

Rule of Law in View of EU Accession

Quarterly brief

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This brief summarises the key developments in relation to the rule of law in view of EU accession in North Macedonia for the period October–December 2023. It includes the monitoring of the fundamentals of EU accession, including key developments in the functioning of democratic institutions, public administration reform and Chapter 23: Judiciary and Fundamental Rights.

Key developments

- » On December 4, 2023, the presidential and parliamentary election dates were officially set for April 24 and May 8, 2024, respectively. A transitional government is scheduled to take office on January 28, 2024, marking a crucial period leading up to the elections;
- » New Assembly Rules of Procedure were adopted on November 20, 2023;
- » On December 14 and 15, 2023, the European Council emphasised the EU's readiness to advance in accession negotiations with North Macedonia. However, progress is contingent upon North Macedonia's adopting the constitutional amendments;
- » On December 6, 2023, the government reviewed and adopted the Transparency Strategy, accompanied by an Action Plan for the period 2023–2026;
- » On December 26, 2023, the constitutive session of the PAR Council presented the Fifth Annual Report on the implementation of the PAR Strategy 2018–2022 and the Action Plan for 2022;
- » After a prolonged delay, on December 26, 2023, the Government reviewed and adopted the Development Sector Strategy for Justice (2024–2028) along with an Action Plan;
- » A working group was formed to amend and supplement the Law on the Judicial Council to solve the identified legal deficiencies of the Council, as emphasised in the annual report of the European Commission on North Macedonia;
- » The Administrative Court delivered an irrevocable verdict deeming the dismissal decision of the former Judicial Council president unlawful;
- » Allegations of political pressure on Supreme Court judges, disclosed by the president of the court in an interview, have led to the initiation of an inquiry into her accountability by a member of the Judicial Council;
- » The Judicial Council's decision to reduce the judge's salary by 20% for six months, citing delays in the "Target–Tvrđina" case, triggered public scrutiny due to perceived inconsistencies in disciplinary action;
- » The procedure for appointing a new public prosecutor for the Republic of North Macedonia was delayed, resulting in the appointment of an acting prosecutor until the election procedure is completed;
- » In December 2023, the next composition of the State Commission for Prevention of Corruption was elected, whose term is set to commence on February 8, 2024;
- » The latest highly disputed amendments to the Criminal Code have introduced various obsolescence implications contributing to the termination of several high-profile corruption proceedings;
- » The Law on the System for Assessment of Persons with Disabilities was adopted and published;
- » The National Strategy for the Rights of Persons with Disabilities 2023–2030, with an Action Plan for 2023–2026, was adopted;
- » A new president and deputy president of the Commission for Prevention and Protection from Discrimination were elected. With the impending expiration of the mandate of two members and two vacant positions, a proposal for four new members was made to complete the Commission's composition. However, the proposal is facing legal irregularities and deviations from pluralism and the merit-based system, raising concerns about its approval by the Assembly;
- » The amendments to the Law on Registration of Permanent and Temporary Residence of Citizens and the Law on Identity Cards were adopted and published.



List of Abbreviations

AA	Alliance for Albanians
AAVMS	Agency for Audio and Audiovisual Media Services
ACCMIS	Automated court case management information system
AJM	Association of Journalists of Macedonia
BPPOPOCC	Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption
CPPD	Commission for the Prevention and Protection against Discrimination
DCAF	Geneva Centre for Security Sector Governance
DUI	Democratic Union for Integration
EC	European Commission
ECHR	European Convention on Human Rights
ECTHR	European Court of Human Rights
EU	European Union
GRECO	Group of States against Corruption
HCHR	Helsinki Committee for Human Rights
ICT	Council for Coordination of Information and Communication Technology at Justice System Bodies
IRL	Investigative Reporting Lab
MES	Ministry of Education and Science
MISA	Ministry of Information Society and Administration
MOI	Ministry of Interior
MRT	Macedonian Radio Television
MYLA	Macedonian Association of Young Lawyers
NGO	Non-governmental organisation
NPD	Network for Protection against Discrimination
ODIRH	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OTA	Operational–Technical Agency
PAR	Public Administration Reform
PDPA	Personal Data Protection Agency
SCPC	State Commission for Prevention of Corruption
SDSM	Social Democratic Union of Macedonia
SEA	Secretariat for European Affairs
SEC	State Election Commission
SLAPP	Strategic Lawsuit against Public Participation
SSNM	Independent Union of Journalists and Media Workers
TAIEX	Technical Assistance and Information Exchange Instrument of the European Commission
UPOZ	Trade Union of the Workers in Administration, Juridical Authorities, and Citizens' Associations of Macedonia
USA	The United States of America
VMRO-DPMNE	Internal Macedonian Revolutionary Organization—Democratic Party for Macedonian National Unity



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Functioning of democratic institutions



Elections

Early in October, the leader of the Internal Macedonian Revolutionary Organization—Democratic Party for Macedonian National Unity (VMRO–DPMNE) called for a leadership meeting to decide on the dates of the parliamentary and presidential elections despite the government prioritising constitutional amendments.¹ The President of the Assembly urged leaders to decide before the end of the year, emphasising that regular elections would follow after that.²

On October 12, the Agency for Audio and Audiovisual Media Services (AAVMS), in collaboration with relevant institutions and with the Organization for Security and Co-operation in Europe (OSCE)/ the OSCE Office for Democratic Institutions and Human Rights (ODIHR) expert assistance, introduced a Code of Conduct for activities in the online space during elections and referenda. A coordinating body formed by representatives from various organisations will oversee compliance with this voluntary code, which does not replace existing legal rules.³

On October 19, an independent candidate, a university professor and infectious disease specialist, announced his candidacy for the presidential elections, anticipating support from VMRO–DPMNE.⁴ Throughout the month, the government and opposition, particularly VMRO–DPMNE and the Alliance for Albanians (AA), remained at odds over the election timing. VMRO–DPMNE advocated for concurrent parliamentary and presidential elections,⁵ a stance the AA shares.⁶ A working group was established within the Ministry of Justice to amend the Electoral Code, incorporating OSCE and ODIHR recommendations. The Prime Minister suggested that this working group could also be used to discuss and settle the exact date for the upcoming elections.⁷ The VMRO–DPMNE leader asserted that his party would present its case in the Assembly, dismissing the Ministry of Justice’s authority to set election dates.⁸

1 ‘Kovacevski—As early as Monday, we can vote on the constitutional amendments so we move on with elections (Ковачевски—Уште во понеделник може да ги изгласаме уставните измени, па да одиме на избори)’, *Radio Slobodna Evropa*, 5 October 2023, <https://www.slobodnaevropa.mk/a/32624864.html>.

2 ‘Xhaferi—If there is a will for leadership meeting, I will respect it (Џафери— ако има волја за лидерска, јас ќе ја испочитувам)’, *Radio Slobodna Evropa*, 9 October 2023, <https://www.slobodnaevropa.mk/a/32629908.html>.

3 ‘Promoted the Code of Conduct in the online space during election processes and referenda (Промовиран Кодексот за однесување во онлајн просторот за време на изборни процеси и референдуми)’, *Nova Makedonija*, 12 October 2023, <https://novamakedonija.com.mk/makedonija/politika/promoviran-kodeksot-za-odnesuvanje-vo-onlajn-prostorot-za-vreme-na-izborni-procesi-i-referendumi/>.

4 ‘Velo Markovski announced an independent appearance in the presidential elections but says he expects support from VMRO–DPMNE (Вело Марковски најави независен настап на претседателските избори, но вели оти очекува поддршка од ВМРО–ДПМНЕ)’, *360 Stepeni*, 19 October 2023, <https://360stepeni.mk/velo-markovski-najavi-nezavisen-nastap-na-pretседatelskite-izbori-no-veli-oti-ochekuva-poddrshka-od-vmro-dpmne/>.

5 ‘SDSM and VMRO–DPMNE with different views on when the presidential and parliamentary elections should be held (СДСМ и ВМРО–ДПМНЕ со различни ставови кога би се одржале претседателските и парламентарните избори)’, *Meta.mk*, 27 October 2023, <https://meta.mk/sdsm-i-vmro-dpmne-so-razlichni-stavovi-koga-bi-se-odrzhale-pretседatelskite-i-parlamentarnite-izbori/>.

6 ‘Taravari also thinks that the presidential and parliamentary elections should be held together (И Таравари смета дека претседателските и парламентарните избори треба да се одржат заедно)’, *360 Stepeni*, 14 October 2023, <https://360stepeni.mk/i-taravari-smeta-deka-pretседatelskite-i-parlamentarnite-izbori-treba-da-se-odrzhat-zaedno/>.

7 ‘Kovachevski called on VMRO–DPMNE to participate in the working group for the elections (Ковачевски ја повика ВМРО–ДПМНЕ да учествува во работната група за изборите)’, *Radio Slobodna Evropa*, 27 October 2023, <https://www.slobodnaevropa.mk/a/32656561.html>.

8 ‘Mickoski with another call to the government to set a date for elections, but not within the working group for the Electoral Code (Мицкоски со уште еден повик до власта за дефинирање датум за избори, но не во рамки на работната група за Изборниот законик)’, *360 Stepeni*, 28 October 2023, <https://360stepeni.mk/mitskoski-so-ushte-eden-povik-do-vlasta-za-definirane-datum-za-izbori-no-ne-vo-ramki-na-rabotnata-grupa-za-izborniot-zakonik/>.

In November, Albanian opposition parties, including Alternative, Besa Movement, and Democratic Movement, formed the “European Alliance for Change” bloc for the upcoming parliamentary elections. Despite seeking cooperation, the AA decided to campaign independently.⁹ On November 7, the opposition announced it had nominated a candidate for a vacant position in the State Election Commission (SEC).¹⁰ Accusing the President of the Parliamentary Committee on Election and Appointment Issues, along with the Social Democratic Union of Macedonia (SDSM) and the Democratic Union for Integration (DUI) of obstructing the process,¹¹ they warned that they would leave the Assembly if an SEC member were not elected by December 31.¹²

On December 4, it was decided that the first round of the presidential elections would take place on April 24, with the second round and the parliamentary elections on May 8.¹³ A transitional government, led by the current President of the Assembly from the political party DUI, is set to take office on January 28.¹⁴

Assembly

The Parliamentary Inquiry Committee on the Oncology Clinic Scandal, tasked to investigate the misuse of cancer medication, began its work on October 5.¹⁵ At the end of its mandate, the Committee could not reach a consensus regarding the allocation of political responsibility.¹⁶ On October 10, the need for new Assembly Rules of Procedure was recognised,¹⁷ leading to their adoption on November 20 amid

9 ‘The Albanian opposition forms the “European Alliance for Change” coalition (Албанската опозиција се здружи во коалицијата „Европски сојуз за промени“), *Radio Slobodna Evropa*, 5 November 2023, <https://www.slobodnaevropa.mk/a/32671901.html>.

10 ‘Mejiti: The Albanian opposition proposes Abdush Demiri as a member of the SEC (Мејити: Албанската опозиција го предлага Абдуш Демири за член на ДИК), *360 Stepeni*, 7 November 2023, <https://360stepeni.mk/medhiti-albanskata-opozitsija-gopredlaga-abdush-demiri-za-chlen-na-dik/>.

11 ‘Zendeli: We have 80 votes, we are harmonized with the Macedonian opposition, the government is obstructing the election of a new member of the SEC (Зендели: Имаме 80 гласа, со македонската опозиција сме хармонизирани, власта прави опструкција за избор на нов член на ДИК), *360 Stepeni*, 12 December 2023, <https://360stepeni.mk/zendeli-imame-80-glasa-so-makedonskata-opozitsija-sme-harmonizirani-vlasta-pravi-opstruksija-za-izbor-na-nov-chlen-na-dik/>.

12 ‘The opposition parties of the Albanians will boycott the parliament if they do not get a member in the SEC by the end of the year (Опозициските партии на Албанците ќе го бојкотираат парламентот, ако не добијат член во ДИК до крајот на годината), *360 Stepeni*, 22 December 2023, <https://360stepeni.mk/opozitsiskite-partii-na-albantsite-ke-go-bojkotiraat-parlamentot-ako-ne-dobijat-chlen-vo-dik-do-krajot-na-godinata/>.

13 ‘The parties agreed on a technical government from January 28 and double elections on May 8 (Партиите договорија техничка влада од 28 јануари и двојни избори на 8 мај), *Meta.mk*, 4 December 2023, <https://meta.mk/partiite-dogovoriya-tehnichka-vlada-od-28-januari-i-dvojni-izbori-na-8-maj/>.

14 ‘DUI elected Talat Xhaferi to be technical prime minister, he will take office on January 28 (ДУИ го избра Талат Џафери за технички премиер, ќе стапи на функција на 28 јануари), *Meta.mk*, 8 December 2023, <https://meta.mk/dui-go-izbra-talat-djaferi-za-tehnichki-premier-kje-stapi-na-funkcija-na-28-januari/>.

15 ‘The Inquiry Committee on the oncology clinic scandal starts working tomorrow (Од утре почнува со работа Анкетната комисија за случувањата на Онкологија), *360 Stepeni*, 4 October 2023, <https://360stepeni.mk/od-utre-pochnuva-so-rabota-anketnata-komisija-za-sluchuvanata-na-onkologija/>.

16 ‘The government and the opposition with different conclusions of the Inquiry Committee for oncology (Власта и опозицијата со различни заклучоци на Анкетната комисија за Онкологија), *360 Stepeni*, 27 November 2023, <https://360stepeni.mk/vlasta-i-opozitsijata-so-razlichni-zakluchotsi-na-anketnata-komisija-za-onkologija/>.

17 ‘The Committee on Rules of Procedure determined the need for new Rules of Procedure for the Assembly (Комисијата за деловнички прашања утврди потреба од носење нов Деловник на Собранието), *Official Website of the Assembly of the Republic of North Macedonia*, 10 October 2023, <https://www.sobranie.mk/ns-newsarticle-komisijata-za-delovnicki-prasana-utvr-di-potreba-od-nosene-nov-delovnik-na-sobranieto.nsp.x>.

some tensions.¹⁸ In the same month, the President of the Committee on European Affairs emphasised the need for parliamentary involvement in the Berlin Process¹⁹, developing mechanisms for government accountability and information sharing with the Assembly after each summit.²⁰ The conference on inter-parliamentary dialogue on European integration in the Western Balkans, jointly organised by the Parliamentary Assembly of the Council of Europe and the Assembly of the Republic of North Macedonia, took place on 20 October and was aimed at providing parliamentarians from the region with a broad platform for cooperation and dialogue.²¹

The 22nd EU-North Macedonia Joint Parliamentary Committee meeting occurred in Strasbourg on November 22 and 23,²² covering various topics.²³ A delegation of the Committee for European Affairs participated in the Conference of Parliamentary Committees for Union Affairs, held in Madrid, Spain, from November 26–28, as an observer.²⁴ The fourth Jean Monnet Dialogue took place from December 7–9 in Bazoches, France, committing to successfully completing North Macedonia's EU accession process through the joint work of all the political parties in the public interest.²⁵

The Parliamentary TV studio, established under the Parliamentary Support Programme for increasing the Assembly's transparency,²⁶ was launched on December 13.²⁷ Additionally, the Register of Organisations web application, created under the same program with the aim of digitalising parliamentary services related to registered organisations, was presented on December 15.²⁸

18 'The Assembly adopted the new Rules of Procedure, the incident with Levica "disabled" the hall (Собранието го изгласа новиот Деловник, инцидентот со Левица ја „онеспособи“ салата)', *Radio Slobodna Evropa*, 20 November 2023, <https://www.slobodnaevropa.mk/a/32692667.html>.

19 'Involve the Parliament in the Berlin Process (Да се вклучи Парламентот во Берлинскиот процес)', *Official Website of the Assembly of the Republic of North Macedonia*, 13 October 2023, <https://www.sobranie.mk//ns-newsarticle-da-se-vkluci-parlamentot-vo-berlinskiot-proces.nspх>.

20 'Accountability of the Berlin Process (Отчетност на Берлинскиот процес)', *Official Website of the Assembly of the Republic of North Macedonia*, 16 October 2023, <https://www.sobranie.mk//ns-newsarticle-otcetnost-na-berlinskiot-proces.nspх>.

21 'Conference on inter-parliamentary dialogue on European integration in the Western Balkans (Конференција за меѓупарламентарен дијалог за евроинтеграција на Западен Балкан)', *Official Website of the Assembly of the Republic of North Macedonia*, 20 October 2023, <https://www.sobranie.mk//ns-newsarticle-konferencija-za-meguparlamentaren-dijalog-za-evrointegracija-na-zapaden-balkan.nspх>.

22 'First day of the 22. meeting JPC-Republic of North Macedonia and the EU (Прв ден 22. состанок МПК–Република Северна Македонија и ЕУ)', *Official Website of the Assembly of the Republic of North Macedonia*, 23 November 2023, <https://www.sobranie.mk//ns-newsarticle-prv-den-22-sostanok-mpk-republika-severna-makedonija-i-eu.nspх>.

23 'Second day of work of the Joint Parliamentary Committee and adoption of the joint recommendations (Втор ден работа на Мешовитиот парламентарен комитет и усвојување на заедничките препораки)', *Official Website of the Assembly of the Republic of North Macedonia*, 23 November 2023, <https://www.sobranie.mk//ns-newsarticle-vtor-den-rabota-na-mesovitiot-parlamentaren-komitet-i-usvojuvane-na-zaednickite-preporaki.nspх>.

24 'Delegation of the Committee for European Affairs at the 70th plenary meeting of COSAC (Делегација на Комисијата за европски прашања на 70. пленарен состанок на КОСАК)', *Official Website of the Assembly of the Republic of North Macedonia*, 27 November 2023, <https://www.sobranie.mk//ns-newsarticle-delegacija-na-komisijata-za-evropski-prasana-na-70-plenaren-sostanok-na-kosak.nspх>.

25 'The Jean Monnet Dialogue completed in Bazoches, France (Дијалогот „Жан Моне“ заокружен во Базош, Франција)', *Nezavisen Vesnik*, 9 December 2023, <https://nezavisen.mk/dijalogot-zhan-mone-zaokruzhen-vo-bazosh-francija/>.

26 'The parliamentary studio was put into use and the beginning of the second phase of the "Parliamentary Support Program" was marked (Пуштено во употреба собраниското студио и означен почетокот на втората фаза на „Програмата за парламентарна поддршка“)', *Official Website of the Assembly of the Republic of North Macedonia*, 13 December 2023, <https://www.sobranie.mk//ns-newsarticle-pusteno-vo-upotreba-sobraniskoto-studio-i-oznaceni-pocetokot-na-vtorata-faza-na-programata-za-parlamentarna-poddrska.nspх>.

27 'Ceremonial opening of the parliamentary TV studio (Свечено отворање на собраниското ТВ студио)', *Vesti.Mk*, 13 December 2023, <https://www.vesti.mk/article/65794de1c7fafdbd4ea83fd6>.

28 'The "Register of organisations" web application presented in Parliament (Во Собранието презентирана веб-апликацијата „Регистар на организации“)', *Kanal 5*, 15 December 2023, <https://kanal5.com.mk/vo-sobranieto-prezentirana-veb-aplikacija-ta-registar-na-organizacii/a616544>.

Governance

In October, the Government continued its pursuit of constitutional amendments. The Prime Minister suggested adopting the constitutional amendments and then immediately setting a date for preliminary parliamentary elections in response to demands made by the leader of VMRO–DPMNE.²⁹ In contrast, the leader of DUI indicated that regular parliamentary elections would proceed but that his party would be willing to step down from the Government after the adoption of amendments.³⁰

During her October visit, the President of the European Commission (EC) emphasised North Macedonia's responsibility for its own decisions.³¹ Her visit also served to provide specifics on the new Growth Plan for the region.³² On November 17, Skopje hosted the first regional ministerial meeting on the Growth Plan.³³

On November 8, the EC's report on North Macedonia's progress expressed concerns about the divisive political environment,³⁴ triggering mutual accusations between the government and VMRO–DPMNE.³⁵ The final screening meeting between the European Commission and North Macedonia was held on December 7.³⁶

Since no consensus on constitutional amendments was achieved, the European Council's conclusions from December 14 and 15 underscored the European Union's (EU) readiness to advance to the next phase of accession negotiations, but only after North Macedonia fulfils its commitment.³⁷ On December 27, the Deputy Prime Minister for European Affairs confirmed the approval and submission of reform roadmaps to the EU, emphasising that the requirement for adopting constitutional amendments still stands.³⁸

29 'Kovacevski—As early as Monday, we can vote on the constitutional amendments so we move on with elections (Ковачевски - Уште во понеделник може да ги изгласаме уставните измени, па да одиме на избори)'.
30 'Ahmeti: Parliamentary elections will be held regularly (Ахмети: Парламентарните избори ќе бидат во редовен термин)', *Radio Slobodna Evropa*, 10 October 2023, <https://www.slobodnaevropa.mk/a/32631629.html>.

31 'von der Leyen—The choice is yours, all parties have responsibility for the future (Фон дер Лајен- Изборот е ваш, сите партии имаат одговорност за иднината)', 30 October 2023, <https://www.slobodnaevropa.mk/a/fon-der-lajen---izborot-e-vash-site-partii-imaat-odgovornost-za-idninata/32659884.html>.

32 'Statement by the President with Dimitar Kovachevski', *European Commission*, 30 October 2023, https://ec.europa.eu/commission/presscorner/detail/en/statement_23_5441.

33 'First regional ministerial meeting on the Growth Plan for the Western Balkans—Starting point for the implementation of reforms for faster EU integration', *Official Website of the Ministry of Finance*, 21 November 2023, <https://finance.gov.mk/2023/11/17/prv-regionalen-ministeriski-sostanok-z/>.

34 'The EC publishes the Report on North Macedonia: There is no progress in the judiciary and in the fight against corruption, there is deep political polarisation (ЕК го објави Извештајот за Северна Македонија: Нема напредок во судството и во борбата против корупцијата, има длабока политичка поларизација)', *360 Stepeni*, 8 November 2023, <https://360stepeni.mk/ek-go-objavi-izveshtajot-za-s-makedonija-nema-napredok-vo-sudstvoto-i-vo-borbata-protiv-koruptsijata-ima-dlaboka-politichka-polarizatsija/>.

35 'VMRO–DPMNE: The EC report confirmed that instead of working on reforms, the government is focused on the wrong goals (ВМРО–ДПМНЕ: Извештајот на ЕК потврди дека наместо да работи на реформи, власта е насочена кон погрешни цели)', *360 Stepeni*, 8 November 2023, <https://360stepeni.mk/vmro-dpmne-izveshtajot-na-ek-potvrди-deka-namesto-da-raboti-na-reformi-vlasta-e-nasochena-kon-pogreshni-tselij/>.

'Maricic: Continuation of negotiations with the EU does not depend on the EC Report but on the constitutional amendments (Маричиќ: Продолжувањето на преговорите со ЕУ не зависи од Извештајот на ЕК, туку од уставните измени)', *360 Stepeni*, 9 November 2023, <https://360stepeni.mk/marichik-prodolzhuvaneto-na-pregovorite-so-eu-ne-zavisi-od-izveshtajot-na-ek-tuku-od-ustavnite-izmeni/>.

36 'Screening meetings completed as part of the screening process with Albania and North Macedonia', *Official Website of the European Commission*, 8 December 2023, https://neighbourhood-enlargement.ec.europa.eu/news/screening-meetings-completed-part-screening-process-albania-and-north-macedonia-2023-12-08_en.

37 'European Council meeting (14 and 15 December 2023)—Conclusions' (European Council, 15 December 2023), <https://www.consilium.europa.eu/media/68967/european-council-conclusions-14-15-12-2023-en.pdf>.

38 'Maricic: 2023 is the year of successful screening, 2024 should be the year of renewed political consensus to achieve the goal—Membership in the EU by 2030 (Маричиќ: 2023 е година на успешен скрининг, 2024 да биде година на обновен политички консензус за остварување на целта - Членство во ЕУ до 2030)', *24.Mk*, 27 December 2023, <https://24.mk/details/marichikj-2023-e-godina-na-us-peshen-skrining-2024-da-bide-godina-na-obnoven-politichki-konsenzus-za-ostvaruvanje-na-celta-chlenstvo-vo-eu-do-2030>.

A December survey revealed historical lows in citizen support for EU membership, just 60%,³⁹ with young people aged between 18 and 24 being the most Eurosceptic.⁴⁰

In mid-November, the Government approved the Draft Budget of the Republic of North Macedonia for 2024, estimated at 5.5 billion euros.⁴¹ The ninth package of anti-crisis measures worth 662 million euros was presented on November 28 and went into effect on December 1.⁴²

A former Deputy Prime Minister of North Macedonia was barred from entering the United States of America (USA) on December 5 by the US State Department for misusing his official position to further his business interests.⁴³ Following the announcement by the U.S. Department of State, the Ministry of Foreign and European Affairs and Trade of Malta terminated his post as Honorary Consul.⁴⁴ On December 22, the government announced that it would enact legislation allowing the opening of procedures against individuals sanctioned by the US.⁴⁵

The Government reviewed and adopted the Transparency Strategy, along with an Action Plan for 2023–2026, during the session on December 6.⁴⁶ A subsequent “Assessment of the good governance of the executive power in North Macedonia and the region through the Openness Index” was published by the Metamorphosis Foundation, highlighting variations in transparency among different institutions. According to the assessment, the Ministry of Defence is the first-ranked institution in terms of meeting the indicators of openness. In contrast, the lowest-ranking institutions are the Ministry of Political System and Inter-Community Relations, the Financial Police Office, and the Secretariat for European Affairs (SEA). The executive authority generally scores the highest (60.44%) in meeting transparency indicators and the lowest (52.82%) for efficiency.⁴⁷

39 ‘Research by the Institute for Democracy: Support for N. Macedonia’s membership in the EU continues to fall (Истражување на Институт за демократија: Поддршката за членство на С. Македонија во ЕУ паѓа во континуитет)’, *360 Stepeni*, 18 December 2023, <https://360stepeni.mk/istrazhuvane-na-institut-za-demokratija-poddrshkata-za-chlenstvo-na-s-makedonija-vo-eu-paga-vo-kontinuitet/>.

40 ‘Support for EU membership is falling, young people are Eurosceptic (Паѓа поддршката за членство во ЕУ, младите се евроскептични)’, *Radio Slobodna Evropa*, 18 December 2023, <https://www.slobodnaevropa.mk/a/pagja-poddrshkata-za-chlenstvo-vo-eu-mladite-se-evroskeptichni/32735820.html>.

41 ‘The government adopts the draft budget for 2024, which will be 5.5 billion euros (Владата го усвои Предлог-буџетот за 2024 година кој ќе тежи 5,5 милијарди евра)’, *Meta.mk*, 14 November 2023, <https://meta.mk/vlada-go-usvoi-predlog-budjetot-za-2024-godina-koj-kje-tezhi-55-milijardi-evra/>.

42 ‘Anti-crisis measures worth 662 million euros: Support for students, pensioners, and companies (Антикризни мерки во вредност од 662 милиони евра: Поддршка за учениците, пензионерите и компаниите)’, *Radio Slobodna Evropa*, 28 November 2023, <https://www.slobodnaevropa.mk/a/32703393.html>.

43 ‘Red card from the USA for Kocho Angjushev—declared ineligible to enter the country (Црвен картон од САД за Кочо Анѓушев – прогласен за неподобен за влез во земјата)’, *Meta.mk*, 5 December 2023, <https://meta.mk/crven-karton-od-sad-za-kocho-angjushev-proglasen-za-nepodoben-za-vlez-vo-zemjata/>.

44 ‘After being banned from entering the United States, Angjushev is no longer the Honorary Consul of Malta (По забраната за влез во САД, Анѓушев повеќе не е почесен конзул на Малта)’, *Radio Slobodna Evropa*, 7 December 2023, <https://www.slobodnaevropa.mk/a/32720000.html>.

45 ‘The Government with legal changes—procedures will be opened for persons on the USA blacklist (Владата со законски измени – за лицата на „црната листа“ на САД ќе се отвораат постапки)’, *Meta.mk*, 22 December 2023, <https://meta.mk/vladata-so-zakonski-izmeni-za-licata-na-crnata-lista-na-sad-kje-se-otvoraat-postapki/>.

46 ‘The Transparency Strategy of the Government with Action Plan 2023–2026 adopted (Усвоена Стратегијата за транспарентност на Владата со Акциски план 2023–2026 година)’, *Meta.mk*, 7 December 2023, <https://meta.mk/usvoena-strategijata-za-transparentnost-na-vladata-so-akciski-plan-2023-2026-godina/>.

47 ‘Openness Index: The Ministry of Defence ranks first in terms of openness; Grubi’s ministry at the bottom of the list (Индекс на отвореност: Министерството за одбрана на прво место по отвореност, министерството на Груби најдолу на листата)’, *Meta.mk*, 7 December 2023, <https://meta.mk/indeks-na-otvorenost-ministerstvoto-za-odbrana-na-prvo-mesto-po-otvorenost-ministerstvoto-na-grubi-najdolu-na-listata/>.

Civil Society

The boycott by the Council for Cooperation between the government and civil society persisted. An illustrative example of the lack of collaboration was the preparatory working meeting of the Interdepartmental Body for Anti-corruption Activities on October 9, where no civil organisations were involved.⁴⁸ Nevertheless, during the body's constituent session on November 16, members approved the proposal policies of the Deputy Prime Minister in charge of good governance to include observers from civil society organisations in public sessions, aiming to ensure transparency and inclusivity in the process.⁴⁹

Civilian Oversight of the Security/Intelligence Sector

On November 8, a conference organised by the Ombudsman and the Geneva Centre for Security Sector Governance (DCAF) in Skopje addressed “the supervisory role of the Ombudsman over the security sector in protecting citizens' rights”. Despite legal qualifications allowing oversight of the National Security Agency's operations, practical supervision was found lacking. No National Security Agency representative attended the conference.⁵⁰

A new Director of the Operational-Technical Agency (OTA) was elected on November 27, following a unanimous recommendation by the Committee on Election and Appointment Issues.⁵¹

In early December, an MP accused the OTA of procuring a system for communication monitoring, alleging potential unauthorised access to devices and internet traffic. He claimed the Ministry of Interior and the Public Prosecutor's Office knew of the procurement but took no action, prompting denials from the accused entities regarding unauthorised monitoring.⁵²

On December 13, the President of the Assembly met with the Director of DCAF, where he conveyed his satisfaction with the ongoing construction and realisation of a secure chamber within the Assembly intended for confidential meetings of the oversight working groups. Additionally, he provided updates on the ongoing Council for Civilian Oversight election process.⁵³

48 ‘Government and NGOs in a clinch—cooperation “on glass legs” (Владата и невладините во клинч- соработка на „стаклени нозе“), *Radio Slobodna Evropa*, 23 October 2023, <https://www.slobodnaevropa.mk/a/vladata-i-nevladinite-vo-klinch---sorabotka-na-stakleni-noze-/32638283.html>.

49 ‘First session of the Interdepartmental Body for Coordination of Anti-corruption Activities (Прва седница на Меѓуресорското тело за координација на активностите против корупцијата), *Official Website of the Government of the Republic of North Macedonia*, 16 November 2023, <https://vlada.mk/node/35168>.

50 ‘No one listens to the Ombudsman about wiretapping (Никој не го слуша Омбудсманот за прислушувањето), *360 Stepeni*, 12 November 2023, <https://360stepeni.mk/video-nikoj-ne-go-slusha-ombudsmanot-za-prislushuvaneto/>.

51 ‘Marija Janichevska is the proposal for director of OTA (Марија Јаничевска е предлогот за директорка на OTA), *360 Stepeni*, 9 November 2023, <https://360stepeni.mk/marija-janichevska-e-predlogot-za-direktorka-na-ota/>.

52 ‘There is a scandal according to the opposition, but the authorities assure that there is no illegal surveillance (За опозицијата скандал, властите уверуваат нема нелегално следење), *Radio Slobodna Evropa*, 11 December 2023, <https://www.slobodnaevropa.mk/a/za-opozicijata-skandal-vlastite-uveruvaat-nema-nelegalno-sledenje/32725634.html>.

53 ‘Xhaferi met with the director of DCAF (Џафери се сретна со директорката на Женевскиот центар за управување со безбедносниот сектор), *Makfax*, 13 December 2023, <https://bit.ly/3vzC2nC>.

Public Administration Reform (PAR)

In October, the Ministry of Information Society and Administration (MISA) announced the inclusion of Albanian-language questions for the Administrative Officers Exam and the Administrative Management Exam on the official websites of both the Ministry and the Administration Agency, aiming to enhance language inclusivity and employment prospects for the Albanian community.⁵⁴

On December 6, 2023, the Government adopted five laws focusing on public administration reform and digital state transformation (laws on Administrative Servants, Public Sector Employees, Security of Networks and Information Systems, Electronic Management and Electronic Services, and Professional Development and Training of Administrative Servants).⁵⁵ These laws aim to enhance competencies, employment procedures, and salary systems for administrative servants while also ensuring cyber security compliance and enabling nationwide electronic service delivery. Additionally, the laws establish a Center for Professional Development and Training and an Agency for the Security of Network and Information Systems and Digital Transformation of the Public Sector. The PAR Secretariat, including civil society representatives, discussed the new PAR Strategy, its Action Plan, and legislative developments at its constitutive session on December 14.⁵⁶

On December 26, the constitutional session of the PAR Council was held, where the Fifth Annual Report on the implementation of the PAR Strategy 2018–2022 and the Action Plan for 2022 were presented in the presence of the Prime Minister and the Minister of Information Society and Administration, as well as other Government representatives.⁵⁷

54 'Minister Aliu: From now on, the questions on the exam for administrative officers will also be available in the Albanian language (Министерот Алиу: Прашањата на испитот за административни службеници отсега ќе бидат и на албански јазик)', *Official Website of the Ministry of Information Society and Administration*, 21 October 2023, <https://mioa.gov.mk//mk-MK/news/ministerot-aliu-prasanata-na-ispitot-za-administrativni-sluzbenici-otsega-ke-bidat-i-na-albanski-jazik.nspх>.

55 'Five legal solutions from MISA for PAR and digital transformation (Пет законски решенија од МИОА за РЈА и дигитална трансформација)', *Official Website of the Ministry of Information Society and Administration*, 6 December 2023, <https://mioa.gov.mk//mk-MK/news/pese-zgjidhje-ligjore-nga-mshia-per-rap-dhe-digitalizimin.nspх>.

56 'The constitutive session of the Secretariat for PAR was held (Одржана конститутивната седница на Секретаријатот за РЈА)', *Official Website of the Ministry of Information Society and Administration*, 14 December 2023, <https://mioa.gov.mk//mk-MK/news/odrzana-konstitutivnata-sednica-na-sekretarijatot-za-rja.nspх>.

57 'The constitutive session of the Council for Reform in Public Administration was held (Се одржаа конститутивната седница на Советот за реформа во јавната администрација)', *Official Website of the Ministry of Information Society and Administration*, 26 December 2023, <https://mioa.gov.mk//mk-MK/news/se-odrzaa-konstitutivnata-sednica-na-sovetot-za-reforma-vo-javnata-administracija.nspх>.

Chapter 23



Functioning of the Judiciary

Strategic documents

After a long delay, on December 26, 2023, the Government reviewed and adopted the Development Sector Strategy for Justice (2024–2028) with an Action Plan,⁵⁸ which was then officially presented to the public on December 28, 2023, by the Minister of Justice and the President of the working group that prepared the strategy.⁵⁹ The press briefing highlighted, among other things that the strategy is in line with the recommendations of the peer assessment mission for the Judicial Council, which was received earlier in the month.⁶⁰

Management bodies

To address identified legislative deficiencies within the Judicial Council, as highlighted in the European Commission's (EC) annual report on North Macedonia, a working group was established on November 9, 2023.⁶¹ This group, comprising representatives from the judiciary, academia, and civil society, was tasked with formulating amendments to the Law on the Judicial Council.⁶²

Following an extended period of neglect regarding a legal challenge to the dismissal of the former Judicial Council president,⁶³ the Administrative Court delivered a conclusive verdict on December 29, 2023, deeming the dismissal decision unlawful.⁶⁴ This irrevocable verdict reinstated the ousted president to their position.⁶⁵ Consequently, the annulment of the dismissal raised public concerns about the validity of all actions taken during the period from the appointment of the new Judicial Council president to their resignation.⁶⁶

58 'From the government meeting: Prices of basic food products, water, still and carbonated drinks, and beer remain frozen until January 31 (Од владината седница: Цените на основните прехранбени производи, вода, негазирани и газирани пијалаци и пиво остануваат замрзнати до 31 јануари)', *Official Website of the Government of the Republic of North Macedonia*, 26 December 2023, <https://vlada.mk/node/35627>.

59 'The Strategy for the Development of the Justice System Is a road map for restoring citizens' trust in the judiciary (Стратегијата за развој на правосудниот систем е патоказ за враќање на довербата на граѓаните во судството)', *Makfax*, 28 December 2023, <https://bit.ly/48JITV>.

60 Ibid.

61 'The Ministry of Justice forms a working group for the reform of the Judicial Council (МП формира работна група за реформа на Судскиот совет)', *Official Website of the Ministry of Justice*, 1 November 2023, <https://www.pravda.gov.mk/vest/6615>.

62 'Famous professors and lawyers will reform the Judicial Council (Познати професори и правници ќе го реформираат Судскиот совет)', *A1 On*, 9 November 2023, <https://a1on.mk/macedonia/poznati-profesori-i-pravnici-kje-go-reformiraat-sudskiot-sovet/>.

63 'The ex-President of the Judicial Council, Vesna Dameva, submitted a criminal complaint to the Skopje Prosecutor's Office and a lawsuit to the Administrative Court regarding her dismissal (Експретседателката на Судскиот совет, Весна Дамева поднесе кривична пријава до Скопското обвинителство и тужба до Управниот суд за нејзино разрешување)', *Sakam Da Kazam*, 19 May 2023, <https://avbc.me/H13YY6sg>.

64 'Public announcement (Соопштение за јавност)', *Official Website of the Administrative Court of the Republic of North Macedonia*, 3 January 2024, <https://bit.ly/3vqSCWJ>.

65 'The illegal dismissal of Vesna Dameva was annulled, with a verdict from the Administrative Court, she returns to the presidential position in the Judicial Council (Поништено незаконското разрешување на Весна Дамева, со пресуда од Управниот суд таа се враќа на претседателското место во Судскиот совет)', *Sakam Da Kazam*, 29 December 2023, <https://bit.ly/3tQwWD5>.

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

Upon the conclusion of the term of the Council for Public Prosecutors member representing the Higher Public Prosecutor's Office Shtip area (electoral seat number four) at the year's end, on December 15, 2023, the Council⁶⁷ selected a new member from three registered candidates⁶⁸ following a publicly announced process.⁶⁹

Independence and impartiality

After reviewing the report from the Judicial Council about the president of the Kavadarci Basic Court and the accompanying materials,⁷⁰ the Minister of Justice found that the president of the Kavadarci Basic Court had breached integrity standards, leading to his dismissal from the position of member and president of the Council for Coordination of Information and Communication Technology at Justice System Bodies (ICT Council).⁷¹ The Minister initiated proceedings to assess the judge's accountability and started drafting a new rulebook for the ICT Council. Expressing concerns about the Minister's claims regarding the ICT Council's work and deeming their further collaboration in the Council inexpedient, the two members representing the Judicial Council within the ICT Council chose to resign.⁷²

After years of criticism and appeals for changes to certain provisions of the Code of Ethics for Public Prosecutors, the Association of Public Prosecutors proposed amendments to the Code of Ethics for Public Prosecutors, focusing on the Group of States against Corruption's (GRECO) recommendation.⁷³ The Council of Public Prosecutors adopted these amendments on November 8, 2023,⁷⁴ addressing issues like defining "hospitality" and modifying prohibitions in specific articles.⁷⁵

67 'Announcement (Соопштение)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 15 December 2023, <https://bit.ly/47yTnuv>.

68 'Candidate list of the registered candidates for member of the Council of Public Prosecutors of the RNM, from among the Public Prosecutors from the area of the Higher Public Prosecutor's Office Shtip, with electoral seat no. 4 (Кандидатска листа од пријавените кандидати за член на Советот на јавните обвинители на РСМ, од редот на јавните обвинители од подрачјето на Вишото јавно обвинителство Штип, со изборно место бр. 4)', 4 December 2023, <https://bit.ly/3NZsN6H>.

69 'Advertisement for the election of a member of the Council of Public Prosecutors of the RNM, from among the Public Prosecutors from the area of the Higher Public Prosecutor's Office Shtip, with electoral seat no. 4 (Оглас за избор на член на Советот на јавните обвинители на РСМ, од редот на јавните обвинители од подрачјето на Вишото јавно обвинителство Штип, со изборно место бр. 4)' (Council of Public Prosecutors of the Republic of North Macedonia, 30 October 2023), <https://bit.ly/47yT4zR>.

70 Angela Delevska and Beba Zhagar, 'Shadow Report for Chapter 23 for the period between October 2022 and September 2023' (European Policy Institute (EPI)—Skopje, 29 December 2023), <https://epi.org.mk/post/25518>.

71 'Lloga dismissed the President of the ICT Council, judge Lazar Nanev (Лога го разреши претседателот на Советот на ИКТ, судијата Лазар Нанев)', *A1 On*, 6 November 2023, <https://a1on.mk/macedonia/loga-go-razreshi-pretседатelot-na-sovetot-na-iks-sudijata-lazar-nanev/>.

72 'Judge Loreta Gorgieva and LL.M. Milyazim Mustafa submitted their resignations to the Minister of Justice Krenar Lloga (Судијата Лорета Горгиева и м-р Миљазим Мустафа поднесоа оставки до Министерот за правда, Кренар Лога)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 10 November 2023, <https://bit.ly/48ul6hc>.

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

74 'Announcement (Соопштение)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 8 November 2023, <https://bit.ly/3GmL1ul>.

75 With the amendments, Article 10 paragraph 6 is changed and reads "Public prosecutors in public appearances should be careful not to damage their professional and personal reputation, as well as the reputation of the Public Prosecutor's Office and the Council of Public Prosecutors". Association of Public Prosecutors of the Republic of North Macedonia, 'Code of Ethics for amending and supplementing the Code of Ethics of the Public Prosecutors of the Republic of North Macedonia (Етички кодекс за изменување и дополнување на Етичкиот кодекс на јавните обвинители на Република Северна Македонија)' (Council of Public Prosecutors of the Republic of North Macedonia, October 2023), <https://bit.ly/3TWpuB9>.

Accountability

Allegations of political pressure on Supreme Court judges, disclosed by the president of the court in an interview,⁷⁶ have prompted a member of the Judicial Council to initiate an inquiry into her accountability.⁷⁷ The stated basis for this inquiry includes her non-attendance at the sessions of the Judicial Council,⁷⁸ as well as and her failure to attend a session to which she was invited by the council following the presentation of the allegations.⁷⁹ Constitutional provisions allowing ex-officio members, such as the President of the Supreme Court and the Minister of Justice, to abstain from council sessions are regarded as good practice for potentially minimising external influence.^{80–81} In light of these considerations, the Accountability Commission is urged to adopt a careful and transparent approach, aligning with accepted governance and judiciary independence standards and considering the practices of the European Court of Human Rights (ECtHR).⁸²

In a related development, the Judicial Council's decision to reduce a judge's salary by 20% for six months, citing delays in the "Target-Tvrđina" case,⁸³ triggered public scrutiny due to perceived inconsistencies in disciplinary actions.⁸⁴ Simultaneously, the Council of Public Prosecutors unanimously dismissed the former head of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (BPPPOCC), who chose retirement instead of appealing the decision.⁸⁵ Ongoing disputes between the Judicial Council and the Minister of Justice,⁸⁶ notably regarding the exemption of an ICT Council member, have escalated, with the Judicial Council alleging violations of legal and ethical standards by the Minister.⁸⁷

76 'The political threat of dismissing supreme judges is present, but there is no reason to revive the abolition of Gruevski, says the President of the Supreme Court, Besa Ademi (Присутна е политичката закана за разрешување на врховни судии, ама нема основ да оживее аболицијата на Груевски, вели претседателката на Врховниот суд, Беса Адеми)', *Sakam Da Kazam*, 3 November 2023, <https://bit.ly/47tO7s3>.

77 'The President of the Supreme Court, Besa Ademi, received an initiative for dismissal in the Judicial Council, after warning of pressures and threats from officials (Претседателката на Врховниот суд, Беса Адеми, доби иницијатива за разрешување во Судскиот совет, откако предупреди за притисоци и закани од функционери)', *Sakam Da Kazam*, 28 November 2023, <https://bit.ly/3Ua6SOF>.

78 'The Blueprint group for judicial reforms called for careful handling in the procedure for determining the responsibility of the President of the Supreme Court of the Republic of North Macedonia (Блупринт групата за реформи во правосудството повика на внимателно постапување во постапката за утврдување одговорност на претседателката на Врховен суд на Република Северна Македонија)', *Official Website of the Macedonian Young Lawyers Association (MYLA)*, 29 December 2023, <https://myla.org.mk/49779/>.

79 'Announcement (Соопштение)', Official Website of the Judicial Council of the Republic of North Macedonia, 3 November 2023, <https://bit.ly/3vtOupb>.

80 'The EU peer assessment mission says that Besa Ademi does not break the law by not attending the sessions of the Judicial Council (Оценската мисија на ЕУ вели дека Беса Адеми не го крши законот со неодењето на седниците на Судскиот совет)', *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/>.

81 'COMMISSION STAFF WORKING DOCUMENT—North Macedonia 2023 Report', 8 November 2023, <https://op.europa.eu/en/publication-detail/-/publication/7a850ca0-7eee-11ee-99ba-01aa75ed71a1/language-en>.

82 'The Blueprint group for judicial reforms called for careful handling in the procedure for determining the responsibility of the President of the Supreme Court of the Republic of North Macedonia (Блупринт групата за реформи во правосудството повика на внимателно постапување во постапката за утврдување одговорност на претседателката на Врховен суд на Република Северна Македонија)'.
83 'Announcement from the 465th Session of the Judicial Council of the RNM—23.11.2023 (Соопштение од 465-та седница на Судскиот совет на РСМ- 23.11.2023 Година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/48Q2Y0q>.

84 The public reacted to the fact that judges Lidija Nedelkova and Sofia Lalicic were dismissed in 2021 due to minor disciplinary violations. 'Eight votes are needed to dismiss a judge, and in the case of Enver Bejeti there were not that many—says the President of the Judicial Council (Потребни се осум гласа за разрешување судија, а во случајот со Енвер Беџети немаше — вели претседателот на Судскиот совет)', *360 Stepeni*, 27 November 2023, <https://360stepeni.mk/potrebni-se-osum-glasa-za-razreshuvane-sudija-a-vo-slučajot-so-enver-bedheti-nemashe-veli-pretsedatelet-na-sudskiot-sovet/>.

85 'Ruskovska: After the dismissal decision, I am retiring (Русковска: По одлуката за разрешување, одам во пензија)', *Deutsche Welle*, 23 November 2023, https://www.dw.com/mk/vilma-ruskovska-odlukata-za-razresuvane-e-ocekuvana-odam-vo-penzija/a-67531011?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss.

86 'The Judicial Council has no intention of "going to war" with the Minister of Justice, Lloga (Судскиот совет нема намера да „војува“ со министерот за правда, Лора)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 7 November 2023, <https://bit.ly/3RWwpHH>.

87 'Judicial Council on the request of Minister Lloga for the exemption of a member from the Commission of Reporters (Судски совет за барањето на министерот Лора за изземање на член од Комисија на известители)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 28 November 2023, <https://bit.ly/48Rulb0>.

Professionalism and competence

During the reporting period, the Judicial Council concluded the long-awaited election of eight Skopje Court of Appeal judges, initiated on July 5, 2021.⁸⁸ However, the process was marred by irregularities. The Judicial Council initially adopted divergent approaches to the appeals of candidate judges for ranking lists, rendering two conflicting decisions on the same matter and revoking decisions without proper legal basis and procedure.⁸⁹ Then, on election day, a deviation from the candidates' ranking list occurred without a satisfactory explanation.⁹⁰

In the same timeframe, ten judges, including the presidents of the Kumanovo Basic Court and the Basic Civil Court in Skopje, were elected.⁹¹ Media reports on the president of the Kumanovo Basic Court, who had previously served in an acting capacity, highlighted findings of abuse of the automated court case management information system (ACCMIS), violation of judicial function reputation, interpersonal conflicts, and breaches of the principle of non-discrimination.⁹² Meanwhile, the president of the Basic Civil Court in Skopje found himself embroiled in a sex scandal, attracting media coverage and prompting the filing of a formal complaint.⁹³

In the public prosecutor elections, the Council of Public Prosecutors elected two individuals each for the Public Prosecutor's Office of the Republic of North Macedonia, the Basic Public Prosecutor's Office in Gostivar, and the Higher Public Prosecutor's Office in Gostivar.⁹⁴ In addition, one public prosecutor was

88 'Announcement from the 464th Session of the Judicial Council of the RNM- 15.11.2023 (Соопштение од 464-та седница на Судскиот совет на РСМ- 15.11.2023)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3O30m7P>.

89 At the 460th session held on October 18 and 19, 2023, the Judicial Council discussed whether the confirmation from the Academy of Judges and Public Prosecutors should be considered sufficient proof that the candidates have prepared educational materials and received training, or the same candidates should also submit other evidence. Before voting and decision-making, three members of the Council left the session, after which a total of nine members with the right to vote remained at the session, that is, the Council had a quorum for decision-making. In such a situation, the Council decided with five votes "FOR" and four "AGAINST" to respect the complaint statement of the candidate and to accept the confirmation from the Academy as evidence. After this, some of the 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 proof of prepared educational materials and received training. By interrupting the session and resuming it on October 19, 2023, the Council voted again on the same issue and made a different decision, i.e. with five votes "FOR" and seven "AGAINST", the confirmation from the Academy was not accepted as proof of training held and educational materials prepared. 'Public announcement (Соопштение за јавност) (Coalition 'All for Fair Trials', 19 October 2023), <https://drive.google.com/file/d/175IA7t6nuXSgdDhwWaAbcz3W1N3pnrN/view>.

90 Instead, the members of the Council indicated that due to shortcomings in the methodology for ranking the candidates, "other parameters and criteria will be decisive", without specifying which criteria and which regulations are in question. 'Public announcement (Соопштение за јавност)', *Official Facebook Page of the Coalition 'All for Fair Trials'*, 15 November 2023, <https://bit.ly/3tTVLy3>.

91 'Solemn declaration of the newly elected presidents of the Court of Appeal Skopje and the Basic Court Kumanovo (Свечена изјава на новоизбраните претседатели на Апелационен суд Скопје и Основен суд Куманово)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 17 November 2023, <https://bit.ly/3vxNssa>; 'Solemn declaration of the newly elected presidents of Seven Courts (Свечена изјава на новоизбраните претседатели на седум судови)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 22 November 2023, <https://bit.ly/3TT3GX0>; 'Solemn statement of the newly elected president of the Shtip Court of Appeal (Свечена изјава на новоизбраниот претседател на Апелационен суд Штип)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 20 October 2023, <https://bit.ly/3vBXWXd>.

92 'Interpersonal relations in the Kumanovo Court "fired up" („Разгорени" меѓучовечките односи во кумановскиот суд)', *Radio Free Europe*, July 12, 2023, <https://www.slobodnaevropa.mk/a/razgoreni-meguchovechkite-odnosi-vo-kumanovskiot-sud-/32498983.html>.

93 'The new President of the Civil Court is Besnik Avdija, against whom a sex-scandal complaint was filed (Нов претседател на Граѓанскиот суд е Бесник Авдија, за кого беше поднесена претставка за секс-скандал)', *Fokus*, 8 November 2023, <https://fokus.mk/nov-pretsetdatel-na-graganskiot-sud-e-besnik-avdija-za-kogo-beshe-podnesena-pretstavka-za-navoden-luboven-skandal/>.

94 'Decision on the election of two public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia and two public prosecutors in the Higher Public Prosecutor's Office in Gostivar (Одлука за избор на двајца јавни обвинители во Јавното обвинителство на Република Северна Македонија и двајца јавни обвинители во Вишото јавно обвинителство во Гостивар)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 20 December 2023, <https://bit.ly/3tTz6lq>; 'Decision on the election of two public prosecutors in the Basic Public Prosecutor's Office Gostivar, one public prosecutor in the Basic Public Prosecutor's Office Skopje and one public prosecutor in the Basic Public Prosecutor's Office Struga (Одлука за избор на двајца јавни обвинители во Основното јавно обвинителство Гостивар, еден јавен обвинител во Основното јавно обвинителство Скопје и еден јавен обвинител во Основното јавно обвинителство Струга)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 27 October 2023, <https://bit.ly/41WtSa>.

elected in the Basic Public Prosecutor's Office in Skopje and the Basic Public Prosecutor's Office in Struga.⁹⁵ Moreover, the procedure for the new Public Prosecutor of the Republic of North Macedonia commenced due to the incumbent's mandate expiring on December 25, 2023. Three candidates applied for the announcement published by the Assembly on November 29, 2023.⁹⁶ However, only one candidate received a positive opinion from the Council of Public Prosecutors,⁹⁷ while the candidacy of one of the remaining candidates was rejected due to incomplete documentation.⁹⁸ The Council of Public Prosecutors is expected to submit its proposal for the new Public Prosecutor to the Government, and subsequently, the proposal will undergo a vote in the Assembly. Owing to the extended duration of the process and legal deadlines, and in response to the delayed publication of the announcement by the Assembly,⁹⁹ an acting state public prosecutor has been appointed until the completion of the election procedure.¹⁰⁰

Quality of justice

After completing the psychological test¹⁰¹ and integrity test¹⁰² by candidates registered in the public announcement for the admission of 130 trainees to the ninth generation of initial training at the Academy for Judges and Public Prosecutors, a delay in passing the qualification test was identified.¹⁰¹ The previous contract for the public procurement of services related to the maintenance of software for state institution exams has expired. Currently, the process of drafting tender documentation for a new contract is underway.¹⁰² In response, the Government, through a letter dated December 26, 2023, instructed the Academy to administer the exam in a paper format, utilising an electronic reader until the procurement procedure is finalised.¹⁰³

95 'Decision on the election of two public prosecutors in the Basic Public Prosecutor's Office Gostivar, one public prosecutor in the Basic Public Prosecutor's Office Skopje and one public prosecutor in the Basic Public Prosecutor's Office Struga (Одлука за избор на двајца јавни обвинители во Основното јавно обвинителство Гостивар, еден јавен обвинител во Основното јавно обвинителство Скопје и еден јавен обвинител во Основното јавно обвинителство Струга)'.

96 'Decision on announcing the appointment of a public prosecutor of the Republic of North Macedonia (Одлука за огласување на именување на јавен обвинител на Република Северна Македонија)', *Official Gazette of the Republic of North Macedonia* No. 251/2023.

97 'Raicevic and Fetai react to the decision of the Council of Public Prosecutors (Раичевиќ и Фетаи реагираат на одлуката на Советот на јавни обвинители)', *Mkd.Mk*, 28 December 2023, <https://mkd.mk/raicevik-i-fetai-reagiraat-na-odlukata-na-sovetot-na-javni-obviniteli/>.

98 Public prosecutor-candidate Fatime Fetai asked the Council of Public Prosecutors to reconsider the decision to reject her candidacy due to the lack of a certificate of knowledge of the Macedonian language and a certificate of business ability. 'Fatime Fetai asks how her documents passed strict control in the Assembly, and the Council declared them incomplete and disqualified her as a Public Prosecutor (Фатиме Фетаи прашува како нејзините документи поминале на строга контрола во Собранието, а Советот и ги прогласи за некомплетни и ја дисквалификува за државен обвинител)', *Sakam Da Kazam*, 27 December 2023, <https://bit.ly/47uYLyE>.

99 'On-sight acting Public Prosecutor in Joveski's place—The parties are in no hurry to appoint a new head of the PPORNМ before the elections (На повидок в.д. државен обвинител на местото на Јовески- на партиите не им се брза пред избори да назначат нов шеф На ЈО)', *Prizma/Balkan Investigative Reporters Network (BIRN) Macedonia* (blog), 11 December 2023, <https://prizma.mk/na-povidok-v-d-drzhaven-obvinitel-na-mestoto-na-joveski/>.

100 'Decision on convening the ninety-third session of the Council of Public Prosecutors (Одлука за свикување на деведесет и третата седница на Советот на Јавни Обвинители)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia* (blog), 22 December 2023, <https://bit.ly/41YiLZi>.

101 'Notice from the Admission Committee (Известување Од приемната комисија)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"* (blog), 25 December 2023, <https://bit.ly/3HhkDD1>.

102 Ibid.

103 'Notification of new time dynamics for conducting the further part of the entrance exam (Известување за нова временска динамика за спроведување на понатамошниот дел од приемниот испит)', *Official Website of the Academy for Judges and Public Prosecutors "Pavel Shatev"* (blog), 28 December 2023, <https://bit.ly/48p5Kud>.

Efficiency

Despite the establishment of a working group between the Government and the Trade Union of the Workers in Administration, Juridical Authorities, and Citizens' Associations of Macedonia (UPOZ) to address the demands of the judicial and public prosecutor's service, along with other state administration employees,¹⁰⁴ no consensus was reached.¹⁰⁵ Discontent escalated following the Government's approval of the 2024 Budget,¹⁰⁶ which did not incorporate changes according to the requirements of the indicated state services. As a result, protests continued due to the perceived lack of responsiveness to the employees' concerns and demands.¹⁰⁷

On December 12, 2023, a new constitutional judge was appointed, filling a vacancy that had existed since January 2022.¹⁰⁸ However, the state public prosecutor retired before the Assembly could resume discussions on his appointment as a constitutional judge, leaving the position vacant.¹⁰⁹

104 'With a working group, a solution to the problems of court administration will be sought (Со работна група ќе се бара решение за проблемите на судската администрација)', *Nezavisen*, 3 October 2023, <https://nezavisen.mk/so-rabotna-grupa-kje-se-bara-reshenie-za-problemite-na-sudskata-administracija/>.

105 'There is no agreement between UPOZ and the government for higher salaries (Нема договор меѓу УПОЗ и Владата за повисоки плати)', *Radio Free Europe*, 1 November 2023, <https://www.slobodnaevropa.mk/a/32666204.html>.

106 'From the 199th government Session: The budget proposal for 2024 was determined for the realization of the needs of the citizens and the growth of the economy; The frozen prices of fruits and vegetables will also be valid in December (Од 199-та владина седница: Утврден е предлог буџетот за 2024 година за реализација на потребите на граѓаните и раст на економијата; замрзнатите цени на овошје и зеленчук ќе важат и во декември)', *Official Website of the Government of the Republic of North Macedonia* (blog), 14 November 2023, <https://vlada.mk/node/35153>.

107 'A large protest by UPOZ (Голем протест на Синдикатот на УПОЗ)', Official Website of the Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Macedonia (UPOZ), 4 December 2023, <https://www.upoz.org.mk/mk/novosti/375-golem-protest-na-sindikatot-na-upoz>.

108 'Jadranka Dabović-Anastasovska was elected as a constitutional judge (Јадранка Дабовиќ-Анастасовска избрана за уставна судија)', *360 Stepeni*, 12 December 2023, <https://360stepeni.mk/jadranka-dabovik-anastasovska-izbrana-za-ustavna-sudijka/>.

109 'Joveski, instead of being a constitutional judge, is in a hurry to retire? (Јовески наместо уставен судија, ита кон пензија?)', *Sloboden Pecat*, 6 September 2023, <https://www.slobodenpecat.mk/joveski-namesto-ustaven-sudija-ita-kon-penzija/>.

Fight Against Corruption

During the OSCE Ministerial Council in Skopje, regional foreign affairs ministers signed a declaration on the fight against corruption, focusing on financial investigations and digitisation and recovery of property acquired through criminal activities.¹¹⁰

GRECO's assessment revealed that North Macedonia only implemented 13 of the 23 corruption prevention recommendations from the compliance report from the fifth round of evaluation satisfactorily.¹¹¹

The European Commission's latest Country Report expressed concerns over the country's level of preparation, assessed as 'some and moderate' in combating corruption. It cited delays and reversals in trials of high-profile corruption cases and the expedited amendments of the Criminal Code that impact such cases and their statute of limitations.¹¹²

State Commission for Prevention of Corruption

On November 7, the public announcement for the election of the next composition of the State Commission for Prevention of Corruption (SCPC) was published.¹¹³ Following the initial administrative selection, in which 15 candidates failed, interviews were conducted with 41 candidates between November 23 and 25.¹¹⁴ The President of the current composition of the SCPC observed many politically exposed applicants and urged the Commission on Elections and Appointments to resist political influences.¹¹⁵ The ranking list of candidates published in late November¹¹⁶ included four auditors, two employees of the SCPC, and one judge.¹¹⁷ The Platform of Civil Organizations for

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

111 'GRECO: Macedonia has not fully complied with the recommendations of the Evaluation Report in the fight against corruption (ГРЕКО: Македонија е недоволно усогласена со препораките од Извештајот за евалуација во борбата против корупција)', *Sitel TV*, 18 October 2023, <https://sitel.com.mk/greko-makedonija-e-nedovolno-usoglasena-so-preporakite-od-izveshtajot-za-evaluacija-vo-borbata>.

112 Европска комисија, „Работен документ на комисијата – Извештај Северна Македонија 2023 година (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.

113 'Decision to publish a public announcement for the election of the President and members of the State Commission for Prevention of Corruption (Одлука за објавување јавен оглас за избор на претседател и членови на Државната комисија за спречување на корупцијата)', *Official Gazette of the Republic of North Macedonia* no. 234/2023.

114 'Minutes of the interviews conducted with the applicants pursuant to the Decision to publish a public announcement for the election of the President and the members of the State Commission for Prevention of Corruption (Записник од спроведените интервјуа со кандидатите по Одлука за објавување јавен оглас за избор на претседател и членови на Државната комисија за спречување на корупцијата)', *Official Website of The Assembly of The Republic of North Macedonia*, 28 November 2023, <https://www.sobranie.mk/content/ОГЛАС%20КОРУПЦИЈА%202023/zapisnikDKSK23.pdf>.

115 'Ivanovska: Many politically exposed persons applied for the new composition of the SCPC, I hope there will be no pressure during the election (Ивановска: Многу политички експонирани личности се пријавија за новиот состав на ДКСК, се надевам оти нема да има притисоци при изборот)', *360 Stepeni*, 28 November 2023, <https://360stepeni.mk/ivanovska-mnogu-politichki-eksponirani-lichnosti-se-prijavija-za-noviot-sostav-na-dksk-se-nadevam-oti-nema-da-ima-pritisotsi-pri-izborot/>.

116 'Ranking list of candidates for President and members of the State Commission for Prevention of Corruption (Ранг-листа на кандидати за Претседател и членови на Државната комисија за спречување на корупцијата)', *Official Website of the Assembly of the Republic of North Macedonia*, 28 November 2023, <https://www.sobranie.mk/content/ОГЛАС%20КОРУПЦИЈА%202023/rang-listaDKSK23.pdf>.

117 'Auditors, civil servants and a judge—the members of the new composition of the Anti-Corruption Commission have been determined (Ревизори, службеници и судијка – утврдени членовите на новиот состав на Антикорупциска комисија)', *Radio MOF*, 29 November 2023, <https://www.radiomof.mk/revizori-sluzhbenici-i-sudijka-utvrdeni-chlenovite-na-noviot-sostav-na-antikorupcisika-komisija/?fbclid=IwAR2dKaTrpoBFuaXyE6OtzQCF2pbQTsUyXOVOGd7aE4Ent5LfnFpSI-qY0ZI>.

Fight Against Corruption condemned the perceived partisanship in the election process, expressing concerns about the objectivity and impartiality of the future SCPC composition.¹¹⁸ In late December, Parliament approved the candidate list, with their term beginning on February 8, 2024.¹¹⁹

In the latter part of November, a Technical Assistance and Information Exchange (TAIEX) expert mission on conflicts of interest was conducted at the SCPC, focusing on preventing conflicts of interest and raising awareness among appointed and elected persons.¹²⁰

The SCPC announced that beginning from January 1, 2024, the new electronic system for submitting a statement of assets and interests will be operated through <https://imotnasostojba.dksk.mk/>.¹²¹

Upon the orders of the SCPC (State Commission for Prevention of Corruption), the State Education Inspectorate reviewed all the documentation submitted by previous candidates of the Academy for Judges and Public Prosecutors. During the review, it was discovered that a judge from the Basic Court Tetovo had applied for the position with a higher grade than what was indicated on his diploma from the University of Tetovo. The State Education Inspectorate promptly reported this matter to the competent Public Prosecutor's Office.¹²²

The Public Prosecutor's Office

The recent controversial amendments to the Criminal Code¹²³ have brought about significant ramifications for several high-profile corruption cases in North Macedonia.

In the "Target-Tvrđina" case, the court terminated the criminal proceedings for the defendants accused of criminal association and abuse of official position and authority due to obsolescence. This included the former director of the Administration for Security and Counter-intelligence, who determined the obsolescence of the crime of illegal wiretapping. At the same time, the trial continues for the defendants accused of equipment destruction.¹²⁴

118 'The Platform of Civil Organizations for Fight against Corruption strongly condemns partisanship in the election of new members of the SCPC (Платформата на граѓански организации за борба против корупција остро ја осудува партизацијата при изборот на нови членови на ДКСК)', *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/>.

119 'The Parliament voted for the Anti-Corruption Commission headed by auditor Tatjana Dimitrovska (Собранието ја изгласа Антикоруапциската комисија на чело со ревизорката Татјана Димитровска)', *Sakam da kazam*, 22 December 2023, <https://sdk.mk/index.php/makedonija/sobranieto-ja-izglasava-novata-antikoruaptsiska-komisija-na-chelo-so-revizorkata-tatjana-dimitrovska/>.

120 'TAIEX expert mission on conflicts of interest: Analysis of mechanisms for preventing conflicts of interest and raising awareness targeting appointed and elected persons (ТАИЕКС експертска мисија на тема судир на интереси: Анализа на механизми за спречување на конфликт на интереси и подигање на свеста насочена кон именувани и избрани лица)', *Official Website of the State Commission for Prevention of Corruption*, 24 November 2023, <https://bit.ly/48ZM3cn>.

121 'From 01.01.2024, the new electronic system for submitting a statement of property status and interests will be in operation. (Од 01.01.2024 ќе биде во функција новиот електронски систем за поднесување на изјава за имотна состојба и интереси)', *Official Website of the State Commission for Prevention of Corruption*, 28 December 2023, <https://bit.ly/3O727RI>.

122 'Judge Eljvedin Ferati from the Basic Court Tetovo corrected his grades at the University of Tetovo by crossing them out, Anti-Corruption Commission found (Судијата Елјведин Ферати од Основен суд Тетово си ги поправал оценките на Тетовскиот универзитет со пречкртување, утврди Антикоруапциска)', *Sakam da kazam*, 27 December 2023, <https://bit.ly/42goWbh>.

123 'The amendments of the CC lead to the obsolescence of crimes in "Target-Tvrđina", "Titanik", TNT, "Talir", "Traektorija", "Tenderi"... (Измените во КЗ носат застарување на дела во „Таргет-Тврдина“, „Титаник“, ТНТ, „Талир“, „Траекторија“, „Тендери“...)', *360 Stepeni*, 7 September 2023, <https://360stepeni.mk/izmenite-vo-kz-nosat-zastaruvane-na-dela-vo-target-tvrdina-titanik-tnt-talir-traektorija-tenderi/>.

124 'Mijalkov will not answer for the illegal wiretapping, the crime in "Target-Tvrđina" has become obsolete (Мијалков нема да одговара за нелегалното прислушување, застарело делото за „Таргет-Тврдина“)', *A1 On*, 17 October 2023, <https://a1on.mk/macedonia/mijalkov-nema-da-odgovara-za-negalnoto-prislushuvanje-zastare-deloto-za-target-tvrdina/>.

In the “Trezor” case, also involving the former director of the Administration for Security and Counter-intelligence, the public prosecutor specified the indictment and reclassified the crime pursuant to the amendments, leading to a request for the Court to apply the more lenient code to the defendants, and the Court postponed the hearing.¹²⁵

In the “Titanik 2” case, the Appellate Court Skopje dismissed the indictment against the former director of the Administration for Security and Counter-intelligence, while the other defendants received conditional sentences.¹²⁶

In the “Toplik” case in which the former Minister of Transport and Communications was the first defendant, the Appellate Court Skopje annulled the first-instance verdict and returned the case for retrial. However, due to the obsolescence of the crimes, the public prosecutor withdrew from further prosecution.¹²⁷

Similarly, in the “Traektorija” case, on the proposal of the public prosecutor, the court dismissed the indictment against the former Prime Minister due to obsolescence and the trial of the other three defendants was terminated due to amendments to the Criminal Code.¹²⁸

In the “Softveri” case, the Appellate Court Skopje lifted the house arrest¹²⁹ of the former Secretary General of the Government, who had been sentenced to eight years in prison,¹³⁰ while another former Secretary General received a two-and-a-half year prison sentence for abuse of official position and authority.¹³¹

125 ‘Prosecutor’s Office carried out a requalification for “Trezor”, the hearing was postponed to November 24th (Обвинителство изврши преквалификација за „Трезор“, судењето одложено за 24 ноември)’, *Republika*, 10 November 2023, <https://republika.mk/vesti/makedonija/obvinitelstvo-izvrshi-prekvalifikatsija-za-trezor-sudeneto-odlozhenoz-za-24-noemvri/>.

126 ‘The Appellate Court dismissed the indictment for Mijalkov in “Titanik 2” due to obsolescence; for Menduh Thaci and the other defendants suspended sentences (Апелација го укина обвинението за Мијалков во „Титаник 2“ поради застареност, за Мендух Тачи и другите обвинети условни казни)’, *360 Stepeni*, 14 November 2023, <https://360stepeni.mk/apelatsija-go-ukina-obvinenieto-za-mijalkov-vo-titanik-2-poradi-zastarenost-za-menduh-tachi-i-ostanatite-obvineti-uslovni-kazni/>.

127 ‘Amendments to the Criminal Code saved Janakieski in “Toplik” the Prosecutor’s Office withdrew from prosecution due to obsolescence (Измените на КЗ го спасија Јанакиески во „Топлик“, Обвинителството се откажа од гонење поради застареност)’, *360 Stepeni*, 13 November 2023, <https://360stepeni.mk/izmenite-na-kz-go-spasija-janakieski-vo-toplik-obvinitelstvoto-se-otkazha-od-gonene-poradi-zastarenost/>.

128 ‘The criminal proceedings for the “Traektorija” case was terminated (Запре кривичната постапка за случајот „Траекторија“), *Kanal 5*, 3 November 2023, <https://kanal5.com.mk/zapre-krivichnata-postapka-za-sluchajot-traektorija/a609296>.

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

130 ‘Rashkovski was sentenced to eight years in prison (Рашковски осуден на осум години казна затвор)’, *Makfax*, 6 July 2023, <https://bit.ly/3FKYi6C>.

131 ‘Muhamed Zekiri sentenced to 2.5 years in prison (Мухамед Зекири осуден на 2,5 години затвор)’, *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.

Legal Framework

While the active engagement of the civil sector in shaping policies is crucial for upholding the rule of law, its effectiveness lies in constructive contributions. This principle underscores the decision of the Blueprint group for judicial reforms to withdraw from further involvement in the process of drafting the new Criminal Code. The primary catalyst for this withdrawal is the recent amendments to the existing Criminal Code,¹³² enacted without consulting the working group drafting the new Code and without proper consultation with experts, and exploiting the European flag as a pretext. This move follows the Blueprint group's earlier withdrawal from drafting the Law on Confiscation of Property in Civil Procedure, a measure they deem integral to combating crime and corruption but argue is being misused to create a misleading perception that illegally acquired property will be confiscated.¹³³

132 'Law amending and supplementing the Criminal Code (Закон за изменување и дополнување на Кривичниот Законик)', Official Gazette of the Republic of North Macedonia No. 188/2023.

133 'The Blueprint Group withdraws from participation in the drafting of the new Criminal Code (Блупринт групата се повлекува од учеството во изработката на новиот Кривичен Законик)', *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-izrabotka-na-noviot-krivichen-zakonik/>.

Fundamental Rights

The recent Country Report has determined 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. Despite the country generally fulfilling its general commitments regarding fundamental rights, there is a need for more systematic implementation of the legislation. Pursuant to last year's recommendations, there is a need to address substandard conditions in prisons, intensify efforts to encourage alternatives to incarceration and implement relevant recommendations on detention conditions. Furthermore, there is a pressing need to allocate essential resources to the Commission for the Prevention and Protection against Discrimination (CPPD) and ensure proper implementation of the Law on Civil Registry to eliminate statelessness.¹³⁴

Case Law of the European Court for Human Rights

On October 24, the European Court for Human Rights (ECHR) issued a verdict in the case of Memedova and others v. North Macedonia, consolidating three distinct applications. They were regarding border incidents in which the applicants of Roma ethnicity were restricted from leaving the Republic of North Macedonia. They alleged discrimination by border police officers and a violation of their freedom of movement based on their Roma ethnicity.¹³⁵ The ECHR confirmed a violation of Article 2 of Protocol No. 4 of the ECtHR, both individually and in conjunction with Article 14. As a result, the state is mandated to compensate the applicants with specified amounts for both pecuniary and non-pecuniary damage.¹³⁶

On November 14, the ECHR issued a decision in the case Janakieski v. North Macedonia, which addressed the alleged unlawfulness and arbitrariness in the detention of a former Minister of Transport. The concerns raised included a lack of relevant and sufficient reasons for his deprivation of liberty and the absence of a prompt review of his detention, contravening Article 5 of the ECtHR. The ECHR determined a violation due to insufficient reasons for the former Minister's detention and the delay in its review, obliging the state to award him 3,900 euros as compensation for non-pecuniary damage.¹³⁷

134 'COMMISSION STAFF WORKING DOCUMENT—North Macedonia 2023 Report', 8 November 2023, <https://op.europa.eu/en/publication-detail/-/publication/7a850ca0-7eee-11ee-99ba-01aa75ed71a1/language-en>.

135 'Roma win landmark European judgment condemning racial profiling at the border in North Macedonia (Ромите добија историска европска пресуда со која се осудува расното профилирање на границите на Северна Македонија)', *Official Website of the European Roma Rights Centre - ERRC*, 30 October 2023, <http://www.errc.org/press-releases/roma-win-landmark-european-judgment-condemning-racial-profiling-at-the-border-in-north-macedonia>.

136 ECtHR, 'Case of Memedova and others v. North Macedonia (Случај Мемедова и други против Северна Македонија (А.бр. 42429/16 и две други))', 18 October 2023, <https://bit.ly/3vDZYGJ>.

137 ECtHR, 'Case of Janakieski v. North Macedonia (Случај Јанакиески против Северна Македонија (А.бр. 57325/19 и 16291/20))', 14 November 2023, <https://bit.ly/48ZNUOp>.

The Ombudsperson

During its session on November 2, the Parliament appointed the Macedonian Association of Young Lawyers (MYLA) and the Helsinki Committee for Human Rights (HCHR) to serve as the civil control mechanism within the Ombudsperson's framework.¹³⁸

In the latter part of November, staff members of the Ombudsperson protested, expressing dissatisfaction with their salaries and status as administrative servants. They advocated for a new legal solution which would alter their treatment as administrative servants and ensure financial independence for the institution.¹³⁹

In early December, the Ombudsperson's report on employees in the public sector revealed a lower representation of individuals from smaller ethnic communities employed. Additionally, the report highlighted gender inequality, emphasising the predominance of men in elected, appointed, and managerial roles.¹⁴⁰

In October, a case of alleged inhumane treatment at Demir Hisar Psychiatric Hospital surfaced, involving a 17-year-old boy with autism reportedly bound with chains, resulting in wounds and bruises, according to his mother.¹⁴¹ Representatives of the hospital and the Minister of Health defended the treatment as evidence-based, citing the necessity of physical restraint in certain situations. In response, the Ombudsperson opened a case and announced plans to request competent authorities to oversee the hospital's operations.¹⁴²

138 'Decision on the election of associations from the field of human rights, police law and the judiciary for the civil control mechanism within the Ombudsperson (Одлука за избор на здруженија од областа на човековите права, полициското право и правосудството за механизмот за граѓанска контрола во состав на Народниот правобранител)', Official Gazette of the Republic of North Macedonia No. 233/2023.

139 'Protest of the employees of the Ombudsperson—Dissatisfied with the salaries and status they have as servants (Протест на вработените во Народниот правобранител – Незадоволни од платите и статусот кој го имаат како службеници)', *A1 On*, 21 November 2023, <https://a1on.mk/macedonia/protest-na-vrabotenite-vo-narodniot-pravobranitel-nezadovolni-od-platite-i-statut-sot-koj-go-imaat-kako-sluzhbenici/>.

140 'Smaller ethnic communities underrepresented in the public sector—Conclusion of the Ombudsperson's Report (Помалите етнички заедници недоволно застапени во јавниот сектор – Заклучок од Извештајот на Народниот правобранител)', *Telma TV*, 7 December 2023, <https://telma.com.mk/2023/12/07/pomalite-etnichki-zaednici-nedovolno-zastapeni-vo-javniot-sektor-zakluchok-od-izvesh-tajot-naradoniot-pravobranitel/>.

141 'Mother alleges inhumane treatment of her autistic son at Demir Hisar psychiatric hospital, Medziti says boy was treated according to protocols (Мајка обвинува за нехуман третман на нејзиниот аутистичен син во психијатриската болница „Демир Хисар“, Меџити вели дека момчето било лекувано според протоколите)', *360 Stepeni*, 2 October 2023, <https://360stepeni.mk/majka-obvinuva-za-nehuman-tretman-na-nejziniot-autistichen-sin-vo-psihijatriskata-bolnitsa-demir-hisar-medhiti-veli-deka-momcheto-bilo-lekuvano-spored-protokolite/>.

142 'Following the allegations about the inhumane treatment of the 17-year-old, the Ombudsperson will initiate proceedings against the psychiatric hospital in Demir Hisar (По наводите за нехуманиот третман на 17-годишникот, Омбудсманот ќе поведе постапка за психијатриската болница во Демир Хисар)', *360 Stepeni*, 3 October 2023, <https://360stepeni.mk/po-navodite-za-nehumaniot-tretman-na-17-godishnikot-ombudsmanot-ke-povede-postapka-za-psihijatriskata-bolnitsa-vo-demir-hisar/>.

Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment

In October, a Council of Europe delegation assessed the treatment of individuals in North Macedonia's prisons, police custody, and psychiatric hospitals, sharing preliminary findings with national authorities.¹⁴³

In mid-November, the Department for Internal Control, Criminal Investigations and Professional Standards at the Ministry of Interior (Moi) filed a criminal complaint against three police officers for severe bodily injury and mistreatment in the performance of their official duties, resulting in their suspension until the procedure to determine disciplinary responsibility is completed.¹⁴⁴

Another case saw the Appellate Court confirming¹⁴⁵ the guilt of two police officers, sentencing them to a suspended one-year prison sentence for excessive use of force whilst on duty, contingent on avoiding committing new offences within three years.¹⁴⁶

Prison and Detention facilities

In late October, a search at Idrizovo prison resulted in the discovery and confiscation of prohibited items, leading to physical confrontations between police officers and prisoners.¹⁴⁷ The disturbance prompted a hunger strike among injured inmates, which ended after the Ombudsperson and Sanctions Enforcement Authority intervened to address the concerns.¹⁴⁸ Subsequently, the Ombudsperson filed a criminal complaint, alleging torture by special forces and prison officers.¹⁴⁹

In early December, an unusual prison break occurred when a prison police commander instructed an officer to use an official vehicle to take a prisoner for private tasks at a business facility. Despite recognising the order's illegality, the officer complied, leaving the prisoner unattended, who then escaped. Criminal complaints were filed against the two prison police officers for abuse of official position and authority and for enabling the escape of a person in custody.¹⁵⁰

143 'Council of Europe Anti-Torture Committee carries out periodic visit to North Macedonia (Комитетот за антитуртура на Советот на Европа во периодична посета на Северна Македонија)', *Official Website of the Council of Europe*, 17 October 2023, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-carries-out-periodic-visit-to-north-macedonia>.

144 'Three police officers beat up a thief, receive a criminal complaint (Тројца полицајци претепале крадец, заработија кривична пријава)', *360 Stepeni*, 20 November 2023, <https://360stepeni.mk/trojtsa-politsajtsi-pretepale-kradets-zarabotija-krivichna-prijava/>.

145 Helsinki Committee for Human Rights of the Republic of North Macedonia, 'A new court judgment that sanctions police brutality (Нова судска одлука што ја санкционира полициската бруталност)', 19 December 2022, <https://mhc.org.mk/news/nova-sudska-odlu-ka-shto-ja-sankcionira-policiskata-brutalnost/>.

146 'Confirmed first instance verdict for police officers for mistreatment in the performance of official duty (Потврдена првостепена пресуда за полициски службеници за малтретирање во вршење на службата)', *Official Website of the Macedonian Young Lawyers Association*, 23 November 2023, <https://myla.org.mk/49666/?fbclid=IwAR0EBB3KhpQ1aSeAjMs5RL8ARwx1X5hP095qeI5aEy-PmsvwUPe48OFryeSU>.

147 'A dozen police officers and prisoners were injured in a fight in Idrizovo prison (Десетина повредени полицајци и затвореници во пресметка во затворот Идризово)', *Kanal 5*, 28 October 2023, <https://kanal5.com.mk/desetina-povredeni-policaјci-i-zatvoreni-ci-vo-presmetka-vo-zatvorot-idrizovo/a608298>.

148 'Over 200 prisoners from "Idrizovo" began and terminated the hunger strike today (Над 200 затвореници од „Идризово“ денеска го почнаа и го прекинаа штрајкот со глад)', *360 Stepeni*, 31 October 2023, <https://360stepeni.mk/nad-200-zatvorenitci-od-idrizovo-deneska-go-pochnaa-i-go-prekinaa-shtrajkot-so-glad/>.

149 'A difficult year for the pupils—a criminal complaint for torture of the prisoners was announced by Ziberi (Тешка година за учениците-кривична пријава за тортурa врз затворениците најави Зибери)', *Telma TV*, 27 December 2023, <https://telma.com.mk/2023/12/27/teshka-godina-za-uchenice-krivichna-prijava-za-tortura-vrz-zatvorenicite-najavi-ziberi/>.

150 'They took him out of prison to do his private work and he escaped from them (Го извадиле од затвор да си врши приватни работи, а овој им избегал)', *Skopje Info*, 22 December 2023, <https://skopjeinfo.mk/go-izvadile-od-zatvor-da-si-vrshi-privatni-raboti-ovoj-im-izbegal>.

Personal Data Protection

Toward the end of October, the Personal Data Protection Agency (PDPA) organised the first cycle of consultations for drafting the new Strategy for Personal Data Protection 2024–2030, which is being prepared with expert help through the TAIEX instrument and is expected to be adopted in 2024.¹⁵¹

Freedom of Thought, Conscience, and Religion

The installation of a 15-meter cross by the Macedonian Orthodox Church in a monastery complex in the Municipality of Tetovo caused drastic reactions in the public and among the political parties, with the Democratic Union for Integration (DUI) political party stating that placing the cross is a serious provocation that violates the values of social cohesion.¹⁵² Following the request made by the Mayor of Tetovo for removal of the cross,¹⁵³ the Commission for Relations with Religious Communities and Groups urged citizens at vigilance and restraint, as well as wisdom in the management of the institutions which were given a mandate from citizens to build a harmonious multicultural society.¹⁵⁴ Finally, the Municipality of Tetovo decided to demolish the cross as it is a construction erected without proper authorisation but did not specify when this would take place.¹⁵⁵ Toward the end of the year, a protest was organised demanding the cross's demolition. Still, the protest only attracted a few citizens, following public calls not to create inter-national and inter-religious tensions in the interest of political parties before the elections in 2024.¹⁵⁶

151 'The first cycle of consultations for drafting the New Strategy for Personal Data Protection 2024–2030 was realised (Остварен првиот циклус на консултации за подготовка на новата Стратегија за заштита на личните податоци 2024-2030 година)', *Official Website of the Personal Data Protection Agency of the Republic of North Macedonia*, 26 October 2023, <https://bit.ly/3S840Pg>.

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

153 'Biljal Kasami blames SDSM and DUI for the cross placed on Shapka (Билјал Касами ги Обвинува СДСМ и ДУИ за поставениот крст на Шапка)', *Alsat M*, 17 November 2023, <https://alsat.mk/mk/bilal-kasami-gi-obvinuva-sdsm-i-dui-za-postaveniot-krst-na-shapka/>.

154 'The Commission for Religious Communities asked the Municipality of Tetovo not to have a selective approach to religious landmarks (Комисијата за верски заедници и порача на Општина Тетово да нема селективен пристап кон верските обележја)', *360 Stepeni*, 17 November 2023, <https://360stepeni.mk/komisijata-za-verski-zaednitsi-i-poracha-na-opstina-tetovo-da-nema-selektiven-pri-stap-kon-verskite-obelezhja/>.

155 'The Municipality of Tetovo adopted a decision to demolish the cross in the yard of the monastery of Popova Shapka (Општина Тетово донела решение за уривање на крстот во дворот на манастирот на Попова Шапка)', *Fokus*, 26 December 2023, <https://fokus.mk/opstina-tetovo-donela-reshenie-za-urivane-na-krstot-vo-dvorot-na-manastiro-t-na-popova-shapka/>.

156 'Unsuccessful protest against Shapka's cross, Angelov thanked the Albanians (Неуспешен собир против крстот на Шапка, Ангелов им се заблагодари на албанците)', *Mkd.Mk*, 29 December 2023, <https://mkd.mk/neuspeshen-sobir-protiv-krstot-na-shapka-angelov-im-se-zablagodari-na-albanczite/>.

Freedom of Expression

The Basic Civil Court Skopje recently held the Investigative Reporting Lab (IRL) and its editor-in-chief liable for defamation in a lawsuit filed by a former Deputy Prime Minister.¹⁵⁷ This decision sparked criticism from journalistic associations, including the Association of Journalists of Macedonia (AJM)¹⁵⁸ and the Independent Union of Journalists and Media Workers (SSNM),¹⁵⁹ who deemed it an attack on the freedom of expression.¹⁶⁰ The Agency for Audio and Audiovisual Media Services (AAVMS) also expressed concern, emphasising the importance of editorially formed content meeting professional standards.¹⁶¹ This led to a protest by journalistic associations under the theme “Citizens’ Rights Before the Interests of the Powerful.”¹⁶²

In late October, a press freedom mission report on “Media freedom in North Macedonia: Fragile Progress” highlighted worries about the delayed appointment of members of the Council of the AAVMS and the Program Council of Macedonian Radio Television (MRT) due to a lack of political consensus. The report recommended actions such as creating a public fund for media support based on objective criteria and with complete independence, maintaining the prohibition on state advertising, introducing legislation against strategic lawsuits against public participation (SLAPPs) and enhancing accountability for politicians’ hostile statements and behaviour towards journalists and media workers.¹⁶³

Vulnerable Groups and the Principle of Non-discrimination

In October, North Macedonia enacted the Law on the System for Assessment of Persons with Disabilities, addressing various aspects of disability assessment, including organisational structure, licensing, and financing.¹⁶⁴

157 irl.mk, ‘IRL are not condemned for defamation, they are condemned for existing (ИРЛ не се осудени за клевета, осудени се затоа што постојат)’, 10 November 2023, <https://irl.mk/irl-ne-se-osudeni-za-kleveta-osudeni-se-zatoa-shto-postojat/>.

158 ‘AJM: The shameful verdict against IRL has been published. For the judge Spirovska Paneva the journalists in IRL are not journalists and may face a work ban (ЗНМ: Објавена срамната пресуда против ИРЛ за судијката Спировска Панева. Новинарите во ИРЛ не се новинари и може да се соочат со забрана за работа)’, *Radio MOF*, 11 November 2023, <https://www.radiomof.mk/znm-objavena-sramnata-presuda-protiv-irl-za-sudijkata-spirovska-paneva-novinarite-vo-irl-ne-se-novinari-i-mozhe-da-se-soochat-so-zabrana-za-rabota/>.

159 ‘SSNM: The verdict against IRL is a threat to freedom of expression, the court should not determine who is a journalist (ССНМ: Пресудата против ИРЛ е загрозување на слободата на изразување, судот не смее да кажува кој е новинар)’, *Radio MOF*, 11 November 2023, <https://www.radiomof.mk/ssnm-presudata-protiv-irl-e-zagrozuvanje-na-slobodata-na-izrazuvanje-sudot-ne-smee-da-kazhuva-koj-e-novinar/>.

160 ‘ZNM, SSNM and SEMM: Scandalous verdict of judge Jovanka Spirovska Paneva on journalists—The international public also reacts (ЗНМ, ССНМ и СЕММ: Скандалозна пресуда на судијата Јованка Спировска Панева за новинарите - Реагира и меѓународната јавност)’, *Official Website of the Association of Journalists of Macedonia*, 25 October 2023, <https://bit.ly/3So90jV>.

161 ‘Freedom of expression is a constitutionally guaranteed category and as such is inviolable—AAVMS’s reaction to the verdict against IRL (Слободата на изразување е уставно гарантирана категорија и како таква е неприкосновена, реакција на АВМУ за пресудата против ИРЛ)’, *360 Stepeni*, 12 November 2023, <https://360stepeni.mk/slobodata-na-izrazuvane-e-ustavno-garantirana-kategorija-i-kako-takva-e-neprikosnovena-reaktsija-na-avmu-za-presudata-protiv-irl/>.

162 ‘“The court has no right to determine who is allowed to work as a journalist”—ZNM and SSNM at a protest in front of the Civil Court tomorrow („Судот нема право да одредува кој смее да работи како новинар“ – ЗНМ и ССНМ утре на протест пред Граѓанскиот суд)’, *Radio MOF*, 16 November 2023, <https://www.radiomof.mk/sudot-nema-pravo-da-odreduva-koj-smee-da-raboti-kako-novinar-znm-i-ssnm-utre-na-protest-pred-gragjanskiot-sud/>.

163 Ricardo Gutierrez et al., ‘Media freedom in North Macedonia: Fragile progress: Fact-finding press freedom mission report’ („Слобода на медиумите во Северна Македонија: напредок на стаклени нозе“) (Association of Journalists of Macedonia, 2023), <https://znm.org.mk/wp-content/uploads/2023/10/EN-Fact-Finding-PFM-Report-251023-web.pdf>.

164 ‘Law on the System for Assessment of Persons with Disabilities (Закон за системот за проценка на лица со попреченост)’, *Official Gazette of the Republic of North Macedonia* no. 209/2023.

Later in December, the Government adopted the National Strategy for the Rights of Persons with Disabilities 2023–2030, with an Action Plan for 2023–2026, allocating 46 million euros to enhance the situation for all categories of persons with disabilities.¹⁶⁵

The Commission for Prevention and Protection against Discrimination (CPPD) underwent changes, electing a new president and deputy president, pursuant to the principle of rotating presidency.¹⁶⁶ Furthermore, in order to complete the composition of the CPPD, a public announcement was published in the Official Gazette of the Republic of North Macedonia on November 8 for the election of four members.¹⁶⁷ Ahead of the public hearing, which was held on December 18 in the Parliament to determine a draft list for the election of those members,¹⁶⁸ the Network for Protection against Discrimination (NPD) reiterated the request to the Parliament to select independent candidates based on merit who meet the legal criteria and who reflect the composition of society, rather than making a choice based on political party affiliation.¹⁶⁹ Of a total of 25 candidates, the Parliamentary Committee on Elections and Appointments proposed a female primary school teacher, a male social worker, and two lawyers (female and male).¹⁷⁰ The NPD reacted to such a draft list, stating that only one of the proposed candidates is an independent expert who meets the legal criteria. In contrast, the others are political party affiliates without sufficient experience in the field of human rights and protection against discrimination¹⁷¹ and announced a petition before the Constitutional Court regarding the method of election.¹⁷²

The CPPD welcomed the amendments of the Law on Registration of Permanent and Temporary Residence of Citizens¹⁷³ and the Law on Identity Cards.¹⁷⁴ These changes now allow individuals without proof of property ownership to register their addresses.¹⁷⁵ Such amendments arrived

165 'The Government adopted the new National Strategy for the Rights of Persons with Disabilities 2023–2030 (Владата ја усвои новата Национална стратегија за правата на лицата со попреченост 2023-2030)', *Official Website of the Government of the Republic of North Macedonia*, 28 December 2023, <https://vlada.mk/node/35646>.

166 'CPPD has a new President (КСЗД со нов Претседател)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 27 October 2023, <https://bit.ly/424GHdA>.

167 'Public announcement for election of members of CPPD (Јавен оглас за избор на членови на КСЗД)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 9 November 2023, <https://bit.ly/49gmlAD>.

168 'Commission discussion on the draft list for the election of members of the CPPD (Комисиска расправа за Предлог-листата за избор на членови на КСЗД)', *24.Mk*, 18 December 2023, <https://24.mk/details/komisiska-rasprava-za-predlog-listata-za-izbor-na-chlenovi-na-kszd>.

169 'Parliament should elect independent professionals who meet the legal requirements for members of the Commission for Prevention and Protection against Discrimination (Собранието да избере независни професионалци кои ги исполнуваат законските услови за членови на Комисијата за спречување и заштита од дискриминација)', *Official Website of the Network for Protection against Discrimination*, 13 December 2023, https://mzd.mk/mk/vesti/sobranie_kszd/.

170 'The Committee for Appointments and Elections determined the draft list for members of the CPPD and members of other commissions (Комисијата за именувања и избори ја утврди предлог-Листата за членови на КСЗД и членови на други комисији)', *24info.Mk*, 21 December 2023, <https://bit.ly/3O995pc>.

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

172 'Petition before the Constitutional Court on the method of election of members of the Anti-Discrimination Commission (Претставка до Уставен суд за начинот на избор на членови на Комисијата за антидискриминација)', *Kanal 5*, 23 December 2023, <https://kanal5.com.mk/prestavka-do-ustaven-sud-za-nachinot-na-izbor-na-chlenovi-na-komisijata-za-antidiskriminacija/a617838>.

173 Law amending and supplementing the Law on Registration of Permanent and Temporary Residence of Citizens (Закон за изменување и дополнување на Законот за пријавување на живеалиштето и престојувалиштето на граѓаните)', *Official Gazette of the Republic of North Macedonia No. 209/2023*.

174 Law amending and supplementing the Law on Identity Cards (Закон за изменување и дополнување на Законот за личната карта)', *Official Gazette of the Republic of North Macedonia No. 209/2023*.

175 'Amendments to the Law on Permanent and Temporary Residence and to the Law on Identity Cards (Измени на Законот за престојувалиште и живеалиште и на Законот за лична карта)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 16 October 2023, <https://bit.ly/3vCqHTY>.

following the CPPD's opinion, establishing indirect discrimination based on property status and social origin in the area of justice and administration performed by the Mol.¹⁷⁶

The CPPD expressed concern over textbook delivery issues in primary schools.¹⁷⁷ It concluded that one-third of the textbooks necessary for the educational process were missing, which is the basis for the lawsuit they are preparing against the Ministry of Education and Science (MES).¹⁷⁸ It also highlighted the absence of educational assistants for high school students with disabilities. Despite the prolonged announcement by the MES regarding the anticipated Law on Secondary Education, which aims to address this concern, the legislation has not yet been submitted to the Parliament.¹⁷⁹

The Appellate Court Skopje confirmed¹⁸⁰ direct discrimination against persons with disabilities in exercising their right to vote committed by the Government of the Republic of North Macedonia and the State Election Commission.¹⁸¹

The survey 'Barometer of Equal Opportunities 2023' revealed widespread discrimination, with every third respondent being discriminated against on at least one of the grounds that are subject of the research, mainly based on political affiliation (77%), followed by ethnicity (53%), disability (49%), age (42%), religion and belief (42%), and gender (40%).¹⁸²

Gender

In 2023, North Macedonia published its second Gender Equality Index, scoring 64.5, the highest among Western Balkan countries but still 3.5 points below the EU-27 average. The increase in the country's index by 2.5 points over three years is attributed to legislative and policy changes in gender equality. However, persistent challenges include the inconsistent implementation of such policies, insufficient financial resources, issues with authority, job classification, and influence of the persons responsible for implementing different activities at the institutional level.¹⁸³

176 'Opinion no. 08-401/13 (Мислење бр. 08-401/13)' (Commission for Prevention and Protection against Discrimination, 29 August 2023), <https://kszd.mk/wp-content/uploads/2023/08/08-401-од-29.08.23-утврдена-дискриминација.pdf>.

177 'Shakiri: By the end of the week, all pupils will receive textbooks (Шакири: До крајот на неделата сите ученици ќе добијат учебници)', *Sitel TV*, 2 October 2023, <https://sitel.com.mk/shakiri-do-krajot-na-nedelata-site-uchenici-kje-dobijat-uchebnici>.

178 'The Commission for Prevention and Protection against Discrimination will sue the Ministry of Education because there are no textbooks (Комисијата за спречување и заштита од дискриминација ќе го тужи Министерството за образование оти нема учебници)', *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/>.

179 'CPPD story: Another semester without educational assistants for high school pupils with disabilities! (КСЗД сторија – Уште едно полугодие без образовни асистенти за средношколците со попреченост!', *Official Website of the Commission for Prevention and Protection against Discrimination*, 2 November 2023, <https://bit.ly/3U30Crc>.

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

'The Basic Civil Court determined that the Government and the SEC discriminated against persons with disabilities (Основниот граѓански суд утврди дека Владата и ДИК ги дискриминирале лицата со попреченост)', *Official Website of the Helsinki Committee for Human Rights of the Republic of North Macedonia*, 19 April 2023, <https://mhc.org.mk/news/osnovniot-graganski-sud-utvr-di-deka-vlada-ta-i-dik-gi-diskriminirale-licata-so-poprechenost/>.

181 'Direct discrimination against persons with disabilities in exercising their right to vote by the Government and the State Election Commission has been confirmed. (Потврдена е директната дискриминација врз лицата со попреченост при остварување на нивното право на глас од страна на Владата и Државната изборна комисија)', *Official Website of the Helsinki Committee for Human Rights of the Republic of North Macedonia*, 20 December 2023, <https://bit.ly/3vJIIUp>.

182 Fani Kimova, 'Report Barometer of equal opportunities (Извештај Барометар за еднакви можности)' (Macedonian Centre for International Cooperation, 23 November 2023), https://mcms.mk/images/2023/Barometar_za_ednakvi_moznosti_-ENG.pdf.

183 Marija Bashevska, '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>.

In mid-December, the CPPD identified direct discrimination by the Council of Public Prosecutors against a public prosecutor based on her personal characteristics and social status. The case involved the rejection of two different advertisements for the position of Higher Public Prosecutor's Office in Skopje due to age and maternity leave. The CPPD recommended that the Council refrain from discriminatory practices towards public prosecutors in the future. Furthermore, it urged the former president of the Council to issue a public apology for the discrimination within the next 30 days.¹⁸⁴

Another instance of pregnancy-related discrimination was reported in October, where a non-governmental organisation (NGO) employee faced discrimination, harassment, and victimisation by her employer and a colleague, prompting CPPD to determine discrimination based on pregnancy, gender, and personal and family status in the field of work and labour relations.¹⁸⁵

Hate speech

According to data compiled by the HCHR, they received 805 reports of hate speech from January to September 2023, during which the NGO submitted five criminal complaints. However, hate speech remains undefined as a separate criminal act in the Macedonian legal system.¹⁸⁶

Roma

With the latest amendments to the Law on Civil Registry,¹⁸⁷ the issue of persons not registered in the birth register, particularly affecting the Roma community, was resolved. By the year's end, 526 individuals obtained their birth certificates due to these changes.¹⁸⁸ The NGO Romalitiko welcomed this initiative and stated that those persons are no longer "invisible" to the state and are finally receiving legal recognition and access to education, healthcare, and employment.¹⁸⁹

Subsequently, the same NGO published its Shadow Report on the Implementation of the Strategy for the Roma. The report concludes that almost every city in the country has substandard settlements where the Roma population lives. These settlements lack basic infrastructure, with the residents living in inadequate and often unlegalised dwellings. The environment is polluted, adversely affecting their health and contributing to a reduced life expectancy within the Roma community.¹⁹⁰

184 'The Council of Public Prosecutors severely discriminated against prosecutor Lence Ristoska, they should publicly apologize, the Anti-Discrimination Commission determined (Советот на јавни обвинители тешко ја дискриминираше обвинителката Ленче Ристоска, треба јавно да се извини, утврди Антидискриминациската комисија)', *Sakam da kazam*, 14 December 2023, <https://bit.ly/3u2l6Wv>.

185 'In the seventh month of pregnancy, she was told that she would be let go from her job, the baby was not given health insurance, and the colleague who sexually harassed her was put in her place. (Во седми месец од бременоста и кажал дека ќе ја бркаат од работа, на бебето не му дале здравствено осигурување, а на нејзиното место го поставиле колегатата што сексуално ја вознемирувал)', *Sakam da kazam*, 17 October 2023, <https://bit.ly/48Fp3zu>.

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

187 'Law amending and supplementing the Law on Civil Registry (Закон за изменување и дополнување на Законот за матична евиденција)', Official Gazette of the Republic of North Macedonia no. 129/2023.

188 'Finally, 526 people received birth certificates: They were not in the state system (Конечно 526 лица добија изводи: Ги немаше во системот на државата)', *Faktor*, 19 December 2023, https://faktor.mk/konechno-526-lica-dobija-izvodi-gi-nemashe-vo-sistemot-na-drzavata?fbclid=IwAR18DNjScbvNEqo77FNxVktOgvHYNLYLGSbCu0AsZkE_h8cSVSQphHmtvQg.

189 '300 citizens without personal documents received their own identification (300 граѓани без лични документи добија своја идентификација)', *Radio MOF*, 21 December 2023, <https://www.radiomof.mk/300-gragani-bez-lichni-dokumenti-dobija-svoja-identifikacija/>.

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

