

Rule of Law in View of EU Accession

Quarterly brief

October – December 2022



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This brief summarises the key developments in relation to rule of law in view of EU accession in North Macedonia for the period October – December 2022. It includes monitoring 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

- » Parliament passed the bill for amending and supplementing the draft law on Associations and Foundations.
- » There have been reactions to the nominations and selection of candidates for members of the management board and the admission examination committee of the Academy for Judges and Public Prosecutors by the Judicial Council and the Council of Public Prosecutors.
- » The election of the new Basic Public Prosecutor of the BPPOPOCC also caused reactions due to lack of transparency, omissions in the selection procedure, as well as possible party affiliations with government coalition parties.
- » The appeals of the first defendant in the 'Trezor' and 'Target-Tvrdina' cases, the former director of the Administration for Security and Counterintelligence, Sasho Mijalkov, were granted which annulled the first-instance verdicts and the cases returned to the Basic Criminal Court Skopje for reconsideration and retrial.
- » The long-awaited amendments of the Criminal Code passed the first reading in Parliament and await further phases of the legislative procedure.
- » The draft version of the new Law on Criminal Procedure was published on the National Electronic Register of Regulations (ENER).
- » The new Law on Civil Liability for Defamation and Insult was adopted, reducing penalties for journalists, editors and legal entities for defamation and insult by up to five times in comparison to the previous law.
- » The Basic Public Prosecution Office Skopje appointed one of their public prosecutors as a contact person regarding cases related to journalists' safety, which are under this institution's jurisdiction.
- » Election of a new president and deputy president of the Commission for Prevention and Protection against Discrimination.
- » The Law on Payment of Monetary Compensation to Victims of Violent Crimes was adopted by Parliament on November 17, 2022.



List of Abbreviations

AAVMS	Agency for Audio and Audiovisual Media Services
ACCMIS	Automated court case management information system
AJM	Association of Journalists of Macedonia
AJPP	Academy for Judges and Public Prosecutors
AR	Intelligence Agency
ASPI	Agency for Protection of the Right to Free Access to Public Information
BPPD	Basic Public Prosecution Office
BPPOPOCC	Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption
CEA	Committee on Elections and Appointments
CEPEJ	European Commission for the Efficiency of Justice
CPPD	Commission for Prevention and Protection against Discrimination
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSO	Civil Society Organization
CSW	Centre for Social Work
EC	European Commission
ECHR	European Convention on Human Rights
ECTHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
ENER	National Electronic Register of Regulations
EPI	European Policy Institute
EU	European Union
FPO	Financial Police Office
GRECO	Group of States against Corruption
HCHR	Helsinki Committee for Human Rights
ICF	International Classification of Functionality
ICT	Information communication technology
ICT Council	Council for the Coordination of Information and Communication Technology in Judicial Authorities
IPA	Instrument for Pre-Accession Assistance
IRI	International Republican Institute
IRL	Investigative Reporting Lab Macedonia
JCRNM	Judicial Council of the Republic of North Macedonia
LGBTI	Lesbian, gay, bisexual, trans and intersex communities
LPDP	Law on Personal Data Protection
LPPD	Law on Prevention and Protection against Discrimination
MCMS	Macedonian Center for International Cooperation
MECM	Media Ethics Council in Macedonia
MISA	Ministry for Information Society and Administration
MP	Member of Parliament
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
MISA	Ministry of Information Society and Administration
MLSP	Ministry of Labour and Social Policy
MOI	Ministry of Interior
MOJ	Ministry of Justice
MRT	Macedonian Radio Television
NGO	Non-governmental organisation
NPD	Network for Protection against Discrimination
NSA	National Security Agency
OSCE	Organization for Security and Co-operation in Europe
PDPA	Personal Data Protection Agency
PINA	Platform for Investigative Journalism and Analysis
PPO	Public Prosecutor's Office
ReSPA	Regional School of Public Administration
RM	Republic of Macedonia
RNM	Republic of North Macedonia
SAO	State Audit Office
SCPC	State Commission for the Prevention of Corruption
SSNM	Independent Union of Journalists and Media Workers
UN	United Nations



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Functioning of democratic institutions



Elections

The largest opposition party, VMRO-DPMNE, steadfastly held to its position to request that early parliamentary elections¹ be held as soon as possible due to the mismanagement of the government². However, according to Prime Minister Dimitar Kovacevski, early elections are not necessary and they should be held on the regularly scheduled term in 2024, together with the presidential elections.³

In a recent survey conducted by the International Republican Institute (IRI) at the end of December, the majority of citizens, or 70% in total (39% - very likely; 31% - likely), would vote if elections were held tomorrow, and they currently give the biggest support to the biggest opposition party VMRO- DPMNE (19%), while the ruling SDSM has seen a drop in support and has a rating of just 11%.⁴

Parliament

In mid-October, the Members of Parliament passed a bill for amending and supplementing the draft Law on Associations and Foundations, submitted by MPs from the ruling party and the opposition.⁵ The amendments were initiated mainly due to the opening of so-called Bulgarian cultural centres that are named after controversial historical figures, i.e. figures who are connected to fascist movements in this region, or collaborators of the Nazi regime⁶ from the Second World War. The purpose of this law is to put an end to the opening of associations and foundations whose programs, goals, activities and actions are aimed at the violent demolition of the country's constitutional order, at inciting and calling for military aggression, as well as at inflaming national, racial, religious hatred or other intolerance, intolerance, hatred, genocide, extermination, spreading or supporting, inciting and endorsing fascism, Nazism, National Socialism and the Third Reich, as well as undertaking activities related to terrorism or activities contrary to the Constitution.⁷

1 Early elections are needed - the people are against this government, even the supporters of SDSM and DUI consider it disastrous (Потребни се предвремени избори – Народот е против оваа влада, дури и поддржувачите на СДСМ и ДУИ сметаат дека е катастрофална), Interview with the President of VMRO-DPMNE, Hristijan Mickoski, VMRO-DPMNE website, 25 September, 2022, <https://bit.ly/3hL7zg2>.

2 Central Committee of VMRO-DPMNE with two requests: Organisation of early parliamentary elections and immediate adoption of our proposals for the recovery of the economy (ЦК на ВМРО-ДПМНЕ со две барања: Организирање на предвремени парламентарни избори и итно усвојување на нашите предлози за закрепнување на економијата), VMRO-DPMNE website, 24 November, 2022, <https://bit.ly/3vYNO8j>.

3 There is no reconstruction of the Government, parliamentary elections in 2024, says Kovacevski (Нема реконструкција на Владата, парламентарни избори во 2024, вели Ковачевски), *Fokus*, 21 December, 2022, <https://bit.ly/3GcrFJy>.

4 International Republican Institute (IRI), 'National Poll of North Macedonia - September – October 2022 (Национална анкета во Северна Македонија- септември- октомври 2022 година)', 19 December, 2022 <https://bit.ly/3PNIAq3>.

5 MPs from SDSM and VMRO-DPMNE united against associations and parties with fascist names (Пратениците од СДСМ и ВМРО-ДПМНЕ се здружија против здруженија и партии со фашистички имиња), *Fokus*, 17 October, 2022 <https://bit.ly/3Yg-8uFA>.

6 Vancho Mihailov is a former leader of the organization VMRO, responsible for a large number of murders of prominent Macedonian intellectuals and activists, on the eve of the Second World War, and an ally of Nazi Germany.

7 Ibid.

Governance

The government adopted the budget proposal for 2023.⁸ One of the main goals of this law is to overcome the challenges of the global economic and energy crisis, for which 250 million euros have been allocated.⁹ In addition, an increase in pensions, support to companies and farmers, for transfers to local self-government units, and 795 million euros for capital investments, or 52.3% more than in 2022, are planned.¹⁰

Civil Society

The boycott of the CSO continued during this three-month period as well. In October, an extraordinary session¹¹ of the Council for Cooperation between the Government and Civil Society was held, in order to discuss the previously adopted 'Decision on the criteria and method of distribution and use of funds for financing the program activities of associations and foundations from the Budget of the Republic of North Macedonia'¹² and to agree on next steps. According to the President of the Council, this decision, "...replaces the Decision on the criteria and procedure for the allocation of funds for financing the program activities of associations and foundations and the funds for this purpose will be provided within the budget of the Ministry of Political System and Inter-Community Relations".¹³ According to the Government, they still stand by their decision and indicate "...that the decision was made in order to rationally use financial resources, which were already provided for by another budget beneficiary".¹⁴

Civilian oversight of the security/intelligence sector

In relation to the election of a new director of the National Security Agency (NSA)¹⁵ a scandal occurred that threatened the security of the country as well as the credibility of the current director, that is, the new ambassador to France.

Namely, the Macedonian authorities have granted citizenship/passport to a citizen of Ukraine prosecuted for corruption, prostitution and spreading disinformation to influence the American elections, i.e. he has

8 Besimi: Development Budget for response to the crisis and medium-term projections for economic growth (Бесими: Развоен Буџет за одговор на кризата и среднорочни проекции за економски раст), *Official Website of the Ministry of Finance*, 2 November, 2022, <https://bit.ly/3PlsYIW>.

9 Ibid.

10 Ibid.

11 7th session of the Council (7-ма седница на Советот), *Official Website of the Department for Cooperation with Non-Governmental Organizations of the General Secretariat of the Government of the Republic of North Macedonia*, 6 October 2022, <https://www.nvosorabotka.gov.mk/?q=mk/node/734>.

12 Council for cooperation between the government and civil society, 'MINUTES of the Seventh Session of the Council for Cooperation between the Government and Civil Society, held on 06.10.2022 (З А П И С Н И К од Седмата седница на Советот за соработка меѓу Владата и граѓанското општество, одржана на 06.10.2022 година)', 6 October, 2022, <https://bit.ly/3WfhRn0>.

13 Ibid.

14 Government cooperation with NGOs on thin ice (Владината соработка со невладините на тенок мраз), *Prizma*, 19 October, 2022 <https://bit.ly/3BvUfm6>.

15 The reason for choosing a new director of NSA is that the current director is getting a new position as the country's ambassador to the Republic of France.

been placed on the American ‘black list’ of undesirable persons¹⁶. For this reason in November he was invited to the Parliamentary Commission for Oversight of the work of the NSA and the Intelligence Agency (AR) due to the omissions made with the granting of the disputed citizenship.¹⁷ The director requested that this session be closed due to the classified information that he will present,¹⁸ and five members of the supervisory committee accepted his request.

In this regard, President Pendarovski stated that we have to honour our partners, such as the USA, which has invested a lot in the country, and the responsible for this wrongdoing to bear consequences.¹⁹ Likewise, Prime Minister Dimitar Kovacevski reacted strongly to the case, stating that, “I will not deviate from the demand for responsibility for the omission. The answer to the reasons will be given by the investigation to be carried out in the NSA and the corresponding report. Once there is a report, there must be accountability for what was done”.²⁰ At the same time, on November 23, the Government requested the revocation of the citizenship of the disputed person²¹, and on December 6, the Government made a decision²² to annul the decision. However, according to the director of the ANB, it is already known who are the persons responsible for this unprecedented failure, but it remains to be determined whether it was done unintentionally or whether there is another story behind all of this.²³ In the middle of December, the new director of ANB was elected.²⁴

But this session caused an additional scandal by the fact that despite the decision for a closed session, it was still publicly broadcast on Parliament’s YouTube channel.²⁵ The President of the Assembly was determined as being the main culprit for this scandal, as well as the fact that “...there are no protocols for these type of sessions, and that we leave the phones on a small table (in front of the Commission premises) where anyone can take your phone”.²⁶ According to the President of the Assembly, we should wait for the investigation of the Ministry of Internal Affairs before these accusations are made.²⁷

16 Foreign interference in U.S. Election Designations, *US Department of the Treasury*, 11 January, 2021, <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20210111>.

17 Dimovski under surveillance in the Parliament due to the secret service’s lapses with the citizenship of the Ukrainian “merchant of (female) meat” (Димовски на надзор во Собрание поради пропустите на тајната служба со државјанството на украинскиот „трговец со (женско) месо“), *Telma TV*, 14 November, 2022 <https://bit.ly/3Foxemu>.

18 Dimovski in the Assembly on the Onishchenko case- the public will not hear his defence (Димовски во Собрание за случајот Онишченко – јавноста нема да ја слушне неговата одбрана), *Fokus*, 18 November 2022, <https://bit.ly/3Fs6nFU>.

19 Pendarovski: Responsibility must be taken for the Onishchenko case, this is a big blow to the credibility of the NSA (Пендаровски: Мора да се извлече одговорност за случајот Онишченко, ова е голем удар за кредибилитетот на АНБ), *Fokus*, 17 November, 2022 <https://bit.ly/3iN5W1l>.

20 Kovachevski on the “Onishchenko” case: There must be responsibility after the investigation in the National Security Agency (Ковачевски за случајот „Онишченко“: Мора да има одговорност по истрагата во АНБ), *Fokus*, 19 November 2022, <https://bit.ly/3ByJeRk>.

21 The Government demanded that Alexander Onishchenko’s citizenship be revoked (Владата побара да му се одземе државјанството на Александар Онишченко), *A1 On*, 23 November, 2022 <https://bit.ly/3PI49Nr>.

22 The Government made a decision to annul the decision to admit Onishchenko to citizenship (Владата донесе одлука да се поништи одлуката за прием на Онишченко во државјанство), *Official Website of the Government of Republic of North Macedonia*, 6 December 2022, <https://vlada.mk/node/31299>.

23 Dimovski knows who in NSA is responsible for Onishchenko, but he does not know if it was a mistake or an intention (Димовски знае кој во АНБ е одговорен за Онишченко, ама не знае дали е грешка или намера), *Sloboden Pechat*, 15 November 2022, <https://bit.ly/3HyGtmK>.

24 Zarko Milosovski is the new director of NSA (Зарко Милошовски е нов директор на АНБ), *TV 24*, 14 December, 2022, <https://bit.ly/3I2vTVg>.

25 The closed session for Onishchenko went live on YouTube?! (Затворената седница за Онишченко одела во живо на Јутјуб?!), *Fokus*, 18 November 2022, <https://bit.ly/3Hxul5y>.

26 Trajanov: Parliament does not have a protocol for closed sessions, we leave the phones on a little table, today published and classified information from the NSA (Трајанов: Собранието нема протокол за затворени седници, телефоните ги оставаме на масичка, денеска објавени и класифицирани информации од АНБ), *TV 21*, 22 November, 2022 <https://bit.ly/3uK4NKH>.

27 Xhaferi is waiting for the investigation of the Ministry of Interior to inform who is responsible for the secret recording of the director of the NSA (Џафери ја чека истрагата на МВР, за да информира кој е одговорен за тајното снимање на директорот на АНБ), *Libertas*, 21 November, 2022, <https://bit.ly/3UPEFbX>.

Public Administration Reform

The Commission for Prevention and Protection from Discrimination (CPPD) determined²⁸ discriminatory provisions proposed in the new Law on Administrative Servants²⁹. This refers to the salaries of administrative officers employed in ministries and secretariats, which are regulated in Article 71 in a different way compared to administrative officers employed in public sector institutions. According to the CPPD, "... administrative servants employed in ministries and secretariats would have a significantly higher amount of fixed basic salary compared to administrative officers in all other institutions of the public sector, even though they have the same status as an administrative officer, distributed at the same level, that is, they fulfil the same general and special conditions for the specified level".³⁰

During the spring, the Government started the process of creating a new strategy for reforms in public administration. To this end, at the end of November a public hearing was held on the new Draft - Strategy for the Reform of Public Administration (2023-2030). This document will be an eight-year strategy from 2023 to 2030, with expert support already provided by SIGMA and RESPA.³¹

After the State Reorganisation Analysis was first announced to the public³² and then published³³ as the Synthesis Report on State Reorganisation³⁴, the first conference was held in November where this analysis was presented,³⁵ as well as the first undertaken activities which in the initial pilot phase refer to the reorganisation of three ministries.³⁶ The analysis and proposals for reorganisation were elaborated upon using data at the institutional level collected from 144 bodies of the state administration and public institutions and by applying the methodology for horizontal functional analysis of the bodies of the state administration.

28 CPPD with an expert opinion on the proposal of the Law on Administrative Servants (КCЗД со стручно мислење за предлог Законот за административни службеници), Official Website of the Commission for Prevention and Protection against Discrimination, 29 November 2022, <https://bit.ly/3FL7fqM>.

29 Ministry of Justice, 'Draft Law on Administrative Servants (Предлог закон за административни службеници)', *Electronic National Register of Regulations- ENER*, 7 September, 2022, https://ener.gov.mk/Default.aspx?item=pub_regulation&sub-item=view_reg_detail&itemid=60140.

30 CPPD with an expert opinion on the proposal of the Law on Administrative Servants (КCЗД со стручно мислење за предлог Законот за административни службеници), *Official Website of the Commission for Prevention and Protection against Discrimination*, 29 November, 2022, <https://bit.ly/3FL7fqM>.

31 A public hearing was held on the Draft version of the Strategy for Reform in Public Administration 2023-2030 (Одржана јавна расправа за Нацрт верзијата од Стратегијата за реформа во јавната администрација 2023-2030), *Official Website of the Ministry of Information Society and Administration*, 1 December, 2022, <https://www.mioa.gov.mk/?q=mk/node/4451>.

32 Reorganisation of the state administration, our priority (Реорганизација на државната администрација, наш приоритет), *Official Website of the Ministry of Information Society and Administration*, 9 June 2022, <https://mioa.gov.mk/?q=en/node/3321>.

33 Dace Gruberte, Aleksandrs Antonovs, and Gunter Kube, 'Synthesis Report on State Reorganisation' (Delegation of the European Union to the Republic of North Macedonia, CPM International OU, 3 November 2021), https://mioa.gov.mk/sites/default/files/pbl_files/documents/reports/synthesis_report_2021_en.pdf.

34 The analysis foresees: [i] optimising the institutional framework, [ii] improving the delivery of public services, and [iii] strengthening the ethics, integrity, transparency and responsibility of the public administration in order to direct and optimise the institutional framework, to eliminate overlapping responsibilities and ensure effective lines of responsibility.

35 Minister Aliti was a panellist on the side-lines of the 'First steps towards state reorganisation' conference (Министерот Алити беше панелист на маргините на конференцијата „Првите чекори кон државната реорганизација“), *Official Website of the Ministry of Information Society and Administration*, 17 November, 2022, <https://www.mioa.gov.mk/?q=mk/node/4417>.

36 Ministry of Information Society and Administration; Ministry of Economy; and the Ministry of Agriculture, Forestry and Water Management.

Chapter 23

In this quarterly period, the two-day bilateral screening meeting for Chapter 23 was also held.³⁷ Vice-Prime Minister Marickj elaborated on progress made in this chapter, but also stressed that judicial reform will be crucial in negotiations with the EU and that there is still more work to be done.³⁸

37 'Marickj on Chapter 23: The Judicial Reform Is Crucial for Joining the EU, We Still Have Work to Do (Маричиќ за Поглавје 23: Судската реформа клучна за пристапување во ЕУ, имаме уште за работа)', *Official Website of the Secretariat for European Affairs*, 2 December, 2022, <https://www.sep.gov.mk/post/?id=13298#.Y82qmHbMJPa>.

38 Ibid.



Functioning of the judiciary

Strategic documents

In the reporting period, the working group continued to meet regarding the development of the new Justice Sector Reform Strategy 2023-2027. In this regard, all representatives, including the Blueprint Group for Judicial Reforms, contributed proposals for specific areas in accordance with the Report on the Implementation of the Justice Sector Reform Strategy 2017-2022.³⁹ In addition to this, the Blueprint Group published a Comprehensive Assessment Analysis of the Implementation of the Current Strategy which provided a broad and independent assessment of this process and offered recommendations based on their findings, which could be incorporated into the new strategy.⁴⁰ The relevance of the findings and evaluations presented in the analysis were also taken into account in the performance audit on the topic 'Effectiveness of Implementation of the Strategy for Reforms in the Justice Sector 2017-2022 and Implementation of the Strategy's Action Plan' of the State Audit Office.⁴¹

Management bodies

After a long period, the Judicial Council at the session held on October 19, 2022, adopted the new Code of Ethics for its members⁴² and a new article was incorporated: Ethical behaviour on social networks.⁴³

On December 23, 2022, the Council of Public Prosecutors published a call for the election of a member of the Council from among the public prosecutors for the area of the Higher Public Prosecutor's Office Gostivar with electoral seat No. 2,⁴⁴ thus proceeding to fill one of the remaining two seats, vacant since August 2022.⁴⁵ Accordingly, a Commission was formed for the preparation of a list of candidates for the election of a candidate for the Council of Public Prosecutors from the area of the Higher Public Prosecutor's Office, Gostivar, with polling place No. 2, as well as a commission for conducting elections for a member of the Council of Public Prosecutors from the area of the Higher Public Prosecutor's Office, Gostivar, with electoral seat no. 2.⁴⁶ Two of the registered candidates met the conditions for election, and the election of the new member of the Council is scheduled to take place on January 10, 2023.⁴⁷

39 'Annual Report on the Implementation of the Justice Sector Reform Strategy 2017-2022 (Годишен извештај за имплементација на Стратегијата за реформа во правосудниот сектор 2017-2022 година)' (Ministry of Justice), <https://bit.ly/40km6R5>.

40 Ardita Abazi Imeri et al., 'Analysis: Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)' (Blueprint Group for Judicial Reform, 10 November 2022), <https://bit.ly/3CXChdd>.

41 State Audit Office of the Republic of North Macedonia, 'Final Report on the Performance Audit "Effectiveness of Implementation of the Justice Sector Reform Strategy 2017-2022 and Implementation of the Action Plan of the Strategy"' (Конечен извештај за извршена ревизија на успешност „Ефективност на спроведување на Стратегијата за реформа во правосудниот сектор 2017-2022 и спроведување на Акцискиот план на стратегијата“, December 2022, <https://bit.ly/3Jy04oh>.

42 'Announcement from the 417th Session of the Judicial Council of the RNM- 19.10.2022 (Соопштение од 417-та седница на Судскиот совет на РСМ - 19.10.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3X106J6>.

43 'Code of Ethics for Members of the Judicial Council of the Republic of North Macedonia (Етички кодекс за членовите на Судскиот совет на Република Северна Македонија)', *Official Gazette of the Republic of North Macedonia* No. 228/2022.

44 Call for the Election of a Member of the Council of Public Prosecutors of the Republic of North Macedonia from among the Public Prosecutors from the Area of the Higher Public Prosecutor's Office of Gostivar with Electoral Seat No. 2 (Оглас за избор на член на Советот на јавните обвинители на Република Северна Македонија од редот на јавните обвинители од подрачјето на Вишото јавно обвинителство Гостивар со изборно место бр.2)', *Official Gazette of the Republic of North Macedonia* No. 252/22.

45 Angela Delevska and Beba Zhagar, 'Shadow Report for Chapter 23 for the Period October 2021 - September 2022' (European Policy Institute- Skopje, 29 December, 2022), <https://epi.org.mk/post/23886?lang=en>.

46 'Announcement on the Formation of Commissions for the Preparation of Candidate Lists and for the Election of Members of the Council (Соопштение за формирање на комисији за подготвување на кандидатски листи и за избор на член на Советот)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, <https://bit.ly/3we3Bjn>.

47 'Candidate List Announcement (Соопштение за кандидатска листа)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3w8pPUg>.

With the termination of the mandate of the members of the Management Board of the Academy of Judges and Public Prosecutors (AJPP) and the announcement of the decision to publish a call for a new ninth generation of candidates for initial training,⁴⁸ the Judicial Council⁴⁹ and the Council of Public Prosecutors⁵⁰ proceeded to appoint members and deputy members for the new Management Board and for the Admission Examination Committee at the AJPP. Nominations from both councils were followed by much controversy,⁵¹ and dissatisfaction of certain members of the Judicial Council, on the nominations and selection of candidates for members of the Management Board and the Commissions for the admission and final examination of AJPP.⁵² Namely, in relation to the Judicial Council, the tendency was towards selection of members taking place without debate and without giving the other members of the Council the opportunity to propose their own candidates,⁵³ which subsequently resulted in the proposal and selection of new candidates.⁵⁴ However, the lack of precise provisions and inconsistency of the Law on the Judicial Council⁵⁵ and the Law on the Academy of Judges and Public Prosecutors⁵⁶ caused a reaction in the public about a possible conflict of interests during the election of the member of the Council, Zoran Gerasimovski as a member of the Management Board of AJPP.⁵⁷ Similar reactions were also caused by the proposals made by the Council for Public Prosecutors, the member of the Council, Fidanka Rajevska and the new head of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (BPPPOCC), Islam Abazi to be members of the Management Board of AJPP.⁵⁸ More specifically, regarding the former, the imprecise provisions in the Law on Public Prosecution⁵⁹ and the Law on the Academy of Judges and Public Prosecutors,⁶⁰ which leaves the possibility for arbitrary interpretation, caused reactions in the public about the alleged illegitimate election and the large concentration of power

48 'Call for 130 Candidates for Judges and Prosecutors, as well as for the Director of the Academy (Оглас за 130 кандидати за судии и обвинители, како и за директор на Академијата)', *Fokus*, 31 October, 2022, <https://fokus.mk/oglas-za-130-kandidati-za-sudii-i-obviniteli-kako-i-za-direktor-na-akademijata/>.

49 'Announcement from the 420th Session of the Judicial Council of the RNM- 24.11.2022 (Соопштение од 420-та седница на Судскиот совет на РСМ - 24.11.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3XsfCxZ>.

50 'Announcement from the 69th Session of the Council of Public Prosecutors of the Republic of North Macedonia (Соопштение од 69та седница на Советот на јавни обвинители на Република Северна Македонија)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 11 November, 2022, <https://bit.ly/3WafOp>.

51 'Gerasimovski and Rajevska Were Illegally Elected to the Managing, Judicial and Prosecutorial Councils, as if in a Market with the Interpretation of Laws (Герасимовски и Рајевска незаконски избрани во Управен, судскиот и обвинителски совет како на пазарче со толкувањето закони)', *A1 On*, 27 November, 2022 <https://a1on.mk/macedonia/gerasimovski-i-rajevaska-nezakonski-izbrani-vo-upraven-sudskiot-i-obvinitelski-sovet-kako-na-pazarche-so-tolkuvanjetto-zakoni/?swcfpc=1>.

52 'Revolt in the Judicial Council, Members Elected by Judges Prevented the Passage of a Ready List for Voting for Key Positions in the Academy of Judges and Public Prosecutors (Бунт во Судскиот совет, членовите избрани од судиите спречија да помине готов список за гласање за клучни места во Академијата за судии и јавни обвинители)', *Sakam Da Kazam*, 26 November, 2022, <https://bit.ly/3GDIqfu>.

53 Ibid.

54 'Announcement from the 420th Session of the Judicial Council of the RNM- 24.11.2022 (Соопштение од 420-та седница на Судскиот совет на РСМ - 24.11.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3XsfCxZ>.

55 'Law on the Judicial Council of the Republic of North Macedonia (Закон за Судскиот совет на Република Северна Македонија)', *Official Gazette of the Republic of North Macedonia* No. 102/2019.

56 'Law on the Academy for Judges and Public Prosecutors (Закон за Академијата за судии и јавни обвинители)', *Official Gazette of the Republic of Macedonia* No. 20/2015; 192/2015; 231/2015; 163/2018.

57 'The Judicial Council Does Not See a Problem with Their Member Gerasimoski Performing Two Functions at the Same Time (Судскиот совет не гледа проблем што нивниот член Герасимоски извршува две функции истовремено)', *MKD*, 18 December, 2022, <https://www.mkd.mk/makedonija/sudstvo/sudskiot-sovet-ne-gleda-problem-shto-nivniot-chlen-gerasimoski-izvrshuva-dve>.

58 'Abazi and Rajevska Proposed as Members of the Management Board of the Academy of Judges and Public Prosecutors (Абази и Рајевска предложени за членови на УО на Академијата за судии и јавни обвинители)', *Nova Makedonija*, 11 November, 2022, <https://bit.ly/3CJGhOd>.

59 'Law on Public Prosecution (Закон за Јавно обвинителство)', *Official Gazette of the Republic of North Macedonia* No. 42/2020.

60 'Law on the Academy for Judges and Public Prosecutors (Закон за Академијата за судии и јавни обвинители)', *Official Gazette of the Republic of Macedonia* No. 20/2015; 192/2015; 231/2015; 163/2018.

afforded the elected person.⁶¹ Regarding the latter, the public reacted to the fact that the new head of the BPPPOCC, by becoming a member of the governing body of the AJPP, may lead to influence and bias in the conduct of the final examination and evaluation of the seventh-generation trainees, within which his wife is being trained.⁶²

The reactions in the public caused the new head of the BPPPOCC to step down from his position as a member of the Management Board of AJPP.⁶³ Meanwhile, after the aforementioned reactions in the Judicial Council, the President of the Judicial Council resigned⁶⁴ and a new president was elected.⁶⁵

Following the criticism from the expert public and the indication of the need to refine and specify the 2022-2025 Program and Action Plan for the Prevention and Monitoring of Corruption in the Judiciary,⁶⁶ adopted by the Judicial Council in September 2022,⁶⁷ the Judicial Council proceeded to amend and supplement some of its parts,⁶⁸ which were adopted by the Council on December 7, 2022.⁶⁹

Independence and impartiality

On October 19, 2022, the Council for Open Judiciary held its third session where the new dynamics for the implementation of the Open Judiciary Action Plan 2021-2023 were presented.⁷⁰

61 'Gerasimovski and Rajevska Were Illegally Elected to the Managing, Judicial and Prosecutorial Councils, as If in a Market with the Interpretation of Laws (Герасимовски и Рајевска незаконски избрани во Управен, судскиот и обвинителски совет како на пазарче со толкувањето закони)', *A1 On*, 27 November, 2022, <https://a1on.mk/macedonia/gerasimovski-i-rajevaska-nezakonski-izbrani-vo-upraven-sudskiot-i-obviniteliski-sovet-kako-na-pazarche-so-tolkuvaneto-zakoni/>.

62 The election of the President of the Supreme Court as a member of the Management Board of AJPP, where her daughter-in-law attends the initial training, caused the same reactions as the election of the Basic Public Prosecutor of the BPPPOCC for the same position. 'Abazi Withdrew from the Academy, but Besa Ademi Has No Such Intention (Абази се повлече од академијата ама Беса Адеди нема таква намера)', *Alfa TV*, 12 November, 2022 <https://bit.ly/3J6oip6>.

63 'Abazi Also Entered the Academy for Judges and Public Prosecutors Where His Wife Is Being Trained (Абази влезе и во академијата за судии и јавни обвинители каде на обука е неговата сопруга)', *Telma TV*, 11 November, 2022 <https://bit.ly/3vXartD>.

64 According to the statement given to the media, the former president of the Judicial Council, Pavlina Crvenkovska, resigned due to the distribution of false information to journalists, as well as obstruction and deliberate delay of the internal processes in the Council, which are of crucial importance for successfully completed tasks and for the functioning of the judiciary. 'The President of the Judicial Council, Crvenkovska, Resigned (Претседателката на Судски совет, Црвенковска поднесе оставка)', *Civil Media*, 29 November, 2022 <https://civilmedia.mk/pretsedatelkata-na-sudski-sovet-tsrevenkovska-podnese-ostavka/>.

65 'Announcement from the 422nd Session of the Judicial Council of the RNM - 05.12.2022 (Соопштение од 422-та седница на Судскиот совет на РСМ - 05.12.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3Gu1VHe>.

66 In the program, the Judicial Council has shown all the weaknesses of the judiciary that have been running through the country for years, such as the building of unprofessional relationships between public prosecutors, judges and lawyers and abuse of the ACCMIS system through the subjective allocation of cases by the management persons. However, in the action plan, they are more stated as findings, without specifying the actions that would be taken to overcome the situation. Additionally, there are also no indicators for measuring results, and in the time frame, it says 'permanent' almost everywhere. Emilija Spasovska, 'Monitoring Report on the Judicial Council and the Council of Public Prosecutors in 2022' (Coalition 'All For Fair Trials', Decembr, 2022), <https://bit.ly/3H93UCm>.

67 Judicial Council of the Republic of North Macedonia, '2022-2025 Program and Action Plan for the Prevention and Monitoring of Corruption in the Judiciary (Програма и Акциски план за превенција и следење на корупцијата во судството 2022-2025 година)', 7 September, 2022, <https://bit.ly/3jyLW3h>.

68 Changes were made to the order of the points by supplementing and clarifying them; Corruption in the Judicial Council and corruption in the judiciary was divided; A risk assessment was given and the contribution to corruption in the judiciary of other actors was separated from corruption in the judiciary itself; The contribution of the media for the bad perception in the judiciary was entered; Changes were made in the Action plan in the time frame- where it says permanent, it has been changed to continuous; In relation to the Code of Ethics, the first half of 2023 has been changed to the second half of 2023; The Association of Judges has been entered in relation to training for the application of the Code and enabling on better status of judges, employees of the Judicial Council, courts and actualization of problems. Judicial Council, 'Submission of Public Information (Доставување на информации од јавен карактер)', 27 January, 2023.

69 'Announcement from the Continuation of the 421st Session of the Judicial Council of the RNM (Соопштение од продолжението на 421-та седница на Судскиот совет на РСМ)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3kKhKsK>.

70 'Third Session of the Council for Open Judiciary (Трета седница на Советот за Отворено судство)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 19 October, 2022 <https://bit.ly/3CYG6ih>.

The proactive role of the Supreme Court in improving transparency and public confidence in the judiciary, which was also positively assessed in the 2022 EC Country Report,⁷¹ continued in this quarterly period. Specifically, at the general session held on December 21, 2022, the Supreme Court adopted a general position on publishing decisions on the court's website that are not final but refer to cases of public interest.⁷² Subsequently, at the same session, the Supreme Court adopted a Conclusion on submitting an initiative to the Ministry of Justice for the amendment of Article 9 of the Law on Movement and Management of Cases, as well as the amendment of Article 99 paragraph 5 of the Law on Courts,⁷³ which will enable the implementation of this principled position. An initiative for the Ministry of Justice to amend Article 9 of the Law on Movement and Management of Cases for the same matter was also submitted by the Judicial Media Council,⁷⁴ whose new, third composition was constituted on November 23, 2022.⁷⁵

Such proactivity of the Supreme Court is a positive change that could see the improvement of citizens' trust in the judiciary. At the same time, it will contribute to the detailed reasoning of the court decisions, which will inevitably affect the quality of the decisions made and the degree of justice in the courts.

The Automated court case management information system (ACCMIS) needs major interventions to function according to the needs of the judiciary.⁷⁶ For that purpose, representatives of the Supreme Court made a study visit to Oslo, where the features of the Norwegian system for managing court cases were presented, as an example that will serve for the development and upgrading of the ACCMIS system.⁷⁷

On November 30, 2022, within the Idrizovo penitentiary facility,⁷⁸ the largest and most equipped digital courtroom in the country has been put into use.⁷⁹ However, during the first trial held on December 14, 2022,⁸⁰ several problems surfaced in relation to the principle of publicity in the procedure, to which the

71 'EU Ambassador David Geer Officially Handed over the EU Report to the President of the Supreme Court, Bessa Ademi (Амбасадорот на ЕУ, Дејвид Гир, официјално и го предаде Извештајот на ЕУ на претседателката на Врховниот суд, Беса Адеми)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 13 October 2022, <https://bit.ly/3XJmdDE>.

72 Supreme Court of the Republic of North Macedonia, 'Principled Position on the Publication of the Court Decisions on the Web Pages of the Courts (Начелен став за објавување на донесените судски одлуки на веб страниците на судовите)', 21 December, 2022, <https://bit.ly/3XJmdDE>.

73 'Announcement from the General Session of the Supreme Court of the Republic of North Macedonia (Соопштение од одржана Општа седница на Врховниот суд на Република Северна Македонија)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 30 December, 2022 <https://bit.ly/3iJcVsN>.

74 'An Initiative to Change Article 9 of the Law on Movement and Management of Objects Has Been Submitted (Доставена иницијативата за промена на членот 9 од Законот за движење и управување со предметите)', *Official Facebook Page of the Judicial Media Council at the Association of Judges of the Republic of North Macedonia*, 26 December, 2022 <https://bit.ly/3GFA5bg>.

75 'Constitution of the Third Composition of the Judicial Media Council (Конституирање на трет состав на Судско медиумскиот совет)', *Official Facebook Page of the Judicial Media Council at the Association of Judges of the Republic of North Macedonia*, 23 November, 2022 <https://bit.ly/3w8GXcw>.

76 Angela Delevska and Beba Zhagar, 'Shadow Report for Chapter 23 for the Period October 2021 - September 2022' (European Policy Institute - Skopje, 29 December, 2022), <https://epi.org.mk/post/23886?lang=en>.

77 'Representatives of the Supreme Court Made a Study Visit to Oslo for the Advancement of ACCMIS System (Претставници на Врховниот суд остварија студиска посета во Осло за унапредувањето на АКМИС - системот)', *Official Website of the Supreme Court of the Republic of North Macedonia*, 26 October, 2022 <https://bit.ly/3D27b3Y>.

78 The new digital courtroom was built with the support of the European Union within the framework of the IPA action program 'Support to the Justice Sector', with around one million euros invested in construction and equipment. The participation of the Republic of North Macedonia is 0.28 million euros. The procurement of additional security and IT equipment was supported by the US Embassy. The Administration for the Execution of Sanctions also participated in the furnishing of the courtroom. The total value of the courtroom is 1.3 million euros.

79 The purpose of the construction of this complex is to try detainees as well as convicted persons for serious crimes against whom other criminal proceedings are being conducted, and whose transportation to the courts is a security risk. This will significantly reduce the risk of escape of the detained and convicted persons during transport to the courts. Additionally, by using this courtroom, significant funds will be also saved for the transportation of detained and convicted persons to the courts. 'The Largest and Most Equipped Digital Courtroom in the Country Has Been Put into Use (Пуштена во употреба најголемата и најопремена дигитална судница во државата)', *Official Website of the Administration for the Execution of Sanctions at the Ministry of Justice*, 30 November, 2022 <https://bit.ly/3QXOAMn>.

80 'PUBLIC ANNOUNCEMENT: First Trial in the New Digital Courtroom within the Idrizovo Penitentiary Facility (СООПШТЕНИЕ ЗА ЈАВНОСТ: Прво судење во новата дигитална судница во рамки на КПУ Идризово)', *Basic Criminal Court Skopje - Court Portal of the Republic of North Macedonia*, 14 December, 2022 <https://bit.ly/3XTFUbu>.

Coalition 'All For Fair Trials' reacted.⁸¹ Specifically, there was a lack of timely notification of the trial, as well as an incorrect schedule related to the time and location of the trial in the trial calendar on the court's official website.⁸² Additionally, the place where the courtroom is located is not easily accessible, given that it is located in the vicinity of the city of Skopje, and there is no publicly available information about the exact location of this courtroom, except that it is located near Idrizovo penitentiary facility.⁸³ Therefore, although the courts may deviate from the principle of publicity according to certain statutory reasons, including the safety of the participants in the proceedings, the security measures should be adjusted and be in-line with the principle of proportionality after considering all possible alternatives for ensuring safety and security in the courtroom.

The Association of Public Prosecutors, at an election meeting held on December 21, 2022, and elected its new bodies.⁸⁴ In the next period, the new composition announced the preparation of an annual program in which more activities will be foreseen with the aim of promoting and strengthening the status of public prosecutors and the professional service in the prosecution, increasing cooperation with institutions and CSOs, as well as participation in projects related to legislation in the judicial sphere.

Accountability

In this quarterly period, six judges were dismissed by the Judicial Council.⁸⁵ In addition, the Judicial Council made a decision to dismiss a judge, due to a deliberate and unjustified gross professional error, "while the different interpretation of the law and the facts cannot be a basis for determining the judge's responsibility."⁸⁶ There were no dismissals of public prosecutors by the Council of Public Prosecutors.⁸⁷

It was unclear how a retired judge could make a decision to overturn the first-instance verdict in the 'Target-Tvrđina' case and return the case for retrial. Apparently, one of the five judges making this decision has been retired since December 7, 2022,⁸⁸ while the decision explained below was made on December 16, 2022.⁸⁹ The news was published by the Association for the Free Development of Thought 'Sakam da Kazam', Skopje,⁹⁰ according to the retirement announcement by the Judicial Council, at its official website.⁹¹ Neither the Judicial Council nor the Skopje Court of Appeals commented on the news.⁹²

81 Coalition 'All For Fair Trials', 'Public Reaction: The Economy of the Procedure Must Not Be at the Expense of the Public and Transparency (Јавна реакција: Економичноста на постапката не смее да биде на сметка на јавноста и транспарентноста)', December 2022 <https://bit.ly/3iX6h1V>.

82 Ibid.

83 Ibid.

84 'New Bodies of the Association of Public Prosecutors Were Elected (Избрани нови органи на Здружението на јавните обвинители)', *Official Website of the Public Prosecutor's Office of the Republic of North Macedonia*, 22 December, 2022, <https://jorm.gov.mk/izbrani-novi-organi-na-zdruzenieto-na-javnite-obviniteli/>.

85 Judicial Council, 'Submission of Public Information (Доставување на информации од јавен карактер)', 27 January, 2023.

86 Ibid.

87 Council of Public Prosecutors, 'Submission of Public Information (Доставување на информации од јавен карактер)', 13 January, 2023.

88 'Announcement from the Continuation of the 420th Session of the Judicial Council of the RNM - 07.12.2022 (Соопштение од продолжението на 420-та седница на Судскиот совет на РСМ - 07.12.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3iW2T7t>.

89 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', *Court of Appeal Skopje - Judicial Portal of the Republic of North Macedonia*, 16 December, 2022 <https://bit.ly/3j0Vynh>.

90 'Judge Lidija Chacheva, Who Ruled in the 'Target-Tvrđina' Case and Overturned the Verdict for Mijalkov, Was Retired by the Judicial Council on December 7 (Судијката Лидија Чачева, која одлучувала во предметот „Таргет-Тврдина“ и ја укина пресудата за Мијалков, Судскиот совет ја пензионирал уште на 7 декември)', *Association for Free Development of Thought 'Sakam Da Kazam', Skopje*, 16 December, 2022 <https://sdk.mk/index.php/makedonija/sudijkata-lidija-chacheva-koja-odluchuvava-vo-predmetot-tvrđina-target-i-ja-ukina-presudata-za-mijalkov-sudskiot-sovet-ja-penzioniral-ushte-na-7-dekemvri/>.

91 'Announcement from the Continuation of the 420th Session of the Judicial Council of the RNM - 07.12.2022 (Соопштение од продолжението на 420-та седница на Судскиот совет на РСМ - 07.12.2022 Година)'.

92 'Judge Lidija Chacheva, Who Ruled in the "Target-Tvrđina" Case and Overturned the Verdict for Mijalkov, Was Retired by the Judicial Council on December 7 (Судијката Лидија Чачева, која одлучувала во предметот „Таргет-Тврдина“ и ја укина пресудата за Мијалков, Судскиот совет ја пензионирал уште на 7 декември)'.

Professionalism and competence

In the reporting period, the Judicial Council elected presidents of the Basic Criminal Court Skopje, the Basic Court Resen, and the Basic Court Vinica.⁹³ The Judicial Council also elected two judges, one each in the Basic Criminal Court Skopje and the Basic Court Shtip.⁹⁴

During the reporting period, eight public prosecutors were elected in the prosecution offices of the Republic of North Macedonia.⁹⁵ Specifically, after two postponements, on December 23, 2022, five Basic Public Prosecutors were elected to the Basic Public Prosecutor's Offices of Bitola, Veles, Gostivar, Kavadarci, and Kumanovo.⁹⁶ At the same session, senior public prosecutors of the Higher Public Prosecutor's Office Skopje and the Higher Public Prosecutor's Office Gostivar were also elected.⁹⁷ The process of prolonging the election caused two out of three public prosecutors, candidates for the position of Senior Public Prosecutor of the Higher Public Prosecutor's Office Skopje, to withdraw from the race for the position.^{98 99} Accordingly, although earlier this year he received criticism for his work, the current head of the Higher Public Prosecutor's Office Skopje received another four-year mandate.¹⁰⁰

Following the suspension of the head of the BPPPOCC, on November 7, 2022, a new head of the institution was also elected.¹⁰¹ The selection of the new Basic Public Prosecutor was made after a previously published call on October 6, 2022.¹⁰² For the first time, the selection of the Basic Public Prosecutor of the BPPPOCC was carried out by all public prosecutors in the country, applying Article 66 of the new Law on Public Prosecutors.¹⁰³ From the four registered candidates who met the necessary conditions,¹⁰⁴

93 'Announcement from the 426th Session of the Judicial Council of the RNM- 29.12.2022 (Соопштение од 426-та седница на Судскиот совет на РСМ - 29.12.2022 година)', *Official Website of the Judicial Council of the Republic of North Macedonia*, <https://bit.ly/3kf95YB>.

94 Ibid.

95 Council of Public Prosecutors, 'Submission of Public Information (Доставување на информации од јавен карактер)'.

96 'Announcement from the Extended Seventieth Session of the Council of Public Prosecutors of the RNM (Соопштение од продолжената седумдесетта седница на Советот на јавните обвинители на РСМ)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, 23 December, 2022 <https://bit.ly/3QGwe2m>.

97 The election for all prosecutors in all positions was originally scheduled to take place on November 14, 2022. The election was delayed due to the reasoning of the Council of Public Prosecutors that the members did not have time to review the files of the registered candidates. The second election on November 21, 2022 was extended due to the lack of the required quorum of eight members, because the Public Prosecutor of the Republic of North Macedonia, who is a member of the Council ex officio, was undergoing hospital treatment.

98 'Fetaj Withdraws from the Race for Head of the High Prosecutor's Office Skopje (Фетаи се повлекува од трката за шеф на Вишото обвинителство во Скопје)', *Fokus*, 18 November, 2022 <https://fokus.mk/fetaj-se-povlekuva-od-trkata-za-shef-na-vishoto-obvinitelstvo-vo-skopje/>.

99 'Burim Rustemi also Withdrew from the Race for Head of the Higher Public Prosecutor's Office Skopje (И Бурим Рустеми се повлекол од трката за шеф на Вишото јавно обвинителство Скопје)', *TV 21*, 30 November, 2022 <https://mk.tv21.tv/i-burim-rustemi-se-povlekol-od-trkata-za-shef-na-vishoto-javno-obvinitelstvo-skopje/>.

100 The members of the Council had only words of praise, regardless of the criticisms they expressed at the previous sessions regarding lack of urgency and confiscations in the cases for which the Higher Public Prosecutor's Office, Skopje is competent. According to some of the members, the blame for that lies in the hierarchically lower prosecutor's offices under the jurisdiction of the Higher Public Prosecutor's Office, Skopje. 'Hajrulahi Was Unanimously Elected as the Head of the Higher Public Prosecutor's Office Skopje, the Council for Public Prosecutors Had Only Words of Praise Хажрулахи едногласно избран за шеф на ВЈО Скопје, Советот на ЈО имаше само пофални зборови', *360 Stepeni*, 23 December, 2022 <https://360stepeni.mk/hajrulahi-ednoglasno-izbran-za-shef-na-vjo-skopje-sovetot-na-jo-imashe-samo-pofalni-zborovi/>.

101 'Announcement - Formal Appointment of the New Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (Соопштение- Формално именување на новиот Основен јавен обвинител на Основно јавно обвинителство за гонење на организиран криминал и корупција)', *Official Website of the Judicial Council of the Republic of North Macedonia*, 14 November, 2022 <https://bit.ly/3WhmrAS>.

102 'Announcement for the Election of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption (Оглас за избор на Основен јавен обвинител на Основното јавно обвинителство за гонење на организиран криминал и корупција)', *Official Gazette of the Republic of North Macedonia* No. 216/2022.

103 Law on Public Prosecution (Закон за јавно обвинителство).

104 'Announcement (Соопштение)', *Official Website of the Council of Public Prosecutors of the Republic of North Macedonia*, <https://bit.ly/3H19ua8>.

the public prosecutor from the Higher Public Prosecutor's Office of Gostivar, Islam Abazi, was chosen as the new head of the BPPOPOCC.¹⁰⁵ This method of selection of the Basic Public Prosecutor of the BPPOPOCC is an advanced process that affects the advancement of the independence of public prosecutors and the internal control of the public prosecutor's profession. However, the praise for the advanced selection process quickly turned to criticism from the expert public about the lack of transparency and omissions made during the procedure for the selection of the Basic Public Prosecutor of the BPPOPOCC.¹⁰⁶ Reactions were also directed at the media, pointing out that the media should only inform according to the official data published by the competent institutions.¹⁰⁷ Additionally, there were also remarks about the potential influences and party affiliation of the new head with one of the coalition parties,¹⁰⁸ as well as about the insufficiently strict rules and criteria of the election model itself.¹⁰⁹

The above-mentioned reactions of the expert public, especially those of civil society organisations such as the Blueprint Group for Judicial Reforms regarding the lack of transparency surrounding the elections, were the subject of attacks by some members of the Council of Public Prosecutors, to which a reaction from the president of the Council was requested.¹¹⁰

The four public prosecutors in the BPPOPOCC, who should fill the vacant positions from June and August 2022,¹¹¹ have not yet been elected. Although the Council of Public Prosecutors held the election session on October 27, 2022, without offering an explanation it did not choose any of the six registered candidates.¹¹² Although a new call for selection was announced, it has yet to be implemented.

105 'Islam Abazi Will Succeed Vilma Ruskovska in the Prosecutor's Office (Ислам Абазии ќе ја наследи Вилма Русковска во обвинителството)', *Deutsche Welle*, 7 November, 2022 <https://www.dw.com/mk/obvinitelite-odlucija-islam-abazi-e-naslednikot-na-vilma-ruskovska/a-63667198>.

106 Namely, in the selection process, data on the professional career of the four candidates was missing. At the same time, the minimum standards for transparency of the selection process were not observed either, as the candidates' biographies with their professional competencies were not published on the website of the Council of Public Prosecutors. Moreover, the public and especially the expert public did not have the opportunity to familiarise themselves with the proposed program of the candidates, which would instil confidence in the process and would impact upon trust in the institution. Furthermore, the unofficial publication of election information before the votes were officially collected by the Commission for the implementation of the elections was also an issue of concern 'Insufficient Transparency and Omissions in the Selection of the Basic Public Prosecutor of the Basil Public Prosecutor's Office for Prosecution of Organised Crime and Corruption', *Official Website of the Blueprint Group for Judicial Reforms*, 10 November, 2022, <https://bit.ly/3GD1yD>.

107 The Blueprint Group also expressed concern about the way of publishing unofficial information about the election of the Basic Public Prosecutor of BPPOPOCC before the votes were officially collected by the Commission for the implementation of the elections and expects an objective and impartial report based on evidence and official sources.

108 The embassies of the USA, the EU and the Netherlands, as proven partners of the country in justice reforms and the fight against corruption, at the request and questions posed by the program '360 stepeni', expressed dissatisfaction with the choice. The US ambassador even made clear and sharp criticisms of the choice. 'The US Is Baffled by the Choice of Islam Abazi, Especially after Spending Millions of Dollars on Training Prosecutors (САД се збунети од изборот на Ислам Абазии, особено по потрошени милиони долари за обука на обвинители)', *360 Stepeni*, 18 November, 2022, <https://360stepeni.mk/sad-se-zbuneti-od-izborot-na-islam-abazi-osobeno-po-potrosheni-milioni-dolari-za-obuka-na-obviniteli/>.

109 'The Election of Islam Abazi Put to the Test of the Public (Изборот на Ислам Абазии ставен на тест на јавноста)', *Deutsche Welle*, 9 November, 2022, <https://www.dw.com/mk/somnezi-i-osporuvana-na-izborot-na-islam-abazi-za-sef-na-organiziran-kriminal/a-63694136>.

110 'Reaction Pursuant to the Discussion at the Session of the Council of Public Prosecutors Regarding the Publicly Expressed Position of the Blueprint Group on the Election of the Basic Public Prosecutor of the BPPOPOCC', *Official Website of the Blueprint Group for Judicial Reforms*, 14 November, 2022, <https://bit.ly/3H6p700>.

111 'The Session for the Selection of Four New Prosecutors to the Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption Has Been Postponed for the Third Time (По трет пат одложена седницата за избор на 4 нови обвинители во Обвинителството за гонење организиран криминал)', *Telma TV*, 30 September, 2022, <https://telma.com.mk/2022/09/20/po-tret-pat-odlozhen-sednicata-za-izbor-na-4-novi-obviniteli-vo-obvinitelstvoto-za-gonenje-organiziran-kriminal/>.

112 'The Selection of Prosecutors for Organised Crime Failed (Пропадна изборот на обвинители за организиран криминал)', 27 October, 2022, <https://sitel.com.mk/propadna-izborot-na-obviniteli-za-organiziran-kriminal>.

Quality of justice

On November 30, 2022, the constitutive session of the new Management Board of the AJPP was held,¹¹³ at which the mandates of the members and deputy members, nominated by the competent institutions and associations, were verified.¹¹⁴ Moreover, during the session, observing the principle of equal representation of judges and public prosecutors in the bodies of the Academy, as well as observing the president and vice-president be judges and public prosecutors from higher instances, with acquired reputation, integrity and years of experience in the exercise of the judicial function, the president and deputy president of the Management Board were elected.¹¹⁵ Furthermore, at the session, the already disputed member of the Judicial Council, Zoran Gerasimovski, was appointed to be the acting director of AJPP until the election of the new president.¹¹⁶ The decision to appoint Zoran Gerasimovski as acting director of AJPP was even more criticised than his election as a member of the Management Board of AJPP, explained above. In this regard, the State Commission for the Prevention of Corruption (SCPC) reported that he cannot perform the three functions simultaneously, that is, he cannot be a member of the Judicial Council, a member of the Academy's Management Board and its acting director at the same time.¹¹⁷ As a result of the admonitions by the SCPC, only a few days after the election, he resigned, and a new acting director of the AJPP was elected.¹¹⁸

After an unsuccessful attempt to elect a new AJPP director on August 30, 2022,¹¹⁹ the outgoing AJPP Management Board, at a session held on October 28, 2022, made a decision to publish a new call.¹²⁰

113 'Announcement about the Held Constitutive Session of the Management Board of the Academy (Соопштение за одржана конститутивна седница на Управниот одбор на Академијата)', *Official Website of the Academy for Judges and Public Prosecutors 'Pavel Shatev'*, 30 November, 2022 <https://bit.ly/3XN1JLH>.

114 The members of the new composition of the Management Board of the Academy are: Besa Ademi, President of the Supreme Court, MB member appointed by the Supreme Court; Isamedin Limani, Judge of the Supreme Court, MB deputy member, appointed by the Supreme Court; Bodan Lazarevski, Public Prosecutor in the Public Prosecutor's Office of the Republic Of North Macedonia, MB member, appointed by the Public Prosecutor in the Public Prosecutor's Office of the Republic Of North Macedonia; Ismail Darlishta, Public Prosecutor in the Public Prosecutor's Office of the Republic Of North Macedonia, MB deputy member, appointed by the Public Prosecutor in the Public Prosecutor's Office of the Republic Of North Macedonia; Zoran Gerasimoski, member of the Judicial Council, MB member, appointed by the Judicial Council; Anita Danilova, Judge of the Higher Administrative Court Skopje, MB deputy member, appointed by the Judicial Council; Bekim Mehmedi, President of the Gostivar Court of Appeal, MB member, appointed by the Judicial Council; Vaska Nikolovska Masevska, Judge of the Basic Criminal Court Skopje, MB deputy member, appointed by the Judicial Council; Besir Aliu, Public Prosecutor of the Basic Public Prosecutor's Office Tetovo, MB member, appointed by the Council of Public Prosecutors; Burim Rustemi, Public Prosecutor in the Higher Public Prosecutor's Office Skopje, MB deputy member, appointed by the Council of Public Prosecutors; Fidanka Rajevska, member of the Council of Public Prosecutors, MB member, appointed by the Council of Public Prosecutors; Risto Bojadziski, Public Prosecutor of the Higher Public Prosecutor's Office Shtip, MB deputy member, appointed by the Council of Public Prosecutors; Xhemali Saiti, Judge of the Supreme Court, MB member, appointed by the Association of Judges; Aleksandar Kambovski, Judge of the Bitola Court of Appeal, MB deputy member, appointed by the Association of Judges; Ermon Neziri, Public Prosecutor in the Basic Public Prosecutor's Office Skopje, MB member, appointed by the Association of Public Prosecutors; Jelena Dogazanska Koleva, Public Prosecutor in the Basic Public Prosecutor's Office Shtip, MB deputy member, appointed by the Association of Public Prosecutors; Valentina Shaurek, State Counselor for Justice in the Ministry of Justice, MB member, appointed by the Minister of Justice and Aneta Toshevska, Head of Department in the Ministry of Justice, MB deputy member, appointed by the Minister of Justice.

115 'Announcement about the Held Constitutive Session of the Management Board of the Academy (Соопштение за одржана конститутивна седница на Управниот одбор на Академијата)'.

116 Ibid.

117 'SCPC Counter Gerasimovski: He Did Not Consult with Us, a Judge Cannot Perform Three Functions (Антикорупциска контра Герасимовски: Не се консултираше со нас, не може судија да извршува три функции)', *A1 On*, 2 December, 2022, <https://a1on.mk/macedonia/antikorupciska-kontra-gerasimovski-ne-se-konsultiral-so-nas-ne-mozhe-sudija-da-izvrshuva-tri-funkcii/>.

118 'Announcement from the 188th Session of the AJPP (Соопштение од 188-та седница на АСЈО)', *Official Website of the Academy for Judges and Public Prosecutors 'Pavel Shatev'*, 5 December, 2022 <https://bit.ly/3kAisCo>.

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

120 'Call for 130 Candidates for Judges and Prosecutors, as Well as for the Director of the Academy (Оглас за 130 кандидати за судии и обвинители, како и за директор на Академијата)'.

The call was announced on November 16, 2022. Four candidates applied for the call,¹²¹ including the current director of the Academy, who was re-elected for the position on December 9, 2022.¹²²

At the session of the outgoing AJPP Management Board held on October 28, 2022, a decision was also made to publish a call for a new ninth generation of candidates for the initial training at the AJPP.¹²³ After the decision was made, the Commissions for Admission Examination at the AJPP (explained above), were also formed.¹²⁴ The call for the admission of trainees for initial training of candidates for judges and public prosecutors is expected to be published in the upcoming period.

On November 9, 2022, after a long process and missed deadlines set in the 2017-2022 Strategy for Reform of the Judicial Sector,¹²⁵ the Draft version of the new Law on Criminal Procedure was finally published on ENER.¹²⁶ With this draft law, more than one-third of the articles of the existing law have now been amended and supplemented.¹²⁷

One of the articles that the new Law on Criminal Procedure is expected to amend is Article 371 paragraph 2, which reduces the abuse of delaying trials due to changes in the composition of the trial council or the individual judge.¹²⁸ This is to say that with the new Law the produced evidential materials are not presented again, but the trial council and/or judge become acquainted with the evidential material outside the court hearing.¹²⁹ This is especially important for complex criminal cases with a large amount of material and verbal evidence.¹³⁰ With such changes, the principle of economy and efficiency in the judicial procedure would also be observed.¹³¹

121 Initially, the election of the new director was supposed to be held on December 7, 2022, but due to untimely receipt of documentation by post to the candidate, Judge Andrej Dimovski from the Skopje Civil Court, the election was held on December 9, 2022. 'The Director of the Academy for Judges and Prosecutors Was Not Elected: The Post Was Late and at the Last Minute It Brought a Candidacy from Judge Dimovski (He се избра директор на Академијата за судии и обвинители: Поштата доцнела и во последен момент донесе кандидатура од судијата Димовски)', *A1 On*, 7 December 2022, <https://a1on.mk/macedonia/ne-se-izbra-direktor-na-akademijata-za-sudii-i-obviniteli-poshtata-docnela-i-vo-posleden-moment-donese-kandidatura-od-sudijata-dimovski/?swcfpc=1>.

122 'Natasha Gaber-Demjanovska Was Re-Elected as Director of the Academy for Judges and Public Prosecutors (Наташа Габер-Демјановска реизбрана за директорка на Академијата за судии и јавни обвинители)', *Radio Free Europe*, 9 December 2022, <https://www.slobodnaevropa.mk/a/32169701.html>.

123 'Call for 130 Candidates for Judges and Prosecutors, as Well as for the Director of the Academy (Оглас за 130 кандидати за судии и обвинители, како и за директор на Академијата)'.

124 'Announcement from the 420th Session of the Judicial Council of the RNM - 24.11.2022 (Соопштение од 420-та седница на Судскиот совет на РСМ - 24.11.2022 година)'; 'Announcement from the 69th Session of the Council of Public Prosecutors of the Republic of North Macedonia (Соопштение од 69та седница на Советот на јавни обвинители на Република Северна Македонија)'.

125 The working group that drafted the new law is composed of stakeholders, i.e., representatives of state bodies and institutions, the professional public, and civil society organizations. It is important to mention, in this sense, that the working group was created by a decision of the Minister of Justice, on April 1, 2021. Before establishing this working group, the process of drafting amendments to the Law on Criminal Procedure started already in 2017, when a working group was composed of representatives of relevant institutions, judges, public prosecutors and academia, and this part of the process was rather closed to the public before the public became involved through the representatives of the Blueprint Group in the working group four years later.

126 Ministry of Justice, 'Proposal for a Law on Criminal Procedure (Предлог на Закон за Кривична постапка)', *Electronic National Register of Regulations - ENER*, 9 November, 2022 https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76038.

127 The main objectives that need to be attained through the amendments of the Law on Criminal Procedure are: a. Harmonising the Law on Criminal Procedure with the newly adopted EU directives related to the right to interpretation and translation in criminal procedure, right to information in criminal procedure, protection of personal data within cooperation in criminal matters, on standards of right, support and protection of victims of crimes; b. Reviewing and amending the already drafted amendments to Law on Criminal Procedure in order to overcome the non-uniform interpretation and non-uniform practical application of some provisions; c. Precise definition of provisions related to ordering, extending and terminating the pre-trial detention measure and precise definitions of the provisions on plea-bargaining.

128 Ministry of Justice, 'Proposal for a Law on Criminal Procedure (Предлог на Закон за Кривична постапка)'.

129 Ibid.

130 'Changes to the LCP: Trials Will No Longer Be Delayed Due to a Change of Judge or Juror (Измени на ЗКП: Судијата повеќе нема да се одолговлекуваат поради смена на судија или поротник)', *Fokus*, 17 November, 2022, <https://fokus.mk/izmeni-na-zkp-sudena-ta-poveke-nema-da-se-odolgovlekuvaat-poradi-smena-na-sudija-ili-porotnik/>.

131 Ibid.

Efficiency

In the quarterly period, two new constitutional judges were elected.¹³² On October 28, 2022, the Parliament elected the judge from the Court of Appeal in Skopje, Fatmir Skender, and the state advisor for civil legislation at the Ministry of Justice, Tatjana Vasić-Bosadzjeva, as constitutional judges.¹³³ However, the discussion on the latest proposal is still ongoing in the Commission on Elections and Appointments,¹³⁴ while another constitutional judge has retired.¹³⁵ The non-election of the remaining four judges by Parliament could lead the country to a constitutional crisis.¹³⁶

The laws amending the Law on Public Prosecutor's Service¹³⁷ and the Law on Judicial Service¹³⁸ were adopted on November 3, 2022, at the continuation of the 82nd session of the Parliament of the Republic of North Macedonia, following a shortened procedure.¹³⁹ Namely, the amendments to the Law on Judicial Service achieve equality of staff in the private and in the public sector, by establishing the same amount of legal minimum salary and harmonisation (in tiers) of the other salaries of judicial servants at all levels, and also ensures continuity of changes of salaries in the judicial administration in relation to minimum salary on the national level, as a long-term objective. Within the framework of harmonising the Law on Judicial Service with the Law on Minimum Salary,¹⁴⁰ there is also an increase in employees' salaries in the judicial service by 15%.¹⁴¹

Improving the capacities of the prosecution service aims to harmonise the Law on Prosecution Service with the Law on Employees in the Public Sector¹⁴² and the Law on Administrative Servants¹⁴³ since the previous legal solution contains imprecisions regarding the definition and payments of supplements to salaries of prosecutorial officers.¹⁴⁴ The Law amending the Law on Public Prosecutor's Office establishes

132 'Fatmir Skender and Tatjana Vasic Bozadzjeva Elected as New Constitutional Judges (Фатмир Скендер и Татјана Васиќ Бозаџиева избрани за нови уставни судии)', *Sloboden Pecat*, 28 October, 2022, <https://www.slobodenpecat.mk/fatmir-skender-i-tatjana-vasikj-bozadzjeva-izbrani-za-novi-ustavni-sudii/>.

133 Ibid.

134 'Speech from the Final Press Conference of the President of the Constitutional Court Dobrila Kacarska', *Official Website of the Constitutional Court of North Macedonia*, 3 January 2023, <http://ustavensud.mk/?p=23342&lang=en>.

135 'The President of the Constitutional Court, Dobrila Katsarska, Informed the President of the Judicial Council, Pavlina Crvenkovska, about the Expiration of the Mandate of Judge Vangelina Markudova (Претседателката на Уставниот суд Добрила Кацарска со писмо ја извести претседателката на Судскиот совет, Павлина Црвенковска за истекот на мандатот на судијата Вангелина Маркудова)', *Official Website of the Constitutional Court of North Macedonia*, 7 October, 2022, <http://ustavensud.mk/?p=22787>.

136 'The Constitutional Court Faces Legal "Disappearance" after 31 Years of Independence (Уставниот суд пред правно „исчезнување“ по 31 година во независна Македонија)', *MKD*, 12 October, 2022, <https://www.mkd.mk/makedonija/sudstvo/ustavniot-sud-pred-pravno-ischeznuvanje-po-31-godini-postoenje>.

137 'Law on Amending the Law on Public Prosecutor Service (Закон за изменување на Законот за јавнообвинителска служба)', *Official Gazette of the Republic of North Macedonia No. 235/2022*.

138 'Law Amending the Law on Judicial Service (Закон за изменување на Законот за судска служба)', *Official Gazette of the Republic of North Macedonia No. 235/2022*.

139 'The Laws on the Judicial, Public Prosecutor's Service and on the Execution of Sanctions Have Been Passed (Донесени законите за судска, јавнообвинителска служба и за извршување санкции)', *Nezavisen*, 3 November, 2022 <https://nezavisen.mk/doneseni-zakoni-za-sudska-javnoobvinitelska-sluzhba-i-za-izvrshuvanje-sankcii/>.

140 'Law on Amending and Supplementing the Law on Minimum Wage in the Republic of North Macedonia (Закон за изменување и дополнување на Законот за минимална плата во Република Северна Македонија)', *Official Gazette of the Republic of North Macedonia No. 41/2022*.

141 Abazi Imeri et al., 'Analysis: Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)'.

142 'Draft Law for Public Sector Employees (Предлог закон за вработените во јавниот сектор)', *Electronic National Register of Regulations of the Republic of North Macedonia - ENER*, https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=60142.

143 'Law on Administrative Servants (Закон за административни службеници)', *Official Gazette of the Republic of Macedonia No. 27/2014; 199/2014; 48/2015; 154/2015; 5/2016; 80/2016; 127/2016; 142/2016; 2/2017; 16/2017; 11/2018 and Official Gazette of the Republic of North Macedonia No. 275/2019; 14/2020; 215/2021; 99/2022*.

144 Abazi Imeri et al., 'Analysis: Comprehensive Assessment of the Implementation of the Strategy for the Reform of the Justice System (2017-2022)'.

the same amount of legal minimum salary and harmonisation (in salary tiers) of other salaries of prosecutorial officers at all levels, and also ensures continuity of changing salaries in prosecutorial administration in relation to the minimum salary on the national level.¹⁴⁵

In November and December 2022, the Skopje Court of Appeal granted the appeals of the defendants in the 'Trezor'¹⁴⁶ and 'Target-Tvrdina'¹⁴⁷ cases, thereby cancelling the first-instance verdicts and returning the cases to the Basic Criminal Court Skopje for reconsideration and retrial. With that, the main defendant in both cases was released from the imposed eight-year¹⁴⁸ and twelve-year¹⁴⁹ sentences. As a reason for the annulment of the first-instance verdicts, it was indicated that substantial violations of the provisions of the Law on Criminal Procedure by the Basic Criminal Court Skopje had been established, which calls into question the factual situation and the correct application of the Criminal Law.¹⁵⁰ With this decision of the Skopje Court of Appeal, the possibility of the statute of limitations in the case of the first defendant in the 'Target-Tvrdina' case has been opened, if a new final judgment is not passed by 2025.¹⁵¹

Due to criticism and pressure from the public, especially from the expert public, the Judicial Council began to investigate the reasons for the delay in hearing the appeals in the cases by the Skopje Court of Appeal.¹⁵² That is why since March 2022 for the first, and April 2022 for the second, it has not been discussed at a public session in the Skopje Court of Appeal.¹⁵³

On December 22, 2022, a retrial hearing was scheduled in the Basic Criminal Court of Skopje for the first defendant in the 'Titanik 2' case, three years after the annulment of the first-instance verdict.¹⁵⁴ But the hearing was not held due to the absence of the defendant.¹⁵⁵ In this regard, a dispute arose between the Basic Criminal Court Skopje and the Struga Penitentiary about who is to blame for the defendant not attending the scheduled hearing.¹⁵⁶ The missed hearing was rescheduled and held on

145 Ibid.

146 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', *Court of Appeal Skopje - Judicial Portal of the Republic of North Macedonia*, 25 November 2022, <https://bit.ly/3R0Z2m5>.

147 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', 16 December, 2022.

148 'The Skopje Court of Appeal Overturned the Sentence for Mijalkov, Which Required Him to Spend 8 Years in Prison and Return 860 Thousand Euros to the Budget (Апелација укина пресуда за Мијалков со која требаше да лежи 8 години во затвор и во буџетот да се вратат 860 илјади евра)', *A1 On*, 25 November, 2022 <https://bit.ly/3wkMi0e>.

149 'The Skopje Court of Appeal Overturned the Verdict on the Wiretapping, Mijalkov Was Released from the 12-Year Prison Sentence (Апелација ја укина пресудата за прислушувањето, Мијалков ослободен од 12-годишната затворска казна)', *A1 On*, 16 December, 2022 <https://a1on.mk/macedonia/apelacija-ja-ukina-presudata-za-prislushkuvanjeto-mijalkov-osloboden-od-12-godishnata-zatvorska-kazna/>.

150 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', 25 November 2022.; 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', 16 December, 2022.

151 'Overturned Judgments - Obsolete "Justice" (Поништени пресуди - застарена „права“)', *Radio Free Europe*, 19 December, 2022, <https://bit.ly/3QXUzAc>.

152 'It Will Be Investigated why the Appellate Judges Kept in a Drawer the Wiretapping Cases with which Mijalkov Was Sentenced by the First-Instance Court to 20 Years in Prison (Ќе се истражува зошто апелационите судии ги држат во фиока предметите за прислушувањето со кои Мијалков неправосилно е осуден на 20 години затвор)', *Sakam Da Kazam*, 23 November, 2022, <https://sdk.mk/index.php/makedonija/ke-se-istrazuva-zoshto-apelatsionite-sudii-gi-drzhat-vo-fioka-predmetite-za-prislushuvane-to-so-koi-mijalkov-nepravosilno-e-osuden-na-20-godini-zatvor/>.

153 Ibid.

154 'PUBLIC ANNOUNCEMENT (СООПШТЕНИЕ ЗА ЈАВНОСТ)', *Court of Appeal Skopje - Judicial Portal of the Republic of North Macedonia*, 23 December, 2019 <https://bit.ly/3D7Q9I9>.

155 'It Is Not Known Where Mijalkov Is- Although He Was Properly Invited, this Morning He Was not Escorted from the Prison in Struga for the Retrial of 'Titanik 2' (Не се знае каде е Мијалков- Утринава не беше спроведен од затворот во Струга за повторното судење за „Титаник 2“, а бил уредно поканет)', *Sakam Da Kazam*, 22 December, 2022, <https://sdk.mk/index.php/makedonija/ne-se-znae-kade-e-mijalkov-utrinava-ne-beshe-sproveden-od-zatvorot-vo-struga-za-povtorenoto-sudene-za-titanik-2-a-bil-uredno-pokanet/>.

156 'Criminal Court against Struga Prison: The Return from the Escort Order Shows When Mijalkov Should Have Been Brought to 'Titanik 2' (Кривичен контра струшкиот затвор: Повратницата од наредбата за спровод покажува кога Мијалков требаше да биде донесен на „Титаник 2“), *360 Stepeni*, 22 December, 2022 <https://360stepeni.mk/krivichen-kontra-strushkiot-zatvor-povratnitsata-od-naredbata-za-sprovod-pokazhuva-koga-mijalkov-trebashe-da-bide-donesen-na-titanik-2/>.

December 26, 2022.¹⁵⁷ In the meantime, the Administration for Execution of Sanctions conducted an extraordinary inspection in the Struga Penitentiary, which established that there were no omissions on the part of the prison administration, but rather a technical error made by the court.¹⁵⁸

Fight against corruption

State Commission for Prevention of Corruption

In October, the State Commission for Prevention of Corruption (SCPC) signed agreements for electronic use of data contained in the Central Registry of the Republic of North Macedonia¹⁵⁹ and in the Real Estate Cadastre Agency.¹⁶⁰ By signing the agreements, the SCPC will be able to obtain necessary data available to these institutions in electronic form without submitting written requests, which should increase its efficiency and effectiveness, especially in the area of recording and monitoring property status and interests.

The SCPC and the Ministry of Interior (Mol) signed an agreement on cooperation and exchange of data in electronic form and a memorandum of cooperation. With the data exchange agreement, Mol will enable the SCPC to receive data in electronic form through web services and process them in a predetermined structured electronic form, in the shortest possible time. The memorandum of cooperation envisages cooperation between the two institutions in facilitating and improving the whistle-blower protection system in the Republic of North Macedonia.¹⁶¹ The SCPC also signed a memorandum of cooperation with the Ministry for Information Society and Administration (MISA), envisaging an intensification of cooperation between these institutions in order to advance, promote, and encourage the training process of the public administration in the direction of raising awareness and advancing knowledge on preventing corruption and conflict of interests.¹⁶²

In mid-October, the SCPS decided to close several cases against various current and former officials who, after taking office, did not submit their questionnaires on time because they paid the fines that were issued to them. Among these officials are the Minister of Environment and Physical Planning, the Presi-

157 'This Morning, a New Hearing for 'Titanik 2': Mijalkov This Time Conducted from the Struga Prison (Претпладнево ново рочиште за „Титаник 2“: Мијалков овојпат спроведен од струшкиот затвор)', *Telma TV*, 26 December, 2022, <https://telma.com.mk/2022/12/26/pretpladnevo-novo-rochishte-za-titanik-2-mijalkov-ovojpat-sproveden-od-strushkiot-zatvor/>.

158 'The Investigation Proved That the Prison Authorities in Struga Acted Legally in the 'Mijalkov' Case (Истрагата докажа дека затворските власти во Струга за случајот „Мијалков“ постапиле законски)', *A1 On*, 23 December, 2022, <https://a1on.mk/macedonia/istragata-dokazha-deka-zatvorskite-vlasti-vo-struga-za-sluchajot-mijalkov-postapile-zakonski/>.

159 'SIGNED AGREEMENT FOR ELECTRONIC USE OF DATA WITH THE CENTRAL REGISTRY OF THE REPUBLIC OF NORTH MACEDONIA (ПОТПИШАН ДОГОВОР ЗА ЕЛЕКТРОНСКО КОРИСТЕЊЕ НА ПОДАТОЦИ СО ЦЕНТРАЛНИОТ РЕГИСТАР НА РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА)', *Official Website of the State Commission for Prevention of Corruption*, 6 October, 2022 <https://bit.ly/3ZVQfWF>.

160 'SCPC Gains Electronic Access to Data of the Real Estate Cadastre Agency (ДККК добива електронски пристап до податоците на Агенцијата за катастар на недвижности)', *Official Website of the State Commission for Prevention of Corruption*, 28 October, 2022 <https://bit.ly/3iVdPSZ>.

161 'The President of the SCPC, Biljana Ivanovska, and the Minister of Interior, Oliver Spasovski, Signed an Agreement on Cooperation and Exchange of Data in Electronic Form and a Memorandum for the Improvement of the Whistleblower Protection System, as an Effective Tool in the Fight against Corruption (Претседателката на ДККК, Билјана Ивановска и Министерот за внатрешни работи, Оливер Спасовски, потпишаа Договор за соработка и размена на податоци во електронска форма и Меморандум за унапредување на системот на заштита на укажувачите, како ефективна алатка во борбата против корупцијата)', *Official Website of the State Commission for Prevention of Corruption*, 14 October, 2022, <https://bit.ly/3HqgJbU>.

162 'Signed Memorandum of Cooperation with the Ministry of Information Society and Administration (Потпишан Меморандум за соработка со Министерството за информатичко општество и администрација)', *Official Website of the State Commission for Prevention of Corruption (blog)*, 3 November, 2022, <https://bit.ly/3wqsFUF>.

dent of the Judicial Council, and the acting director of the Albanian Theatre Skopje. Additionally, the SCPC concluded that material interest could not be proven in any case and also rejected the report against the work of a former Deputy Minister of Culture regarding alleged abuse of official duty and obtaining material benefit by extorting money.¹⁶³

Towards the end of October, opposition party VMRO-DPMNE claimed 123 public officials have assets worth around 30 million euros not declared on the questionnaire they are obliged to submit to the SCPC and they requested that the SCPC take action regarding the matter.¹⁶⁴ The President of the SCPC encouraged the party to submit any documents supporting these claims to the SCPC and that the SCPC would act accordingly.¹⁶⁵

In November, a controversial claim was made that the son of the current President of the Parliament was given the right to take the bar exam by a discretionary decision of a former Minister of Justice (MoJ), without fulfilling the prescribed educational requirements.¹⁶⁶ The SCPC conducted an investigation and concluded that the candidate completed his studies after passing the bar exam, but the timing does not match. However, they stated they cannot confirm this because older documents in the MoJ are not kept and cannot do anything more about this case, but that they are committed to systemically improving things.¹⁶⁷

Governing bodies

Criminal complaints have been filed against two police officers for accepting a bribe. Namely, the officers requested and received a bribe during traffic control, when they were obliged to issue a misdemeanour payment order for a confirmed traffic violation for running a red light.¹⁶⁸

Independence and impartiality

Following the reactions to the selection of the Basic Public Prosecutor of the BPPPOCC explained above,¹⁶⁹ on December 6, 2022, it was announced by the US Ambassador that the Washington sanctions team had arrived in order to more aggressively investigate corruption among past and present officials and to consider all possible responses.¹⁷⁰

163 'SCPC Closed Several Cases for Non-Submission of Questionnaires by Officials (ДККК затвори повеќе предмети за недоставување на анкетен лист од функционери)', *Pravdiko*, 14 October, 2022, <https://www.pravdiko.mk/dskk-zatvori-poveke-predmeti-za-nedostavuvane-na-anketen-list-od-funktsioneri/>.

164 'Petrushevski: 123 Officials Hid Assets Worth 30 Million Euros, SCPC Should Fulfill Its Legal Duty (Петрушевски: 123 функционери криеле имот вреден 30 милиони евра, ДККК да си ја изврши законската должност)', *Centar.Mk*, 1 November, 2022, <https://bit.ly/3HKL6tr>.

165 'VMRO-DPMNE Announced 4 Officials with "Secret Assets" - Kovacevski: If They Have Information, They Should Submit It to SCPC (ВМРО-ДПМНЕ објави 4 функционери со „тајни имоти“ – Ковачевски: Ако имаат сознанија да ги достават до антикорупциска)', *TV 21*, 25 October, 2022 <https://bit.ly/3jcTZCY>.

166 'How Talat Xhaferi's Son Passed the Bar Exam and Enrolled at the Academy for Judges and Public Prosecutors? (Како синот на Талат Џафери полага правосуден испит и се запишал на Академија за судии?)', *Kanal 5*, 28 November, 2022, <https://kanal5.com.mk/kako-sinot-na-talat-djaferi-polagal-pravosuden-ispit-i-se-zapishal-na-akademija-za-sudii/a557605>.

167 'ANTI-CORRUPTION: Talat Xhaferi's Son Barlet Passed the Bar Exam before Graduating, but a Case Cannot Be Opened (АНТИКОРУПЦИСКА: Барлет, синот на Талат Џафери положи правосуден испит пред да дипломира, но не може да се отвори предмет)', *Denesen.Mk*, 25 November, 2022 <https://bit.ly/3kZxUbc>.

168 'Criminal Charges against Two Police Officers for Accepting Bribe (Кривична пријава против двајца полицајци за примање поткуп)', *Pravdiko*, 26 October, 2022 <https://www.pravdiko.mk/krivichna-prijava-protiv-dvajtsa-politsajtsi-za-primane-potkup/>.

169 'The US Is Baffled by the Choice of Islam Abazi, Especially after Spending Millions of Dollars on Training Prosecutors (САД се збунети од изборот на Ислам Абазии, особено по потрошени милиони долари за обука на обвинители)'.
170 'Ambassador Angela Aggeler on Twitter: "Sanctions Team from Washington Here to Take a More Aggressive Look at Past and Current Corrupt Actors, and to Consider All Possible Responses"', *Official Twitter Profile of the US Ambassador to North Macedonia, Angela Aggeler (blog)*, 6 December, 2022 <https://twitter.com/usambnmacedonia/status/1600068419646533632>.

The Public Prosecutor's Office

In the reporting period, the trial of the 'Softveri' case, where the former Secretary-General of the Government is the first defendant continued. The trial is in evidentiary proceedings, within which a series of testimonies were held regarding the cases for which he is charged.¹⁷¹ In this regard, the former Secretary-General of the Government filed criminal charges against two prosecutors due to alleged abuse of official position, negligent work in the service, submission of false evidence, prevention of evidence, and unlawful deprivation of liberty.¹⁷² The prosecutors also received similar charges from the owner of the company from which the first defendant procured the software for traffic violations.¹⁷³

A commander, a deputy commander, a shift leader, and six police officers were arrested in an operation conducted by MoI and the BPPPOCC at the Tabanovce border crossing. The aforementioned persons were detained for abuse of official position because during the search, a cardboard box containing a large amount of money in different denominations of banknotes in a variety of currencies including Macedonian denars, euros, Swiss francs, American dollars, and Turkish lira was found in the lockers of the officers.¹⁷⁴

In mid-November, the BPPPOCC filed a criminal complaint against the temporary president of a body established by the Government for suspicion that he committed abuse of his official position. He is suspected to have used his position to illegally obtain a total amount of 75,722 euros for himself and for other persons, to the detriment of the budget of the institution.¹⁷⁵

Legal framework

The long awaited amendments of the Criminal Code have passed the first reading in Parliament and await further phases of the legislative procedure.¹⁷⁶ This draft Code is introducing the implementation of the Istanbul Convention, by establishing new incriminations that cover gender based violence, redefining the existing ones, and making the penal policy stricter regarding these crimes. In addition to this, there are interventions regarding crimes related to journalists' safety, certain provisions are changed in regards

171 'Rashkovski Claims That the Software Was Purchased Only for Analysis and Asks the Court to Test It Live (Рашковски тврди дека софтверот бил набавен само за анализи и бара од судот да го тестира во живо)', *360 Stepeni*, 1 November, 2022, <https://360stepeni.mk/rashkovski-tvr-di-deka-sofтверot-bil-nabaven-samo-za-analizi-i-bara-od-sudot-da-go-testira-vo-zhivo/>. ; 'Spasovski: I Was Not Familiar with Rashkovski's Software, the Ministry of the Interior Was Doing Its Own Analyzes for the Upgrade of "Safe City" at the Request of Zaev (Спасовски: Не бев запознаен со софтверот на Рашковски, МВР правеше свои анализи за надградба на „Сејф сити“ на барање на Заев)', *360 Stepeni*, 1 November, 2022 <https://bit.ly/3Dq47if>.

172 'Rashkovski with Criminal Charges against Prosecutors Ruskovska and Trajcheva (Рашковски со кривични пријави против обвинителките Русковска и Трајчева)', *Telma TV*, 28 November, 2022, <https://telma.com.mk/2022/11/28/rashkovski-so-krivichni-prijavi-protiv-obvinitelkite-ruskovska-i-trajcheva/>.

173 'The Owner of the Company from Which Rashkovski Purchased the Software- with a Criminal Charge against Ruskovska (Сопствениот на фирмата од која Рашковски го набави софтверот - со кривична против Русковска)', *TV 24*, 5 December 2022, <https://24.mk/details/sopstveniot-na-firmata-od-koja-rashkovski-go-nabavi-sofтверot-so-krivichna-protiv-ruskovska>.

174 'A Commander, a Deputy Commander and Several Police Officers Were Detained in Yesterday's Action in "Tabanovce" (Командир, заменик-командир и неколку полициски службеници се приведени во вчерашната акција на „Табановце“)', *360 Stepeni*, 26 December, 2022, <https://360stepeni.mk/komandir-zamenik-komandir-i-nekolku-politsiski-sluzhbenitsi-se-privedeni-vo-vchershna-ta-akcija-na-tabanovtse/>.

175 'A Criminal Complaint Was Filed for "Abuse of Official Position and Authority" (Поднесена кривична пријава за „злоупотреба на службена положба и овластување“)', *Centar.Mk*, 18 November, 2022, <https://centar.mk/blog/2022/11/18/podnesena-krivichna-prijava-za-zloupotreba-na-sluzhbena-polozhba-i-ovlastuvane/>.

176 'Stalking and Violence against Journalists Passed the First Parliamentary Filter for Entry into the Criminal Code (Демнењето и насилството врз новинари го поминаа првиот собраниски филтер за влез во Кривичниот законик)', *Radio MOF*, 22 November, 2022, <https://bit.ly/3XQz47K>.

to confiscation and torture, and there is harmonisation with Directive (EU) 2017/1371 on combatting fraud related to the financial interests of the EU, through the application of the criminal law.

On November 9, the draft version of the new Law on Criminal Procedure was published on the National Electronic Register of Regulations (ENER).¹⁷⁷ The aim of the new law is for it to be harmonised with the adopted EU directives related to right to interpretation and translation in criminal procedure, the right to information in criminal procedure, protection of personal data within cooperation in criminal matters, on standards of right, support and protection of victims of crimes. Additionally, it aims to overcome the non-uniform interpretation and non-uniform practical application of some provisions of the currently applicable law, to provide a precise definition of provisions related to ordering, extending and terminating the pre-trial detention measure and to offer precise definitions of the provisions on plea-bargaining.

While the Minister of Justice stated that there are currently applicable instruments and mechanisms for proving and revealing illegally acquired property, he also announced that the draft Law on the Origin of Property will be prepared as soon as possible.¹⁷⁸ However, it has not been published thus far.

Fundamental rights

Case law of the European Court for Human Rights

In a judgment made on December 13, 2022, the European Courts of Human Rights (ECtHR) found that two primary schools, Gjorgji Sugarev in Bitola and Goce Delchev in Štip, had violated the right to non-discrimination (Article 14) in conjunction with the right to education (Article 2 of Protocol 1) of Roma children. Roma children were taught in increasingly segregated classes for several years, a trend concluding with classes entirely made up of Roma children due to non-Roma parents removing their children and enrolling them in schools elsewhere. This resulted in the parents of the Roma children feeling that the quality of education offered to children in the Roma-majority schools declined. Thus, the ECtHR established discriminatory treatment and awarded compensation to the households of these children.¹⁷⁹

The Ombudsperson

After establishing that 23 people with disabilities have been refused financial assistance from the state because of their age, the Ombudsperson seeks the amendment of the Law on Social Protection.¹⁸⁰ He located discriminatory elements in this law where it is stipulated that persons older than 65 are no longer entitled to financial aid, although according to the Ombudsperson, that is when they need it most.¹⁸¹

177 Ministry of Justice, 'Draft Law on Criminal Procedure (Предлог на Законот за кривичната постапка)' (National Electronic Register of Regulations (ENER), 9 November, 2022) https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76038.

178 'Tupancheski: There Are Instruments and Mechanisms for Proving and Revealing the State of Illegally Acquired Property. (Тупанчески: Постојат инструменти и механизми за докажување и откривање на состојбата на незаконски стекнатиот имот.)', *Official Website of the Ministry of Justice*, 25 October, 2022 <https://pravda.gov.mk/vest/6430>.

179 ECtHR, 'Case of Elmazova and Others v. North Macedonia (Applications nos. 11811/20 and 13550/20)', 13 December, 2022, <https://bit.ly/3i92CxS>.

180 Initiative to Amend and Supplement the Provisions of the Law on Social Protection (Иницијатива за изменување и дополнување на одредбите од Законот за социјалната заштита), *Official Gazette of Republic of North Macedonia*, No. 104/2019, 146/2019, 275/2019, 302/2020, 311/2020, 163/2021, 294/2021 and 99/ 2022.

181 'The Ombudsperson Requests Amendments in the Law on Social Protection for the Persons with Disabilities (Омбудсманот бара измени во законот за социјална заштита на лицата со попреченост)', *Telma TV*, 23 November, 2022 <https://bit.ly/3D9R7x8>.

Although the current school year has entered its second quarter, the Ombudsperson keeps receiving petitions from parents of students regarding the lack of educational assistants.¹⁸² As a long term solution, the Ombudsperson recommends that the Ministry of Education and Science (MES) intensify the activities for the adoption of a new Law on Secondary Education and harmonise it with the Convention on the Rights of Persons with Disabilities, and until then, given that the school year is in progress, the Ombudsperson recommends the MES to enable uninterrupted education and support from an educational assistant for every child with a disability.¹⁸³

Torture or other cruel, inhuman or degrading treatment or punishment

In the beginning of December, the MoJ published an advertisement for three members from the Republic of North Macedonia to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).¹⁸⁴

The Basic Criminal Court Skopje sentenced two police officers who were found guilty of mistreatment in performing a duty. The two police officers approached a person and asked for identification. The person responded, after which they angrily searched him and hit him on the head. Then they handcuffed him and the started hitting him again, after which they lifted the injured person to take him to the police station.¹⁸⁵ Both officers were sentenced to one year in prison, suspended for three years.

Prison and detention facilities

After the Ombudsperson had conducted a special visit to the correctional facility at Idrizovo and issued a recommendation to move under-aged girls to the correctional facility Volkovija, where boys also serve their sentences, but are adequately separated according to the law and have access to proper facilities according to established standards,¹⁸⁶ the Minister of Justice stated this recommendation is implemented and that the under-aged girls will serve their sentence in the correctional facility Volkovija.¹⁸⁷

182 'THE MINISTRY OF EDUCATION HAS BECOME THE MOST PROBLEMATIC AND MOST DISFUNCTIONAL DEPARTMENT, OMBUDSMAN ZIEBERI PUBLISHED ALL THE COMPLAINTS OF PARENTS AND STUDENTS (МИНИСТЕРСТВОТО ЗА ОБРАЗОВАНИЕ СТАНУВА НАЈПРОБЛЕМАТИЧЕН И НАЈНЕФУНКЦИОНАЛЕН РЕСОР, ОМБУДСМАНОТ ЗИБЕРИ ГИ ОБЈАВИ СИТЕ ПОПЛАКИ НА РОДИТЕЛИ И УЧЕНИЦИ)', *Sdk.Mk*, 30 September, 2022 <https://bit.ly/3kS434V>.

183 'Ombudsperson: There Are Students for Whom Educational Assistants Are Not Provided (Народен правобранител: Има ученици за кои не се обезбедени образовни асистенти)', *Radio MOF*, 3 December, 2022, <https://www.radiomof.mk/naroden-pravobranitel-ima-uchenici-za-koi-ne-se-obezbedeni-obrazovni-asistenti/>.

184 'Advertisement for Three Members from the Republic of North Macedonia to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Јаве оглас за избор на тројца кандидати за член од Република Северна Македонија во Европскиот комитет за превенција од тортура и нехуман или понижувачки третман или казнување)', *Official Website of the Ministry of Justice*, 5 December, 2022 <https://bit.ly/3Di5YGO>.

185 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-odluka-shto-ja-sankcionira-polisciskata-brutalnost/>.

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

187 Ministry of Justice, 'Tupanceski: In Volkovia, the "Referral to the CF" Measure Will Be Enforced for Minors Serve the Sentence (Тупанчески: Во Волковија ќе се издржува мерката „упатување во ВПД“ за малолетничките на кои име е изречена)', 20 October, 2022, <https://pravda.gov.mk/vest/6424>.

A television personality serving a sentence at the correctional facility at Idrizovo was brutally beaten and was taken to hospital.¹⁸⁸ The MoJ issued a statement explaining that a disciplinary procedure shall be conducted against the convicted persons who committed the physical attack and that officers from the Administration for Execution of Sanctions would also carry out a full inspection of the facility.¹⁸⁹ This incident prompted the Helsinki Committee for Human Rights (HCHR) to reiterate their alarm on inter-convict violence, which often occurs in penitentiary institutions, often due to the lack of prison staff, but also due to insufficiently trained prison staff.¹⁹⁰

In the beginning of December, the HCHR published its report on the state and conditions in penal institutions and correctional facilities 2022.¹⁹¹ The findings in the report display improved material conditions in some penitentiary institutions, as well as efforts to educate the staff, but also show the existence of systemic flaws, such as: low level of multisectoral cooperation between competent institutions, access to health care and education, corruption, substandard living conditions in some penitentiary institutions, as well as a lack of adequate conditions for implementing resocialisation programs, and leisure and vocational activities of convicted persons.

Personal data protection

In the reporting period, the Personal Data Protection Agency (PDPA) implemented 51 given directions, notifications, and responses of controllers/processors regarding the perception of risks, rules, protection measures and rights regarding the processing of personal data; four indications to state government bodies and state bodies regarding regulations and other legal instruments published in the Official Gazette; one indication for undertaking appropriate technical measures; six opinions regarding draft laws, by-laws and other materials in the field of personal data protection, and acted upon two requests for approval for personal data processing according to Article 84 of the Law on Personal Data Protection.¹⁹²

The PDPA conducted a total of 47 inspections during the reporting period, of which 36 were regular and 11 unannounced, while it did not conduct any electronic regular supervisions.¹⁹³

Out of 72 complaints submitted to the PDPA in the reporting period, most are from individuals that refer to social networks (58), namely fake and hacked profiles, complaints that refer to the publication of other people's photos, videos and audio recordings to other people's profiles on social media. The other 14 complaints are regarding exercising the rights of the subjects of personal data, processing personal data through video surveillance systems, etc.¹⁹⁴

188 'Boki 13 Was Beaten in Prison by Three Inmates, Taken to the Hospital by Ambulance (Тројца затвореници го претепале Боки 13 во затвор, со Брза помош однесен во болница)', *A1 On*, 21 October, 2022, <https://a1on.mk/macedonia/trojca-zatvorenici-go-pretepe-ale-boki-13-vo-zatvor-so-brza-pomosh-odnesen-vo-bolnica/>.

189 Ministry of Justice, 'Announcement (Соопштение)', 21 October, 2022, <https://pravda.gov.mk/vest/6427>.

190 'Institutions Must Protect High-Risk Convicts (Институциите мора да ги заштитат осудениците во висок ризик)', *Official Website of the Helsinki Committee for Human Rights of the Republic of North Macedonia*, 21 October, 2022, <https://mhc.org.mk/news/institucii-te-mora-da-gi-zashtitat-osudenicite-vo-visok-rizik/>.

191 Ina Djugumanova, 'Report on the State and Conditions in Penal Institutions and Correctional Facilities 2022 (Извештај за состојбите и условите во казнено – поправните установи и воспитната установа 2022 година)' (Helsinki Committee for Human Rights of the Republic of North Macedonia, 6 December, 2022), <https://mhc.org.mk/wp-content/uploads/2022/12/borba-protiv-tortura-i-nehuman-tretman.pdf>.

192 Personal Data Protection Agency of the Republic of North Macedonia, 'Submission of Public Information (Доставување на информации од јавен карактер)', *February 1, 2023*.

193 Ibid.

194 Ibid.

The PDPA continued to regularly conduct trainings for the protection of personal data.¹⁹⁵ By the end of the reporting period, it organised the 12th and 13th session of personal data protection trainings.

Freedom of expression

In the beginning of November, the Association of Journalists of Macedonia (AJM) and the Independent Union of Journalists and Media Workers (SSNM) requested immediate adoption of the amendments to the Criminal Code currently stuck in Parliament¹⁹⁶ which would enable greater protection of journalists and media workers, as attacks on them would be dealt with as attacks on official persons. The amendments introducing stricter penalties for the criminal acts of ‘murder’, ‘use of force’, ‘endangering security’, and ‘preventing an official from performing an official act’, when they are committed against journalists or media workers, have passed the first reading in Parliament and await further phases of the legislative procedure.¹⁹⁷

On November 17, Parliament adopted the new Law on Civil Liability for Defamation and Insult, which reduces penalties for journalists, editors, and legal entities for defamation and insult by up to five times in comparison to the previous law.¹⁹⁸

After a break of four years, the possibility of state advertisements returning to private radio and television channels is being brought back again with a proposal to amend the Law on Audio and Audio Visual Media Services coming from five MPs. The proposal calls for the erasure of Article 102 of the law, which halted the flow of state money for campaigns to private media, as justified with greater transparency in the choice of broadcasting campaigns of public interest, as well as their more frequent implementation and broadcasting to raise public awareness. Journalists’ associations warn of possible political influence if the amendment is adopted by Parliament.¹⁹⁹ The amendments of this law cause additional concerns since it is foreseen that the funds for financing the broadcasting activity, for the operation and development of the Macedonian Radio Broadcasting Television, which are provided by the state budget to the amount of 1%, will be reduced to 0.9% of the realised total revenues in the year preceding the fiscal year. The Programme Council of the Public Radio Broadcaster and AJM warn that this difference will be transferred to private televisions and radios for campaigns of public interest on topics decided by political parties.²⁰⁰

The BPPPO Skopje appointed one of their public prosecutors as a contact person regarding cases related to journalists’ safety, which are under this institution’s jurisdiction.²⁰¹ This decision was made subsequent

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

196 ‘Journalists Demand Immediate Adoption of Amendments to the Criminal Code for Their Greater Protection (Новинарите бараат итно усвојување на измените на Кривичниот законик за нивна поголема заштита)’, *Radio MOF*, 2 November, 2022, <https://www.radiomof.mk/novinarite-baraat-itno-usvojuvanje-na-izmenite-na-krivichniot-zakonik-za-nivna-pogolema-zashtita/>.

197 ‘Stalking and Violence against Journalists Passed the First Parliamentary Filter for Entry into the Criminal Code (Демнењето и насилството врз новинари го поминаа првиот собраниски филтер за влез во Кривичниот законик)’,

198 Law on Civil Liability for Defamation and Insult (Закон за граѓанска одговорност за навреда и клевета), Official Gazette of the Republic of North Macedonia No. 251/22.

199 ‘Will the Government Buy Influence in the Media Again? (Дали власта пак ќе купува влијание во медиумите?)’, *Slobodnaevropa.Mk*, 16 November, 2022, <https://bit.ly/3HkEXUA>.

200 ‘The Programme Council at MRT and AJM: The MRT Budget Is Cut in a Non-Transparent Way (Програмскиот совет при МРТ и ЗНМ: на нетранспарентен начин се крати буџетот на МРТ)’, *Official website of the Association of Journalists of Macedonia*, 19 November, 2022, <https://bit.ly/3iZjd7v>.

201 ‘AJM: BPPPO Skopje Has Appointed a Public Prosecutor as Contact Person for Cases Related to the Safety of Journalists (ЗНМ: ЗНМ: ОЈО Скопје назначи јавен обвинител за контакти за предмети поврзани со безбедноста на новинарите)’, *Official website of the Association of Journalists of Macedonia*, 4 October, 2022, <https://bit.ly/3QtqZmw>.

to AJM's recommendation to establish a separate department within the BPPPO Skopje in order to increase the safety of journalists. This position is intended to serve as a direct line of communication between attacked journalists and the BPPPO Skopje, and to coordinate proceedings regarding destruction of property belonging to journalists and media workers when related to their work.²⁰²

According to a study published by the AJM on 'Attitudes and perceptions of journalists on the transparency of the judiciary in North Macedonia', journalists feel like the judiciary does not contribute enough to protect the freedom of expression in North Macedonia, the safety of journalists, and journalists do not believe there is effective investigation into or punishment for attacks against them. A lack of communication between judges and journalists and a lack of clearly defined rules and procedures for transparency and public relations have been identified as the main challenges that hinder the process of building partnership and cooperation between journalists and judicial institutions.²⁰³

According to a survey analysing online harassment of female journalists in North Macedonia, conducted by the Platform for Investigative Journalism and Analysis (PINA), out of 103 female journalists surveyed in the country, 81.6% faced online harassment.²⁰⁴ Of this number, almost half (43.7%) of the harassed female journalists did not report the harassment anywhere, while the largest portion of the rest (32%) reported it to their editorial office. While this survey shows that attacks on journalists have a gender component, it simultaneously reiterates the lack of trust journalists have in institutions to provide protection for them.

On the occasion of Human Rights Day on December 10th, the AJM published a new analysis titled 'Freedom of expression and the safety of journalists before the Court in Strasbourg - Analysis of the judgments of the European Court of Human Rights in Macedonian cases under Article 10 of the European Convention for Human Rights'. The authors of this publication analysed the protection of the right to information through the protection of journalists and the journalistic profession, as well as through the protection of the right of citizens to be adequately informed on relevant topics. The conclusions and recommendations are that freedom of expression can exist and be active only by creating an environment, both legislative and institutional, for actual application of ECtHR's standards within the work of Macedonian media.²⁰⁵

After a journalist's research was published on experimental treatment of COVID-19 in a private hospital,²⁰⁶ an official investigation²⁰⁶ was initiated by the BPPPO and an special inspection was requested.²⁰⁷

202 'AJM'S COOPERATION WITH THE PROSECUTOR FOR ATTACKED JOURNALISTS HAS BEGUN, OLD UNRESOLVED INVESTIGATIONS ARE ALSO ACTIVATED (ПОЧНА СОРАБОТКАТА НА ЗНМ СО ОБВИНИТЕЛКАТА ЗА НАПАДНАТИ НОВИНАРИ, СЕ АКТИВИРААТ И СТАРИТЕ НЕРЕШЕНИ ИСТРАГИ)', *Official website of the Association of Journalists of Macedonia*, 31 October, 2022 <https://bit.ly/3ivQHkw>.

203 Davor Pashoski, 'Attitudes and Perceptions of Journalists on the Transparency of the Judiciary in North Macedonia (Ставови и перцепции на новинарите за транспарентноста на правосудството во Северна Македонија)' (Association of Journalists of Macedonia, 1 October, 2022), https://znm.org.mk/wp-content/uploads/2022/09/Studija_MK_10092022-1.pdf.

204 Bojana Jovanovska, 'From Normalization to Self-Censorship – Analysis of Online Harassment against Female Journalists in North Macedonia (Од нормализација до самоцензура – АНАЛИЗА на онлајн вознемирувањето врз новинарките во Северна Македонија)' (Platform for Investigative Journalism and Analysis- PINA, 7 October, 2022), <https://bit.ly/3XTSubC>.

205 Velimir Delovski and Kostadin Bogdanov, 'Analysis: Freedom of Expression and Safety of Journalists before the Court in Strasbourg - Analysis of the Judgments of the European Court of Human Rights in Macedonian Cases under Article 10 of the European Convention on Human Rights (Анализа: Слободата на изразување и безбедноста на новинарите пред Судот во Стразбур - Анализа на пресудите на Европскиот суд за човекови права во македонските предмети по членот 10 од Европската конвенција за човекови права)' (Association of Journalists of Macedonia, 10 December, 2022), https://znm.org.mk/wp-content/uploads/2022/12/Analiza_Presudi_ECHR_061222_2-1.pdf.

206 'The Prosecutor's Office Formed a Case after the Documentary "Dirty Blood" (Обвинителството оформи предмет по допрен глас по документарниот филм „Нечиста крв“)', *Investigative Reporting Laboratory*, 18 July, 2022, <https://irl.mk/obvinitelstvoto-oformi-predmet-po-dopren-glas-po-dokumentarniot-film-nechista-krv/>.

207 'Open Investigation and Extraordinary Inspection for the "Zhan Mitrev" Clinic after the IRL Story about the Experimental Treatment of COVID-19 (Отворена истрага и вонредна инспекција за клиниката „Жан Митрев“ по сторијата на ИРЛ за експерименталното лекување Ковид-19)', *Radio MOF*, 18 July, 2022 <https://bit.ly/3WTKzKn>.

Subsequently, the owner of the hospital filed a lawsuit to determine civil liability for defamation and compensation for non-material damage to the amount of 1,200,000 denars, together with a request for the removal of the research, which would lead to brutal censorship of the entire media industry, if granted by the court, according to the SSNM.²⁰⁸ However, the Basic Civil Court Skopje rejected the request, which was welcomed by the AJM, which stated that this decision protects the right to freedom of expression.²⁰⁹

The AJM and Macedonian Radio Television (MRT) signed a Memorandum of Cooperation which represents a mutual agreement for the realisation of joint activities within the framework of the annual work plans according to the strategic goals. The Memorandum was concluded with the aim of improving the capacities of journalists in their public service, their networking, and strengthening of mutual cooperation.²¹⁰

Attacks on journalists

During the reporting period, the Agency for Audio and Audiovisual Media Services (AAVMS) reacted to six incidents involving attacks on journalists: 1. the physical attack of the owner of online media outlet 'Burevesnik' and journalist, 2. the verbal and physical attack of TV 24's crew, 3. the indecent behaviour of the director of heating company 'Skopje-Sever' towards a journalist, 4. the request of the previous Minister of Justice for a journalistic article to be erased, 5. the unprofessional behaviour of the Secretary General of the City of Skopje, who did not respond to journalists' questions during a press conference, and, 6. the request of police officers made towards a journalist to erase a video made during the protests of private transport companies. They found no hate speech spread by a media outlet.²¹¹

While filming a story on a Ukrainian oligarch, wanted for money laundering in his native country, who has registered his residence in Skopje, the owner of a neighbouring house attacked the television crew with verbal attacks, and then physically assaulted the cameraman who filmed all the incidents outside of the attacker's property.²¹² The attacker was quickly detained by police officers and the Mol stated that the BPPPO Skopje was notified about the incident and a criminal complaint will be filed against the attacker.²¹³ The AJM and the SSNM have condemned the incident and reiterated their request for adoption of the amendments to the Criminal Code.²¹⁴ Finally, the BPPPO Skopje initiated proceedings against the attacker and submitted a proposal to the court for putting the perpetrator under house arrest.²¹⁵

208 'SSNM: The Court Should Not Accept Dr. Mitrev's Request to Remove the IRL Research (ССНМ: Судот да не го прифати барањето на д-р Митрев за забрана на истражувањето на ИРЛ)', *Radio MOF*, 19 October, 2022, <https://www.radiomof.mk/ssnm-sudot-da-ne-go-prifati-baranjeto-na-d-r-mitrev-za-zabrana-na-istranzhuvanjeteto-na-irl/>.

209 'The Court Rejected the Request for Censorship of IRL's Research, AJM Welcomed the Decision (Судот го отфрли барањето за цензура на истражувањето на ИРЛ, од ЗНМ ја поздравил одлуката)', *Radio MOF*, 20 October, 2022, <https://www.radiomof.mk/sudot-go-otfrli-baranjeto-za-cenzura-na-istranzhuvanjeteto-na-irl-od-znm-ja-pozdravija-odlukata/>.

210 'Memorandum of Cooperation between AJM and MRT: Continuous Training for Journalists and Cameramen in the Public Service (Меморандум за соработка помеѓу ЗНМ и МРТ: Постојани обуки за новинарите и снимателите во јавниот сервис)', *Official website of the Association of Journalists of Macedonia*, 15 November, 2022, <https://bit.ly/3XmEFSx>.

211 Agency for Audio and Audiovisual Media Services, 'Submission of Public Information (Доставување на информации од јавен карактер)', 17 January, 2023.

212 'A TV 24 Cameraman Was Physically Attacked (Физички нападнат снимател на ТВ 24)', *24 Vesti*, 14 November, 2022 <https://24.mk/details/fizichki-napadnat-snimatel-na-tv-24>.

213 'Ministry of Interior: The Attacker of the TV 24 Cameraman Detained (МВР: Приведен напаѓачот на снимателот на ТВ 24)', *360 Stepeni*, 14 November, 2022, <https://360stepeni.mk/mvr-priveden-napagachot-na-snimatelot-na-tv-24/>.

214 'Journalist Organisations Have Condemned the Attack on the Cameraman from TV 24, Demand Responsibility and Amendments of the Criminal Code (Новинарските организации го осудија нападот на снимателот од ТВ 24, бараат одговорност и измени на Кривичниот закон)', *Radio MOF*, 15 November, 2022, <https://bit.ly/3IEkzyY>.

215 'Proposed House Arrest for a Person Suspected of Violence against a Media Crew (Предложен куќен притвор за лице осомничено за насилство врз новинарска екипа)', *Official Website of the Public Prosecutor's Office of the Republic of North Macedonia*, 15 November, 2022, <https://bit.ly/3VWB5gQ>.

A journalist, performing his journalistic duty while present at a hearing at the Basic Civil Court Skopje, was verbally attacked by a member of the public because he using his laptop for taking notes at the hearing. The AJM interpreted this as an attempt at censorship and obstruction in the exercise of the journalistic profession and assisted the journalist in submitting a petition against the judge before the Judicial Council.²¹⁶

Another example of a state institution interfering with journalists' work was the prevention by police of a media crew from filming protests in Skopje related to the blockades of private transportation companies. During the protests, a journalist tried to film police officers that were dragging a woman, but they demanded the journalist delete the recording. The AJM claimed the incident was a clear example of media censorship and announced that it will be reported to the Department of Internal Control in the Mol.²¹⁷

Rights of the child

The Committee on the Rights of the Child at the United Nations (UN) published its observations on the country's mechanisms to deal with discrimination against children and violence towards them. While the Committee praised the establishment of the Commission for Prevention and Protection against Discrimination (CPPD) pursuant to the Law on Prevention and Protection against Discrimination, they also pointed out remaining concerns about the existence of stereotypes and social norms that lead to discrimination against children, especially Roma children, children with disabilities, and Lesbian, gay, bisexual, trans and intersex communities (LGBTI) children and youth. The Committee also expressed its concern about insufficient systemic efforts to tackle peer violence in schools, online bullying and violence against these groups of children and recommends that implementation of measures to deal with multiple and intersectional discrimination against children with disabilities, as well as strengthening measures to promote the inclusion of children with disabilities in the community and ensure their equal access to all services in the community, especially cultural, sports and recreational activities.²¹⁸

In the beginning of October 2022, MES made a decision to establish a Council for promotion of education and science. The initial goal of this Council is to finally find a solution to the issue of a lack of textbooks in primary and secondary schools, while more broadly, the Council is established in order to improve the quality of education and science, optimisation in education, strengthening of the evaluation and assessment systems, reforming the curricula with greater focus on learning outcomes, better orientation of vocational education and training programs to the needs of the labour market, as well as programs in higher education to reflect the needs of the labour market.²¹⁹

216 'Petition before the Judicial Council for Violation of the Right of Colleague Kristijan Landov to Report from a Court Hearing (Претставка до Судски совет за повреда на правото на колегата Кристијан Ландов да известува од судско рочиште)', *Official website of the Association of Journalists of Macedonia*, 16 November, 2022, <https://bit.ly/3JpVlzx>.

217 'AJM: Police or Censors- Scandalously Deleted Video on TV21 (ЗНМ: Полиција или цензори – скандалозно избришан видеозапис на ТВ21)', *Radio MOF*, 8 December, 2022, <https://www.radiomof.mk/znm-policija-ili-cenzori-skandalozno-izbrishan-video-zapis-na-tv21/>.

218 'The Committee on the Rights of the Child at the UN with a Series of Criticisms of How the State Deals with Discrimination (Комитетот за правата на детето при ОН со низа критики како државата се справува со дискриминацијата)', *Radio MOF*, 4 October, 2022, <https://www.radiomof.mk/komitetet-za-pravata-na-deteto-pri-on-so-niza-kritiki-kako-drzhavata-se-spravuva-so-diskriminacijata/>.

219 'The Government Adopted the Decision to Establish a Council for Solving the Problem with Textbooks (Владата ја усвои одлуката за формирање на Совет за решавање на проблемот со учебниците)', *Radio MOF*, 5 October, 2022, <https://www.radiomof.mk/vlada-ja-usvoi-odlukata-za-formiranje-na-sovet-za-reshavanje-na-problemot-so-uchebnicite/>.

Vulnerable groups and principle of non-discrimination

In the reporting period, the CPPD has received 64 complaints and opened one case on its own initiative. During this period, a total of 40 decisions were made, while discrimination has been found in 14 of those cases, on the basis of nationality or ethnicity (four cases), personality and social status (four cases), on the basis of sex (two cases), belonging to a marginalised group (two cases), sexual orientation (one case), gender identity (one case), language (one case), other beliefs and other bases (two cases).²²⁰

In the beginning of November, following the resignation of the CPPD's president and member, the members of the CPPD elected a new president and deputy president.²²¹

The 2022 EC Country Report on North Macedonia, published on October 12, reiterated the same issues from the previous Country Report, these being numerous logistical and financial challenges hampering the work of the CPPD. Furthermore, it was stated that the Government has again cut the annual budget of the CPPD, and a lack of administrative staff still persists. There is also a remark about the lack of independence of the CPPD related to budget spending due to inconsistency in the current legal framework and a lack of diversity in the composition of the CPPD, especially in terms of gender and persons with disabilities.²²²

The CPPD issued an opinion and corresponding recommendations pursuant to the petition submitted by the Union of the Fighters of the National Liberation and Anti-Fascist War of Macedonia 1941-1945 and the Continuing Citizens - Municipal Board - Bitola, against the Association Ivan Mihajlov Cultural Centre - Bitola, for discrimination on the basis of national and ethnic affiliation in the field of activities in associations, foundations or other organisations towards the members, families, supporters, and admirers of the Union of Fighters, towards the Macedonian people and towards members of all ethnic communities in the Republic of North Macedonia. The CPPD determined prolonged and multiple harassment as a more serious type of discrimination performed by the Association Ivan Mihajlov Cultural Centre - Bitola and simultaneously determined indirect discrimination committed by the MoJ, due to its failure to perform its legal powers, which enabled the Association Ivan Mihajlov Cultural Centre - Bitola to carry out discriminatory activities.²²³ Following the press conference when the opinion was elaborated upon, a member of the CPPD was a victim of hate speech and death threats, to which the CPPD strongly reacted.²²⁴

After the public appeal by students and the opinion issued by the CPPD establishing indirect discrimination performed by MES regarding the increase in student and pupil scholarships, which would not apply to all students and pupils. i.e. the higher amounts would be only be given to those who applied to new scholarship contests,²²⁵ MES has agreed to equalise the scholarships for all students.²²⁶

220 Commission for the Prevention and Protection against Discrimination, 'Submission of Public Information (Доставување на информации од јавен карактер)', 23 January, 2023.

221 'CPPD Has a New President (КСЗД со нов претседател)', *Official Website of the Commission for Prevention and Protection against Discrimination*, 3 November, 2022, <https://bit.ly/3klkxls>.

222 'CPPD in the European Commission's Progress Report (КСЗД во Извештајот на Европската комисија)', *Official Website of the Commission on Prevention and Protection against Discrimination*, 18 October, 2022, <https://bit.ly/3ZEAS50>.

223 'Opinion (Мислење)' (Commission for Prevention and Protection against Discrimination, 13 October, 2022), <https://bit.ly/3w9IkYl>.

224 'Threats of Physical Liquidation of a Member of CPPD (Закани за физичка ликвидација на член на КСЗД)', *Official Website of the Commission on Prevention and Protection against Discrimination*, 17 October, 2022 <https://bit.ly/3QGfPlk>.

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

226 'MES Will Equalize the Scholarships for All Students (МОН ќе ги изедначи стипендиите за сите студенти)', *Radio MOF*, 17 December, 2022 <https://www.radiomof.mk/mon-kje-gi-izednachi-stipendiite-za-site-studenti/>.

The CPPD established direct continued discrimination on the basis of gender carried out by the Public Health Institution University Clinic for Children's Diseases. The clinic prevents fathers from accompanying their own child when the child is hospitalised, due to its practice during the evening that the child is only allowed to be accompanied by the mother, and in case of the mother's unavailability, only female relatives (grandmothers or aunts, etc.) of the hospitalised child are allowed to accompany the child. They justify such practice with the argument that children stay for multiple days and get dressed there, so it is inappropriate for parents of different sex to accompany them. The CPPD recommended that the institution put an end to this discriminatory practice within 90 days.²²⁷

Acting upon a complaint against employees of the MoI for direct discrimination on the basis of political beliefs in the field of work and labour relations, the CPPD issued an opinion determining harassment due to professional degradation and continuous insecurity.²²⁸ Due to a failure to act upon the recommendation contained in its opinion, the CPPD filed a misdemeanour proceeding before the competent court, whereby the Basic Court in Kumanovo found the four discriminators guilty and imposed misdemeanour sanctions on them.²²⁹

Gender

The Law on Payment of Monetary Compensation to Victims of Violent Crimes was adopted by Parliament on November 17, 2022 and will enter into force on May 17, 2023. Monetary compensation is provided in order to prevent possible victimisation and secondary victimisation as additional suffering caused by the approach of competent authorities.²³⁰

The amendments of the Criminal Code, introducing the implementation of the Istanbul Convention, have passed the first reading in Parliament. With these amendments, domestic violence is specified, and gender-based violence against women is defined for the first time. Newly defined crimes also include gender harassment and stalking, and the amendments provide for higher penalties for crimes committed or resulting from gender-based violence.²³¹

In the beginning of December, the Prime Minister and the Minister of Finance presented the new Tax Reform Concept, and one of the initiatives included in the concept is the reduction of the VAT rate from 18% to 5% for menstrual hygiene products. This has been introduced to contribute in the fight against menstrual poverty and to allow greater availability of these products to all women and girls, regardless of their economic position and purchasing power. The changes introduced with the new Tax Reform Concept are planned for the coming year.²³²

227 'CPPD: Continuous Discrimination Based on Gender in Pediatric Clinic Established (КСЗД: Утврдена продолжена дискриминација врз основа на пол во клиниката за детски болести)', *Radio MOF*, 19 December, 2022 <https://bit.ly/3XVSY1c>.

228 Commission for Prevention and Protection against Discrimination, 'Opinion (Мислење)', 15 October 2021, <https://kszd.mk/wp-content/uploads/2021/12/0801-111-%D0%BE%D0%B4-15.10.21-Se-utvrduva-voznemiurvanje.pdf>.

229 'For the First Time, the Court Sanctioned a Discriminator Following a Request Submitted by CPPD (За прв пат судот казни дискриминатор по барање поднесено од КСЗД)', Official Website of the Commission for Prevention and Protection against Discrimination, 27 December, 2022, <https://bit.ly/3wHXnsn>.

230 'MYLA: The Law on Payment of Monetary Compensation to Victims of Violent Crimes Was Adopted (МЗМП: Донесен е Законот за исплата на паричен надоместок на жртви од кривични дела со насилство)', *Akademik*, 2 December, 2022, <https://bit.ly/40iBsWj>.

231 'Stalking and Violence against Journalists Passed the First Parliamentary Filter for Entry into the Criminal Code (Демнењето и насилството врз новинари го поминаа првиот собраниски филтер за влез во Кривичниот законик)'

232 'Kovachevski Announced a Reduction in the Tax on Menstrual Products from 18% to 5% (Ковачевски најави намалување на данокот на менструалните производи од 18% на 5%)', *Radio MOF*, 1 December, 2022, <https://www.radiomof.mk/kovachevski-najavi-namaluvanje-na-danokot-na-menstrualnite-proizvodi-od-18-na-5/>.

The Network for Protection against Discrimination (NPD), together with agricultural organisations and other NGOs supporting them, have pointed out the systemic problem of a lack of paid maternity leave for women who work in the agricultural sector. 1,075 women registered as individual farmers do not have the right to paid maternity leave, even though they have health insurance and have a regular obligation to pay health and social insurance. The lack of regulation for this category of women in the Law on Labour Relations and in the Law on Health Insurance has led to this issue surfacing, and while the organisations see its resolution in adopting amendments to these laws, relevant state institutions disagree. They propose the adoption of a programme which would not provide a systematic solution, thus the organisations supporting women who work in the agricultural sector are raising the issue and asking for wider support.²³³

On the occasion of 16 days of activism against gender-based violence, the Minister of Interior referenced police statistics from January to September this year, when at state level, 809 crimes of domestic violence were reported and of the 863 victims, 669 were women, mostly wives, extra-marital partners, mothers, and daughters. While the Minister notes that good results have been achieved in sanctioning gender-based violence, there is still a lot more work to be done in its prevention.²³⁴

In mid-December, the Ministry of Labour and Social Policy (MLSP) announced that it had established a centre for women victims of domestic violence in the Polog region, as it was the only region in the country where there was no such facility and women were sheltered in other cities. The centre provides services of temporary residence, protection, psycho-social assistance and support for victims who have experienced violence and abuse.²³⁵

LGBTI +

Three years after the first Pride Parade was held in Skopje, an indictment for hate crime against a member of the LGBTI community in North Macedonia was filed.²³⁶

Another positive example from the judiciary system reacting to hate crime against members of the LGBTI community, is the judgment passed by the Basic Court Strumica on November 28, 2022. In its verdict, the Court found the accused guilty of hate crime towards the President of the LGBTI United Association, through physically assaulting him on August 8, 2022 in Strumica, during an event organised by the LGBTI United Association. This is perceived as being small, but it is an important step for justice and there is the expectation that these positive changes in the criminal justice system will finally end the practice of impunity for perpetrators of LGBTI-phobic hate crime.²³⁷

233 'Farmer Women Produce Food for Everyone and Farm for Generations, but They Do Not Have Paid Maternity Leave (Земјоделките произведуваат храна за сите и одгледуваат генерации, а немаат платено породилно отсуство)', *Radio MOF*, 12 December, 2022, <https://www.radiomof.mk/zemjodelkite-proizveduvaat-hrana-za-site-i-odgleduvaat-generacii-a-nemaat-plateno-porodilno-otsustvo/>.

234 'Wives, Common-Law Wives, Mothers and Daughters Suffer Most from Domestic Violence (Сопруги, вонбрачни сопруги, мајки и ќерки најмногу страдаат од семејно насилство)', *Mkd.Mk*, 28 November, 2022, <https://bit.ly/3GMD3Lh>.

235 'Polog Region Received the First Center for Women Victims of Domestic Violence (Полошкиот регион го доби првиот Центар за жени-жртви на семејно насилство)', *Radio MOF*, 13 December, 2022, <https://bit.ly/3XGSwn5>.

236 'Indictment for Assaulting a Member of the LGBT Community after Three Years (По три години обвинение за напад врз член на ЛГБТ заедницата)', *Deutsche Welle*, 30 November, 2022, <https://bit.ly/3WONgt6>.

237 "'LGBTI United": 6-Month Prison Sentence for the Person Who Physically Attacked the Activist Bekim Asani („ЛГБТИ Јунајтед“: Казна затвор од 6 месеци за лицето кое физички го нападна активистот Беким Асани)', *Radio MOF*, 6 December, 2022, <https://www.radiomof.mk/lgbti-junajted-kazna-zatvor-od-6-meseци-za-liceto-koe-fizichki-go-napadna-aktivistot-bekim-asani/>.

A research titled 'Attitudes and experiences with prejudice, social distance and equality in North Macedonia' conducted by the Macedonian Center for International Cooperation (MCMS) showed that a majority of the participants that took part in the research have a prejudice towards the LGBTI community. Namely, 53.5% of citizens openly express their negative feelings or prejudices towards lesbians, gay and bisexual people, while 46.3% of citizens express negative feelings towards transgender people.²³⁸

A clear indicator that the members of the LGBTI community do not feel entirely safe is the public call for participation in a one-week self-defence training focused on the LGBTI community, issued by the LGBTI United association. The organisers have pointed out that hate speech and acts of hate against the LGBTI community have been on the rise recently, so the classes will be based on a specially designed self-defence system, primarily intended for prevention and self-protection of persons who have suffered trauma from a verbal or physical attack, victims of violence, active or passive bullying and the like.²³⁹

Roma

According to official data from the Employment Service Agency of the Republic of North Macedonia, in the first half of 2022, there was a total of 11,923 registered unemployed Roma, half of which were women (6,101). While the CPPD and the Ombudsperson have not received any complaints by Roma women about discrimination in the workplace, they are aware of this issue and recommend that institutions act systematically in order to overcome discrimination against Roma women. They also urge women to report discrimination without fear that someone will discover their personal data and even if they are not authorized to act, they will refer the women to the appropriate authorities who can investigate the case.²⁴⁰

The aforementioned research conducted by MCMS also showed that while the majority of citizens would like to have neighbours of different ethnicity or religious beliefs, they do not feel the same when asked if they would like to have Roma neighbours. A larger portion of the participants in the survey, 52.5%, answered they would not like this situation, showing that prejudice and discrimination toward Roma people still persist in the Macedonian society.²⁴¹

238 Natasha Dimova, 'Tolerance and Values of Citizens (Толеранција и вредности на граѓаните)' (Macedonian Centre for International Cooperation, 15 November, 2022), <https://mcms.mk/images/docs/2022/tolerancija-i-vrednosti-na-graganite.pdf>.

239 'Call for a One-Week Self-Defense Training for the LGBT+ Community (Повик за еднонеделна обука за самозаштита за ЛГБТ+ заедницата)', *Radio MOF*, 5 October, 2022, <https://www.radiomof.mk/povik-za-ednonedelna-obuka-za-samozashtita-za-lgbt-zaednicata/>.

240 'Roma Women Still Discriminated against during Employment (Жените Ромки сè уште дискриминирани при вработување)', *Official website of the Association of Journalists of Macedonia*, 20 October, 2022 <https://bit.ly/3Gxs2x9>.

241 Dimova, 'Tolerance and Values of Citizens (Толеранција и вредности на граѓаните)'.

