosecutor of the Republic of North Macedonia ended on 25 December 2023, the procedure for the election of a new Public Prosecutor began. Due to the delay of the process and legal deadlines, as a solution to the delayed publication of the advertisement by the Assembly,²⁵³ an acting State Public Prosecutor was appointed until the completion of the election procedure.²⁵⁴ Three candidates²⁵⁵ applied for the advertisement published by the Assembly on 29 November 2023.²⁵⁶ Of those, only one candidate received a positive opinion from the Council of Public Prosecutors.²⁵⁷ One of the two remaining candidates received a negative opinion from the Council, while the candidacy of the third candidate was rejected due to incomplete documentation.²⁵⁸ After the rejection of the request for review of the decision to reject the documentation of the third candidate,²⁵⁹ the Council of Public Prosecutors informed the Assembly, which on 13 February 2024 proceeded to the election of the sole candidate.²⁶⁰

During the reporting period, the issue of securing a properly accredited institution to conduct psychological and integrity tests for the candidates for judges remained unresolved. Therefore, in September 2024, the Judicial Council decided to continue the cooperation with “Vista Group” and the Institute for Sociological and Political-Legal Research by signing a new contract for this purpose.²⁶¹

253 „На повидок в.д. државен обвинител на местото на Јовески – на партиите не им се брза пред избори да назначат нов шеф на ЈО“ (It seems there will be an Acting State Prosecutor in place of Joveski – the Parties are in no rush to appoint a new head of the Public Prosecutor’s Office before the elections), Prizma/BIRN, 11 December 2023, <https://prizma.mk/na-povidok-vd-drzhaven-obvinitel-na-mestoto-na-joveski/>.

254 “Decision to convene the ninety-third session of the Council of Public Prosecutors”, official website of the Council of Public Prosecutors of the Republic of North Macedonia, 22 December 2023, <https://bit.ly/4YiLZi>.

255 “Minutes from the 94th session of the CPPRNM,” official website of the Council of Public Prosecutors of the Republic of North Macedonia, 27 December 2023, <https://sjorm.gov.mk/zapisnjik-od-94-sednjica-nja-sjorm/>.

256 “Decision on the advertisement for the appointment of a public prosecutor” of the Republic of North Macedonia“, Official Gazette of the Republic of North Macedonia No. 251/2023.

257 Ibid.

258 Ibid.

259 „Советот на јавни обвинители едногласно го отфрли барањето на Фатиме Фетаи за преиспитување на одлуката за отфрлање на нејзината кандидатура за државен јавен обвинител“ (The Council of Public Prosecutors unanimously rejected Fatime Fetai’s request for reconsideration of the decision to reject her candidacy for state public prosecutor), A1 On, 11 January 2024, <https://a1on.mk/macedonia/sovetot-na-jo-ednoglasno-go-otfrli-baranjeto-na-fatime-fetai-za-preispituvanje-na-odlukata-za-otfrlanje-na-nejzinata-kandidatura-za-drzhaven-javen-obvinitel/>.

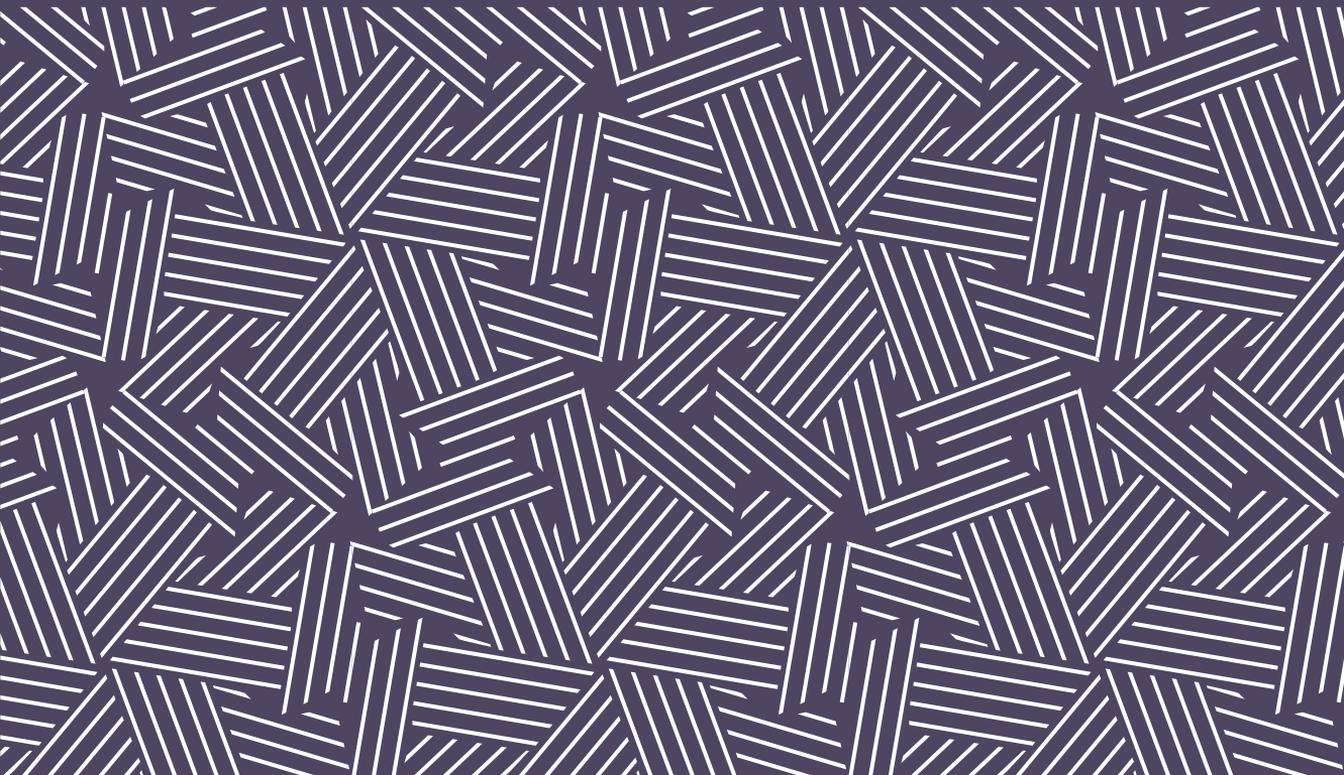
260 “Details from the 140th session,” official website of the Assembly of the Republic of North Macedonia, 13 February 2024, <https://www.sobranie.mk/detali-na-sednica.nsp?sessionId=eaafa2c9-070b-4269-9261-33cfaaff2fa5>.

261 “Press Release from the 498th session of the Judicial Council of the Republic of North Macedonia - 10.09.2024,” official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3ZDagSF>.

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 election of the candidate, the members of Councils usually use general conclusions with abstract rationales. It remains unclear why members of the Council of Public Prosecutors vote with ABSTENTION when electing public prosecutors;

The Judicial Council and the Council of Public Prosecutors should strictly adhere to the established rankings and provide detailed and elaborated decisions on all exceptions, in order to strengthen the trust in the process and the integrity of the institutions;

The Government should urgently initiate a transparent process for the accreditation of institutions for conducting psychological and integrity tests of candidates for judges, in line with international standards and best practices. This process should include the establishment of an independent accreditation body with the participation of experts and representatives of relevant institutions, an open public call for accreditation, support for capacity building of potential institutions and a long-term solution by developing a state institution for these assessments. This will ensure a top quality, transparent and continuous process that will strengthen the credibility of the elected judges.



Quality of Justice

The AJPP remains the only point of entry in judiciary and public prosecutor's office. During the reporting period, the 8th generation attending initial training started their practical phase of training, and the Rulebook for Taking the Final Exam was adopted on 29 February 2024.²⁶²

As for the 9th generation of candidates attending initial training, after two delays,²⁶³ the psychological test was successfully completed on 21 and 22 October 2023,²⁶⁴ and the integrity test on 6 and 7 November 2023.²⁶⁵ However, due to the expiration of the contract for group public procurement of software for conducting exams in state institutions and the long procedure for concluding a new contract by the Ministry of Information Society and Administration, the qualification test was delayed.²⁶⁶ In response, the Government ordered for the electronic exams to be temporarily conducted in paper format with an electronic reader.²⁶⁷ Consequently, in March 2024, the AJPP took measures to facilitate the transition and ensure continuity of the admission process.²⁶⁸ These measures included proposing amendments to the Law on the Academy for Judges and Public Prosecutors, which entered into force on 12 March 2024,²⁶⁹ amending the Statute of the Academy²⁷⁰ and adopting a new Rulebook for Revising the Rules for the Entrance Exam²⁷¹ and harmonising them with the amended legal regulations. In accordance with these amendments, a new schedule was prepared for the next stages of the admission process,²⁷² and the qualification test was scheduled for the first week of April 2024.²⁷³

262 "Rulebook on taking the final exam for candidates attending the initial training at the Academy for Judges and Public Prosecutors "Pavel Shatev" (Academy for Judges and Public Prosecutors "Pavel Shatev", 29 February 2024), <https://bit.ly/4fpzmKt>.

263 It was originally planned for 5 and 6 September 2023, but the dates were moved to 23 and 24 September 2023. Angela Delevska and Beba Zhagar, "Shadow Report on Chapter 23 for the period between October 2022 - September 2023".

264 "Notification about the dates for taking the psychological test," official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 9 October 2023, <https://bit.ly/4gvPmLW>.

265 "Notification about the dates for taking the integrity test," official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 3 November 2023, <https://bit.ly/3VzZQ4T>.

266 "Notification from the Admissions Committee," official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 25 December 2023, <https://bit.ly/3HhkDD1>.

267 "Notification about new timetable for conducting the next part of the entrance exam", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 28 December 2023, <https://bit.ly/48p5Kud>.

268 "Notification from the Admissions Committee on the course of the Entrance Exam and on the new timetable for the next part of the Entrance Exam", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 18 March 2024, <https://bit.ly/3UdGkd3>.

269 "Law Amending the Law on the Academy for Judges and Public Prosecutors," Official Gazette of the Republic of North Macedonia No. 53/2024.

270 "Statutory Decision on Amending the Statute of the Academy for Judges and Public Prosecutors "Pavel Shatev," Official Gazette of the Republic of North Macedonia No. 62/2024.

271 "Rulebook amending the Rulebook for taking the Entrance Exam at the Academy for Judges and Public Prosecutors "Pavel Shatev"" (Academy for Judges and Public Prosecutors "Pavel Shatev", 15 March 2024), <https://bit.ly/4iEX9Ji>.

272 "Notification from the Admissions Committee on the course of the Entrance Exam and on the new timetable for the next part of the Entrance Exam".

273 "Schedule for taking the qualification test", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 29 March 2024, <https://bit.ly/4d8cjUR>.

The adoption of the new schedule prompted filing of complaints to the SCPC by a member of the Legal Commission of the Internal Macedonian Revolutionary Organisation - Democratic Party for Macedonian National Unity (VMRO-DPMNE)²⁷⁴ and the presidential candidate of VMRO-DPMNE-led coalition “Your Macedonia”.²⁷⁵ The complaints, filed on 21 March²⁷⁶ and 5 April 2024,²⁷⁷ concerned violations of the provisions of the Electoral Code²⁷⁸ and the Law on Prevention of Corruption and Conflict of Interest,²⁷⁹ which prohibit new procedures for employment and dismissal in public institutions after the announcement of elections and order the suspension of already initiated procedures.

In response to the complaints, the AJPP emphasised that it was acting in accordance with the previously established practice of the SCPC, because in accordance with the Law on Preventing Corruption and Conflict of Interest of 2019,²⁸⁰ the SCPC no longer provided opinions on actions during an election period.²⁸¹ The Academy cited the example of the admission of the 6th generation of candidates attending initial training in 2017,²⁸² which was assessed by the then SCPC at the time as legally compliant and confirmed by the State Labour Inspectorate after an extraordinary supervision.²⁸³ The AJPP added that, according to the new schedule, employment contracts would be concluded in September 2024 at the earliest, guaranteeing compliance with legal standards.²⁸⁴

However, on 10 April 2024, the SCPC accepted the complaint by the presidential candidate, after which the AJPP filed a lawsuit with the Administrative Court. On 13 April 2024, the Administrative Court accepted the AJPP’s lawsuit,²⁸⁵ annulled the SCPC’s decision and returned the case for reconsideration, ordering the SCPC to take into account the court’s indications.²⁸⁶

274 „VMRO-DPMNE поднесе пријава до ДКСК против Академијата за судии и јавни обвинители за прекршување на Изборниот законик“ (VMRO-DPMNE filed a complaint with the SCPC against the Academy for Judges and Public Prosecutors for violation of the Electoral Code), Media Information Agency-MIA, 21 March 2024, <https://bit.ly/4gC4oQA>.

275 „Сиљановска-Давкова го поднесе првиот приговор за кршење на изборните правила - на потег антикорупционерите“ (Siljanovska- Davkova filed the first complaint for violation of election rules – the ball is in SCPC’s court), Faktor 6 April 2024, <https://faktor.mk/siljanovska-davkova-go-podnese-prviot-prigovor-za-krshenje-na-izbornite-pravila---na-poteg-antikorpucionerite>.

276 “VMRO-DPMNE filed a complaint with the SCPC against the Academy for Judges and Public Prosecutors for violation of the Electoral Code”

277 „Сиљановска-Давкова го поднесе првиот приговор за кршење на изборните правила - на потег антикорупционерите“ (Siljanovska- Davkova filed the first complaint for violation of election rules – the ball is in SCPC’s court),

278 Electoral Code, Article 2, Paragraph 1, Item 29; 8-a, Paragraph 1, Indent 3.

279 Law on Prevention of Corruption and Conflict of Interest, Article 34, Paragraph 1, Indent 3.

280 Law on Prevention of Corruption and Conflict of Interest.

281 “Press Release regarding a complaint filed against the Academy for Judges and Public Prosecutors “Pavel Shatev” to the State Commission for Prevention of Corruption for violation of the Electoral Code”, official website of the Academy for Judges and Public Prosecutors “Pavel Shatev”, 21 March 2024, <https://bit.ly/3w7SP1Y>.

282 Number of opinions by SCPC: 12-467/2 from 23.01.2017 and No. 12-1637/2 from 24.02.2017.

283 “Press Release regarding a complaint filed against the Academy for Judges and Public Prosecutors “Pavel Shatev” to the State Commission for Prevention of Corruption for violation of the Electoral Code”.

284 Ibid.

285 „ДКСК повторно ќе постапува по приговорот на Сиљановска-Давкова за кршење на изборните правила“ (SCPC will once again review Siljanovska-Davkova’s complaint for violation of election rules), TV Telma, 19 April 2024, <https://telma.com.mk/2024/04/19/dsk-povtorno-ke-postapuva-po-prigovorot-na-siljanovska-davkova-za-krshene-na-izbornite-pravila/>.

286 “Decision 12-1330/56” (State Commission for Prevention of Corruption, 20 April 2024), <https://dsk.mk/wp-content/uploads/2024/04/12-1330-56.pdf>.

Those included excluding certain members from the SCPC when making decisions and conducting a comparative analysis with the events in 2017.²⁸⁷ On 19 April 2024, the SCPC confirmed its initial decision,²⁸⁸ which was later confirmed by the Administrative Court (despite the initial decision in favour of the Academy)²⁸⁹ and by the Higher Administrative Court, thus dismissing the AJPP's appeal.²⁹⁰ Consequently, the SCPC initiated procedure for determining the responsibility of the Director, President and members of the Academy's Management Board for violating legal regulations,²⁹¹ explained above in the "Accountability" section. In parallel with the course of the procedure, the new Government in its programme proposed division of the Academy into two separate institutions (one for judges and one for public prosecutors), as well as a complete revision of the candidate admission process.²⁹²

Following the ruling of the Higher Administrative Court, the Director of the AJPP submitted her irrevocable resignation on 12 July 2024, citing political influence over the competent institutions as the main reason.²⁹³ The Deputy Director took over the acting position for a period of three months and on 16 July 2024 convened a meeting to ensure continuity in the work of the Academy.²⁹⁴ On the same day, the AJPP Management Board asked for an opinion from the Government and the Ministry of Finance on the future course of the process, including the continuation of the entrance exam for 9th generation of students, the suspension of the recruitment procedure or complete termination of the process.²⁹⁵ However, a response to the request has not yet been provided. On 26 August 2024, an advertisement was published for a new Director,²⁹⁶ which was closed on 10 September 2024, attracting seven candidates, including the acting Deputy Director, four other judges and two public prosecutors.²⁹⁷ Meanwhile, in order to strengthen institutional integrity, the Deputy Director convened a meeting

287 Ibid.

288 Ibid.

289 „Управен суд: Неоснована е тужбата на АСЈО за одлуката на ДКСК“ (Administrative Court: AJPP's lawsuit against the SCPC decision is unfounded), Media Information Agency - MIA, 22 April 2024, <https://bit.ly/3xXaxGm>.

290 "Press Release – The Higher Administrative Court confirmed the decision of the SCPC regarding the complaint by an organiser of an election campaign regarding the recruitments at the Academy for Judges and Public Prosecutors", official website of the State Commission for Prevention of Corruption, 30 April 2024, <https://bit.ly/3WpALV5>.

291 "Initiative to establish responsibility on the part of the Director and the Management Board of the Academy for Judges and Public Prosecutors", official website of the State Commission for Prevention of Corruption, 23 May 2024, <https://bit.ly/3Lqp40o>.

292 "Documents – Draft Work Programme of the Government", official website of the Assembly of the Republic of North Macedonia, <https://www.sobranie.mk/detali-na-materijal.nspx?param=3ae13141-ac9e-486a-950e-f603c34dcea4>.

293 „Директорката на Академијата за судии и јавни обвинители, Наташа Габер-Дамјановска поднесе неотповиклива оставка“ (The Director of the Academy for Judges and Public Prosecutors, Natasha Gaber- Damjanovska, handed her irrevocable resignation), Sakam Da Kazam, 12 July 2024, <https://sdk.mk/index.php/makedonija/direktorkata-na-akademijata-za-sudii-natasha-gaber-damjanovska-podnese-neotpovikлива-ostavka/>.

294 "Informative working meeting of the Deputy Director of the AJPP, Judge Ilir Iseni, MA, with the staff", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 16 July 2024, <https://bit.ly/48padxO>.

295 "Press Release from 215th session of the Management Board of the Academy", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 17 July 2024, <https://bit.ly/3Usqnk7>.

296 Advertisement for the election of a Director of the Academy for Judges and Public Prosecutors "Pavel Shatev", Official Gazette of the Republic of North Macedonia No. 177/2024.

297 „Нов обид да се именува директор за Академијата на судии и јавни обвинители“ (New attempt to appoint a director of the Academy of Judges and Public Prosecutors), TV Telma, 14 October 2024, <https://telma.com.mk/2024/10/14/nov-obid-da-se-imenuva-direktor-za-akademijata-na-sudii-i-javni-obviniteli/>.

on 27 August 2024 for founding an alumni association, in accordance with the Statute of the Academy, in which all candidates who have successfully completed the initial training at the Academy would be members.²⁹⁸ The aim of the association is to encourage continuous cooperation between graduates through regular meetings, exchange of experiences, discussions on legal matters, following the careers of the members and connecting with international associations.²⁹⁹

The need to improve the spatial conditions of the AJPP, primarily the training facilities, but also staffing and increasing the budget in accordance with the real needs of the Academy remains a challenge and, as an unfulfilled measure from the previous strategy,³⁰⁰ is reflected in the new Judicial Sector Development Strategy (2024-2028) with an Action Plan.³⁰¹

Regarding the case law harmonisation, the Case Law Department of the Supreme Court of RNM held three sessions during the reporting period (one in February and two in April 2024).³⁰² As in the previous report, the SCRNM held one meeting of the judges and representatives from the four appellate districts for the harmonisation of the case law,³⁰³ which is less than the three meetings held during the September 2021 - October 2022 reporting period.³⁰⁴ 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. 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 case law application.³⁰⁵ In addition, the process of publishing court decisions proceeds smoothly, and all court decisions are published on the courts' website 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 quickly find a specific case law, nor is there a methodology for extracting key decisions for the purpose of developing a case law.³⁰⁶

298 Advertisement for the election of a Director of the Academy for Judges and Public Prosecutors "Pavel Shatev", official website of the Academy for Judges and Public Prosecutors "Pavel Shatev", 2 September 2024, <https://bit.ly/4fnx7rQ>.

299 Ibid.

300 "Strategy for Reform of the Justice Sector for the Period 2017-2022 with an Action Plan" (Ministry of Justice, 2017), https://www.pravda.gov.mk/Upload/Documents/Strategija%20i%20akciski%20plan_MK-web.pdf, Strategic Guideline 2.2.8.

301 "Action Plan for the Implementation of the Judicial Sector Development Strategy 2024-2028", Measure 1.2.3.

302 "Press Release from the meeting of the Case Law Department," official website of the Supreme Court of the Republic of North Macedonia, 15 April 2024, <https://bit.ly/3VFZgmv>; "Press Release from meeting of the Case Law Department," official website of the Supreme Court of the Republic of North Macedonia, 25 April 2024, <https://bit.ly/3DismSw>.

303 "Working meeting of the Supreme Court with the four appellate courts," official website of the Supreme Court of the Republic of North Macedonia, 26 June 2024, <https://bit.ly/4gyEeOz>.

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

305 Душко Георгиевски, „Анализа на квалитетот и изедначеноста на судските одлуки во граѓанско-правната област“ (Analysis of the quality and consistency of civil court decisions). European Policy Institute and Association "Zenith", August 2021, <https://bit.ly/3UfOKPz>.

306 Ардита Абази Имери и др., „Анализа – Сеопфатна оценка на спроведувањето на Стратегијата за реформа на правосудниот сектор 2017-2022“ (Analysis - Comprehensive Assessment of the Implementation of the Strategy for Reform of the Judicial Sector 2017-2022), (European Policy Institute - Skopje, 10 November 2022), <https://bit.ly/3X2noxB>.

In the area of mediation, as a key alternative dispute resolution tool, the authorities responsible for its smooth functioning and promotion have become dysfunctional. In February 2024, several by-laws were adopted to overcome the problems with the issuance and renewal of licenses for mediators, which resulted from the six-month vacuum in meeting the legal deadlines for the establishment of the National Mediation Council³⁰⁷ and, thus, the absence of a competent licensing institution by September 2022.³⁰⁸ More specifically the following bylaws were adopted: Rulebook on issuing and revoking licenses in mediation,³⁰⁹ Rulebook on the form and the content of a mediator's license,³¹⁰ Rulebook on the methodology and manner of monitoring and evaluating the quality of the work of mediators³¹¹ and Fee Schedule for the actual costs incurred for issuing licenses for mediators, licenses for mediators in specific areas, licenses for mediator trainers and accreditation of training programmes for mediators.³¹² Following their adoption, the National Mediation Coordinator resigned in March 2024, and an acting National Mediation Coordinator was appointed in April 2024.³¹³ This resolved the issue of licenses for 25 mediators.³¹⁴ However, after the dismissal of the acting coordinator on 5 July 2024,³¹⁵ a new coordinator was not appointed, which led to another standstill in the process. In addition, the mandate of the management of the Chamber of Mediators expired on 26 February 2024, and by the end of the reporting period, the Assembly had not been convened to elect new bodies.³¹⁶ As a result, the Chamber became dysfunctional, further hindering the development of mediation.³¹⁷

307 "Decision on the Appointment of Members and a Secretary of the National Mediation Council," Official Gazette of the Republic of North Macedonia No. 201/2022.

308 Борче Мирчески, Националниот совет за медијација треба да биде изменет во неговиот состав (Borche Mircheski, The composition of the National Mediation Council should be changed), Sloboden Pечат, 24 June 2024, <https://www.sloboden-pecat.mk/videointervju-mircheski-nacionalniot-sovet-za-medijacija-treba-da-bide-izmenet-vo-negoviot-sostav/>.

309 "Rulebook on issuing and revoking licenses in mediation," Official Gazette of the Republic of North Macedonia No. 40/2024.

310 "Rulebook on the form and content of a mediator's license", Official Gazette of the Republic of North Macedonia No. 41/2024.

311 "Rulebook on the methodology and manner of monitoring and evaluating the quality of the work of mediators," Official Gazette of the Republic of North Macedonia No. 40/2024.

312 "Fee Schedule for the actual costs incurred for issuing licenses for mediators, licenses for mediators in specific areas, licenses for mediator trainers and accreditation of training programmes for mediators," Official Gazette of the Republic of North Macedonia No. 40/2024.

313 "Decision on the Appointment of the Acting National Mediation Coordinator," Official Gazette of the Republic of North Macedonia No. 82/2024.

314 Borche Mircheski, the composition of the National Mediation Council should be changed.

315 "National Coordinators Dismissed," eMagazin, 5 July 2024, <https://bit.ly/3BGgklh>.

316 Contribution from licensed mediators to the Shadow Report on Chapter 23 for the period October 2023-September 2024.

317 Ibid.

The draft Law on Civil Procedure, with additional amendments introducing a procedure for the protection of collective interests and rights,³¹⁸ was reintroduced in parliamentary procedure in August 2024.³¹⁹ On 2, 4 and 6 September, the Committee on Political System and Inter-Community Relations, the Legislative Committee and the Committee on European Affairs respectively supported the draft law, giving a positive opinion for its further reading.³²⁰ However, on 10 September 2024, the draft law was once again withdrawn from parliamentary procedure by the Ministry of Justice,³²¹ due to the need for its alignment with the amendments to the Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC.³²² This alignment is necessary following the amendments made in December 2023 and June 2024, which extend the application of the Directive to new areas, including Regulation (EU) 2023/2854 (Data Act) and Regulation (EU) 2024/1689 (Artificial Intelligence Act). These amendments provide for the possibility of bringing representative actions in areas related to data protection and artificial intelligence, which requires further alignment of national legislation.³²³

318 This novelty allows associations, foundations, institutions or other organisations, which are registered or authorised in accordance with the law, to file a lawsuit against a natural or legal person who, by a certain activity, action or omission, seriously threatens or violates the collective interests and rights established by law. The law is additionally harmonised with the Law on Free Legal Aid, specifying that the costs of the procedure of the party-beneficiary of secondary legal aid, who succeeded in the dispute, are paid to the account of the Budget of the Republic of North Macedonia. Furthermore, the draft law provides for the possibility of holding remote public hearings. This applies if there is a risk of delaying the procedure or if there are legal or factual obstacles to attending in person. The court may decide to hold the hearing remotely, using two-way electronic communication that allows for real-time audio and visual display. "Draft Law on Civil Procedure on the Agenda of the Committee on Political System and Inter-Community Relations Today," official website of the Ministry of Justice, 2 September 2024, <https://www.pravda.gov.mk/vest/6733>.

319 "Notification of new material delivered to Members of Parliament - draft Law on Civil Procedure" (Assembly of the Republic of North Macedonia, 16 August 2024), <https://www.sobranie.mk/78900468-d05a-4c9a-9e89-e67a2c9a9e3c>.

320 "Details concerning the material-Draft Law on Civil Procedure," official website of the Assembly of the Republic of North Macedonia, <https://www.sobranie.mk/detali-na-materijal.nsp?param=07aeb891-c5f7-49a4-b2f2-560f31d33fcb>.

321 "Notification about the withdrawal of material by the proposer - draft Law on Civil Procedure" (Assembly of the Republic of North Macedonia, 10 September 2024), <https://www.sobranie.mk/15caa6ea-da13-439e-a567-44b2b81132e8>.

322 "Contribution from the Ministry of Justice within the framework of the discussion on the Shadow Report on Chapter 23 for the period October 2023 – September 2024," official website of the European Policy Institute (EPI) - Skopje, 24 December 2024, <https://epi.org.mk/post/27153>.

323 Ibid.

Staffing, and technical and infrastructural equipping remain a challenge, and are of exceptional importance for improving the quality of the trainings conducted by AJPP. The Academy for Judges and Public Prosecutors needs new premises in order to be able to fully perform its primary task, 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;

It is necessary for the Government and the Ministry of Finance to submit a clear and legally sound opinion in a timely manner concerning the continuation of the entrance exam for the 9th generation of AJPP students, in order to ensure continuity in the process of training new judges and public prosecutors;

The proactive role of the SCRNM 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;

The National Mediation Council and the Chamber of Mediators should urgently be put to function by electing a new leadership of the Chamber and the appointment of a new national coordinator for mediation. The Government should also provide systemic support for the development of mediation as an alternative tool for dispute resolution.



Efficiency

According to the data from the 2023 Annual Report of the Judicial Council, the courts in 2023 failed to master the influx of cases and increased the backlog by 22,164 cases.³²⁴ Based on the statistical reports from the work of the courts, the Judicial Council states that in 2023, out of 34 courts, 13 courts were up-to-date, while 21 courts were not, specifically 3 courts of appeal and 18 basic courts.³²⁵ These data show significant deterioration of the situation in regard to the backlog of cases and inefficiency of the courts in comparison to 2022.

The rise of these negative parameters is due, among other things, to the continuous decrease in the number of active judges. Over a period of only 5 years, the number of judges dropped by 125 judges. The most noticeable decrease is in the Bitola Appellate District, where the number of judges dropped by 38.75%, which in 2023 led to complete inefficiency of the courts within this district.³²⁶ The second-ranked Appellate District is Shtip, where the number of judges dropped by 30.50%.³²⁷ Furthermore, the courts in the Gostivar Appellate District recorded a drop of 25.75%.³²⁸ Although the Skopje Appellate District recorded the largest outflow of judges in absolute numbers, due to its size and the total number of judges, this district is the least affected, with a drop of 17.70%.³²⁹

The rise of the negative parameters is also due to the significant increase in the number of cases allocated per judge. While in 2020, one judge had an average workload of 239 cases, in 2024 that number rose to 437 cases, which is an increase of 83.26%.³³⁰ An additional challenge is the lack of proper planning and needs analysis when publishing calls for admission to the AJPP. Instead of profiling and planning the vacant judicial and prosecutorial positions by cities and appellate districts, a single general advertisement is published for the entire country. As a result, after completing the training, candidates have the right to apply to any court and public prosecutor's office, with candidates most often preferring positions in the capital or larger cities, leaving judicial and prosecutorial positions in smaller cities and districts vacant.³³¹ Accordingly, during the last reporting period, the Judicial Council opted for temporary referrals of judges from the 7th generation of the AJPP³³² who completed their training

324 Judicial Council of the Republic of North Macedonia, "Annual Report on the work of the Judicial Council of the Republic of North Macedonia for 2023", February 2023, <https://bit.ly/3RbFZGq>.

325 Ibid.

326 Лејла Тутик, "Анализа на состојбата со човечките ресурси во судовите и јавните обвинителства во Република Северна Македонија" (Analysis of the situation with human resources in the courts and public prosecutor's offices in the Republic of North Macedonia) (Coalition "All for a Fair Trial", 2024), <https://all4fairtrials.org.mk/wp-content/uploads/2024/11/66-AN-CRS-2024.pdf>.

327 Ibid.

328 Ibid.

329 Ibid.

330 Ibid.

331 Ibid.

332 "Press Release from the 453rd urgent session of the Judicial Council of the Republic of North Macedonia – 06.09.2023", official website of the Judicial Council of the Republic of North Macedonia, <https://bit.ly/3NeWRuD>.

in March 2023.³³³ However, due to insufficient judicial experience, these judges have limited powers and can only try cases with certain restrictions (according to the value of the dispute in civil cases and the length of the potential sentence in criminal cases).³³⁴ Therefore, for the remaining cases in the reporting period, they were exempted from acting, which shows that this solution is not fully effective in overcoming the problem of the backlog of cases.³³⁵

According to the 2023 Annual Report on the work of the Public Prosecutor's Offices,³³⁶ the PPORNM, the higher public prosecutor's offices, the basic public prosecutor's offices, and the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption in 2023, acted in an efficient and professional manner. The public prosecutor's offices have generally managed to contain the influx of new initiatives for criminal charges and reduce the number of unresolved cases. Meaning, 62.1% of initiatives for criminal charges were resolved in 2023, which is a slight improvement compared to 2022, when 61.6% of initiatives for criminal charges were resolved. Subsequently, a slight increase was noted at the end of 2023 in initiatives for criminal charges that were pending, when 37.9% of the initiatives were still pending, compared to 2021, when it was 38.4%. However, it is necessary for the PPORNM to adopt a methodology for collecting and processing statistical data on the work of public prosecutor's offices, in order to present a more comprehensive qualitative analysis of the overall work, individually for all public prosecutor's offices, focusing on cases, and not on perpetrators of criminal acts.

The improved results in the public prosecutor's office can be attributed to the relatively stable number of public prosecutors in the past five years, unlike the situation in the courts. Namely, during this period the number of public prosecutors has decreased by only 8% or a total of 16 prosecutors. A significant outflow was observed in 10 prosecutor's offices, while in 9 prosecutor's offices the number of prosecutors remained the same, and in another 9 prosecutor's offices an increase was noted.³³⁷ The exceptions are the prosecutor's offices with the most drastic decrease of 50%, such as the Higher Public Prosecutor's Office Bitola, the Basic Public Prosecutor's Office Prilep, the Basic Public Prosecutor's Office Gevgelija and the Basic Public Prosecutor's Office Resen, which significantly affects their effectiveness and the rise in the number of cases.³³⁸

333 The final ranking list of candidates for judges and public prosecutors from the seventh generation of the AJPP was published on 20 February 2023 (along with additional ranking list published on 1 March due to the right of candidates to retake the final exam), after which the ranking list was sent to the JCRNM and CPPRNM for their further assignment. Official Gazette of the Republic of North Macedonia No. 48/2023, Official Gazette of the Republic of North Macedonia No. 69/2023.

334 Тутиќ, "Анализа на состојбата со човечките ресурси во судовите и јавните обвинителства во Република Северна Македонија" (Analysis of the situation with human resources in the courts and public prosecutor's offices in the Republic of North Macedonia).

335 Ibid.

336 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 2023", July 2024, <https://jorm.gov.mk/wp-content/uploads/2024/07/godishen-izvesta%D1%98-2023-finalna-verzi%D1%98a-2.pdf>.

337 Тутиќ, "Анализа на состојбата со човечките ресурси во судовите и јавните обвинителства во Република Северна Македонија" (Analysis of the situation with human resources in the courts and public prosecutor's offices in the Republic of North Macedonia).

338 "Minutes from the 103rd session of the CPPRNM," official website of the Council of Public Prosecutors of the Republic of North Macedonia, 29 May 2024, <https://sjorm.gov.mk/zapisnjik-od-103-sednjica-nja-sjorsm/>.

The improved results of the public prosecutor's office, in contrast to the judiciary, are also due to a smaller percentage of increase in the number of cases on which public prosecutors worked between 2020 and 2024. Namely, from 64 cases in 2020, the number of cases on which a public prosecutor worked in 2024 increased to 73 cases or only 14.28%.³³⁹

A challenge to the effectiveness of all public prosecutor's offices is the suboptimal management of the available number of public prosecutors, which is partly due to the lack of profiling and planning of vacant prosecutorial positions by city and appellate districts and the publication of a single general advertisement for admission to the AJPP, as explained above. For example, in the Basic Public Prosecutor's Office in Kichevo, the increase in the number of pending cases has been accompanied by an increase in the number of public prosecutors of as much as 100%. This is due to the fact that newly elected public prosecutors cannot handle cases in regular procedures, so even though additional public prosecutors have been elected to this prosecutor's office, they cannot contribute to reducing the backlog of cases that must be handled in regular rather than abbreviated procedures.³⁴⁰

The uneven distribution of judicial and public prosecution professional services in courts and public prosecutors' offices continues, taking into account the level of the court and prosecutor's office, their jurisdiction, the number of resident population and the total number of pending cases.³⁴¹

In terms of courts, according to the European average, out of a total of 34 courts, 7 courts have a professional service above the established European average, 4 courts are within the average, while 23 courts are below the European average. The situation is slightly different if the domestic average is taken into account. According to the domestic standard of 1.44 expert associates per judge, 15 courts have a professional service above the average, while 19 courts are below this established average.³⁴²

The situation is even more worrying at the public prosecutor's offices. Two-thirds of public prosecutor's offices do not have a professional service in accordance with the envisaged European average. However, it should be taken into account that the European average is not the most appropriate for comparison, since the majority of European countries have an inquisitorial model of procedure, unlike North Macedonia, which has switched to an adversarial model. According to the domestic average of 0.96 expert associates per public prosecutor, 46% of the prosecutor's offices have less than 1 expert associate per public prosecutor. This means that these prosecutor's offices do not even meet the minimum standard according to which each public prosecutor should have at least 1 expert associates, and in reality,

339 Тутиќ, "Анализа на состојбата со човечките ресурси во судовите и јавните обвинителства во Република Северна Македонија" (Analysis of the situation with human resources in the courts and public prosecutor's offices in the Republic of North Macedonia).

340 Ibid.

341 Ibid.

342 Ibid.

these clerks work with more than one public prosecutor. On the other hand, 40% of the prosecutor's offices have 1 or more clerks per public prosecutor, while only 14% of the prosecutor's offices have 2 or more expert associates per public prosecutor.³⁴³

These data highlight the need for better organisational structure in order to achieve a more even distribution of the professional service in the courts and public prosecutor's offices, in order to increase their efficiency and ensure minimum working standards.

During the reporting period, the Constitutional Court attained a full composition. On 12 December 2023, a new constitutional judge was appointed, filling the position that became vacated in January 2022.³⁴⁴ Furthermore, on 8 February 2024, following the withdrawal of the nomination of the former Public Prosecutor of the Republic of North Macedonia for a constitutional judge,³⁴⁵ the ruling party proposed a new candidate, who was subsequently successfully elected.³⁴⁶ After nine rounds of unsuccessful voting, with four candidate judges in the running and one candidate withdrawing,³⁴⁷ the constitutional judges also elected a new President of the Constitutional Court on 9 June 2024,³⁴⁸ succeeding the previous President, whose term of office ended on 2 June 2024.³⁴⁹ The new President will serve for three years without the right to re-election.

On 28 February 2024, the Constitutional Court ruled to repeal the statutory requirement to indicate ethnicity in birth, marriage and death certificates, effectively deleting the "ethnicity" column from the Civil Registry Act. The Court found that the mandatory indication of this information was contrary to the constitutional principle of free declaration of ethnicity. The relevant article in the Constitution not only allows individuals to freely declare their ethnicity but also grants them the right not to declare or to change their declaration – a flexibility that was not provided for by the repealed provisions.³⁵⁰

343 Ibid.

344 „Јадранка Дабовиќ-Анастасовска избрана за уставна судијка“ (Jadranka Dabović- Anastasovska elected as constitutional judge), 360 Stepeni, 12 December 2023, <https://360stepeni.mk/jadranka-dabovik-anastasovska-izbrana-za-ustavna-sudijka/>.

345 „Повлечен предлогот Љубомир Јовески да биде избран за уставен судија“ (The proposal to elect Ljubomir Joveski as a constitutional judge has been withdrawn), 360 Stepeni, 24 January 2024, <https://360stepeni.mk/joveski-iznenaduvachki-i-vulgarno-e-toa-shto-predlogot-za-ustaven-sudija-e-povlechen-bez-da-se-navedat-osnovnite-prichini/>.

346 „Ана Павловска-Данева избрана за уставен судија – комплетиран е составот на Уставниот суд“ (Ana Pavlovska-Daneva elected as constitutional judge – the composition of the Constitutional Court is complete), TV Telma, 8 February 2024, <https://telma.com.mk/2024/02/08/ana-pavlovska-daneva-izbrana-za-ustaven-sudija-kompletiran-e-sostavot-na-ustavniot-sud/>.

347 „Вонредна вест: Ана Павловска Данева се повлекува, ќе добие ли Уставен претседател?“ (Breaking News: Ana Pavlovska Daneva is stepping down, will the Constitutional Court get a President?), TV Telma, 3 June 2024, <https://telma.com.mk/2024/06/03/vonredna-vest-ana-pavlovska-daneva-se-povlekuva-ke-dobie-li-ustaven-pretседател/>.

348 „Дарко Костадиновски е нов претседател на Уставен суд“ (Darko Kostadinovski is the new President of the Constitutional Court), Kanal 5, 4 June 2024, <https://kanal5.com.mk/darko-kostadinovski-e-nov-pretседател-na-ustaven-sud/a643416>.

349 „Заврши мандатот на претседателката Кацарска“ (President Kacarska's term of office ended), Macedonian Radio and Television (MRT), 29 May 2024, <https://mrt.com.mk/node/110303>.

350 „Укинат делот „националност“ во три члена од Законот за матична евиденција“ (The section "ethnicity" in three articles of the Law on Civil Registration has been abolished), official website of the Constitutional Court of the Republic of North Macedonia, 28 February 2024, <https://ustavensud.mk/?p=25759>.

On 29 February 2024, the Assembly passed the amendments to six laws, which fix the salary coefficients for around 1,060 elected and appointed officials, including the President, deputies, ministers, judges and public prosecutors.³⁵¹ These amendments stop any further salary increases, while maintaining the 78% increase from the previous year.³⁵² The amendments have been opposed by the Judicial Council,³⁵³ the Council of Public Prosecutors,³⁵⁴ the Association of Judges³⁵⁵ and the Association of Public Prosecutors,³⁵⁶ who claim that the amendments compromise the financial independence of judiciary, negatively affect decision-making, employment practices and payment of salary supplements. Consequently, they filed initiatives with the Constitutional Court to assess the constitutionality and legality of these amendments, in particular those affecting the laws on salaries of judges, members of the Judicial Council, members of the Council of Public Prosecutors and public prosecutors.³⁵⁷ In addition, on 19 March 2024, the Government also approved a reduction in the salary coefficients for the officials it appoints, thus ensuring compliance with the Law on Salaries and Other Remunerations for the MPs at the Assembly of the Republic of North Macedonia and other elected and appointed officials in the country.³⁵⁸

Following the initiatives submitted to the Constitutional Court for assessing the constitutionality, the Court rejected the initiatives on 15 May³⁵⁹ and 20 June 2024,³⁶⁰ determining that the changes were adopted in the public interest in order to limit budget expenditures and maintain financial stability in times of an economic crisis. The Court assessed that the measure is proportionate because the difference is compensated through the annual adjustment with the increase in the average salary, whereby the salaries of judges and public prosecutors remain appropriate to their status and function, and the measure is temporary, has no permanent negative consequences and is in accordance with the principle of the rule of law.

351 "The package of laws on the salaries of elected and appointed officials has been passed", *Biznisvesti.mk*, 29 February 2024, <https://biznisvesti.mk/izglasani-paketot-zakoni-za-platite-na-izbranite-i-imenuvanite-litsa/>.

352 Ibid.

353 "Press Release", official website of the Judicial Council of the Republic of North Macedonia, 28 February 2024, <https://bit.ly/49UBjvX>.

354 "Press Release", official website of the Council of Public Prosecutors of the Republic of North Macedonia, 19 March 2024, <https://bit.ly/3UxdpCg>.

355 "Press Release regarding the draft Law Amending the Law on Salaries of Judges in an abbreviate procedure", official website of the Association of Judges of the Republic of North Macedonia, 28 February 2024, <https://bit.ly/49WdCU2>.

356 „Здружението на јавни обвинители реагира по најавените законски измени за платите“ (The Association of Public Prosecutors Reacts to the Announced Legal Changes in Salaries), A1 On, 28 February 2024, <https://a1on.mk/macedonia/zdruzhenieto-na-javni-obviniteli-reagira-po-najavenite-zakonski-izmeni-za-platite/>.

357 "Press Release", official website of the Judicial Council of the Republic of North Macedonia, 6 March 2024, <https://bit.ly/4b-cPltE>; "Initiative for Appraisal of Constitutionality and Legality", official website of the Association of Judges of the Republic of North Macedonia, 7 March 2024, <https://bit.ly/4d8Ghbn>.

358 "From the 11th Government session: Decision to reduce the salary coefficients of officials appointed by the Government; Conclusion concerning the right to vote of citizens with expired IDs", official website of the Government of the Republic of North Macedonia, 19 March 2024, <https://vlada.mk/node/36224>.

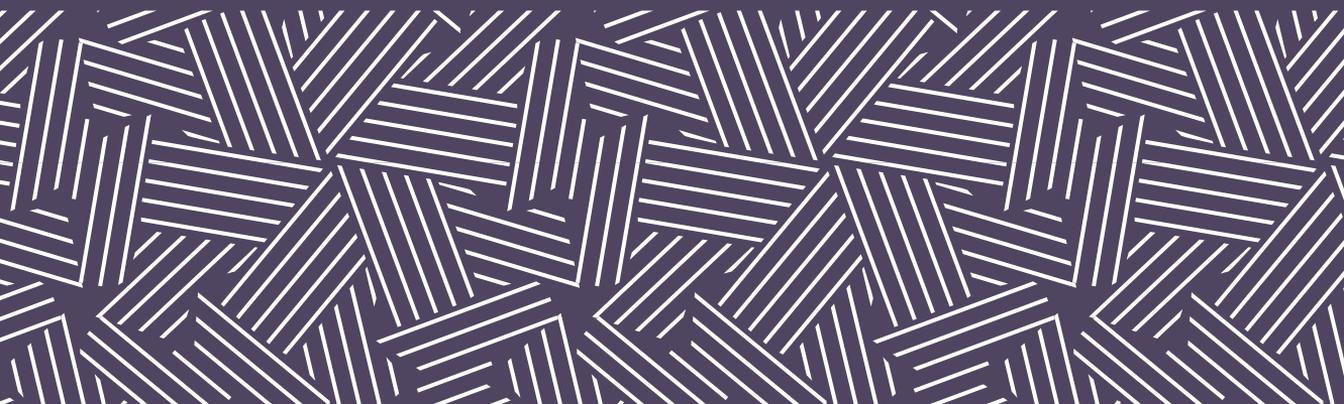
359 "Decision of the Constitutional Court of the Republic of North Macedonia U.No.122/2024 U.No.123/2024," Official Gazette of the Republic of North Macedonia No. 141/2024.

360 "Decision of the Constitutional Court of the Republic of North Macedonia U.No.131/2024 and U.No.143/2024," Official Gazette of the Republic of North Macedonia No. 148/2024.

It is necessary for the Judicial Council and the Council of Public Prosecutors, in their analyses when announcing the number of vacancies, to determine how many judicial and prosecutorial positions will be vacant by the end of the training, adjusting the announcements for the admission of trainees to the real needs of courts, prosecutors' offices or appellate districts. In addition, amendments to the Law on the Academy for Judges and Public Prosecutors are necessary in order to publish advertisements by city and for specific positions of judges and public prosecutors;

Temporary delegation of judges and public prosecutors should be used exclusively as an ad-hoc measure to deal with an increased influx of cases, taking into account that the profile of the delegated persons corresponds to the needs of the court or public prosecutor's office. Before making a decision on delegating, it is necessary to carry out a detailed analysis of the state of affairs, including effectiveness and performance quality, in order to ensure balanced and responsible action without compromising the quality of decisions;

It is necessary to revise the acts for systematisation of the jobs in courts and public prosecutors' offices, for which the Judicial Council and the Council of Public Prosecutors should develop a methodology as a basis for drafting new acts. When developing the methodology, key indicators should be taken into account, such as the 2021 census official data, the influx and complexity of cases, the time required for their resolution, the performance quality, as well as the possibilities for engaging external collaborators for certain positions. To ensure comprehensiveness, the councils should collect data from multiple sources and include various stakeholders, by organising working meetings with judges and public prosecutors, as well as consultations with relevant experts and institutions.



2. Fight against Corruption



The negative effects of the recent amendments to the Criminal Code on high-level corruption cases continued during the reporting period, contributing, among other things, to the Republic of North Macedonia not making significant progress in the fight against corruption. Reports from various sources, including Transparency International,³⁶¹ the US Department of State³⁶² and Freedom House,³⁶³ show some minimum 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.

Last year's EC report on the Republic of North Macedonia highlighted concerns about the country's level of preparedness, which was assessed as "some and moderate level" in terms of the fight against corruption, precisely due to the delays and reversals of many judgements in high level corruption cases.³⁶⁴

The evaluation by the Group of States against Corruption (GRECO) found that North Macedonia had satisfactorily implemented only 13 out of 23 anti-corruption recommendations from the compliance report of the fifth evaluation round.³⁶⁵ In the second addendum to the Second Compliance Report on North Macedonia, GRECO assessed that out of 19 recommendations related to the prevention of corruption among MPs, judges and prosecutors, 14 had been implemented to a satisfactory degree, four recommendations had been partially implemented, and only one recommendation had not been implemented by the country.³⁶⁶

According to the 2023 National Integrity System Assessment conducted by Transparency International – Macedonia, the State Commission for Prevention of Corruption (SCPC) together with the State Audit Office and the Ombudsman had the best results in terms of integrity, accountability, responsibility and preparedness to fight corruption.³⁶⁷ The SCPC is one of the

361 "CPI 2023 for Eastern Europe and Central Asia: Autocracy and weak justice systems enable widespread corruption", official website of the Transparency International – Macedonia, 30 January 2024, <https://transparency.mk/2024/01/30/ipk-2023-za-istochna-evropa-i-czentalna-azi%201%98a-avtokrati%201%98ata-i-slabite-pravosudni-sistemi-ovozmozhuvaat-shiroko-rasprostraneta-korup-czi%201%98a/>.

362 US State Department's 2023 Report on Human Rights Practices in the Republic of North Macedonia, 23 April 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/north-macedonia/>.

363 Freedom House. "North Macedonia: Nations in Transit 2024 Country Report", 11 April 2024, <https://freedomhouse.org/country/north-macedonia/nations-transit/2024>.

364 European Commission. "Commission Staff Working Document – North Macedonia 2023 Report".

365 ГРЕКО: Македонија е недоволно усогласена со препораките од Извештајот за евалуација во борбата против корупција (GRECO: Macedonia is insufficiently compliant with the recommendations of the Evaluation Report on the fight against corruption), TV Sitel, 18 October 2023, <https://sitel.com.mk/greko-makedonija-e-nedovolno-usoglasena-so-preporakite-od-izveshtajot-za-evaluacija-vo-borbata>.

366 „ГРЕКО сè уште чека македонските власти да ја укинат функцијата на министерот за правда во Судскиот совет“ (GRECO is still waiting for the Macedonian authorities to abolish the position of the Minister of Justice in the Judicial Council), 360 Stepeni, 12 March 2024, <https://360stepeni.mk/greko-se-ushte-cheka-makedonskite-vlasti-da-ja-ukinat-funksijata-na-ministerot-za-pravda-vo-sudskiot-sovet/>.

367 Слаѓана Тасева и др., „Национален систем за интегритет-оценка 2023“ (National Integrity System Assessment 2023), Transparency International – Macedonia, 17 November 2023, <https://transparency.mk/wp-content/uploads/2024/01/national-integrity.system.assessment.2023-4.pdf>.

pillars that make up this integrity system and is marked as the second on the list of 15 pillars. At the same time, the Public Prosecutor's Office is the lowest rated pillar.³⁶⁸

The ranking of institutions according to anti-corruption performances in public procurement procedures done by the Center for Civil Communications pointed to the potential implications of corruption in public procurements, considering that the share of the value of public procurements in the State Budget of RNM is 24%, i.e. over 1 billion EUR annually. According to this analysis, the lowest ranking institutions in regard to anti-corruption performances in public procurements are the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Environment and Physical Planning and the Ministry of Political System and Inter-Community Relations, while the best performers are the Ministry of Defence and the Ministry of Agriculture, Forestry and Water Economy. Local self-government units show weaker results compared to ministries, with the Municipality of Kratovo, the Municipality of Gostivar and the City of Skopje showing the lowest level of anti-corruption performance in public procurements, while the best ranked are the Municipality of Kavadarci, the Municipality of Veles and the Municipality of Probishtip.³⁶⁹

During the OSCE Ministerial Council in Skopje, Ministers of Foreign Affairs from the region signed a declaration on the fight against corruption, focusing on financial investigations and digitalisation, as well as on recovery of assets acquired through criminal activities.³⁷⁰

368 „Ревизија, Антикорупциска и Омбудсман со најдобри резултати за интегритет, најслаби обвинителството, судовите и службите за спроведување на законите“ (SAO, SCPC and the Ombudsman with the best results in terms of integrity, the prosecutors, courts and law enforcement services the weakest), Nova TV, 12 January 2024, <https://novatv.mk/revizija-antikoruptsiska-i-ombudsman-so-najdobri-rezultati-za-integritet-najslabi-obvinitelstvo-sudovite-i-sluzhbite-za-sproveduvane-na-zakonite/>.

369 Official website of the European Policy InstCenter for Civil Communications, “Institutions Ranking According to Anti-Corruption Performance in Public Procurements,” 2024, <https://bit.ly/3CluVTB.ute> (EPI) - Skopje, 24 December 2024, <https://epi.org.mk/post/27153>.

370 Министрите за надворешни работи од регионот потпишаа декларација за борба против корупцијата (The foreign ministers from the region signed a declaration on the fight against corruption), 360 Stepeni, 30 November 2023, <https://360stepeni.mk/ministrите-za-nadvoreshni-raboti-od-regionot-potpishaa-deklaratsija-za-borba-protiv-korupsiata/>.

Institutional Framework

State Commission for Prevention of Corruption

An advertisement for the election of the next SCPC's members was published on 7 November 2023.³⁷¹ After the initial administrative selection, in which 15 candidates were rejected, interviews were conducted with 41 candidates between 23 and 25 November.³⁷² The ranking list of candidates published in late November³⁷³ included four auditors, two SCPC employees and one judge.³⁷⁴ The Anti-Corruption Platform of Civil Society Organisations condemned the perceived partisanship of the election process, expressing concern about the objectivity and impartiality of the future SCPC members.³⁷⁵ At the end of December, the Assembly approved the list of candidates, and they took the office on 8 February 2024.³⁷⁶

Towards the end of the mandate of the previous SCPC composition, they reported that they had opened 5,283 cases during their term of office, of which 2,872 for corruption, 888 for conflict of interest, 144 for prohibitions related to the electoral process and 1,379 for checking the assets status. They issued 898 payment orders for violations of the law, thus collecting fines worth around eight million euros that went into the state budget.³⁷⁷ However, despite initiating 56 criminal proceedings, no charges were filed due to the failure of other institutions to act.³⁷⁸

During 2023, the SCPC received 549 reports from citizens about cases of corruption and abuse of public office. It opened 13 cases on its own initiative and issued 160 misdemeanour payment orders. In the area of corruption, it adopted decisions in 1074 cases, in the area of

371 Decision on publishing an advertisement for the election of the President and members of the State Commission for Prevention of Corruption, Official Gazette of the Republic of North Macedonia No. 234/2023.

372 "Minutes from the interviews conducted with the candidates following the Decision to publish an advertisement for the election of the president and members of the State Commission for Prevention of Corruption", official website of the Assembly of RNM, 28 November 2023, <https://www.sobranie.mk/content/ОГЛАС%20КОРУПЦИЈА%202023/zapisnikDKSK23.pdf>.

373 "Ranking list of candidates for President and members of the State Commission for Prevention of Corruption", official website of the Assembly of RNM, 28 November 2023, <https://www.sobranie.mk/content/ОГЛАС%20КОРУПЦИЈА%202023/rang-listaDKSK23.pdf>.

374 „Ревизори, службеници и судија – утврдени членовите на новиот состав на Антикорупциска комисија“ (Auditors, administrative officers and a judge - the members of the new composition of the Anti-Corruption Commission have been selected), Radio MOF, 29 November 2023, <https://www.radiomof.mk/revizori-sluzhbenici-i-sudijka-utvrdeni-chlenovite-na-noviot-sostav-na-antikorupciska-komisija/?fbclid=IwAR2dKaTrpoBFuaXyE6OtzQCF2pbQTsUyXOVogd7aE4Ent5LfnFpSI-qY0ZI>.

375 „Платформата на граѓански организации за борба против корупција остро ја осудува партизацијата при изборот на нови членови на ДКСК“ (The Anti-corruption Platform of Civil Society Organisations Strongly Condemns the Partisanship in the Election of New Members of the SCPC), official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 30 November 2023, <https://mhc.org.mk/news/platformata-na-graganski-organizacii-za-borba-protiv-korupcija-ostro-ja-osuduva-partizacijata-pri-izborot-na-novi-chlenovi-na-dksk/>.

376 „Собранието ја изгласа Антикорупциската комисија на чело со ревизорката Татјана Димитровска“ (The Parliament Voted on the Anti-Corruption Commission Headed by Auditor Tatjana Dimitrovska), Sakam Da Kazam, 22 December 2023, <https://sdk.mk/index.php/makedonija/sobranieto-ja-izglasa-novata-antikoruptiska-komisija-na-chelo-so-revizorkata-tatjana-dimitrovska/>.

377 „Пет години мандат на ДКСК: Судските разрешници против функционерите аманет за идните антикорупционерите“ (Five-year term of office for SCPC: Court rulings against officials, a legacy for future anti-corruption commissioners), Sloboden Pечат, 31 January 2024, <https://www.slobodenpecat.mk/https-www-slobodenpecat-mk-pet-godini-mandat-na-dksk-sudskite-razreshnici-protiv-funkcionerite-amanet-na-antikorupcionerite/>.

378 „За пет години нема епилог од ниту една иницијатива на Антикорупциската“ (In five years there has been no epilogue to any initiative by the Anti-Corruption Commission), Radio MOF, 1 February 2024, <https://www.radiomof.mk/za-pet-godini-nema-epilog-od-nitu-edna-inicijativa-na-antikorupciskata/>.

conflict of interest it adopted decisions in 146 cases, in the area of election campaigns financing it adopted decisions in 14 cases, and in relation to the assets declaration it adopted decisions in 235 cases (1,455 decisions in total).³⁷⁹ The 2023 Annual Report on the implementation of the National Strategy for the Prevention of Corruption and Conflict of Interest showed that only 13% of the activities planned for 2023 were fully implemented, 33% were in the process of implementation, and 54% were not implemented at all, with the greatest progress in the area of healthcare and justice.³⁸⁰

In the second part of November 2023, a TAIEX expert mission was conducted at the SCPC for technical assistance and exchange of information on conflicts of interest, with a focus on preventing conflicts of interest and raising awareness among appointed and elected officials.³⁸¹

Since the beginning of 2024, the new electronic system for submitting a assets and interests declaration has been available via <https://imotnasostojba.dsk.mk/>,³⁸² and at the beginning of June, data from the asset and interest declarations were published on the SCPC website.³⁸³

In the pre-election period, as well as after the parliamentary and presidential elections, the new composition of the SCPC carried out numerous activities to combat corruption in the electoral process. In April, a list of over 1,000 public institutions was published: ministries, municipalities, courts, hospitals, schools and public enterprises, which had not fulfilled the legal obligation to submit data on the motor vehicles they owned.³⁸⁴ This data, which was supposed to be submitted ten days after the announcement of the elections to prevent political abuse, was not provided by 75% of those institutions, according to the SCPC, which is a cause for concern due to the corruption potential.³⁸⁵ After the elections, a separate report on the financing of the presidential elections³⁸⁶ and a separate report on the financing of the parliamentary elections were published.³⁸⁷ These reports revealed numerous weaknesses, corruption risks and challenges related to the financial aspects of the election campaign:

379 State Commission for Prevention of Corruption, "Annual Report on the Work of the State Commission for Prevention of Corruption for 2023", February 2024, <https://dsk.mk/wp-content/uploads/2024/03/1-ГИ-2023-конечен.pdf>.

380 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 between 01.01.2023 and 31.12.2023", February 2024, <https://dsk.mk/wp-content/uploads/2024/02/Годишен-извешtaj-HC-2023-Usvoen-na-sednica.pdf>.

381 "TAIEX Expert Mission on Conflict of Interest: Analysis of Mechanisms for Preventing Conflict of Interest and Raising Awareness Targeted at Appointed and Elected Officials", official website of the State Commission for Prevention of Corruption, 24 November 2023, <https://bit.ly/48ZM3cn>.

382 "The new electronic system for submitting a declaration of assets and interests will be operational from 01.01.2024", official website of the State Commission for Prevention of Corruption, 28 December 2023, <https://bit.ly/3O727RI>.

383 "Press Release", official website of the State Commission for Prevention of Corruption, 3 June 2024, <https://bit.ly/4c1AzWU>.

384 „Над 1.000 институции не доставиле податоци со колку возила располагаат, велат од Антикорупциската комисија“ ("Over 1,000 institutions have not submitted data on how many vehicles they have, states the Anti-Corruption Commission"), 360 Stepeni, 1 April 2024, <https://360stepeni.mk/nad-1-000-institutsii-ne-dostavile-podatotsi-so-kolku-vozila-raspolagaat-velat-od-antikoruptionskata-komisija/>.

385 „ДКСК: Постои сомнеж за злоупотреба на службени возила на изборите“ ("SCPC: We suspect misuse of official vehicles during the elections"), Prizma, 4 April 2024, https://prizma.mk/dsk-postoi-somnezh-za-zloupotreba-na-sluzhbeni-vozila-na-izborite/?fbclid=IwAR1sS5yZvp2pFccoR4KiN4goLbcG7e-RRppcw2XbXfkng0aE8solYFs_2I.

386 State Commission for Prevention of Corruption, "Special report on the financing of the presidential election campaigns in the Republic of North Macedonia 2024", 13 August 2024, <https://bit.ly/4eTmc47>.

387 State Commission for Prevention of Corruption, "Special report on the financing of parliamentary election campaigns in the Republic of North Macedonia 2024", 30 August 2024, <https://dsk.mk/wp-content/uploads/2024/08/DKSK-Izvestaj.pdf>.

77% of the funds for financing the election campaigns come from the state budget, which opens up the possibility of potential influence by political parties on the editorial policies of media; there is also a low level of implementation of the legal obligation to provide information on motor vehicles owned by public institutions, which leads to a significant risk of misuse of those vehicles for electoral purposes; and four parties that participated in the elections did not submit financial reports of received donations. A total of 65 investigations have been opened for suspected violations of the Electoral Code and the Law on Prevention of Corruption and Conflict of Interest due to violations of the ban on new employments, as well as dismissals in public institutions during elections.

During the reporting period, the SCPC attracted considerable attention due to a series of investigations conducted against current and former officials. After the constitution of the new Parliament, there were announcements from all ministries, which ministers became MPs, that their official duties were transferred to their deputies. However, this did not apply to the former Prime Minister and the previous Minister of Health, who also became MPs. The holding of both public offices led to a reaction from the SCPC, recalling the constitutional principle of incompatibility of public offices and the obligation to respect the principle of integrity.³⁸⁸ In addition, a decision was made concerning the unlawful dismissal of the Medical Director of the Toxicology Clinic and the Director of the State Cardiac Surgery by the Minister of Health for violating the anti-corruption, electoral and health care laws.³⁸⁹ There was also a case of conflict of interest and nepotism when a mayor promoted his wife from an associate to an advisor,³⁹⁰ and an investigation was launched into the assets of the organisational director of the University Clinic of Toxicology – Skopje due to a mismatch in the two submitted assets declarations.³⁹¹

Investigations against current officials were opened when the Prime Minister's son joined him on an official trip,³⁹² the politically motivated appointment of an Acting Chief Auditor for IPA funds,³⁹³ the appointment of the Chief of the General Staff of the Army³⁹⁴ and of the

388 „Антикорупциска ги повикува избраните функционери да ги почитуваат уставните и законските обврски“ (Anti-Corruption Commission Calls on Elected Officials to Respect their Constitutional and Legal Obligations), Civil Media, 31 May 2024, <https://civilmedia.mk/antikoruptionska-gi-povikuva-izbranite-funktsioneri-da-gi-pochituvaat-ustavnite-i-zakonskite-obvrski/>.

389 „ДКСК: Незаконски се разрешувањата на директорите на Токсикологија и Кардиохирургија“ (SCPC: The dismissal of the directors of Toxicology and Cardiac Surgery clinics is illegal), Sloboden Pечат, 10 June 2024, <https://www.slobodenpecat.mk/dksk-nezakonski-se-razreshuvanjata-na-direktorite-na-toksikologija-i-kardiohirurgija/>.

390 „ДКСК: Градоначалник си ја унапредил сопругата во советник во неговата општина“ (SCPC: Mayor promoted his wife to the position of an advisor in his municipality), TV Telma, 12 June 2024, <https://telma.com.mk/2024/06/12/dksk-gradonachalnik-si-ja-unapredil-soprugata-vo-sovetnik-vo-negovata-opshtina/>.

391 „ДКСК ќе го проверува имотот на директорката на Токсикологија, Бесија Илџи, доставила два различни анкетни лбидви“ (SCPC will examine the assets of the Toxicology Clinic Director, Besija Ilazi, she submitted two different assets declarations), MakPress, 23 May 2024, <https://m.makpress.mk/Home/PostDetails?PostId=588697>.

392 „Димитровска: ДКСК ќе го проверува патувањето на синот на Мицкоски во САД“ (Dimitrovska: SCPC will investigate Mickoski's son trip to the USA), Sloboden Pечат, 15 July 2024, <https://www.slobodenpecat.mk/dimitrovska-dksk-kje-go-proveruva-patuvanjeto-na-sinot-na-mickoski-vo-sad/>.

393 „Главен ревизор за ИПА фондови не може да биде в.д. – законот посилен од желбата за привремено решение во Верзиволи и Рамадани“ (The Chief Auditor for IPA Funds cannot be an acting auditor – the law is stronger than the desire for a temporary solution with Verzivoli and Ramadani), TV Telma, 12 August 2024, <https://telma.com.mk/2024/08/12/glaven-revizor-za-ipa-fondovi-ne-mozhe-da-bide-v-d-zakonot-posilen-od-zhelbata-za-privremeno-reshenie-vo-verzivoli-i-ramadani/>.

394 „ДКСК отвори предмет за новоназначениот началник на Генералштабот на АРМ“ (SCPC opens a case against the newly appointed Chief of the General Staff of the ARM), 360 Stepeni, 21 August 2024, <https://360stepeni.mk/dksk-otvori-predmet-za-novonaznacheniot-nachalnik-na-generalshatbot-na-arm/>.

Deputy Director of the Intelligence Agency³⁹⁵ who might have not met the requirements for those positions, the property gifted to the Secretary General of the Government,³⁹⁶ and the veracity of the assets declaration of the former Prime Minister, who is currently a member of parliament.³⁹⁷

Additionally, the SCPC has initiated investigations against former officials for 189 decisions for reassignment of employees made by the former Deputy Interior Minister in the caretaker government, contrary to the provisions of the Law on Prevention of Corruption and Conflict of Interest and the Electoral Code,³⁹⁸ and the nature of the expenses incurred by the former Minister of Culture during an official trip.³⁹⁹ It has filed criminal proceedings before the Skopje Public Prosecutor's Office against the former Organisational Director of the Toxicology Clinic for abuse of office when she concluded contracts with healthcare workers contrary to the Law on Health Protection,⁴⁰⁰ and against the former Director of the Public Revenue Office for the reassignment of employees and concluding new employment contracts contrary to the provisions of the Electoral Code.⁴⁰¹

As ordered by the SCPC, the State Education Inspectorate reviewed the entire documentation submitted by previous candidates from the Academy for Judges and Public Prosecutors. During the review, it was discovered that a judge from the Tetovo Basic Court had applied for the position with a higher grade than the one indicated on his diploma from the University of Tetovo. The State Education Inspectorate immediately reported this to the competent Public Prosecutor's Office.⁴⁰²

The SCPC concluded a Memorandum of Cooperation with the Financial Police Office to promote mutual cooperation through timely, direct and mutual communication.⁴⁰³

395 „ДКСК оформи предмети за заменик-директорката во Агенцијата за разузнавање и за поранешниот заменик-министер во МБР“ (SCPC opened cases against the Deputy Director of the Intelligence Agency and the former Deputy Interior Minister), 360 Stepeni, 10 July 2024, <https://360stepeni.mk/dksk-oformi-predmeti-za-zamenik-direktorkata-vo-agentsijata-za-razuznavane-i-za-poraneshniot-zamenik-minister-vo-mvr/>.

396 „Антикорупциската комисија отвори предмет за имотот вреден 325.000 евра што лани му бил подарен на генералниот секретар на Владата Јанусhev“ (The Anti-Corruption Commission has opened a case concerning a 325,000 EUR worth property that was gifted to the Secretary General of the Government Janushev last year), Sakam Da Kazam, 23 July 2024, <https://sdk.mk/index.php/makedonija/antikorupsiskata-komisija-otvori-predmet-za-imoto-vreden-325-000-evra-shto-lani-mu-bil-podaren-na-generalniot-sekretar-na-vladata-janushev/>.

397 „ДКСК отвори предмет за проверка на анкетниот лист на Ковачевски“ (SCPC opens a case to review of Kovachevski's assets declaration), Radio Free Europe, 26 July 2024, https://www.slobodnaevropa.mk/a/33052145.html?fbclid=IwY2xjawEQjephleHRuA-2FlbQlXMQABNeуni6-fhcxFHY3Bb2FBorD-F_UwhcoFAEdFSh7YRTcfuwZRF6jOmwoe2A_aem_zd1GAh6pCg9FzWw5e4YBVw.

398 „ДКСК: Заменик-министер во техничката влада, иако не смеел, распоредил 189 вработени“ (SCPC: Deputy Minister in the caretaker government, contrary to the regulations, reassigned 189 employees), Radio Free Europe 24 July 2024, <https://bit.ly/3BwuUeV>.

399 „Антикорупциската комисија отвора предмет за трошоците на Костадиновска-Стојчевска“ (The Anti-Corruption Commission opens a case about Kostadinovska-Stojchevska's expenses), TV Telma, 26 August 2024, <https://telma.com.mk/2024/08/26/antikorupcziskata-komisija-otvara-predmet-za-troshocite-na-kostadinovska-stojchevska/>.

400 „ДКСК: ОЈО Скопје отпочна постапка против поранешниот организациски директор на Клиниката за токсикологија“ (SCPC: Skopje PPO initiated proceedings against the former organisational director of the Toxicology Clinic), Radio MOF, 25 September 2024, <https://www.radiomof.mk/dksk-ojo-skopje-otpochna-postapka-protiv-poraneshniot-organizaciski-direktor-na-klinikata-za-toksikologija/>.

401 „ДКСК поднесе иницијатива за кривично гонење на Сања Лукаревска поради незаконско работење“ (SCPC files initiative for criminal prosecution of Sanja Lukarevska for undertaking unlawful actions), Skopje Info, 4 September 2024, <https://bit.ly/4elctCs>.

402 „Судијата Ељведин Ферати од Основен суд Тетово си ги поправал оценките на Тетовскиот универзитет со пречкртување, утврди Антикорупциска“ (Judge Elvedin Ferati from the Tetovo Basic Court corrected his grades from the Tetovo University by crossing them as established by the Anti-Corruption Commission), Sakam Da Kazam, 27 December 2023, <https://bit.ly/42goWbh>.

403 “A Memorandum of Cooperation was signed between the State Commission for Prevention of Corruption and the Financial Police Office”, official website of the State Commission for Prevention of Corruption, 26 March 2024, <https://bit.ly/3VZBH8S>.

Public Prosecutor's Office

The latest report on the public prosecutor's offices points to the continued challenges they face with the growing number of cases and decreased number of public prosecutors, where each prosecutor handles about 180 new cases per year, which is an increase of 10 cases compared to the previous year. The lack of technical equipment and insufficient financial resources, along with the limited staff at the public prosecutor's offices, remain the main challenges for these institutions.⁴⁰⁴

Although four investigative centres have been established at the Public Prosecutor's Office so far, including at the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption, no new centres have been opened since 2018.⁴⁰⁵ This further complicates the work of investigators, considering that the number of cases handled by investigators from the investigative centre of the Basic Public Prosecutor's Office in Skopje has almost doubled - from 150 cases in 2022 to 287 cases in 2023.⁴⁰⁶

Amendments to the Criminal Code, which provide for reduced sentences for criminal offenses of "abuse of office and abuse of authority" and "criminal association",⁴⁰⁷ have significantly affected several high-level corruption cases in North Macedonia. In the "Target-Tvrдина" case, the proceedings against the former director of the Directorate for Security and Counterintelligence were suspended due to statute of limitations.⁴⁰⁸ In the "Trezor" case, in which the former director of the Directorate for Security and Counterintelligence was also accused, the court decided to acquit the defendants because the public prosecutor did not prove beyond reasonable doubt that he and the other defendants committed the crime they were accused of.⁴⁰⁹ In the "Titanic 2" case, the Skopje Court of Appeal dismissed the indictment against the former director of the Directorate for Security and Counterintelligence, while the other defendants received suspended sentences.⁴¹⁰ In the "Toplik" case, in which the former Minister of Transport and Communications was the first defendant, the Skopje Court of Appeal annulled the first-instance verdict and remanded the case for a retrial, after which, due to the statute of limitations, the public prosecutor withdrew from

404 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 2023", 26 July 2024, <https://jorm.gov.mk/wp-content/uploads/2024/07/godishen-izvestaj-2023-finalna-verzija-2.pdf>.

405 Ibid.

406 "EU – Rule of Law" – working meeting of investigators from all investigative centres of the public prosecutor's offices," official website of the Public Prosecutor's Office of the Republic of North Macedonia, 17 April 2024, <https://jorm.gov.mk/eu-vla-deene-na-pravoto-raboto-sostanok-na-istrazhitelite-od-site-istrazhni-centri-vo-javnite-obvinitelstva/>.

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

408 „Мижалков нема да одговара за нелегалното прислушување, застарело делото за „Таргет-Тврдина“ (Mijalkov will not be held responsible for illegal wiretapping, statute of limitation applies to the "Target-Tvrдина" case), A1 On, 17 October 2023, <https://a1on.mk/macedonia/mijalkov-nema-da-odgovara-za-nelegalnoto-prislushuvanje-zastare-deloto-za-target-tvrдина/>.

409 „Мижалков, Грујовски и Јакимовски добија ослободителна пресуда во случајот „Трезор“ (Mijalkov, Grujovski and Jakimovski were acquitted in the "Trezor" case), 360 Stepeni, 22 February 2024, <https://360stepeni.mk/mijalkov-grujovski-i-jakimovski-dobija-osloboditelna-presuda-vo-slucajot-trezor/>.

410 „Апелација го укина обвинението за Мижалков во „Титаник 2“ поради застареност, за Мендух Тачи и другите обвинети условни казни“ (The Appellate Court rejects the indictment against Mijalkov in "Titanic 2" due to statute of limitations, suspended sentences for Menduh Thaci and the other defendants), 360 Stepeni, 14 November 2023, <https://360stepeni.mk/apelacija-go-ukina-obviniето-za-mijalkov-vo-titanik-2-poradi-zastarenost-za-menduh-tachi-i-ostanatite-obvinieti-uslovni-kazni/>.

further prosecution.⁴¹¹ Similarly, in the “Trajectory” case, following the proposal by the public prosecutor, the court dismissed the indictment against the former Prime Minister due to statute of limitations, and the trial of the other three defendants was suspended due to the above-mentioned changes.⁴¹² In the “Software” case, the Skopje Court of Appeal revoked the house arrest⁴¹³ of the former Secretary General of the Government, who had previously been sentenced to eight years in prison,⁴¹⁴ while another former Secretary General of the Government was sentenced to two and a half years in prison for abuse of office and abuse of authority.⁴¹⁵ In the “Titanic” case, the Skopje Court of Appeal ordered conditional release of the former Minister of Transport and Communications.⁴¹⁶ The “Empire” case was remanded for a retrial to the competent basic court, which in turn decided to release the former Director of the Security and Counterintelligence Directorate on parole at the end of this year,⁴¹⁷ while for the remaining defendants in the case, the Public Prosecutor’s Office Skopje decided to partially or completely withdraw the charges against them.⁴¹⁸ In the “Tank” case, where a former prime minister was accused of obtaining a reward and of unlawful influence in the purchase of a luxury vehicle, the statute of limitations for the execution of the prison sentence has also applied.⁴¹⁹

In early 2024, M-NAV – the Macedonian air navigation service provider at the Skopje International Airport – faced turmoil. Recruitment without any competition, favouritism based on political affiliation, and then a strike led by air traffic controllers. The political interference escalated, and an incident involving breach of security barriers and an attack on air traffic controllers occurred,⁴²⁰ which prompted a threat with a strike by imposing a ban on

411 „Измените на КЗ го спасија Јанакiesки во „Топлик“, Обвинителството се откажа од гонење поради застареност“ (The amendments to the Criminal Code saved Janakieski in the “Toplik” case, the Prosecutor’s Office dropped the case due to the statute of limitations), 360 Stepeni, 13 November 2023, <https://360stepeni.mk/izmenite-na-kz-go-spasija-janakieski-vo-toplik-obvinitelstvoto-se-otkazha-od-gonene-poradi-zastarenost/>.

412 „Запре кривичната постапка за случајот „Траекторија“ (Criminal proceedings in the “Trajectory” case suspended), Kanal 5, 3 November 2023, <https://kanal5.com.mk/zapre-krivichnata-postapka-za-sluhajot-traektorija/a609296>.

413 „Апелација му го укина куќниот притвор на Драги Рашковски“ (Appellate Court lifted Dragi Rashkovski’s house arrest), 360 Stepeni, 14 November 2023, <https://360stepeni.mk/apelatsija-mu-go-ukina-kukniot-pritvor-na-dragi-rashkovski/>.

414 „Рашковски осуден на осум години казна затвор“ (Rashkovski sentenced to eight years in prison), Makfax, 6 July 2023, <https://bit.ly/3FKYi6C>.

415 „Мухамед Зекири осуден на 2,5 години затвор“ (Muhamed Zekiri sentenced to 2.5 years in prison), Deutsche Welle, 1 December 2023, https://www.dw.com/mk/muhamed-zekiri-osuden-na-25-godini-zatvor-za-dogovorite-za-posta/a-67606420?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

416 „Апелација: Јанакiesки во јуни излегува на слобода, а за условен отпуст на Мижалков ќе одлучува Кривичен суд“ (Appellate Court: Janakieski to be released in June, and the Criminal Court will decide on Mijalkov’s conditional release, 360 Stepeni, 12 March 2024, <https://360stepeni.mk/apelatsija-janakieski-vo-juni-izleguva-na-sloboda-a-za-usloven-otput-na-mijalkov-ke-odluchuva-krivichen/>.

417 „Мижалков доби условен отпуст од струшкиот затвор, во декември излегува на слобода“ (Mijalkov received conditional release from Struga prison, to be released in December), 360 Stepeni, 1 April 2024, <https://360stepeni.mk/mijalkov-dobi-usloven-otput-od-strushkiot-zatvor-vo-dekemvri-izleguva-na-sloboda/>.

418 „Измените на Кривичниот законик со последици и врз предметот „Империја“ (Amendments to the Criminal Code with consequences on the “Empire” case), TV Telma, 7 June 2024, <https://telma.com.mk/2024/06/07/izmenite-na-krivichniot-zakonik-so-poslediczi-i-vrz-predmetot-imperija/>.

419 „Груевски се спаси од затворската казна за случајот „Тенк“ со набавката на Мерцедес“ (Gruevski saved himself from a prison sentence in the “Tank” case for purchasing a Mercedes), TV Telma, 30 September 2024, <https://telma.com.mk/2024/09/30/gruevski-se-spasi-od-zatvorskata-kazna-za-sluhajot-tenk-so-nabavkata-na-mercedes/>.

420 „Ние навигираме, а во ходникот викотници и тепачки – и како не бил загрозен авиосообраќајот?!“ Контролорите на летање сведочат за упадот на бандата на Незири“ (We were navigating, and in the corridor there was shouting and fighting - so how could anyone say that air traffic was not in danger?!), Plus Info, 9 January 2024, [https://plusinfo.mk/nie-navigirame-a-vo-hodnikot-vikotnici-i-tepachki-i-kako-ne-bil-zagrozen-avisoobra-a-ot-kontrolori-na-leta-e-svedochat-za-upadot-na-bandata-na-nezirii/](https://plusinfo.mk/nie-navigirame-a-vo-hodnikot-vikotnici-i-tepachki-i-kako-ne-bil-zagrozen-avisoobraajot?/).

flights.⁴²¹ The government took emergency measures, including the dismissal of M-NAV's directors.⁴²² The Prime Minister stated that M-NAV had become a family business, citing examples of nepotism and cronyism,⁴²³ and hence stated that Eurocontrol and domestic state institutions should deal with these issues more seriously,⁴²⁴ but at the same time announced an inspection by the Labour Inspectorate.⁴²⁵ The EU Delegation requested investigation into the allegations of cronyism and violence against staff working at M-NAV.⁴²⁶ New directors were then appointed at M-NAV,⁴²⁷ and the Civil Aviation Agency carried out an extraordinary inspection at M-NAV, during which a series of serious violations and disregard for legal provisions on safety were discovered and 11 mandatory measures were imposed on M-NAV, as well as misdemeanour charges and sanctions against the legal entity and against individuals.⁴²⁸

Following the investigation by the Public Prosecutor's Office, the court ordered the perpetrators of the violent intrusion in M-NAV to either house arrest or pretrial detention, and all of them were arrested.⁴²⁹

Regarding the investigation related to the contract for the construction of corridors 8 and 10-d concluded with "Bechtel & Enka",⁴³⁰ the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (BPPO POCC) informed the public that extensive documentation was collected over the past year, several people were summoned for questioning, and there was ongoing cooperation with the State Audit Office. However, the investigation has

421 „Некој нема да лета – директорите или авионите“ (Someone will be grounded – it's either the directors or the planes), Radio Free Europe, 9 January 2024, <https://www.slobodnaevropa.mk/a/nekoj-nema-da-leta---direktorite-ili-avionite-/32767014.html>.

422 „Едногласно разрешени директорите во М-НАВ, нов извршен Илир Мемеди,“ (M-NAV's directors unanimously dismissed, Ilir Memedi is the new Executive Director), Kanal 5, 9 January 2024, <https://kanal5.com.mk/kanal-5-doznava-ednoglasno-razresheni-direktorite-vo-m-nav-nov-izvrshen-ilir-memedi/a620178>.

423 „Министрите негираат дека влијаеле при вработувањата во М-НАВ“ (Ministers deny influencing M-NAV's hiring), Deutsche Welle, 17 January 2024, https://www.dw.com/mk/ministrите-negiraat-nepotizam-damkata-za-vrabotuvana-vo-mnav-ostanuva/a-68007644?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

424 „Ковачевски: М-НАВ станала семејна фирма, треба посериозно да се позанимаваме со неа“ (Kovachevski: M-NAV has become a family business, we need to take a more serious approach), Nezavisen.mk 9 January 2024, <https://nezavisen.mk/kovachevski-m-nav-stanala-semejna-firma-treba-poseriozno-da-se-pozanimavame-so-nea/>.

425 „Трудова ќе ги проверува синдикатите во М-НАВ: „Таа фирма е семејна, брат му на Тасевски работи таму, татко му работел таму“ (The Labour Inspectorate will inspect the trade unions at M-NAV: “That company is like a family-owned one, Tasevski's brother works there, his father used to work there), A1 On, 10 January 2024, <https://a1on.mk/macedonia/trudovakje-gi-proveruva-sindikatite-vo-m-nav-taa-firma-e-semejna-brat-mu-na-tasevski-raboti-tamu-tatko-mu-rabotel-tamu/>.

426 „Делегација на ЕУ: Очекуваме државните власти да ги истражат наводите за кронизам во вработувања во М-НАВ“ (EU Delegation: We expect state authorities to investigate into the allegations of cronyism in the hiring process at M-NAV), 360 Stepeni, 9 January 2024, <https://360stepeni.mk/delegatsija-na-eu-ochekuvame-drzhavnite-vlasti-da-gi-istrzhat-navodite-za-kronizam-vo-vrabotuvana-vo-m-nav/>.

427 „М-НАВ има ново раководство – Милан Кораќ претседател на Управниот одбор“ (M-NAV has a new management - Milan Korakj, Chairman of the Board of Directors), Mkd.mk, 26 January 2024, <https://mkd.mk/m-nav-ima-novo-rakovodstvo-milan-korakj-pretседател-na-upravniot-odbor/>.

428 „Надзор: 11 задолжителни препораки за безбедноста во М-НАВ“ (Oversight: 11 Mandatory Recommendations for Safety at M-NAV), Deutsche Welle, 25 January 2024, https://www.dw.com/mk/vonreden-nadzor-seriozni-propusti-i-prekrsuvana-na-procedurite-za-bezbednost-vo-mnav/a-68069754?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

429 „Уапсени сите осомничени за упадот во М-НАВ, едно лице доби затворски притвор“ (All suspects in the M-NAV case arrested, one person in pretrial detention), Radio Free Europe, 18 January 2024, <https://www.slobodnaevropa.mk/a/32782370.html>.

430 “The contract for the construction of Corridors 8 and 10d 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>.

yet to yield a final result because the case was extensive, and only one investigator out of a total of 20 in the institution was assigned to it.⁴³¹ In the meantime, there is a court procedure underway before the Prilep Basic Court to determine the potential damages that might have been caused with the construction of the corridors, to people, to the environment and to nearby buildings, and an initiative has been submitted to the Constitutional Court challenging the constitutionality of articles in the laws adopted to enable the construction of the corridors.⁴³²

After a long investigation, the BPPD POC filed an indictment against the Mayor of Struga for purchasing a luxury car at the expense of the Municipality of Struga. He is accused of abuse of office and abuse of authority under Article 353 Paragraph 4 of the Criminal Code, which provides for a prison sentence of one to five years, if found guilty.⁴³³ The Basic Criminal Court Skopje stated that the court covering the region where the crime had been committed had jurisdiction. Hence, the case was referred to the Struga Basic Court.⁴³⁴

At the initiative of the SCPC,⁴³⁵ an indictment was filed against the Director of the Agency for Youth and Sports at the time, his predecessor, the Head of the Macedonian Olympic Committee and nine other persons for committing criminal offenses of abuse of office and negligence in the service.⁴³⁶ These individuals were accused of ignoring the criteria for awarding funds under the voucher system and repeatedly awarding sports vouchers illegally since 2020 to favoured beneficiaries, federations and clubs linked to individuals, groups and even political parties.⁴³⁷ The court proceedings in this case started, and some precautionary measures have been imposed against the defendants.⁴³⁸

431 „Се работи на предметот за надзорот над „Бехтел и Енка“ – Со еден истражител, а куп документи“ (The case concerning the oversight of “Bechtel & Enka” is being processed by a single investigator swamped by a load of documents), 360 Stepeni, 1 March 2024, <https://360stepeni.mk/se-raboti-na-predmetot-za-nadzorot-nad-behtel-i-enka-so-eden-istrazhitel-a-kup-dokumenti/>.

432 „Автопатите на „Бехтел и Енка“ заглавуваат и во судови“ (Bechtel and Enka’s Motorways Get Stuck in Courts), Radio Free Europe, 3 June 2024, <https://www.slobodnaevropa.mk/a/avtopat-behtel-enka-ustaven-sud/32970462.html>.

433 „ОЈО ГОКК по долга истрага поднесе обвинение против Рамиз Мерко за набавката на луксузното „ауди“ (BPPD POC, after a long investigation, filed charges against Ramiz Merko for the purchase of the luxury “Audi”), 360 Stepeni, 1 March 2024, <https://360stepeni.mk/ojo-gokk-po-dolga-istraga-podnese-obvinenie-protiv-ramiz-merko-za-nabavkata-na-luksuznoto-audi/>.

434 „Скопскиот суд се прогласи за ненадлежен за обвинението против Рамиз Мерко, предметот е препратен до судот во Струга“ (Skopje court declared itself incompetent for the indictment against Ramiz Merko, the case was referred to the court in Struga), 360 Stepeni, 6 March 2024, <https://360stepeni.mk/skopskiot-sud-se-proglasi-za-nenadlezhen-za-obvinenieto-protiv-ramiz-merko-predmetot-e-prepraten-do-sudot-vo-struga/>.

435 „Поднесено обвинение за распределбата на спортските ваучери, за 12 лица се бараат мерки на претпазливост“ (Indictment filed for the distribution of sports vouchers, precautionary measures requested for 12 people), 360 Stepeni, 30 April 2024, <https://360stepeni.mk/podneseno-obvinenie-za-raspedelbata-na-sportskite-vaucheri-za-12-litsa-se-baraat-merki-na-pretpazlivost/>.

436 „Мојсоски, Каевски и Димевски обвинети за злоупотреби со спортските ваучери“ (Mojsoski, Kaevski and Dimevski accused of misuse of sports vouchers), TV Telma, 30 April 2024, <https://telma.com.mk/2024/04/30/mojsoski-kaevski-i-dimevski-obvineti-za-dodeluvaneto-na-sportski-vaucheri/>.

437 „Лидија Раичевиќ: Случајот со ваучерите на АМС е специфичен по многу нешта, има штета од над 5 милиони евра“ (Lidija Raichevikj: The case with the YSA vouchers is particular in many ways, there is damage of over 5 million Euros), Nezavisen.mk 27 June 2024, <https://nezavisen.mk/lidija-raichevikj-sluchajot-so-vaucherite-na-ams-e-specifichen-po-mnogu-neshhta-ima-shteta-od-nad-5-milioni-evra/>.

438 „Случај „Спортски ваучери“ – Мојсоски, Каевски и Димевски ќе се јавуваат во суд, но ќе ги задржат пасошите“ (“Sports Vouchers” Case - Mojsoski, Kaevski and Dimevski will appear in court, but will keep their passports), TV Telma, 10 May 2024, <https://telma.com.mk/2024/05/10/sluchaj-sportski-vaucheri-mojsoski-kaevski-i-dimevski-ke-se-javuvaat-vo-sudot-no-ke-gi-zadrzhat-pasoshite/>.

Legal Framework

Following last year's amendments to the Criminal Code, which reduced the penalties for the crimes of "abuse of office and abuse of authority" and "criminal association",⁴³⁹ and which affected the statute of limitations of numerous high-level corruption cases, the Blueprint Group for Judicial Reform has decided to withdraw from further engagement in the process of drafting the new Criminal Code. The main reason for the withdrawal was the fact that the amendments were adopted without consulting the working group working on the new code, without proper consultation of experts, and by using the European flag. This move followed the Blueprint Group's previous withdrawal from drafting the Law on Confiscation of Property in Civil Proceedings, a measure that they considered to be an integral part of the fight against crime and corruption but claimed that it was being abused to create a false perception that crime proceeds would be confiscated.⁴⁴⁰ The Ministry of Justice responded to this act, claiming that the process of drafting the new Criminal Code was fully inclusive and transparent.⁴⁴¹ Still, during the reporting period this Code was not finalised or adopted.

In the second half of September 2024, the Ministry of Justice organised the first public hearing for the districts of the Skopje and Shtip Courts of Appeal on the draft Law on Criminal Procedure.⁴⁴² The purpose of these public hearings was for judges, prosecutors, lawyers, police officers and representatives of the civil sector from all appellate districts to provide their input to the new legal solution that envisages the implementation of the relevant EU directives, as well as the elimination of the shortcomings that were identified in the current Law on Criminal Procedure.

In March 2024, the Law on the Asset Recovery Office was adopted.⁴⁴³ It regulates the establishment, competencies, organisational structure and financing of the Asset Recovery Office, cooperation with domestic authorities and institutions, cooperation with foreign countries and integrated electronic database. The Asset Recovery Office is expected to undertake significant activities to obtain information and data for finding and identifying crime proceeds and other assets or assets benefits from crimes related to money laundering, terrorism, criminal association, abuse of office and authority, embezzlement, receiving and giving bribes etc.

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

440 "Blueprint Group withdraws from the working group drafting of the new Criminal Code", official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 9 October 2023, <https://mhc.org.mk/news/bluprint-grupata-se-povlekuva-od-uchestvoto-vo-izrabotkata-na-noviot-krivichen-zakonik/>.

441 "The Working Group drafting the new Criminal Code is independent and so far, no influence has been exerted on the President or its members in regard to any provision", official website of the Ministry of Justice, 9 October 2023, <https://pravda.gov.mk/vest/6604>.

442 "First Public Debate on the Draft Law on Criminal Procedure," official website of the Ministry of Justice, 19 September 2024, <https://pravda.gov.mk/vest/6742>.

443 Law on the Asset Recovery Office, Official Gazette of the Republic of North Macedonia No. 66/2024.

At the beginning of December 2023, a draft Law on Protected Reporting and Whistleblower Protection was published on ENER.⁴⁴⁴ It provides for the expansion of the scope of protected reporting and the scope of persons with the right to seek protection from retaliation and rationalises the scope of entities in the public and private sectors for which an obligation to establish a protected internal reporting channel is foreseen. This draft law was drafted in order to overcome the shortcomings of the current Whistleblower Protection Law and align it with the EU Directive 2019/1937.

The MFA proposed amendments to the Law on Restrictive Measures that would include legal acts from the United States of America and the United Kingdom as a basis for imposing such measures in the Republic of North Macedonia. This initiative aims to expand the scope of available restrictive measures and tools, adding corruption and abuse of office along with terrorism and weapons proliferation.⁴⁴⁵ The proposal follows the increased number of former or current public officials, including the former Special Public Prosecutor and the current Mayor of the Municipality of Karposh and their families, who were designated by USA.⁴⁴⁶

For the purpose of fighting corruption at border crossings, the National Council for Implementation of the National Strategy for Integrated Border Management has proposed amendments to the Law on Border Police. These amendments will introduce polygraph testing for border police officers as an anti-corruption measure. The testing would be conducted by an independent institution, and failure to pass the test would result in immediate dismissal, followed by an additional investigation by the Public Prosecutor's Office.⁴⁴⁷

444 Ministry of Justice, "Draft Law on Protected Reporting and Whistleblower Protection", ENER, 1 December 2023, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=74474.

445 „Американската „црна листа“ ќе стане основ за санкции и во земјава“ (The American “blacklist” will become the basis for sanctions in this country as well), 360 Stepeni, 11 January 2024, <https://360stepeni.mk/amerikanskata-tsrna-lista-ke-stane-osnov-za-sanktsii-i-vo-zemjava/>.

446 „Катица Јанева и Стевчо Јакимовски ставени на „црната листа“ на САД“ (Katica Janeva and Stevcho Jakimovski designated by US), 360 Stepeni, 18 March 2024, <https://360stepeni.mk/katitsa-janeva-i-stevcho-jakimovski-staveni-na-tsrnata-lista-na-sad/>.

447 „Се предлага полиграфско тестирање на граничните службеници како мерка во борбата против корупцијата“ (Polygraph tests for border police officers proposed as a measure in combating corruption), 360 Stepeni, 6 March 2024, <https://360stepeni.mk/se-predlaga-poligrafsko-testirane-na-granichnite-sluzhbenitsite-kako-merka-vo-borbata-protiv-koruptsijata/>.

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

It is necessary to improve the dynamics in the implementation of the National Strategy for Combating Corruption and Conflict of Interest;

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

It is necessary to strengthen the efforts of the competent institutions to prevent, detect and sanction corruption in public procurements, as well as to emphasise the responsibility of all public institutions to carry out tenders in accordance with the law and effective and efficient spending of public money by means of public procurement procedures;

It is necessary to adopt the new Criminal Code, which should contain provisions appropriate to the commitment to fight corruption, including high-level corruption;

It is necessary to improve the legal framework on fight against organised crime and corruption, as well as its consistent implementation.



3. Fundamental rights



Overall, there have been no significant changes in the area of fundamental rights in the Republic of North Macedonia during the reporting period.

Last year's EC report noted that the legal framework on the protection of fundamental rights in North Macedonia is partially aligned with the EU acquis and standards on fundamental rights. The country continues to meet its general obligations on fundamental rights, but the legislation should be implemented in a more systematic manner. In line with last year's recommendations, there is a need to address substandard prison conditions, intensify efforts to promote alternatives to imprisonment and implement relevant recommendations on pretrial detention conditions. Furthermore, there is an urgent need to allocate essential resources to the Commission for Prevention and Protection against Discrimination (CPPD) and to ensure proper implementation of the Civil Registry Law for the elimination of statelessness.⁴⁴⁸

In addition, the US State Department's 2023 Report on Human Rights Practices in the Republic of North Macedonia also found no significant changes in this area over the past year. It highlighted problems in various areas, such as restrictions on freedom of expression and media freedom, including violence and threats with violence against journalists, and violence and threats with violence against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons. However, it noted that the Government had taken only limited steps to identify and punish individuals who had violated their human rights.⁴⁴⁹

448 European Commission. "Commission Staff Working Document – North Macedonia 2023 Report".

449 US Department of State. "2023 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 393 applications concerning the Republic of North Macedonia in 2023, of which 368 were declared inadmissible or rejected. It delivered 11 judgments in 25 cases, establishing violation of the provisions of the European Convention on Human Rights.⁴⁵⁰ In the first seven months of 2024, the ECtHR decided on 92 applications against the Republic of North Macedonia.⁴⁵¹

In the first half of 2024, the Bureau for Representation of the Republic of North Macedonia before the ECtHR published the Annual Report on its work in 2023,⁴⁵² stating that the number of applications submitted to the ECtHR against the Republic of North Macedonia was relatively stable, while the number of applications against the country for which a decision was adopted increased by 26 applications. The report shows that, as in previous years, in 2023 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 1.83 at the European level.⁴⁵³ The Annual Report on the work of the Interagency Committee for Execution of Judgements of the ECtHR for 2023 was also published at that time.⁴⁵⁴

The case of *Memedova and Others v. North Macedonia* consolidates three separate complaints about incidents at the state border, when the applicants of Roma ethnicity were prohibited from leaving the country. They alleged discrimination by border police officers and a violation of their freedom of movement on the grounds of their ethnicity⁴⁵⁵, after which the ECtHR confirmed a violation of Article 2 of Protocol No. 4 to the ECHR, both individually and in conjunction with Article 14.⁴⁵⁶

On 14 November 2023, the ECtHR delivered a judgement in the case of *Janakieski v. North Macedonia*, in which it addressed the alleged unlawfulness and arbitrariness of the detention of the former Minister of Transport. He alleged that there were no sufficient and sufficiently relevant reasons for his deprivation of liberty and that his detention had not been reviewed in a timely manner, contrary to Article 5 of the ECHR. The ECtHR found a violation due to insufficient reasons for the former Minister's detention and the late review of the detention measure.⁴⁵⁷

450 European Court of Human Rights – Press Country Profile (2024), https://www.echr.coe.int/documents/d/echr/CP_Republic_of_North_Macedonia_ENG#:~:text=The%20Court%20dealt%20with%20314,European%20Convention%20on%20Human%20Rights, accessed on 15 October 2024.

451 Ibid.

452 Ministry of Justice, “2023 Annual report on the work of the Bureau for Representation of the RNM before the ECtHR”, 2024, <https://bit.ly/48SsGTF>.

453 Ibid.

454 Ministry of Justice, “2023 Annual report on the work of the Intersectoral Commission for Execution of ECtHR Judgements”, 2024, <https://bit.ly/4erSwPJ>.

455 “Roma win landmark European judgment condemning racial profiling at the border in North Macedonia”, official website of the European Roma Rights Center (ERRC), 30 October 2023, <http://www.errc.org/press-releases/roma-win-landmark-european-judgment-condemning-racial-profiling-at-the-border-in-north-macedonia>.

456 ECtHR. “*Memedova and Others v. North Macedonia*”. Application No. 42429/16 and two others. 18 October 2023, <https://bit.ly/3vDZYGJ>.

457 ECtHR. *Janakieski v. North Macedonia*. Application No. 57325/19 and 16291/20. 14 November 2023, <https://bit.ly/48ZNUOp>.

In early 2024, the ECtHR delivered a judgment in the case of *Peshov and Ristovski v. North Macedonia* concerning inadequate reasoning in the domestic courts' decisions ordering the applicants' detention and certain procedural shortcomings in the case proceedings. These actions arose from two criminal proceedings related to the incident of 27 April 2017, when a group of protesters stormed the Parliament building.⁴⁵⁸ The ECtHR held that there had been a violation of Article 5 §§ 3 and 4 of the ECHR in respect of both applicants.⁴⁵⁹ In addition, the ECtHR delivered a similar judgment in the case of *Vasilevski v. North Macedonia* concerning the absence of adversarial proceedings in part of the criminal proceedings concerning the same incident of 27 April 2017.⁴⁶⁰

In February 2024, the ECtHR ruled in the case of *Zhezhovski v. North Macedonia* concerning the arbitrariness of the domestic courts in counter-enforcement proceedings, which is contrary to Article 6 of the ECHR.⁴⁶¹

During the same month, the ECtHR delivered a judgment in the case of *Iljaz v. North Macedonia* concerning a failure by the domestic authorities to investigate allegations of physical assault and threats made against the applicant by a private individual. The ECtHR held that there had been a violation of the procedural aspect of Article 3 of the ECHR.⁴⁶²

The case of *Mitevska v. North Macedonia* concerned the inability of the applicant, who had been adopted as a child, to obtain information about her biological origin and health information about her biological parents, because the relevant authorities treated information regarding the completed adoption under the domestic law as an official secret that could not be shared. The ECtHR held that there had been a violation of Article 8 of the ECHR, because the national authorities had failed to strike a balance between the competing interests at stake.⁴⁶³

In June 2024, the ECtHR also delivered a judgment in the case of *Vlaisavljevikj v. North Macedonia*. The case concerned the domestic courts' failure to protect the applicant from the unlawful collection and use of his personal data by a private electricity supplier, as the supplier repeatedly billed him for services he had not used. The ECtHR found a violation of Article 8 of the ECHR, ruling that the courts had failed to adequately protect the applicant's right to privacy.⁴⁶⁴

458 „Ристовски и Пешов биле неоправдано држени во притвор, одлучи Европскиот суд за човекови права“ (Ristovski and Peshov had been unjustly detained, the European Court of Human Rights decided), Sloboden Pечат, 16 January 2024, <https://www.slobodenpechat.mk/ristovski-i-peshov-bile-neopravdano-drzheni-vo-pritvor-odluchi-evropskiot-sud-za-chovekovi-prava/>.

459 ECtHR. *Peshov and Ristovski v. North Macedonia*. Application No. 18678/18 and 19821/20. 16 January 2024, <https://bit.ly/3UdVlIm>.

460 ECtHR. *Vasilevski v. North Macedonia*. Application No. 27509/18. 16 January 2024, <https://bit.ly/3xwMUDX>.

461 ECtHR. *Zhezhovski v. North Macedonia*. Application No. 52572/18. 6 February 2024, <https://bit.ly/3vMgBAq>.

462 ECtHR. *Iljaz v. North Macedonia*. Application No. 53040/19. 20 February 2024, <https://bit.ly/3JgwfHc>.

463 ECtHR. *Mitrevska v. North Macedonia*. Application No. 20949/21. 14 May 2024, <https://bit.ly/4d1U56Y>.

464 ECtHR. *Vlaisavljevikj v. North Macedonia*. Application No. 23215/21. 25 June 2024, [https://hudoc.echr.coe.int/#{%22tab-view%22:\[%22document%22\],%22itemid%22:\[%22001-234420%22\]}](https://hudoc.echr.coe.int/#{%22tab-view%22:[%22document%22],%22itemid%22:[%22001-234420%22]}).

The Ombudsman

According to the data in the 2023 Annual Report, the Ombudsman in the course of that year processed/reviewed a total of 3,328 complaints, of which 2,802 complaints were from 2023, while the other 526 cases were carried over from the previous year. Out of the total number of complaints, the Ombudsman initiated proceedings in 2,099 cases (or in 63.07%). During that reporting year, the largest number of established violations were in the areas of judiciary (76 cases), civil and other internal affairs (64 cases), protection of children's rights (62 cases), finance and financial operations (51 cases), pension and disability insurance (43 cases), property related legal relations (42 cases), consumer rights (35 cases), social protection (33 cases), protection of rights arising from labour relations (32 cases), etc.⁴⁶⁵

In November 2023, the Ombudsman published the 2022 Report on Monitoring the Application of the Adequate and Fair Representation Principle.⁴⁶⁶ According to him, during that reporting year, compared to the previous one, the percentual representation of the majority community dropped again for 0.9%, and the Albanian community had the highest increase among the number of employees in the public sector (of 0.8%). However, the Ombudsman points out again that there were institutions in which the smaller communities are not represented at all, and in particular urged the Constitutional Court, the Council of Public Prosecutors, the Higher Administrative Court and the Macedonian Academy of Sciences and Arts (MASA) to implement their annual employment plans by applying the principle of adequate and fair representation.⁴⁶⁷

In the Annual Report of the National Preventive Mechanism for 2023, the Ombudsman highlighted the urgent problems related to the rights of persons deprived of their liberty, identical to those in previous years. This report expressed concern about the inadequate accommodation capacities in the prisons across the country, which lead to overcrowding, continued delays in providing timely health care, lack of staff and hiring of unprofessional and unskilled staff. Additionally, inhumane accommodation conditions and insufficient number of professional and properly trained staff needed for psychiatric and therapeutic treatment in accordance with the rules and standards were found at the psychiatric institutions in the country. However, in order to fully exercise the competencies of the National Preventive Mechanism and increase efforts to overcome the identified problems, the report highlights the need for additional personnel as well as material and financial resources for the mechanism.⁴⁶⁸

465 Ombudsman of the Republic of North Macedonia, "Annual Report on the Level of Ensuring Respect, Promotion and Protection of Human Freedoms and Rights 2023", March 2024, <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2023/GI-2023.pdf>.

466 Ombudsman of the Republic of North Macedonia, "2022 Report from the monitoring of the application of the principle of adequate and fair representation", September 2023, <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/documents/SPZ/Izvestaj-SPZ-2022-etnicka.pdf>.

467 Ibid.

468 Ombudsman of the Republic of North Macedonia, "2023 Annual Report of the National Preventive Mechanism", 26 December 2023, <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2023/NPM%20Godisen%20izvestaj-2023-Mk-Alb-Ang.pdf>.

During the reporting period, there were no changes in terms of meeting the criteria for acquiring “A status” for the Ombudsman institution, which is an international obligation in order to have a fully independent national human rights institution. Namely, at the 149th session, the Assembly decided not to consider or adopt the amendments to the Law on the Ombudsman due to the absence of a translation, which left the institution without such status.⁴⁶⁹ In addition, staffing shortages have not been resolved, since the Assembly has not elected five new deputies of the Ombudsman, whose positions were vacated in 2021. Furthermore, in November 2023, the employees of this institution protested, expressing dissatisfaction with their salaries and their status as administrative servants. They demanded a new solution in the law that would change that status and ensure the financial independence of the institution.⁴⁷⁰

The Ombudsman announced that a phone number would be available for reporting violations of the electoral rights from the day the campaign for the election of the President of the Republic of North Macedonia started until the parliamentary and presidential elections in the Republic of North Macedonia.⁴⁷¹ Consequently the citizens were able to report irregularities during the pre-election period and on election days, which prompted the Ombudsman to take urgent measures to protect their guaranteed rights.⁴⁷² The Ombudsman’s office informed that on the day of the second round of the presidential elections and on the day of the parliamentary elections, they received thirty reports on the phone and one in person for violations of the electoral right of citizens, most of which claimed that they were asked whether they wanted to vote in the elections.⁴⁷³

469 „Омбудсманот со остра реакција до Собранието затоа што не ги донесе измените на Законот за Народниот правобранител“ (The Ombudsman with a sharp reaction to the Assembly for not adopting the amendments to the Law on the Ombudsman), 360 Stepeni, 29 March 2024, <https://360stepeni.mk/ombudsmanot-so-ostra-reaktsija-do-sobranieto-zatoa-shto-ne-gi-donese-izmenite-na-zakonot-za-narodniot-pravobranitel/>.

470 „Протест на вработените во Народниот правобранител – Незадоволни од платите и статусот кој го имаат како службеници“ (Protest of the Ombudsman’s Staff - dissatisfied with the salaries and status they have as civil servants), A1 On, 21 November 2023, <https://a1on.mk/macedonia/protest-na-vrabotenite-vo-narodniot-pravobranitel-nezadovolni-od-platite-i-statusot-koj-go-imaat-kako-sluzhbenici/>.

471 “The Ombudsman has opened a free telephone line for reporting violations of the right to vote”, official website of the Ombudsman of the Republic of North Macedonia, 4 April 2024, <https://bit.ly/4brdOLH>.

472 „Народниот правобранител отвори бесплатна телефонска линија за пријавување повреда на избирачкото право“ (The Ombudsman has opened a free telephone line for reporting violations of the right to vote), Radio MOF, 23 April 2024, <https://www.radiomof.mk/narodniot-pravobranitel-otvori-besplatna-telefonska-linija-za-prijavuvanje-povreda-na-izbiracko-pravo/>.

473 „Народниот правобранител примил 30 повици и една лична пријава за повреда на избирачкото право“ (The Ombudsman received 30 calls and one complaint in person for violation of voting rights), 360 Stepeni, 8 May 2024, <https://360stepeni.mk/narodniot-pravobranitel-primil-30-povitsi-i-edna-lichna-prijava-za-povreda-na-izbirackoto-pravo/>.

Torture or other cruel, inhuman or degrading treatment or punishment

In the course of 2023, the Ombudsman processed 19 complaints of torture, inhumane and inhuman treatment by police officers and members of the prison police.⁴⁷⁴ Of the complaints submitted, 13 are for the use of excessive force or ill-treatment by police officers while performing official duties, while 6 cases are against members of the prison police.⁴⁷⁵ In the course of processing these complaints, the Ombudsman submitted two requests for determination of criminal liability, for which the proceedings are ongoing. In addition, four more such requests were submitted last year for incidents from previous years, after which two convictions with suspended sentences were delivered for the crime of “ill-treatment while performing official duty”, while the procedure for the remaining two cases is still pending.

During 2023, the Department of Internal Control, Criminal Investigations and Professional Standards at the Ministry of the Interior undertook measures to examine a total of 1,235 cases of apparent malfeasance and abuse of office and authority, out of which in 12 cases criminal charges were filed for 14 committed crimes such as: “abuse of office and abuse of authority”, “accepting a bribe”, “ill-treatment while performing official duties”, “negligence in the service”, “evasion”, “embezzlement in the service” and “serious bodily harm”.⁴⁷⁶ For comparison purposes, in the first nine months of 2024, the Department took measures to investigate a total of 995 cases of indicated unlawful, unprofessional, and unethical behaviour by Ministry’s employees, followed by 25 criminal charges being filed for 28 criminal offenses, such as: “general endangerment”, “abuse of office and abuse of authority”, “ill-treatment while performing official duties”, “negligence in the service”, “rape by abuse of position”, etc.⁴⁷⁷

In a case involving excessive use of force by two police officers while on duty, the Court of Appeal confirmed their guilt,⁴⁷⁸ convicting them to a suspended sentence of one year in prison.

⁴⁷⁴ Ombudsman of the Republic of North Macedonia, 2023 Annual Report on the Level of Ensuring Respect, Promotion and Protection of Human Freedoms and Rights”, March 2024, <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2023/GI-2023.pdf>.

⁴⁷⁵ Ibid.

⁴⁷⁶ Ministry of the Interior, “Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards in 2023”, 23 January 2024, https://mvr.gov.mk/Upload/Editor_Upload/годишен%20извештај%202023%20односи%20со%20јавност.pdf.

⁴⁷⁷ Ministry of the Interior, “Report on the work of the Department for Internal Control, Criminal Investigations and Professional Standards in the first 9 months of 2024”, 16 October 2024, https://mvr.gov.mk/Upload/Editor_Upload/Izvestaj%20devet%20meseci.pdf.

⁴⁷⁸ “New court decision that sanctions police brutality”, official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 19 December 2022, <https://mhc.org.mk/news/nova-sudska-odluka-shto-ja-sankcionira-policiskata-brutalnost/>.

The suspended sentence is conditional on avoiding committing new offenses for a period of three years.⁴⁷⁹

No convict has filed yet a complaint of torture and inhumane treatment to the Directorate for Execution of Sanctions, yet.⁴⁸⁰

479 "First-instance judgement against police officers for ill-treatment while performing their duties confirmed", official website of the Macedonian Young Lawyers Association, 23 November 2023, <https://myla.org.mk/49666/?fbclid=IwAR0EBB3KhpQ1aSe-AjMs5RL8ARwx1X5hP095qel5aEyPmsvwUPe480FryeSU>.

480 Macedonian Young Lawyers Association, "2023 Annual Report on the Efficiency of Legal Protection of Human Rights in the Republic of North Macedonia", 2024, <https://myla.org.mk/wp-content/uploads/2024/04/Годишен-извештај-за-ефикасноста-на-правната-заштита-на-човековите-права-во-Република-Северна-Македонија-2.pdf>.

Correctional and remand facilities

In late March 2024, the Parliament adopted amendments to the Law on the Execution of Sanctions.⁴⁸¹ These amendments aim to address security in prisons, create a more secure prison environment, and ensure general security in the country, which should be achieved by establishing a prison intelligence unit and an intervention unit. In addition, the amendments stipulate the instalment of a video surveillance system and the use of body cameras in prisons, which should reduce corruption in such institutions.⁴⁸²

According to the Council of Europe Annual Penal Statistics for 2023, published in early June 2024, the rate of incarceration in the Republic of North Macedonia reached 142 prisoners per 100,000 inhabitants, with an annual increase of 25.5 percent thus being the second country with the highest rate.⁴⁸³ Given this, it is not surprising that the Ombudsman's data revealed that a total of 2,499 convicts are serving sentences in prisons across the country, which is 386 individuals more than the capacity of all the facilities.⁴⁸⁴ Additional alarming data revealed that 119 convicts escaped from Idrizovo prison, and 24 are still at large.⁴⁸⁵

In mid-May 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report from its periodic visit to the Republic of North Macedonia, which took place in October 2023. The CPT delegation assessed the treatment of convicts in four prisons, a juvenile correctional facility and two psychiatric hospitals. The report noted some improvements in the prisons in terms of hygiene and cell conditions. However, there are many allegations of police mistreatment, as well as alleged corruption among prison staff. There are incidents of physical confrontations between prisoners and prison police, and some prisons are overcrowded. In regard to their visit to two psychiatric hospitals, it was assessed that patients were generally treated appropriately. However, practices of segregation of patients have been observed, as well as practices of chaining patients to beds with metal chains and padlocks, which is certainly considered inhuman and degrading treatment.⁴⁸⁶

481 Law Amending the Law on Execution of Sanctions, Official Gazette of the Republic of North Macedonia No.74/2024.

482 „Камери на телата на полицајците за помалку мито во затворите, затворско разузнавање за поголема безбедност“ (Body cameras on police officers for less bribery in prisons, prison intelligence for greater security), Sloboden Pечат, 25 January 2024, <https://www.slobodenpecat.mk/kameri-na-telata-na-policajcite-za-pomalku-mito-vo-zatvorite-zatvor-sko-razuznavanje-za-pogolema-bezbednost/>.

483 “Prison overcrowding remains a problem in Europe: Council of Europe’s Annual Penal Statistics for 2023”, official website of the Council of Europe, 6 June 2024, <https://www.coe.int/en/web/tirana/-/prison-overcrowding-remains-a-problem-in-europe-council-of-europe-s-annual-penal-statistics-for-2023>.

484 „Затвореници земаат слободни викенди и не се враќаат, за една година евидентирани 119 бегства од затворот во Идризово“ (Prisoners take a leave for the weekend and don’t return, 119 escapes from Idrizovo prison registered in the course of one year), Sloboden Pечат, 4 April 2024, <https://www.slobodenpecat.mk/zatvorenici-zemaat-slobodni-vikendi-i-ne-se-vrakaat-za-edna-godina-evidentirani-119-begstva-od-zatvorot-vo-idrizovo/>.

485 Ibid.

486 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). “Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 12 October 2023”, 15 May 2024, <https://rm.coe.int/1680af95e2>.

In addition, the Helsinki Committee for Human Rights (HCHR) published its report on the state of and conditions in penitentiary and correctional facilities in 2023.⁴⁸⁷ The findings in the report show that despite the huge efforts by the state, numerous problems still persist in the penitentiary system: overcrowding, inadequate access to health care, inadequate living conditions, insufficient and unenforceable resocialisation programmes, and pressures, threats and attacks on members of the prison police have also been observed, including frequent incidents of corruption at penitentiary institutions.

The findings of the above-mentioned reports are confirmed by the numerous incidents in prisons across the country observed during the reporting period, such as escape attempts,⁴⁸⁸ arson,⁴⁸⁹ physical confrontations between prisoners⁴⁹⁰ and between members of the prison police and prisoners,⁴⁹¹ injuries to prison police,⁴⁹² protests by prison police officers due to poor working conditions and insufficient staff,⁴⁹³ and many other incidents.⁴⁹⁴ The competent state authorities reacted with coordinated actions in prisons,⁴⁹⁵ sealing potential escape tunnels,⁴⁹⁶

487 Тона Карева Талеска, „Извештај за состојбите и условите во казнено-поправните установи во 2023 година“ (Report on the State of Affairs and Conditions in Penitentiary Institutions in 2023), Helsinki Committee for Human Rights of the Republic of North Macedonia, 25 January 2024, <https://mhc.org.mk/wp-content/uploads/2024/01/mkd-izvestaj-3-final-1.pdf>.

488 „Детали: Полицијци од „Идризово“ ослободиле осуден за убиство – наместо во болница, тој се шетал низ Скопје“ (Details: Police officers from “Idrizovo” released a man convicted of murder - instead of being in hospital, he was strolling around Skopje), Skopje1.mk, 15 April 2024, <https://skopje1.mk/archives/285999>.

489 „Затвореничка предизвикала пожар во „Идризово“ – Барала да биде префрлена во „Демир Хисар““ (Prisoner caused a fire in “Idrizovo” - She asked to be transferred to “Demir Hisar”), Sloboden Pечат, 1 August 2024, <https://www.slobodenpecat.mk/zatvorenicka-predizvikala-pozhar-vo-idrizovo-barala-da-bide-prefrlena-vo-demir-hisar/>.

490 „Две групи затвореници се степале во штипскиот затвор, на едната тргнале да ѝ помогнат и лица однадвор“ (Two groups of prisoners fought in the Shtip prison, there were even people from outside who set on to help one of them), 360 Stepeni, 15 April 2024, <https://360stepeni.mk/dve-grupi-zatvorenitsi-se-stepale-vo-shtipskiot-zatvor-na-ednata-trgnale-da-pomognat-i-litsa-odnadvor/>.

491 „Десетина повредени полицијци и затвореници во пресметка во затворот Идризово“ (A dozen injured police officers and prisoners in a fight in Idrizovo prison), Kanal 5, 28 October 2023, <https://kanal5.com.mk/desetina-povredeni-policaici-i-zatvorenici-vo-presmetka-vo-zatvorot-idrizovo/a608298>.

492 „Четворица вработени во „Идризово“ завршиле на Токсикологија откако вчера избувнал пожар во женското одделение“ (Four employees at “Idrizovo” ended up in the Toxicology Clinic after a fire broke out in the women’s ward yesterday), 360 Stepeni, 22 May 2024, <https://360stepeni.mk/chetvoritsa-vraboteni-vo-idrizovo-zavrshile-na-toksikologija-otkako-vchera-izbuvnal-pozhar-vo-zhenskoto-oddelenie/>.

493 „Ризик за безбедноста: Вработените во прилепскиот затвор одржаа 2-часовен протест – незадоволство поради недостаток на кадар и предизвикувачки услови на работа“ (Security Risk: Prilep Prison staff held 2-hour protest – Dissatisfaction over staff shortage and challenging working conditions), Lider, 23 April 2024, <https://lider.mk/rizik-za-bezbednosta-vrabotenite-vo-prilepskiot-zatvor-odrzaa-2-chasoven-protest-nezadovolstvo-poradi-nedostatok-na-kadar-i-predizvikuvachki-uslovi-na-rabota/>.

494 „Обвинителство: Прибрани се траги и обезбедени се снимки од околните камери каде што беше запален автомобилот на КПУ „Идризово“ (Prosecutor’s Office: Traces were found and footage secured from the surrounding cameras where the vehicle of the Idrizovo Prison was set on fire), 360 Stepeni, 15 May 2024, <https://360stepeni.mk/obvinitelstvo-pribrani-se-tragi-i-obezbedeni-se-snimki-od-okolnite-kameri-kade-beshe-zapalen-avtomobilot-na-kpu-idrizovo/>.

495 „Обвинителство влезе со специјалци и излезе со еден куп предмети од затворот Идризово“ (The prosecutors entered with special police forces and came out with a bunch of objects from the Idrizovo prison), TV Sitel, 11 April 2024, <https://sitel.com.mk/obvinitelstvo-vleze-so-specijalci-i-izleze-so-eden-kup-predmeti-od-zatvorot-idrizovo/>.

496 „Спроведени превентивни мерки: Неутрализација на сите опции за бегство – распоредена машина за бетонирање за затворање на стари тунели во затворот Идризово“ (Preventive measures implemented: Neutralisation of all escape options - a machine for pouring concrete provided to close old tunnels in the Idrizovo prison), Lider, 11 April 2024, <https://lider.mk/sprovedeni-preventivni-merki-neutralizacija-na-site-opcii-za-begstvo-rasporedena-mashina-za-betoniranje-za-zatvoranje-na-stari-tuneli-vo-zatvorot-idrizovo/>.

initiating investigations against members of the prison police⁴⁹⁷ and a former prison governor⁴⁹⁸ suspected of aiding and abetting prisoners escapes and illegal release of detained persons.⁴⁹⁹

These phenomena are caused by overcrowding and poor living conditions in prisons, among other factors, so a step forward in overcoming these problems has been made with the opening of the renovated fifth wing of the Idrizovo prison in mid-August 2024, where 100 prisoners serving multi-year or life sentences will be transferred.⁵⁰⁰

497 Investigation against six prison police officers and 11 more in the pre-trial procedure”, official website of the Public Prosecutor’s Office of the Republic of North Macedonia, 15 April 2024, <https://jorm.gov.mk/istraga-protiv-shestmina-zatvor-ski-policajczi-i-ushte-11-opfateni-so-predistrazhna-postapka/>.

498 „Кривична пријава за поранешен директор на затворот во Струмица – Наредувал да се пуштаат затвореници, а да се заведуваат како присутни” (Criminal charges against the former director of Strumica prison – He ordered prisoners to be released and registered as present), 360 Stepeni, 27 September 2024, <https://360stepeni.mk/krivichna-prijava-za-poranesh-en-direktor-na-zatvorot-vo-strumitsa-nareduval-da-se-pushtaat-zatvorenitsi-a-da-se-zaveduvaat-kako-prisutni/>.

499 “Investigation against six prison police officers and 11 more in the pre-trial procedure”, official website of the Public Prosecutor’s Office of the Republic of North Macedonia, 15 April 2024, <https://jorm.gov.mk/istraga-protiv-shestmina-zatvor-ski-policajczi-i-ushte-11-opfateni-so-predistrazhna-postapka/>.

500 „Пуштено во употреба реновираното „петто крило“ во Идризово“ (The renovated “fifth wing” in Idrizovo was opened), Kanal 5, 15 August 2024, <https://kanal5.com.mk/pushteno-vo-upotreba-renoviranoto-petto-krilo-vo-idrizovo/a654630>.

Personal data protection

In 2023, a total of 258 complaints were submitted to the Personal Data Protection Agency (PDPA), of which 234 complaints (91%) were about abuses on social media, and the rest were other types of complaints in the field of personal data protection.⁵⁰¹ Regarding the abuses on social media, most complaints concern fake profiles, unauthorised access to accounts, unauthorised publication of other people's photos and videos of other people, unauthorised use of personal data, and there are also cases of violations of the right to protection of personal data of children on social networks. The most common social media to which the complaints referred are "Facebook", "Instagram" and "TikTok", and the remaining complaints are for violations on "Snapchat", "OnlyFans", "Yahoo" and "Google".⁵⁰²

At the end of October 2023, PDPA organised the first round of consultations for the development of the new Personal Data Protection Strategy 2024–2030, which is being developed with expert assistance through the TAEX instrument.⁵⁰³ Following a public call⁵⁰⁴ published by PDPA for public sector controllers to actively engage in the development of the strategy, a workshop for its development was held in mid-May 2024. On this occasion, the participants discussed the challenges they face in terms of personal data protection in the workplace, potential strategic goals and how prioritised they are, activities and indicators, as well as the timeframe for achieving the goals of the new strategy.⁵⁰⁵ Despite the planned timeframe of the strategy, which was supposed to cover 2024, it was not finalised during the reporting period.

On the European Data Protection Day (28 January), serious shortcomings in this area were highlighted. These include the lack of staff and the lack of experts at the PDPA, with 25% of employees having left in the past five years for higher salaries in the private sector. In addition, the legislation treating misuse of personal data as a criminal offence is insufficient, highlighting the need to strengthen the role of the judiciary and prosecution in this area. In addition, it was highlighted that there is an urgent need to ensure the protection of children and young people in the digital world.⁵⁰⁶

501 Contribution to the Shadow Report by the Personal Data Protection Agency, 4 December 2024.

502 Personal Data Protection Agency of the Republic of North Macedonia, "2023 Annual Report", 27 March 2024, https://azlp.mk/wp-content/uploads/2024/03/GODISEN_I_ZVESTAJ_AZLP_2023-MK.pdf.

503 "The first round of consultations for the development of the new Personal Data Protection Strategy 2024-2030 completed", official website of the Personal Data Protection Agency of the Republic of North Macedonia, 26 October 2023, <https://bit.ly/3S840Pg>.

504 Call for participation in a workshop for the development of a Personal Data Protection Strategy 2024-2030", official website of the Personal Data Protection Agency of the Republic of North Macedonia, 23 April 2024, <https://bit.ly/46tpxZL>.

505 "Workshop for the development of a Personal Data Protection Strategy 2024-2030", official website of the Personal Data Protection Agency of the Republic of North Macedonia, 20 May 2024, <https://bit.ly/4d12SGl>.

506 „Гир: Недостига експертиза, капацитетите на Агенцијата за заштита на личните податоци мора да се зголемаат“ (Gere: Lacking expertise, the capacities of the Personal Data Protection Agency must be improved), Мета.мк, 26 January 2024, <https://meta.mk/gir-ndostiga-ekspertiza-kapacitetite-na-agencijata-za-zashtita-na-lichnite-podatoci-mora-da-se-zgolemat/>.

In mid-February, there was a violation of the rights to protection of personal data of the citizens of the Republic of North Macedonia under the Law on Personal Data Protection. A decision to make payments from the Budget of the Republic of North Macedonia in 2024 was published in the Official Gazette of the Republic of North Macedonia, No. 39/2024. This decision was based on the final judgments of the ECtHR, which provide for the payment of the awarded amounts to applicants from the Republic of North Macedonia. The decision contains a list of 519 citizens, with their names, unique master citizen numbers and bank accounts.⁵⁰⁷ The PDPA found that the Government of the Republic of North Macedonia violated several provisions of the Law on Personal Data Protection, including Article 9 Paragraph (1) Items 1, 2, 3 and 6, Article 10 and Article 83 Paragraph (6) by publishing such sensitive data. As a result, the PDPA ordered the Government to revise its decision and remove the citizens' personal data.⁵⁰⁸

The Rulebook on Credit Risk Management was launched in May 2024, making it more difficult to misuse personal data for quick loans, which was previously the case.⁵⁰⁹ The Rulebook requires that loan applicants be identified either in person at the financial company or through a secure electronic identification system in accordance with the law.⁵¹⁰

It is necessary to address the problems noted by the Ombudsman and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which exist at psychiatric hospitals and penitentiary institutions: poor hygiene, presence of equipment of torture in psychiatric hospitals, lack of staff, inhumane conditions and overcrowding in prisons;

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.

507 „Објавени списоци со лични податоци“ (Lists with personal data made public), Akademik, 15 February 2024, <https://akademik.mk/objaveni-spisotsi-so-lichni-podatotsi/>.

508 “The Personal Data Protection Agency finds violation of the Law on Personal Data Protection by the Government”, official website of the Personal Data Protection Agency of the Republic of North Macedonia, 16 February 2024, <https://bit.ly/43N9jc3>.

509 „Брзи кредити на туѓ грб“ (Quick loans on someone else's expense), Prizma, 29 May 2023, <https://prizma.mk/brzi-kreditina-tug-grb/>.

510 “Rulebook on financial companies' credit risk management”, Official Gazette of the Republic of North Macedonia No. 82/2024 and 107/2024.

Freedom of thought, conscience and religion

The US Department of State 2022 Report on International Religious Freedom Report: North Macedonia notes that smaller Protestant churches reported the government favouring of the Macedonian Orthodox Church – Ohrid Archbishopric (MOC-OA) and the Islamic Religious Community (IRC), citing greater privileges granted to those groups.⁵¹¹ The Report also notes that in the course of the year, the HCHR received twelve reports of online hate speech based on religion, compared to two cases in 2022 and 30 in 2021.⁵¹²

The placement of a 15-meter-high cross by the Macedonian Orthodox Church in a monastery complex in the municipality of Tetovo has caused heated reactions among the public and among political parties, with the political party Democratic Union for Integration (DUI) stating that the placement of the cross was a serious provocation that violated the values of social cohesion.⁵¹³ Following the demand by the Mayor of Tetovo for the cross to be removed,⁵¹⁴ the Commission for Relations with Religious Communities and Religious Groups urged the citizens to be vigilant and restrained and also urged for wisdom in managing the institutions that were mandated by the citizens to build a harmonious multicultural society.⁵¹⁵ In the end, the municipality of Tetovo decided to demolish the cross because it was a structure erected without proper permissions, but did not specify when this would happen.⁵¹⁶ At the end of 2023, a protest was organised demanding demolition of the cross. However, the protest attracted only a few citizens, after public calls were made not to create interethnic and inter-religious tensions just to the benefit of political parties before the 2024 elections.⁵¹⁷

511 Office of International Religious Freedom, U.S. Department of State. “2023 Report on International Religious Freedom: North Macedonia”. (2024) <https://www.state.gov/reports/2023-report-on-international-religious-freedom/north-macedonia/>.

512 Ibid.

513 „Остри политички реакции за поставениот крст во дворот на црквата на „Попова Шапка“ (Sharp political reactions to the cross erected in the yard of the church on “Popova Shapka”), 360 Stepeni, 16 November 2023, <https://360stepeni.mk/ostri-politichki-reaktsii-za-postaveniot-krst-vo-dvorot-na-tsrvkata-na-popova-shapka/>.

514 „Биљал Касами ги Обвинува СДСМ и ДУИ за поставениот крст на Шапка“ (Bilal Kasami accuses SDSM and DUI of erecting a Cross on Shapka), Alsat M, 17 November 2023, <https://alsat.mk/mk/bilal-kasami-gi-obvinuva-sdsm-i-dui-za-postaveniot-krst-na-shapka/>

515 „Комисијата за верски заедници и порача на Општина Тетово да нема селективен пристап кон верските обележја“ (The Commission for Relations with Religious Communities urged the Municipality of Tetovo not to have a selective approach to religious symbols), 360 Stepeni, 17 November 2023, <https://360stepeni.mk/komisijata-za-verski-zaednitsi-i-poracha-na-opshtina-tetovo-da-nema-selektivni-pristap-kon-verskite-obelezhja/>.

516 „Општина Тетово донела решение за уривање на крстот во дворот на манастирот на Попова Шапка“ (Tetovo Municipality passed a decision to demolish the cross in the courtyard of the Popova Shapka Monastery), Fokus, 26 December 2023, <https://fokus.mk/opshtina-tetovo-donela-reshenie-za-urivane-na-krstot-vo-dvorot-na-manasirot-na-popova-shapka/>.

517 „Неуспешен собир против крстот на Шапка, Ангелов им се заблагодари на Албанците“ (Unsuccessful rally against the cross on Shapka, Angelov thanked the Albanians), Mkd.mk, 29 December 2023, <https://mkd.mk/neuspeshen-sobir-protiv-krstot-na-shapka-angelov-im-se-zablagodari-na-albancite/>.

In the second half of March 2024, another incident of desecration of religious buildings⁵¹⁸ occurred in Tetovo, following a similar incident on Popova Shapka Mountain at the end of 2023.⁵¹⁹ Unknown individuals placed an Albanian flag on the dome of the church “St. Athanasius”, which was immediately reported to the local authorities by the church board. The police then removed the flag⁵²⁰ and began an investigation to identify the perpetrators.⁵²¹ Unfortunately, such incidents continued, and later, in March, unknown persons vandalised the windows of the same church, resulting in significant material damage.⁵²²

On the occasion of 11 July - the International Day of Remembrance of the Srebrenica genocide, a prayer for the victims was held in the Parliament.⁵²³ This caused many reactions among the political parties about the secularism of state institutions,⁵²⁴ while on the other hand, the organisers of the prayer claimed that it was just a sign of respect for the victims.⁵²⁵

518 „Албанско знаме на куполата на црквата „Свети Атанасиј“ во тетовско кале: Во близина било поставено и знаме на УЧК, црковниот одбор пријавил сквернавење на верски објект“ (Albanian flag on the dome of the church “St. Athanasius” in the Tetovo fortress: A UCK flag was placed nearby, the church board reported desecration of a religious building), Faktor 21 March 2024, <https://faktor.mk/albansko-zname-na-kupolata-na-crkvata-sveti-atanasij-vo-tetovsko-kale-vo-blizina-bilo-postaveno-i-zname-na-uchk-crkovniot-odbor-prijavil-skvernavanje-na-verski-objekt>.

519 „Симнато знаме на МПЦ од храмот на Попова Шапка и ставено знамето на Албанија“ (The MPC flag was removed from the temple on Popova Shapka and replaced with an Albanian flag), eMagazin, 29 November 2023, <https://bit.ly/3PV1BHL>.

520 „Полицијата ги отстрани знамињата на Албанија и на ОНА од манастирскиот двор на тетовското кале“ (The police removed the flags of Albania and the NLA from the monastery’s courtyard in the Tetovo fortress), Antropol, 21 March 2024, <https://antropol.mk/2024/03/21/policija-zname-albanija/>.

521 „Полицијата трага по сторителите што поставија знаме на Албанија на црквата „Свети Атанасиј“ во Тетово“ (Police are searching for the perpetrators who placed the Albanian flag on the church “St. Athanasius” in Tetovo), 360 Stepeni, 21 March 2024, <https://360stepeni.mk/politsijata-traga-po-storitelite-shto-postavija-zname-na-albanija-na-crkvata-sveti-atanasij-vo-tetovo/>.

522 „Непознати сторители ги искршиле прозорците на манастирот „Свети Атанасиј“ на тетовското кале“ (Unknown perpetrators broke the windows of the “St. Athanasius” monastery” in the Tetovo fortress), 360 Stepeni, 30 March 2024, <https://360stepeni.mk/nepoznati-litsa-gi-iskrshile-prozorsite-na-manastiro-t-sveti-atanasij-na-tetovskoto-kale/>.

523 „Смаиловик: Собирот за Сребреница беше настан, а не седница на Собранието, молитвата – гест на почит, а не религиозен ритуал“ (Smailovic : The gathering for Srebrenica was an event, not a session of the Assembly, the prayer was a gesture of respect, not a religious ritual), 360 Stepeni, 12 July 2024, <https://360stepeni.mk/smailovik-sobiro-t-za-srebrenit-sa-beshe-nastan-a-ne-sednitsa-na-sobranieto-molitvata-gest-na-pochit-a-ne-religiozen-ritual/>.

524 „СДСМ: Африм Гаши ја наруши секуларноста на државата, тоа е непочитување и на Уставот“ (SDSM: Afrim Gashi violated the secularity of the state, this is disrespect of the Constitution), A1 On, 12 July 2024, <https://a1on.mk/macedonia/sdsm-af-rim-gashi-ja-narushi-sekularnosta-na-drzhavata-toa-e-nepochituvanje-i-na-ustavot/>.

525 „Еден човечки гест не ја загрозува секуларноста на државата, велат од „Вреди“ за молитвата во Собранието“ (A human gesture does not threaten the secularity of the state, say “VLEN” about the prayer in the Assembly), 360 Stepeni, 13 July 2024, <https://360stepeni.mk/eden-chovechki-gest-ne-ja-zagrozuva-sekularnosta-na-drzhavata-velat-od-vredi-za-molitvata-vo-sobranieto/>.

Freedom of expression

Journalists' associations in the country opposed the government's attempt to restore state advertising in the media ahead of the parliamentary and presidential elections, citing it as a threat to the independence of the media and democratic processes.⁵²⁶ Nevertheless, amendments to the Law on Audio and Audiovisual Media Services⁵²⁷ were adopted in early March 2024, which lifted the ban on state advertising and introduced new provisions for campaigns at state and local levels.⁵²⁸

In addition, journalists' associations called for urgent amendments to the Law on Media to prevent misuse of public funds by phantom online media during the elections. They demanded a register of online media receiving state funding for political advertising. However, the proposed amendments from December 2023 have not yet been adopted due to a lack of political will.⁵²⁹

In the first half of October 2023, the Agency for Audio and Audiovisual Media Services (AAVMS), with the support of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), promoted the Code of Conduct in the Online Sphere during Electoral Processes and Referenda. The Code was developed with the aim of protecting freedom of expression and, at the same time, avoiding the spread of intolerance, hatred, violence and discrimination in online media.⁵³⁰

The Fact-Finding Press Freedom Mission Report, titled "Media Freedom in North Macedonia: Fragile Progress", published at the end of October 2023, contains concerns about the delay in the appointment of the members to the AAVMS Council and the Macedonian Radio Television (MRT) Programme Council. Due to absence of political consensus, these bodies are currently functioning with members whose terms of office have expired, but they are still working as acting officials. The report recommends a number of actions, such as: creating a public fund for media support based on objective criteria and fully independent, maintaining the ban on state advertising, enacting a law against strategic lawsuits against public participation (SLAPP), and strengthening the accountability of politicians for aggressive statements and behaviour against journalists and media workers.⁵³¹

526 "Political consensus on media corruption by misusing the European flag at the Assembly", Association of Journalists of Macedonia, 24 February 2024, <https://bit.ly/43LfayB>.

527 Law Amending the Law on Audio and Audiovisual Media Services, Official Gazette of the Republic of North Macedonia No. 55/2024.

528 „Државните реклами се враќаат во приватните медиуми, Собранието ја укина забраната“ (State advertisements are returning to private media, the Parliament lifted the ban), 360 Stepeni, 29 February 2024, <https://360stepeni.mk/drzhavnite-reklami-se-vraakat-vo-privatnite-mediumi-sobranieto-ja-ukina-zabranata/>.

529 „ЗНМ, ССНМ и СЕММ: Платеното политичко рекламирање и понатаму може да биде предмет на партиско-медиумска корупција или злоупотреба“ (AJM, SSNM and SEMM: Paid political advertising can still be used for party-media corruption or abuse), 360 Stepeni, 8 March 2024, <https://360stepeni.mk/znm-ssnm-i-semm-platenoto-politichko-reklamirane-i-ponatamu-mozhe-da-bide-predmet-na-partisko-mediumska-koruptsija-ili-zloupotreba/>.

530 "Promotion of the Code of Conduct in the Online Space during Electoral Processes and Referendums," official website of the Agency for Audio and Audiovisual Media Services, 12 October 2023, <https://bit.ly/3CCZ1BY>.

531 Ricardo Gutierrez et al. "Media Freedom in North Macedonia: Fragile Progress," Association of Journalists of Macedonia. 2023, <https://znm.org.mk/wp-content/uploads/2023/10/EN-Fact-Finding-PFM-Report-251023-web.pdf>.

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 36th out of 180 countries, a slight improvement from its previous ranking at the 38th position. While the overall environment is considered favourable for media freedom, the report highlights challenges such as strong political polarisation and pressure on the media from authorities, politicians, and businessmen at national and local levels, slow alignment of the legislation with EU standards, and threats and attacks against journalists. It concludes that the public broadcasting service lacks editorial or financial independence.⁵³²

Pressure on journalists

The Association of Journalists of Macedonia (AJM) registered a total of five attacks and more serious threats during 2023, which is a slight drop compared to 2022, when seven such incidents were recorded.⁵³³ In three cases, the Public Prosecutor's Office acted promptly, and two cases in 2023 ended with a conviction. However, journalists and media workers still do not feel sufficiently safe and protected, which is why they are seeking systemic solutions to guarantee long-term protection of their rights and safety.⁵³⁴

The Western Balkans Journalists' Safety Index (WB-JSI) shows a slight decline in North Macedonia compared to the previous year. In 2022, it had an index of 3.92, while in 2023 it was 3.91, which is due to the general policy of impunity in cases of attacks and threats against journalists and media workers, the lack of political will to elect new members of the MRT and AAVMS Programme Councils, as well as the return of state advertising in private audiovisual media.⁵³⁵

During the reporting period, numerous forms of pressure on journalists and media crews were observed: obstruction of work by banning taking photos,⁵³⁶ online threats in comments on social media⁵³⁷ and in personal messages,⁵³⁸ verbal⁵³⁹ and physical attacks.⁵⁴⁰

532 „Слободата на медиумите во Република Северна Македонија задоволителна, забележа „Репортери без граници“ (Media freedom in the Republic of North Macedonia is satisfactory, noted Reporters Without Borders), Voice of America, 3 May 2024, <https://mk.voanews.com/a/slobodata-na-pechatot-vo-severna-makedoni%D1%98a-na-zadovolitelno-nivo-zabelezha-reporteri-bez-granici-/7592495.html>.

533 Милан Спировски, „Индикатори за степенот на слободата на медиумите и Индекс на безбедноста на новинарите 2023“ (Indicators of the Level of Media Freedom and Journalists' Safety Index 2023) (Association of Journalists of Macedonia, September 2024), <https://znm.org.mk/wp-content/uploads/2024/09/MK-MK-2024.pdf>.

534 Ibid.

535 Ibid.

536 „ЗНМ: Претставка до ДИК за попречување на работата на новинарката Мери Јордановска“ (AJM: Complaint to the SEC concerning the obstruction of journalist Meri Jordanovska in doing her job), Radio MOF, 24 April 2024, <https://www.radiomof.mk/znm-pretstavka-do-dik-za-poprechuvanje-na-rabotata-na-novinarkata-meri-jordanovska/>.

537 „СЧМ: Ги осудуваме заканите кон колегата Видиновски и бараме негова заштита“ (SSNM: We condemn the threats against our colleague Vidinovski and demand his protection), Radio MOF, 2 July 2024, <https://www.radiomof.mk/ssnm-gi-osuduvame-zakanite-kon-kolegata-vidinovski-i-barame-negova-zashtita/>.

538 „ОЈО: Маж од скопското село Грчец и се заканувал на новинарка“ (ППО: A man from the Skopje village of Grchec threatened a journalist), A1 On, 4 July 2024, <https://a1on.mk/macedonia/ojo-mazh-od-skopskoto-selo-grchec-i-se-zakanuval-na-novinarka/>.

539 „Вербално нападната екипа на ТВ 24 на митингот на ВМРО-ДПМНЕ, партијата го осуди и се ограда од инцидентот“ (TV 24 crew was verbally attacked at the VMRO-DPMNE rally, the party condemned the incident and distanced itself from it), 360 Stepeni, 5 April 2024, <https://360stepeni.mk/verbalno-napadnata-ekipa-na-tv-24-na-mitingot-na-vmro-dpmne-partijata-go-osudi-i-se-ogradi-od-incidentot/>.

540 „Нападнат новинарот Фуркан Салиу“ (The Journalist Furkan Saliu was attacked), Skopje Info, 21 March 2024, <https://skopjeinfo.mk/napadnat-novinarot-furkan-saliu>.

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

It is necessary to reintroduce the ban on paid political advertising, as it leads to influence on media content by political parties, interference in editorial policy, and represents an additional burden on the state budget;

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 about 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.



Rights of the Child

In mid-March 2024, the Parliament adopted the new Law on Justice for Children, which, among other things, regulates restorative justice and specifically regulates the right to compensation for a child-victim.⁵⁴¹ The United Nations Children's Fund (UNICEF) welcomed the adoption of the new law, stating that the key introduced improvements aimed to emphasise the principle of the best interest of the child in all decisions regarding children who come into contact with the justice system. It also deepens the restorative justice approach, emphasising the child's right to be heard, as well as access to rehabilitation and reintegration as a desired outcome.⁵⁴²

The Supreme Court of North Macedonia issued a landmark ruling in early 2024 regarding the discrimination of children from the Volkovija Correctional Facility due to lack of access to appropriate education. Namely, in the judgement, the court analysed indirect discrimination since most of the affected children are Roma and ordered the Court of Appeal to repeat the procedure, emphasising that the focus should be on the unequal treatment and its different impact on individuals from different background.⁵⁴³ In addition, the educational process for the children from this facility has not yet begun because there are no financial resources for its implementation, nor have the amendments to the Law on Adult Education necessary to formalise the process been adopted.⁵⁴⁴

Finally, on 26 October 2022, the ECRR filed a revision with the Supreme Court, citing significant violations of civil procedure and inappropriate application of substantive law. On 21 February 2024, the Supreme Court accepted the request and ordered the Court of Appeal to retry the case and issue an elaborated judgement. This is the first such ruling by the Supreme Court of the Republic of North Macedonia in a case initiated as an *actio popularis* lawsuit by an international non-governmental organisation. The Supreme Court's ruling also includes an analysis of indirect discrimination, stating that, in the case of indirect discrimination, the focus is not on unequal treatment, but on the effects of such treatment that persons under different circumstances may experience differently, i.e. the difference in treatment may take the form of disproportionate effects of bias from a general policy or measure, expressed in a neutral manner, which discriminates against a certain group of people.

541 Law on Justice for Children, Official Gazette of the Republic of North Macedonia No. 66/24.

542 „УНИЦЕФ: Новиот Закон за правда за деца ветува дополнително унапредување на детските права на правда и заштита“ (UNICEF: The new Law on Justice for Children promises further advancement of children's rights to justice and protection), Radio MOF, 25 March 2024, <https://www.radiomof.mk/unicef-noviot-zakon-za-pravda-za-deca-vetuva-dopolnitelno-unapreduvanje-na-detskite-prava-na-pravda-i-zashtita/>.

543 “Precedented Ruling of the Supreme Court regarding children who do not have access to education at the juvenile correctional institution in North Macedonia,” official website of the European Roma Rights Center, April 18, 2024, https://www.errc.org/uploads/upload_en/file/5580_file1_precedentna-presuda-na-vrhovniot-sud-vo-vrska-so-decata.pdf.

544 “Once again the school year does not start for the children at the Tetovo Correctional Institution” Media Information Agency-MIA, 1 September 2024, <https://bit.ly/40ECLQA>.

According to the State Statistical Office (SSO), the number of reported children who violated the law in 2023 decreased by 8.5% compared to 2022, and the number of children convicted of crimes increased by 17.2%. 433 children were reported, of whom for 287 there was a proposal for a penalty or measure to be imposed. No proceedings were initiated in 110 cases, and the proceedings were suspended in 36 cases. 307 children were convicted because they were found guilty of crimes against property, public order, life and body, or against public traffic safety.⁵⁴⁵

⁵⁴⁵ „Во 2023 биле пријавени 433 деца во судир со законот, а 307 биле осудени“ (In 2023, 433 children were reported to be in conflict with the law, and 307 were convicted), Skopje Info, 31 May 2024, <https://skopjeinfo.mk/vo-2023-bile-prijaveni-433-deca-vo-sudir-so-zakonot-307-bile-osudeni>.

Vulnerable groups and the principle of non-discrimination

During the reporting period, the Ministry of Labour and Social Policy (MLSP) published the 2024 Operational Plan for the implementation of the activities of the Action Plan 2022-2024 with an estimate of costs for the implementation of the National Strategy for Equality and Non-Discrimination 2022-2026.⁵⁴⁶

The survey “Barometer for Equal Opportunities 2023” revealed widespread discrimination, with every third respondent being discriminated against on at least one of the grounds covered by the survey, mainly on the basis of political affiliation (77%), followed by ethnicity (53%), disability (49%), age (42%), religion and belief (42%) and gender (40%).⁵⁴⁷

Commission for Prevention and Protection against Discrimination

At the end of the past year, the Commission for Prevention and Protection against Discrimination (CPPD) underwent changes. A new president and vice president were elected, following the principle of a rotating presidency.⁵⁴⁸ Furthermore, to complete the composition of the CPPD, a public announcement for the election of four members was published in the Official Gazette of the Republic of North Macedonia on 8 November.⁵⁴⁹ In anticipation of the public debate on determining the draft list of candidates for the election of members, which was held on 18 December at the Assembly,⁵⁵⁰ the Network for Protection against Discrimination (NPD) reiterated the request to the Assembly to elect independent candidates based on merit who met the legal criteria and who reflected the composition of society, instead of making a selection based on political party affiliation.⁵⁵¹ Out of a total of 25 candidates, the Parliamentary Commission for Elections and Appointments proposed a primary school teacher, a social worker and two lawyers.⁵⁵² The NPD reacted to this draft list, stating that only one of the proposed candidates is an independent expert who meets the legal criteria. The others are

546 “2024 Operational Plan for the implementation of the activities of the Action Plan 2022-2024 with an estimate of costs for the implementation of the National Equality and Non-Discrimination Strategy 2022-2026” (Ministry of Labour and Social Policy, 2024), <https://bit.ly/30EAUUpn>.

547 Фани Кимова, „Извештај Барометар за еднакви можности“ (Barometer for Equal Opportunities – Report), (Macedonian Center for International Cooperation, 23 November 2023), https://mcms.mk/images/2023/Barometar_za_ednakvi_moznosti_-ENG.pdf.

548 “CPPD got a new President”, official website of the Commission for Prevention and Protection against Discrimination, 27 October 2023, <https://bit.ly/424GHdA>.

549 “Advertisement for the election of new members of the CPPD”, official website of the Commission for Prevention and Protection against Discrimination, 9 November 2023, <https://bit.ly/49gmlAD>.

550 „Комисиска расправа за шредлог-листата за избор на членови на КСЗД“ (Committee’s discussion on the proposed list of candidates for members of the CPPD), 24.mk, 18 December 2023, <https://24.mk/details/komisiska-rasprava-za-predlog-listata-za-izbor-na-chlenovi-na-kszd>.

551 “The Assembly to elect independent professionals who meet the legal requirements for members of the Commission for Prevention and Protection against Discrimination”, official website of the Network for Protection against Discrimination, 13 December 2023, https://mzd.mk/mk/vesti/sobranie_kszd/.

552 „Комисијата за именувања и избори ја утврди предлог-листата за членови на КСЗД и членови на други комисији“ (The Committee on Election and Appointment agreed on the list of candidates for members of the CPPD and members of other commissions, 24 info, 21 December 2023, <https://bit.ly/30995pc>.

members of political parties without sufficient experience in the field of human rights and protection against discrimination⁵⁵³ and they announced that they would submit a complaint to the Constitutional Court regarding the manner of election.⁵⁵⁴ However, in mid-January 2024, the Parliament elected the aforementioned persons as members of the CPPD, thus completing its composition.⁵⁵⁵

At the beginning of 2024, the CPPD adopted a Code of Ethics as a guide for the ethical behaviour of its members and staff. This Code aims to set ethical standards and practices that will guide its members and staff in their behaviour and decision-making in exercising the CPPD's powers arising from the Law on Prevention and Protection against Discrimination and the Rules of Procedure.⁵⁵⁶

According to the 2023 annual report, the CPPD received a total of 520 complaints, which is an increase of 109.68% compared to 2022, opened three cases on its own initiative, and is still working on 76 cases that were opened the previous year. Acting on the complaints they received, the CPPD determined discrimination in 59 cases, while in 118 cases it did not establish any grounds of discrimination. For 315 complaints, a conclusion was reached for non-action, and in 29 cases a conclusion was reached for non-initiation or termination of the procedure. The reported cases were in the areas of public information and media (252 cases), work and labour relations (130 cases), education, science and sports (42 cases), access to goods and services (31 cases), etc. The most frequently reported grounds of discrimination were sex (229 cases), gender (205 cases), religion or religious belief (201 cases) and other belief (199 cases), national or ethnic origin (92 cases), personality traits and social status (77 cases) and political belief (37 cases).⁵⁵⁷

In the first nine months of 2024, 319 complaints were submitted to the CPPD, and one case was initiated ex officio. A total of 223 decisions were made, of which in 41 cases discrimination was established, in 73 cases discrimination was not established, and 108 cases were rejected, i.e. no action was taken, or the procedure was stopped. The cases in which discrimination was established relate to the areas of work and labour relations (19 cases), public information

553 „Мрежата против дискриминација ги оспорува кандидатите за членови на Комисијата за заштита од дискриминација“ (The Anti-Discrimination Network challenges the proposed candidates for members of the Anti-Discrimination Commission), TV Telma, 23 December 2023, <https://telma.com.mk/2023/12/23/gragjanskiot-sektor-gi-osporuva-kandidatite-za-komisijata-za-diskriminacija/>.

554 „Претставка до Уставен суд за начинот на избор на членови на Комисијата за антидискриминација“ (Complaint to the Constitutional Court on the manner the members of the Anti-Discrimination Commission are elected), Kanal 5, 23 December 2023, <https://kanal5.com.mk/prestavka-do-ustaven-sud-za-nachinot-na-izbor-na-chlenovi-na-komisijata-za-antidiskriminacija/a617838>.

555 “Decision on the election of members of the Commission for Prevention and Protection against Discrimination”, official website of the Assembly of the Republic of North Macedonia, 15 January 2024, <https://www.sobranie.mk/e925a298-7bc1-47c0-ab61-37155df6e14f>.

556 Code of Ethics of the Commission for Prevention and Protection against Discrimination, Official Gazette of the Republic of North Macedonia No. 2/24.

557 Commission for Prevention and Protection against Discrimination, “Report on the Actions taken by the Commission for Prevention and Protection against Discrimination on Complaints for Protection against Discrimination (2024)”, <https://bit.ly/3yky83M>, accessed on 15 July 2024.

and media (10 cases), education, science and sports (6 cases), access to goods and services (3 cases), etc. The most common grounds of discrimination were national or ethnic background (9 cases), personality traits and social status (8 cases), gender identity (8 cases), sexual orientation (7 cases), etc.⁵⁵⁸

The CPPD welcomed the amendments to the Law on Registration of Permanent and Temporary Residence of Citizens⁵⁵⁹ and the Law on Identity Cards.⁵⁶⁰ These amendments now allow persons without proof of property ownership to register a residential address.⁵⁶¹ These amendments were made after the CPPD submitted an opinion stating that there is indirect discrimination by the Ministry of the Interior on the basis of property status and social background in the sphere of justice and administration.⁵⁶²

In anticipation of the presidential and parliamentary elections, the CPPD requested urgent measures to be taken regarding previous recommendations concerning discrimination in the voting processes⁵⁶³ and announced enhanced monitoring of hate speech and called for a fair and democratic election campaign.⁵⁶⁴

The CPPD expressed concern about the issue of textbooks in primary schools.⁵⁶⁵ It was established that one third of the textbooks needed for the educational process were missing, which was to be used as grounds for the lawsuit they were working on against the Ministry of Education and Science (MES).⁵⁶⁶

558 Commission for Prevention and Protection against Discrimination, "Report on the Actions taken by the CPPD on Complaints for Protection against Discrimination, January-March 2024", April 2024, <https://kszd.mk/wp-content/uploads/2024/04/Квартален-извештај-Јануари-март-2024-година.pdf>; Commission for Prevention and Protection against Discrimination, "Report on the Actions taken by the CPPD on Complaints for Protection against Discrimination, April-June 2024", July 2024, <https://bit.ly/3Su1gg3>;

Commission for Prevention and Protection against Discrimination, "Report on the Actions taken by the CPPD on Complaints for Protection against Discrimination, July-September 2024", October 2024, <https://kszd.mk/wp-content/uploads/2024/10/Квартален-извештај-јули-септември-2024г.pdf>.

559 Law Amending the Law on Registration of Permanent and Temporary Residence of Citizens, Official Gazette of the Republic of North Macedonia No. 209/2023.

560 Law Amending the Law on Identity Cards, Official Gazette of the Republic of North Macedonia No. 209/2023.

561 "Amendments to the Law on Registration of Permanent and Temporary Residence of Citizens and the Law on Identity Cards", official website of the Commission for Prevention and Protection against Discrimination, 16 October 2023, <https://bit.ly/3vCqHTY>.

562 Commission for Prevention and Protection against Discrimination, "Opinion No. 08-401/13", 29 August 2023, <https://kszd.mk/wp-content/uploads/2023/08/08-401-од-29.08.23-утврдена-дискриминација.pdf>.

563 „КСЗД предупредува оти на одредени категории граѓани може да им биде попречено правото на глас“ (CPPD warns that the right to vote of certain categories of citizens may have been hindered), 360 Stepeni, 12 March 2024, <https://360stepeni.mk/kszd-predupreduva-oti-na-odredeni-kategorii-na-gragani-mozhe-da-im-bide-poprecheno-pravoto-na-glas/>.

564 "Implementing the Commission's recommendations for unhindered voting by everybody. Monitoring of hate speech! - Press Conference of the CPPD", official website of the Commission for Prevention and Protection against Discrimination, 12 March 2024, <https://bit.ly/3VUZN4K>.

565 „Шаќири: До крајот на неделата сите ученици ќе добијат учебници“ (Shaqiri: By the end of the week, all students will receive textbooks), TV Sitel, 2 October 2023, <https://sitel.com.mk/shakjiri-do-krajot-na-nedelata-site-uchenici-kje-dobijat-uchebnici>.

566 „Комисијата за спречување и заштита од дискриминација ќе го тужи Министерството за образование оти нема учебници“ (The Commission for Prevention and Protection against Discrimination will sue the Ministry of Education for the lack of textbooks), Sakam Da Kazam, 5 October 2023, <https://sdk.mk/index.php/dopisna-mrezha/komisijata-za-sprechuvane-i-zashtita-od-diskriminatsija-ke-go-tuzhi-ministerstvoto-za-obrazovanie-oti-nema-uchebnitsi/>.

In addition, the CPPD provided opinions on the amendments to the laws on primary and secondary education. The CPPD proposes amendments to the Law on Primary Education by including desegregation measures related to the appropriate integration of Roma pupils in the education system⁵⁶⁷ in accordance with the judgment of the ECtHR in the case of *Elmazova and others v. North Macedonia*.⁵⁶⁸ Regarding the draft law on secondary education, the CPPD proposed to introduce more inclusive language, to abolish any segregation and discrimination, including on the basis of gender identity, and to introduce measures that provide greater support for students with disabilities.⁵⁶⁹

During the reporting period, the CPPD signed memorandums of cooperation with the Office of the President of the Republic of North Macedonia⁵⁷⁰ and with the Citizens' Association Resource Centre of Parents of Children with Special Needs.⁵⁷¹

Persons with disabilities

In October 2023, the Parliament of North Macedonia adopted the Law on the System for the Assessment of Persons with Disabilities, which regulates various aspects of disability assessment, including the structure of the organisation, licensing, and financing.⁵⁷²

Later in December, the Government adopted the National Strategy for the Rights of Persons with Disabilities 2023–2030, with an Action Plan 2023–2026, and allocated 46 million EUR to improve the situation for all categories of persons with disabilities.⁵⁷³ However, already in early July 2024, the “Menuvame” Coalition requested a meeting with the new Government to discuss potential amendments to the National Strategy for the Rights of Persons with Disabilities 2023-2030. They proposed defining disability as a condition, not a disease, lowering the age limit for assessing children with disabilities from 26 to 18 years and not conducting it based on a conversation with parents, as well as introducing new subjects in the professional education of medical personnel, judges and lawyers to make it easier for them to exercise the rights of persons with disabilities.⁵⁷⁴

567 Commission for Prevention and Protection against Discrimination, “Opinion on the Draft Law amending the Law on Primary Education in relation to the implementation of the Judgment *Elmazova and Others v. North Macedonia*”, 23 April 2024, <https://kszd.mk/wp-content/uploads/2024/04/mislenje-KSZD-ZOO-Elmazova.pdf>.

568 ECtHR. *Elmazova v. North Macedonia*. Application No. 11811/20 and 13550/20, 13 December 2022, <https://bit.ly/3i92CxS>.

569 Commission for Prevention and Protection against Discrimination, “Opinion on the Draft Law on Secondary Education”, 23 May 2024, <https://bit.ly/46unp3j>.

570 CPPD and the Cabinet of President Siljanovska-Davkova, signed a Memorandum of Cooperation”, official website of the Commission for Prevention and Protection against Discrimination, 1 August 2024, <https://bit.ly/4gVo2bk>.

571 “CPPD and Resource Center for Parents of Children with Special Needs signed a Memorandum of Cooperation”, official website of the Commission for Prevention and Protection against Discrimination, 27 March 2024, <https://bit.ly/4ff0oHx>.

572 Law on the System for the Assessment of Persons with Disabilities, Official Gazette of the Republic of North Macedonia No. 209/2023.

573 “The Government adopts the new National Strategy for the Rights of Persons with Disabilities 2023-2030”, official website of the Government of the Republic of North Macedonia, 28 December 2023, <https://vlada.mk/node/35646>.

574 „Коалицијата „Менуваме“ бара средба со Владата за измени на Стратегијата за лицата со попреченост“ (“Menuvame” Coalition demands a meeting with the Government to amend the Strategy for Persons with Disabilities), MIA - Media Information Agency, 3 July 2024, <https://bit.ly/4duLLf>.

In March 2024, the Constitutional Court repealed a provision of the Law on Financial Support for Socially Vulnerable Categories of Citizens. This provision provides for disability compensation only for persons aged 26 to 65, thus creating unequal treatment. The court's decision removed the maximum age limit for receiving disability compensation.⁵⁷⁵

At the 26th session of the AAVMS Council held in mid-June, a Rulebook on Accessibility of Media Services was adopted. This act prescribes the manner in which providers of audio and audiovisual media services can continuously and progressively make their services more accessible to persons with disabilities.⁵⁷⁶

The new 2024/2025 school year did not begin without shortcomings that affected students with disabilities. While the Ministry of Education and Science (MES) announced that more than 1,000 educational assistants would be hired in primary schools to help improve the educational process for students with disabilities,⁵⁷⁷ parents of those students reacted that the assistants were still not available, as well as some important tools in schools, such as smart boards, printed materials and appropriate visualisation of school subjects.⁵⁷⁸ On the other hand, the Ministry of Education and Science also announced that students with disabilities in secondary schools would receive educational assistants by January 2025,⁵⁷⁹ considering that the new Law on Secondary Education, which would regulate their engagement, has not been adopted, yet.⁵⁸⁰ The CPPD urged the Ministry of Education and Science to adopt this law as soon as possible,⁵⁸¹ and also initiated an ex officio procedure against the Ministry of Education and Science concerning an indirect discrimination in access to compulsory primary education on the grounds of disability.⁵⁸²

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- 575 „Лицата со попреченост над 65 години ќе можат да добиваат надоместок, одлучи Уставен“ (Persons with disabilities over 65 years of age can receive compensation, Constitutional Court decides), 360 Stepeni, 29 March 2024, <https://360stepeni.mk/litsata-so-poprechenost-nad-65-godini-ke-mozhat-da-dobivaat-nadomestok-odluchi-ustaven/>.
- 576 “Rulebook on accessibility of media services”, official website of the Agency for Audio and Audiovisual Media Services, 12 June 2024, <https://avmu.mk/wp-content/uploads/2024/06/Правилник-за-пристапност-до-програмите-2024-УСБОУН.pdf>.
- 577 „Над 1.000 образовни асистенти во новата учебна година ќе бидат поддршка на учениците со попреченост, најави МОН“ (Over 1,000 educational assistants in the new school year will support pupils with disabilities, announced by MES), Radio MOF, 31 August 2024, <https://www.radiomof.mk/nad-1-000-obrazovni-asistenti-vo-novata-uchebna-godina-kje-bidat-poddrshka-na-uchenicite-so-poprechenost-najavi-mon/>.
- 578 „Децата со попреченост останаа без асистенти на почетокот на учебната година“ (Children with disabilities were left without assistants at the beginning of the school year), TV Sitel, 2 September 2024, <https://sitel.com.mk/decata-so-poprechenost-ostanaa-bez-asistenti-na-pochetokot-na-uchebnata-godina>.
- 579 „Јаневска: Од јануари образовни асистенти ќе има и во средните училишта“ (Janevska: Starting from January there will be educational assistants in secondary schools), Sloboden Pечат, 10 September 2024, <https://www.slobodenpecat.mk/janevska-od-januari-obrazovni-asistenti-kje-ima-i-vo-srednite-uchilishta/>.
- 580 “CPPD story - Another semester without educational assistants for high school students with disabilities!”, official website of the Commission for Prevention and Protection against Discrimination, 2 November 2023, <https://bit.ly/3U30Crc>.
- 581 “Reaction by the Commission for Prevention and Protection against Discrimination regarding the delay in providing educational assistants for students with disabilities”, official website of the Commission for Prevention and Protection against Discrimination, 3 September 2024, <https://bit.ly/4dwQuwY>.
- 582 “CPPD initiates ex officio proceedings against the Ministry of Education and Science”, official website of the Commission for Prevention and Protection against Discrimination, 12 September 2024, <https://bit.ly/4eKg4jc>.

Accessibility for persons with disabilities also remains a challenge in exercising their right to vote. Following the two judgments of the Basic Civil Court,⁵⁸³ which established direct discrimination against persons with disabilities in exercising their right to vote, the Court of Appeal Skopje delivered a judgment confirming the discrimination committed by the Government of the Republic of North Macedonia and the State Election Commission.⁵⁸⁴ However, during this year's elections, the Association for the Promotion and Development of an Inclusive Society "Inkluziva" identified the same problems for persons with disabilities like in the previous ones. After monitoring polling stations in three cities, they found that some were inaccessible to those using medical aids due to malfunctioning or non-existent elevators, and that the polling stations were not situated on the ground floor. To address this, the "Inkluziva" Association recommended for the instructions for sick and frail persons who vote from home to be amended to include also persons with disabilities.⁵⁸⁵

583 "The Government and the State Election Commission have committed direct discrimination against persons with disabilities in 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>;

"The Basic Civil Court concluded that the Government and the SEC Discriminate 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-utvrди-deka-vladata-i-dik-gi-diskriminirale-licata-so-poprechenost/>.

584 "Direct discrimination against persons with disabilities in exercising their right to vote by the Government and the State Election Commission has been confirmed", official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 20 December 2023, <https://bit.ly/3vJlUp>.

585 „Инклузива: Непристапни гласачки места во Скопје, Куманово и Велес“ (Inkluziva: Inaccessible polling stations in Skopje, Kumanovo and Veles), Civil Media, 26 April 2024, <https://civilmedia.mk/inkluziva-nepristapni-glasachki-mesta-vo-skopje-kumanovo-i-veles/>.

Gender

There has been no progress in the process of adopting the Law on Gender Equality during the reporting period.

Despite the results of the presidential elections, which gave the country its first female president, the representation of women in the new composition of the Parliament and the Government has slightly decreased. In the initial composition of the Parliament only one-third of the MPs were female (40), compared to 78 male MPs, which is less than the 43 female MPs in the previous composition of the Parliament.⁵⁸⁶ Similarly, the new composition of the Government has only three female ministers out of a total of 24, which is two less than the number of female ministers in the previous composition.⁵⁸⁷ The Platform for Gender Equality expressed serious concern about the insufficient representation of women in high-level positions of influence and decision-making due to a lack of political will and inadequate support from the political parties.⁵⁸⁸

During the election campaign, nine political parties committed to complying with the recommendations of the Code of Conduct on Combating Violence against Women in Politics and Electoral Processes, thereby expressing their willingness to oppose the use of force or intimidation by public officials, political party officials and their supporters in order to achieve political goals.⁵⁸⁹ However, this initiative did not reduce the spread of misogynistic comments in traditional, online and social media during the election campaign, nor did it prevent digital violence against female candidates, including the misuse of visual content on social media.⁵⁹⁰

In 2023, North Macedonia published its second Gender Equality Index, with 64.5 points, the highest among the Western Balkan countries, but still 3.5 points below the average of EU Member States. The country's 2.5-point increase in the index over three years is attributed to legal and policy changes regarding gender equality. However, challenges remain due to inconsistent implementation of such policies, insufficient financial resources, problems with

586 [Infographic] „Една третина жени и само двајца млади во новиот состав на македонското Собрание“ (One-third of women and only two young people in the new composition of the Macedonian Parliament), Radio MOF, 28 May 2024, <https://www.radiomof.mk/infografik-edna-tretina-zheni-i-samo-dvajca-mladi-vo-noviot-sostav-na-makedonskoto-sobranie/>.

587 „Жените во Владата на Мицкоски оставени на страна, нема ниту една министерка Албанка“ (Women in Mickoski's Government on the margins, there is not a single Albanian woman minister), Meta.mk, 25 June 2024, <https://meta.mk/zhenite-vo-vladata-na-mickoski-ostaveni-na-strana-nema-nitu-edna-ministerka-albanka/>.

588 „Реакција на Платформа за родова еднаквост: Недоволна застапеност на жените на извршните позиции во новата Влада“ (Reaction by the Platform for Gender Equality: Insufficient representation of women in executive positions in the new Government), Radio MOF, 26 June 2024, <https://www.radiomof.mk/reakcija-na-platforma-za-rodova-ednakvost-nedovolna-zastapenost-na-zhenite-na-izvrshnite-pozicii-vo-novata-vlada/>.

589 “Political parties supported the recommendations of the Code of Conduct to combat violence against women in politics and electoral processes”, official website of the Macedonian Women's Lobby, 17 April 2024, <https://bit.ly/4ftMn75>.

590 Бојана Јовановска и Сара Миленковска, „Анализа на родово-базирани содржини: Политичарките и медиумската пристрасност“ (Analysis of Gender-Based Content: Female Politicians and Media Bias), (Institute of Communication Studies, 17 June 2024), https://respublica.edu.mk/wp-content/uploads/2024/07/politicharkite-i-mediumskata-pristrasnost_final.pdf.

public authorities, job classification and the influence of persons responsible for implementing different activities in the institutions.⁵⁹¹

In the second half of February 2024, the Ministry of Justice adopted the Annual Operational Plan for 2024 for the implementation of the second National Action Plan of the Republic of North Macedonia for the implementation of the UN Resolution 1325-Women, Peace and Security (2020-2025). It envisages activities for efficient and effective implementation of the objectives set out in the Law on Payment of Monetary Compensation to Victims of Crimes by Violence, Prevention of Violence against Women and Strengthening the Capacity for Practical Application of the Istanbul Convention Provisions through Training of Judges and Public Prosecutors.⁵⁹² In addition, the MLSP published the Operational Plan for the Implementation of the Activities under the competence of the MLSP that emerge from the 2022-2024 National Action Plan for Gender Equality for 2024, along with the time frame and budget for their implementation.⁵⁹³

On the occasion of International Women's Day (8 March), a march was organised in Skopje under the slogan "Red Line: Women's Rights are Non-Negotiable".⁵⁹⁴ During this event, participants posed eight demands, or red lines, concerning unresolved issues, such as unrestricted access for women to safe and legal medical abortion in every municipality, equal pay for men and women, as well as activities to be undertaken by the institutions responsible for preventing and protecting against gender-based violence. In addition, they demanded equal representation of women in positions of power in both public and private institutions. They addressed the status of women workers in culture and access to paid maternity and sick leave for female farmers.⁵⁹⁵

591 Марија Башевска, „Индекс на родова еднаквост за Северна Македонија 2022“ (Gender Equality Index for North Macedonia 2022), European Institute for Gender Equality (EIGE), 2023, <https://eige.europa.eu/sites/default/files/documents/Gender%20Equality%20Index%20for%20North%20Macedonia%20%282022%29.pdf>

592 "The Ministry of Justice adopted the Annual Operational Plan for 2024 for the implementation of the Second National Action Plan of the RNM on the implementation of UNSC Resolution 1325 on Women, Peace and Security (2020-2025)", official website of the Ministry of Justice, 22 February 2024, <https://pravda.gov.mk/vest/6676>.

593 2024 Operational Plan for the implementation of activities under the competence of the MLSP from the NAPGE 2022-2024" (Ministry of Labour and Social Policy, 2024), <https://bit.ly/4100QBd>.

594 „Марш за 8 Март под слоганот „Црвена линија: Правата на жените не се за преговарање“ (“March on the occasion of the 8th of March under the slogan “Red Line: Women's Rights are Non-Negotiable”), Radio MOF, 5 March 2024, <https://www.radiomof.mk/marsh-za-8-mart-pod-slogant-crvena-linija-pravata-na-zhenite-ne-se-za-pregovaranje/>.

595 „Правата на жените не се за преговарање, порачаа учесниците на маршот по повод 8 Март“ (Women's rights are not negotiable, said the participants of the march on the occasion of marking March 8), 360 Stepeni, 8 March 2024, <https://360stepeni.mk/pravata-na-zhenite-ne-se-za-pregovaranje-porachaa-uchesnitsite-na-marshot-po-povod-8-mart/>.

Hate Speech

In 2023, the HCRC registered 1171 cases of hate speech on the platform www.govornaomraza.mk, of which 646 were cases of hate speech based on ethnicity, 248 cases based on sexual orientation and gender identity, 275 cases based on national background, 149 cases based on political beliefs and 80 cases based on gender and sex.⁵⁹⁶ Numerous criminal charges have been filed for crimes of “spreading racist and xenophobic materials through a computer system”, “inciting national, racial or religious hatred, discord and intolerance” and “approval or justification of genocide, crimes against humanity or war crimes”, but hate speech has not yet been defined as a separate crime in the Criminal Code.⁵⁹⁷

Since the beginning of 2024 by the end of September 1060 cases of hate speech were recorded, of which 424 cases based on national background, 417 cases based on ethnic origin, 205 cases based on political affiliation, 194 cases based on sexual orientation and gender identity, 60 cases based on gender and sex, and 22 cases based on religious affiliation.⁵⁹⁸

In addition to the above-mentioned cases, sexist and chauvinistic attacks against women were observed during the campaign preceding the parliamentary and presidential elections, and the Platform for Gender Equality urged the political parties and their supporters to refrain from insults and spreading hate speech.⁵⁹⁹

At the end of March 2024, the Negotino Basic Court delivered the first judgement in the Republic of North Macedonia for hate speech against lesbian, gay, bisexual, trans and intersex people (LGBTI+) in the social media. The defendant published two hateful comments on Facebook, inciting violence against the LGBTI+ community. Therefore, the Court sentenced the defendant to a one-year suspended prison sentence for spreading racist and xenophobic materials through a computer system, pursuant to Article 394-d Paragraph 1 of the Criminal Code.⁶⁰⁰

During the reporting period, the AAVMS prepared and published the Hate Speech Monitoring Guide – second revised edition.⁶⁰¹ This document was drafted to align with changes in

596 Helsinki Committee for Human Rights of the Republic of North Macedonia, “2023 Annual Report on Human Rights” (11 June 2024), <https://mhc.org.mk/wp-content/uploads/2024/06/god-izv-2023-mk-kon-pdf.pdf>.

597 „Годинава 805 нови пријави за говор на омраза, делото сè уште не е прецизно регулирано“ (This year, 805 new reports of hate speech, the crime has not been precisely regulated, yet), Radio MOF, 13 October 2023, <https://www.radiomof.mk/godinata-805-novi-prijavi-za-govor-na-omraza-deloto-s%27d1%90-ushte-ne-e-precizno-regulirano/>.

598 „Најзастапен е говорот на омраза врз основа на етничка, родова и сексуална припадност“ (Hate speech mainly focuses on ethnicity, gender and sexual orientation), Radio MOF, 17 December 2024, <https://www.radiomof.mk/najzastapen-e-govorot-na-omraza-vrz-osnova-na-etnichka-rodova-i-seksualna-pripadnost/>.

599 “Reaction: The Platform for Gender Equality strongly condemns hate speech in the pre-election period”, official website of the Helsinki Committee for Human Rights of the Republic of Macedonia, 29 February 2024, <https://mhc.org.mk/news/reakcija-platformata-za-rodova-ednakvost-najostro-go-osuduva-govorot-na-omraza-vo-predizborniot-period/>.

600 „Прва пресуда во Македонија за говор на омраза кон ЛГБТИ+ лицата на социјалните мрежи“ (First verdict in Macedonia for hate speech against LGBTI+ people on social networks), Radio MOF, 29 March 2024, <https://www.radiomof.mk/prva-presuda-vo-makedonija-za-govor-na-omraza-kon-lgbti-licata-na-socijalnite-mrezhi/>.

601 Contribution to the Shadow Report by the Agency for Audio and Audiovisual Media Services, 27 November 2024.

European legislation and the Law on Audio and Audiovisual Media Services, as well as the new Council of Europe Recommendation on Combating Hate Speech. These amendments were primarily prompted by the numerous cases of hate speech and incitement to violence in online media.⁶⁰²

Hate Crimes

During 2023, the UNHCR recorded approximately 197 hate crime incidents, which represents a slight increase in the number of this kind of incidents compared to the previous year (160). The majority of them are related to crimes of violence (153 cases), bodily or grave bodily injuries (24 cases), damage to property (7 cases), incitement of national, racial, and religious hatred, discord and intolerance (5 cases), destruction of symbols (4 cases), etc. Most of the crimes are motivated by the ethnic background of the victim (90.86%), but the other motives incorporate political belief and political affiliation, religious belief, sexual orientation and other protected traits.⁶⁰³ However, despite the prevalence of hate crimes and hate speech, the Ministry of the Interior does not keep adequate records classifying these acts separately.

At the beginning of June 2024, a public prosecutor was elected to the Public Prosecutor's Office in Skopje to oversee hate crime and discrimination cases. She has the authority to oversee the proceedings and to establish contact with plaintiffs and civil society organisations representing injured parties.⁶⁰⁴

602 „Водич за мониторинг на говорот на омраза – второ надолнето издание“ (Guidebook for Monitoring Hate Speech – Second Updated Edition), (Agency for Audio and Audiovisual Media Services, 18 July 2024), <https://avmu.mk/wp-content/uploads/2024/07/Водич-за-мониторинг-на-говорот-на-омраза-второ-дополнето-издание-compressed.pdf>.

603 Helsinki Committee for Human Rights of the Republic of North Macedonia, “2023 Annual Report on Human Rights”.

604 „Номиниран јавен обвинител за следење на предметите од омраза и дискриминација во ОЈО Скопје“ (A Public Prosecutor Nominated for Monitoring Hate Crime and Discrimination Cases at the Public Prosecutor's Office Skopje), Radio MOF, 8 June 2024, <https://www.radiomof.mk/nominiran-javen-obvinitel-za-sledenje-na-predmetite-od-omraza-i-diskriminacija-vo-ojo-skopje/>.

LGBTI+

During the reporting period, there was no progress in the procedure for adopting amendments to the Law on Civil Registry that would enable legal gender recognition, nor in adopting a national action plan for advancing the rights of the LGBTI+ community in the Republic of North Macedonia.

According to the Rainbow Europe Map and Index-ILGA, the country is ranked as 31st out of 49 European countries, which is a slight improvement of one place compared to the previous year. This ranking is due to the assessment that North Macedonia has achieved only 31% of the necessary reforms to advance the position and access to human rights for the LGBTI+ community, which requires additional efforts.⁶⁰⁵

The third survey by the EU Agency for Fundamental Rights on the LGBTI+ community in North Macedonia, published in May 2024, showed that they still face violence motivated by hatred and discrimination, which makes them feel afraid and insecure. Namely, as many as 39% felt discriminated against at least once in the past year, compared to 37% at the EU level, and 8% of respondents suffered violence in the past year, compared to 5% at the EU level.⁶⁰⁶ The findings of this survey show that the environment in North Macedonia is not much less favourable compared to EU member states, but there is a need to improve the level of protection of the rights of LGBTI+ people and increase the level of awareness and acceptance by the community.

The annual Pride Parade, organised by the National Network Against Homophobia and Transphobia, took place on 22 June under the slogan “Spectacularly Disobedient”. The parade, now in its fifth year, was intended to be a defiance against patriarchy, and attracted hundreds of citizens who paraded in a peaceful manner.⁶⁰⁷

On the occasion of the International Transgender Day of Visibility, the transgender community and their supporters organised a march in Skopje under the slogan “Marching Bravely-5 Years of Visibility.” Participants reiterated the importance of adopting amendments to the Law on Civil Registry, which would allow transgender individuals to change their gender designation in official documents through a transparent process. They also expressed their concern about the rise of anti-gender movements.⁶⁰⁸

605 “Macedonia remains among the worst countries for living in the Balkans for LGBTI people”, official website of the Queer Centre, 22 May 2024, <https://skc.mk/2024/05/22/makedonija-ostanuva-megju-najloshite-zemji-za-zhivot-na-lgbti-lugje-to-na-balkanot/>.

606 “LGBTIQ Equality at a Crossroads: Progress and Challenges (Country Data - North Macedonia)”, official website of the European Union Agency for Fundamental Rights, 14 May 2024, https://fra.europa.eu/sites/default/files/fra_uploads/lgbtiq_survey-2024-country_sheet-north_macedonia.pdf.

607 „Под мотото „Спектакуларно непослушни“ петтата парада на гордоста маршираше во Скопје“ (Under the motto “Spectacularly Disobedient” the fifth pride parade marched in Skopje), Sakam Da Kazam, 22 June 2024, <https://sdk.mk/index.php/makedonija/pod-mototo-spektakularno-neposlushni-pettata-parada-na-gordosta-marshirashe-vo-skopje/>.

608 „Транс-лицата се ранлива група, а не опасност“ (Transgender people are a vulnerable group, not a threat), Prizma, 29 March 2024, <https://prizma.mk/trans-litsata-se-ranлива-grupa-a-ne-opasnost/>.

Roma

The latest amendments to the Law on Civil Registry⁶⁰⁹ have resolved the problem of persons not registered in the civil registry, which affected particularly the Roma community. By the end of 2023, 526 people had received a birth certificate thanks to these amendments.⁶¹⁰

The non-governmental organisation Romalitiko published its Shadow Report on the Implementation of the Roma Strategy. The report concludes that almost every city in the country has substandard settlements inhabited by Roma people. These settlements lack basic infrastructure, and residents live in inadequate and often illegally constructed houses. The environment is polluted, which negatively affects their health and contributes to a reduced life expectancy in the Roma community.⁶¹¹

A step forward towards better housing for Roma has been made in the city of Shtip, where the construction of houses for Roma families has begun. They are intended for 40 Roma families who have been living in substandard conditions in abandoned buildings for years.⁶¹²

The Roma political party “Avaja” expressed its disappointment with the results of the parliamentary elections and the entire electoral process, which, according to them, was conducted with manipulations, massive bribery and pressure on Roma voters. They also pointed out that the expectations of the Roma electorate have not been met, as there is not a single Roma MP in the new parliamentary composition.⁶¹³

For the 2024/2025 academic year, MES had a public call for hiring 50 Roma educational mediators to support the primary education of Roma. The mediators should work with pupils from 29 municipalities, cooperate with schools, work and cooperate with parents/guardians and the community and make regular visits, as well as cooperate with the local authorities, the civil sector and other institutions and organisations.⁶¹⁴ At the moment, there are no Roma mediators working in secondary education, because the current Law on Secondary Education does not provision their engagement. However, it is expected for this to change after the adoption of the new draft Law on Secondary Education containing such provisions, which was published on ENER in the second half of September 2024.⁶¹⁵

609 Law Amending the Law on Civil Registry, Official Gazette of the Republic of North Macedonia No. 129/2023.

610 „Конечно 526 лица добија изводи: Ги немаше во системот на државата“ (Finally 526 people received birth certificates: They were not in the state system), Faktor 19 December 2023, https://faktor.mk/konechno-526-lica-dobija-izvodi-gi-nemashe-vo-sistemot-na-drzavata?fbclid=IwAR18DNjSCbvNEqo77FNxvKTOgvHYNLYLGSbCu0AsZkE_h8cSVSQpHmtvOg.

611 „Ромалитико: Ромите во Македонија живеат во супстандардни услови и импровизирани живеалишта“ (Romalitiko: Roma in Macedonia live in substandard conditions and makeshift dwellings), TV Telma, 28 December 2023, <https://telma.com.mk/2023/12/28/romalitiko-romite-vo-makedonija-zhiveat-vo-supstandardni-uslovi-i-improvizirani-zhivealishta/>.

612 „Започна изградбата на типски куќи за сместување на 40 штипски ромски семејства“ (The construction of houses for the accommodation of 40 Roma families in Shtip has begun), TV Sitel, 5 September 2024, <https://sitel.com.mk/zapochna-izgradbata-na-tipski-kukji-za-smestuvanje-na-40-shtipski-romski-semejstva>.

613 „Аваја: За првпат нема пратеник Ром во Собранието“ (Avaja: For the first time, there is no Roma MP in the Parliament), Sloboden Pечат, 3 June 2024, <https://www.slobodenpechat.mk/avaja-za-prvpat-nema-pratenik-rom-vo-sobranieto/>.

614 “Public call for the engagement of 50 Roma educational mediators to support Roma primary education for the 2024/2025 school year”, official website of the Ministry of Education and Science, 23 September 2024, <https://mon.gov.mk/content/?id=8788>.

615 Ministry of Education and Science, “Draft Law on Secondary Education”, ENER, 18 September 2024, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=84608.

The European Roma Rights Centre (ERRC) filed a complaint against a primary school in Prilep for segregation of Roma students.⁶¹⁶ The CPPD found indirect and continuous discrimination and recommended for the school to stop forming classes based on ethnical background. They also called on the municipality of Prilep to promote desegregation measures. Additional recommendations include increasing pedagogical support in schools, strengthening cooperation between local authorities and civil society, and implementing fair criteria for enrolment in different regions by the Ministry of Education and Science.⁶¹⁷

Additionally, the Basic Civil Court in Skopje found that the Government of the Republic of North Macedonia, the Ministry of Education, the Ministry of Labour and Social Policy, the Ministry of Health, the State Education Inspectorate, the Municipality of Bitola, and the Municipality of Shtip committed discrimination due to segregation of Roma children in the educational process. This act was committed by failing to take action to regulate the structuring the catchment areas of schools in order to avoid possible segregation; the manner in which the decisions on schools' catchment areas were applied in practice; the manner in which Roma children were enrolled in schools and the failure to ensure equal and appropriate distribution of Roma students with other ethnic communities in classes.⁶¹⁸

In the second half of May 2024, the Ministry of Education and Science (MES) discovered a potential abuse of the state scholarship quota for Roma. Eight students who applied for a state scholarship for regular Roma students at the call by the MES, after declaring themselves as members of the Roma community, did not receive a scholarship. MES discovered that those students declared themselves as members of other ethnic communities when they enrolled in higher education institutions, thus preventing abuse of the quotas.⁶¹⁹

A similar case was discovered during the inspection of the enrolment process in secondary schools in several cities across the country.⁶²⁰ They found that several students submitted a false declaration of Roma origin in order to be admitted under the quota reserved for the Roma community.

616 "North Macedonia's Equality Body Finds Discrimination & Segregation of Roma in Prilep School", official website of the European Roma Rights Center (ERRC), 1 February 2024, <https://www.errc.org/press-releases/north-macedonian-equality-body-finds-discrimination--segregation-of-roma-in-prilep-school>.

617 „ЕЦПР: Прилепско основно училиште дискриминираше ученици Роми, утврди КСЗД“ (ERRC: Prilep primary school discriminated against Roma students, CPPD finds), Radio MOF, 1 February 2024, <https://www.radiomof.mk/ecpr-prilepsko-osnovno-uchilishte-diskriminiralo-uchenici-romi-utvr-di-kszd/>.

618 "The Basic Civil Court established segregation of Roma children in the educational process", official website of the Helsinki Committee for Human Rights of the Republic of North Macedonia, 6 August 2024, <https://mhc.org.mk/news/osnovniot-graganski-sud-utvr-di-segregacija-na-decata-romi-vo-obrazovniot-proces/>.

619 „Македонци се пишале Роми за да добијат стипендија, но МОН ги разоткри“ (Macedonians declared themselves as Roma to get a scholarship, but the Ministry of Education exposed them), Sloboden Pечат, 21 May 2024, <https://www.slobodenpechat.mk/makedonci-se-pishale-romi-za-da-dobijat-stipendija-no-mon-gi-razotkri/>.

620 „Се декларираат како Роми за да се запишат на медицина! Лажно пријавување на етничка припадност во средни училишта“ (They declare themselves as Roma to get into the Medical School! False declaration of ethnicity in secondary schools), TV 21, 5 September 2024, <https://mk.tv21.tv/se-deklariraat-kako-romi-za-da-se-zapishat-na-meditcina-lazhno-prijavuvane-na-etnichka-pripadnost-vo-sredni-uchilishta/>.

It is necessary to fully implement the measures provided for in the National Strategy for Equality and Non-Discrimination 2022-2026 and in the National Strategy for the Rights of Persons with Disabilities of the Republic of North Macedonia 2023-2030;

Measures are needed to enable the functionality of the CPPD: overcoming logistical problems and lack of human resources and ensuring the financial autonomy of the CPPD to use its budget without needing approval from the Ministry of Finance;

It is necessary to urgently fulfil the obligations imposed to the competent institutions in the judgments of the Basic Civil Court Skopje and the Court of Appeal Skopje, which established direct discrimination against persons with disabilities in exercising their right to vote, and especially taking into account the upcoming local elections in 2025;

Further harmonisation with the Convention on the Rights of Persons with Disabilities is necessary, and in particular ensuring a sufficient number of educational assistants, in order to effectively and smoothly include children with disabilities and have them fully participate in the educational process;

It is necessary to continue strengthening the legal framework on 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 introduce a definition of hate speech in the Criminal Code and to keep appropriate statistics on cases of hate speech and hate crimes by the competent state institutions;

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;

There is an evident need to adopt a national action plan for the promotion of the rights of the LGBTI+ community in the Republic of North Macedonia, as well as to adopt amendments to the Law on Civil Registry for legal recognition of gender in accordance with the case law of the European Court of Human Rights;

Additional efforts are necessary to accelerate the inclusion of Roma in society, deal with discrimination and educational and spatial segregation, but also prevent abuse of educational quotas;

It is necessary to pass the Draft Law on Secondary Education, which would introduce Roma educational mediators for students in secondary schools;

It is crucial for the policies concerning people from vulnerable categories to be drafted in an inclusive way, in consultation with all stakeholders (e.g. victims of hate speech, hate crimes and gender-based violence, LGBTI persons, Roma, etc.).

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