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Analytical Report

on Fundamental Rights 2023



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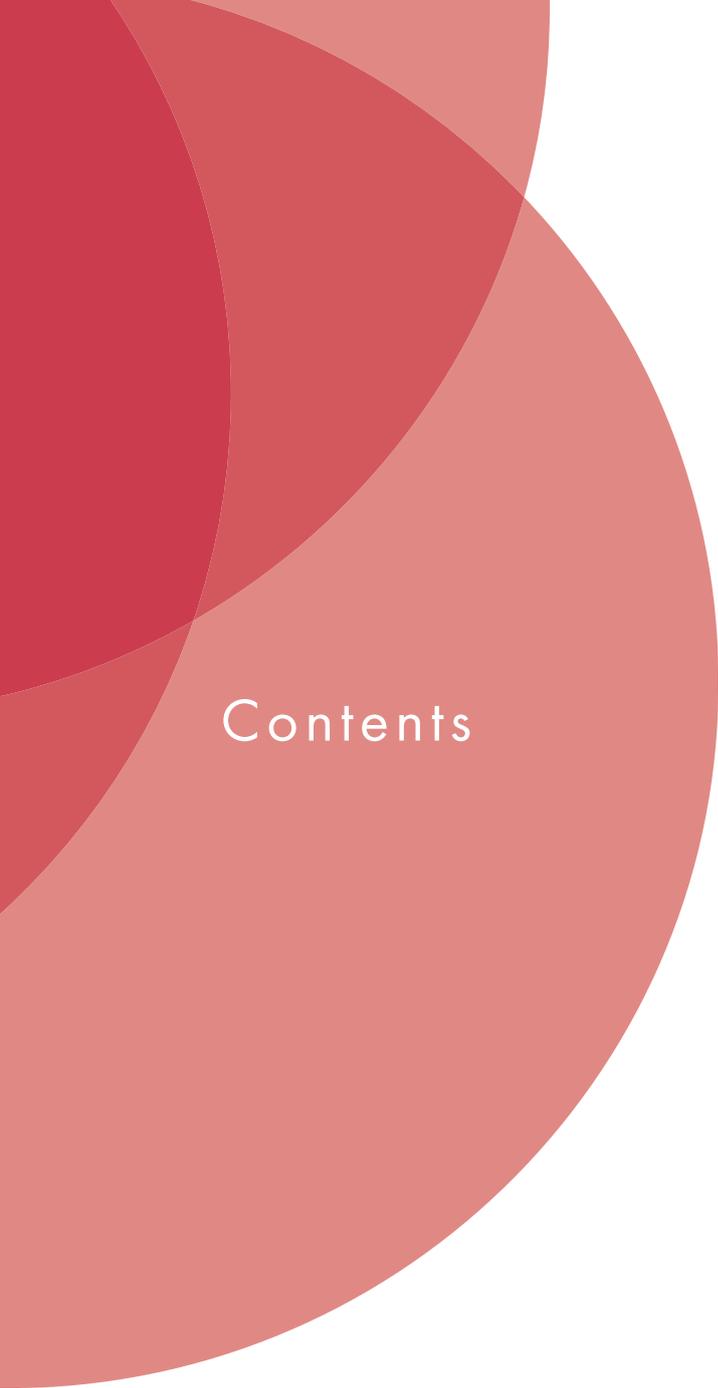
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Romaversitas



Introduction

The Universal Periodic Review (UPR) is a specific instrument for monitoring human rights situations in all United Nations (UN) member states. It provides an opportunity for all countries to share the activities undertaken to improve human rights and overcome challenges in this area. The ultimate goal of the UPR is to improve the human rights situation in each country, with significant consequences for people worldwide. The UPR is designed to encourage, support, and expand the promotion and protection of human rights in practice.

The UPR is implemented by the Working Group on the UPR, which consists of members of the Human Rights Council, and each UN member state can participate in the discussion with the countries under review. The Working Group, the state involved, and the Office of the UN High Commissioner for Human Rights (OHCHR) prepare a report, which is a summary of the discussion and consists of questions, comments, and recommendations made by states to the country under consideration, as well as the responses from that state. Subsequently, it has the primary responsibility to implement the recommendations contained in the final report. According to the UPR, all countries bear responsibility for the progress or failure in implementing these recommendations. At the subsequent review, each country is expected to furnish information regarding the actions taken to implement the recommendations.

The human rights situation in UN member states is reviewed every five years. There have been three UPR cycles so far, and the fourth one is currently underway. This analytical report on fundamental rights contains the key findings of seven local civil society organisations—grantees of the “Human Rights in Practice” small grants scheme implemented under the “Joint Action for Human Rights” project. This project aims to advance the promotion and protection of human rights in North Macedonia by supporting parliamentary and CSO engagement in the area. It is implemented by the European Policy Institute, with the financial support of the European Union.

The grantees’ work is focused on the following human rights areas, and the main issues concerning them are as follows:

- 1. Center for European Citizen Initiative—Rights of persons with disabilities.** There is a notable absence of special educators, personal and educational assistants, and assistive technology in schools. Moreover, a significant portion of schools and polling stations remain inaccessible to individuals with physical disabilities and visual impairments.
- 2. Legis—Refugees and migrants.** Potential asylum seekers and victims of organised crime groups are being unlawfully detained in the country for up to two weeks, which contradicts the principles outlined in the 1951 Refugee Convention. Additionally, under the existing Law on Asylum and Temporary Protection, asylum seekers are prohibited from entering the labour market, leaving them without financial resources.
- 3. National Network to End Violence against Women and Domestic Violence—Violence against women and children.** Five years after the adoption of the National Action Plan for the implementation of the Istanbul Convention 2018–2023, some planned activities have still not been implemented. Additionally, the amendments to the Criminal Code are not completely aligned with the Convention because some forms of violence are not included, such as psychological violence.

- 4. Double Hope—Rights of the child.** The effective implementation and functioning of a comprehensive countering violent extremism strategy are significantly delayed, primarily due to insufficient capacities to combat online radicalisation. Additionally, apart from regulations addressing juvenile delinquency under the Law of the Rights of the Child, there is a notable absence of legal provisions mandating local authorities to establish a local council for prevention. This council serves as a pivotal tool for developing and fortifying preventive mechanisms within local self-government units.
- 5. Queer Center Skopje—LGBTI rights.** The second most common type of hate speech in the Republic of North Macedonia is homophobic and transphobic hate speech. Regrettably, impunity for hate speech is increasingly observed within the public prosecution system. This trend serves as a troubling incentive for perpetrators to persist in perpetrating violence and hate speech against the LGBTIQ community.
- 6. Multikultura—Right to education.** Students with disabilities face numerous challenges, including the absence of suitable identification documents, inadequate spatial and material-technical conditions, and insufficient assessment and grading methods. Moreover, inclusive preschool education remains underdeveloped. Additionally, factors such as poverty, discrimination, segregation, lack of identification documents, and early marriages contribute to the low enrolment of Roma children in the educational system.
- 7. Romaversitas—Right of the Roma (ending statelessness):** Unregistered persons without identification documents are mostly due to the lack of a residence address or a title deed that the persons can register as the residence address, although they are Macedonian citizens and the lack of information regarding the rights stipulated in the Law on Free Legal Aid, as well as categories of persons not covered by that Law.

Below are condensed analyses of these issues and recommendations for their resolution. For comprehensive analyses, please consult the respective websites.



Rights of persons with disabilities

Center for European Citizen Initiative

This report provides a brief preview of the problems faced by persons with disabilities in the fields of education, disaster management, the right to vote, and non-discrimination. The achievements in the past four years and the degree of fulfilment of the recommendations given in the last UPR cycle have been taken into account.

Education

Partial progress has been achieved in terms of fulfilling the recommendations in the last UPR cycle related to inclusive education, as the Law on Primary Education, the Concept for Primary Education, and the Concept for Inclusive Education were adopted, which provide for the complete deinstitutionalisation of children with disabilities. With the amendments to the Law on Child Protection, it became possible for children over six years of age to have a personal assistant. The problem remains of an insufficient number of special educators in all municipalities and an insufficient number of personal and educational assistants; there is no provision for the study of Braille and spatial orientation of blind children and the sign language of deaf children. There is a lack of assistive technology in schools, and a large number of schools are not accessible.

Recommendations

- » To ensure greater accessibility of school facilities for children with physical disabilities and children with visual impairment;
- » To introduce special subjects in primary education such as orientation in space for visually impaired children and blind children, Braille for blind children, and sign language for those with hearing and speech impairments to ensure greater inclusion;
- » To repeat the recommendation given by Singapore in the last UPR cycle: "Take further steps to build a more inclusive society by ensuring that sufficient special educators are employed to support the integration of children with disabilities in primary and secondary schools in all municipalities."

Disaster management

The state lacks a well-developed system for early warning, prevention, and protection against natural and technical risks and disasters, specifically tailored to accommodate individuals with disabilities. Laws and by-laws that regulate the matters of crisis management and protection and rescue in disasters do not contain regulations that refer to persons with disabilities. People with impaired vision and hearing do not have adequate sources of information about the existence of a risk or a warning about the danger that has already occurred. During the protection and evacuation procedure, no protocols have been developed for rescuing persons with physical disabilities, persons with intellectual disabilities, and persons with impaired hearing and sight. The largest number of facilities where people with disabilities live, work, or study are not sufficiently accessible in case of evacuation. The municipalities do not have crisis plans and plans for protection and rescue that include protocols for the prevention and protection of persons with disabilities. People with intellectual disabilities do not have access to information about how to protect against disasters.

Recommendation

- » Amend existing legislation related to disaster management and introduce provisions related to warning, prevention, protection, and rescue in situations of natural and technical disasters.

Suffrage

The largest number of polling stations are not accessible to people with physical disabilities and visually impaired people because there are barriers to the polling stations and polling booths. The information disseminated during election campaigns through media and candidate materials often fails to adequately cater to individuals with intellectual disabilities, as well as those with vision and hearing impairments. Moreover, there is insufficient protection of the right to secrecy and immediate voting for individuals who require assistance, such as the blind, partially sighted, and those with intellectual disabilities, during the voting process.

Recommendations

- » To adopt by-laws that will ensure accessibility of the facilities at the polling stations for persons with physical disabilities or who are visually impaired;
- » To change the Electoral Code in the Electoral Campaign chapter to provide accessible information for blind and partially sighted people, deaf people, and people with intellectual disabilities;
- » To repeat the recommendation given by the Republic of Korea in the last UPR cycle: "Ensure that persons with disabilities, particularly blind persons and persons with intellectual impairment, have the right to vote by secret ballot."

Non-discrimination

The number of complaints about discrimination on the grounds of disability to the Commission for Prevention and Protection against Discrimination and the Ombudsperson is small, especially regarding the discrimination of women and girls with disabilities. The state has not established an efficient system for collecting and integrating data from different institutions and in different areas in order to record situations of unequal treatment of persons with disabilities, especially women and girls. The Commission for Prevention and Protection against Discrimination has not adopted general recommendations for non-discrimination of girls with disabilities in the field of education and health and of women with disabilities in the fields of labour relations, health, and social protection.

Recommendations

- » To repeat the recommendation given by Portugal in the last UPR cycle, which is with the highest consideration emphasised in the letter sent by the High Commissioner for Human Rights to the Ministry of Foreign Affairs of North Macedonia: "Take effective measures to address multiple and intersecting forms of discrimination against persons with disabilities, especially women and girls.";
- » To strengthen the system for collecting and integrating data on the basis of disability to provide evidence of discrimination on the basis of disability in different areas;
- » Increasing the awareness of persons with disabilities to report cases of discrimination.



Refugees and migrants

Legis

This report provides a brief overview of the treatment of migrants and refugees in the Republic of North Macedonia.

Since 2016, the humanitarian corridor on the Balkan transit route has been officially closed for refugees and migrants, collectively referred to as one group. In alignment with the European Union's stance, North Macedonia is contending with irregular migration, primarily from regions including the Middle East (Afghanistan, Syria, Iraq, Iran, and Morocco), North and West Africa (Sudan, Nigeria, Yemen, DR Congo), and Asia (Pakistan, Bangladesh, India). With an average of 40,000 people¹ crossing the border, those engaging in irregular migration face the uncertainty inherent in their journey towards Western Europe. There are limited ways and choices for people who migrate towards Western Europe. One of those ways is through organised crime groups and/or individuals, while others opt for travel by foot or train. However, both routes entail equally hazardous and unpredictable journeys along the borders of the Western Balkan route. People dealing with smugglers are exposed to robbery and physical assaults and are potential victims of car accidents due to high-speed chases with police authorities. Crossing the countries by foot is a big endeavour for people as they may fall victim to local gangs, police and/or train accidents, resulting in death and/or losing

extremities, as many cases are reported in North Macedonia through accidents. If caught by local authorities, they are either forced to be witnesses against smugglers and, further, pushed back or deported to Greece or Serbia.² North Macedonia became a member of NATO in 2022. FRONTEX, the European Border and Coast Guard Agency, established a working agreement in the country in April 2023, focused only on the southern border with Greece.³

¹ Western Balkan MAP irregular migration: <https://see.globalinitiative.net/hotspots/migrant-smuggling/>

² Legis annual report on irregular migration <https://legis.mk/annual-report-on-irregular-migration/> 2019; <https://legis.mk/irregular-migration-in-republic-north-macedonia/> 2022; Local and regional analysis on the access to the right of health <https://legis.mk/comparative-analysis-access-to-right-to-health-for-refugees-and-migrants-in-north-macedonia-serbia-and-bosnia-and-herzegovina-2020-2021/>; <https://legis.mk/country-report-access-to-right-to-health-for-refugees-and-migrants-in-north-macedonia-2020-2021/>; Monthly reports on the access to HR and protection of refugee and migrant population – 2019-2022 <https://legis.mk/category/press-room/reports/>

³ <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-joint-operation-in-north-macedonia-U4I3lv>

Main issues relating to the asylum/migration in the country

1. Access to territory, freedom of movement, and access to asylum for potential refugees among the diverse population in irregular migration

Legis recognises the closed-border policy of the European Union. Holding candidate-member status, the country follows the externalisation policies of the Union. It maintains the closed-border policy on the southern border with Greece and the northern border with Serbia. Irregular entry to the territory is predominantly with organised criminal groups smuggling people into the country. According to the Criminal Code, Article 278, this activity constitutes a criminal offence, with approximately 90% of such entrances being facilitated by smugglers. In such instances, individuals are considered victims of crime. However, potential asylum seekers and victims of other related crimes are not part of the criminal case as they are unlawfully detained for up to two weeks to provide written statements against the alleged smugglers to the Public Prosecutor on Organised Crime and Corruption and pushed back to Greece. This goes against Article 26 of the 1951 Refugee Convention, which provides refugees and asylum-seekers the right to freedom of movement and choice of residence, regardless of whether they entered the territory with or without authorisation.⁴ Therefore, in conjunction with access to the territory, freedom of movement of people in irregular migration is violated by state authorities, contrary to the Constitution of North Macedonia.⁵

⁴ Article 31 of the 1951 Convention contains the principle of non-penalisation for illegal entry or stay, provided that they present themselves to the authorities without delay and show good cause for their illegal entry or presence. Similarly, Article 12 (1) of the ICCPR provides for the right to liberty of movement and freedom to choose one's place of residence for those 'lawfully' within the territory of a State.

⁵ Article 12 of the Constitution states the following: "No individual's freedom can be restricted, except by a court decision and in cases and a procedure determined by a law."

2. Access to the right to work for refugees, migrants, and foreigners

Within the current law on asylum and temporary protection, asylum seekers are not allowed to enter the labour market, except for those working within the premises of the Center for Asylum Seekers in Skopje, which does not have such services. The legal procedure for obtaining legal status and ID lasts a minimum of nine years and a maximum of up to three years per case.⁶ During this period, asylum seekers remain in the Center without financial support or means to enter the labour market and, therefore, are fully dependent on the Center's services and subject to limited movement.⁷ North Macedonia has not signed or ratified the Convention on the Rights of Migrant Workers and their Families. This exacerbates the barriers to accessing employment, compounded by the restrictions on freedom of movement and access to asylum.

Recommendations

- » Group push-backs towards Greece should be recognised as mass expulsions contrary to Articles 3 and 32 of the 1951 Refugee Convention, and victims of organised crime groups should be able to receive reparations in accordance with the Criminal Code of North Macedonia.
- » North Macedonia should consolidate the Law on Asylum and Temporary Protection with the Law on Labour Relations, providing equal rights for citizens and workers' rights, and sign and ratify the Convention on the Rights of Migrants and their Families to provide access to the labour market.

⁶ Given that the Administrative Court has not granted any asylum statuses, individuals holding temporary status must undergo annual reviews. However, obtaining work permits poses challenges for them, and they often face avoidance by employers.

⁷ Asylum seekers can leave the Center for the Reception of Asylum Seekers. However, they must report at least once in two days to the Director of the Center or lose the right to asylum and may be expelled from the country on those grounds: <https://mtsp.gov.mk/content/pdf/pravilnicisocialna/2021/%D1%81%D1%82%D0%B0%D0%B-D%D0%B4%D0%B0%D1%80%D0%B4%D0%B8%20%D0%B7%D0%B0%20%D0%B-F%D1%80%D0%B8%D1%84%D0%B0%D1%82.pdf>



Violence against women and children

National Network to End Violence against Women and Domestic Violence

This report provides a review of the degree of compliance with the national legislation and the national action plan with the Istanbul Convention.

Due diligence is not a political will; it is a priority principle that must be respected

One of the biggest concerns is the Government's apparent lack of prioritisation regarding the issue of violence against women and domestic violence. Despite international recommendations and the ratification of the Istanbul Convention, the Government has yet to demonstrate efforts or fulfil its obligations to enhance the status of women who are victims of gender-based violence.

National Action Plan (NAP) for implementation of the Istanbul Convention⁸

It has been five years since the adoption of the National Action Plan (NAP) for implementation of the Istanbul Convention (October 2018–2023). However, the Government still has not conducted and fulfilled the activities laid down in the plan and timeframe.

⁸ The Action Plan for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republic of Macedonia 2018–2023 is available at the following link.

Some of the activities foreseen in the NAP did not depend on the COVID-19 crisis because the deadline for their implementation ended long before the beginning of the crisis (during 2018 and 2019). This year, 2023, is the last year of the NAP, and more than 50% of the planned activities still need to be implemented and, in some cases, have yet to even start⁹.

Neither of the relevant institutions allocated funds for the on-time implementation of activities predicted in the NAP. The operational plans that were prepared do not show a specific budget for the implementation of activities for prevention and protection against VAW. Most concerning is that the government adopted the NAP without any financial implications from the national budget and plans to implement it with donor funds.

The alignment of legislation is not at a satisfactory level. Since the adoption of the NAP, only two meaningful amendments have been adopted. A new Law on Prevention and Protection from VAW and DV was adopted in January 2021 (although planned for 2019), and amendments to the Criminal Code were adopted in February 2023 (planned for 2019). Although other laws were slightly changed, such as the Law on Social Protection (2019), with the adopted amendments including CSOs as specialised service providers, no other significant change was made that improved the support for women victims of violence¹⁰.

⁹ Note: The national network is preparing a final monitoring report that will cover the entire implementation period 2018–2023 and will be published in December 2023.

¹⁰ Gender aspects and victims of GBV and DV in the Law on Social Protection of the RNM, 2019 is available at the following link.

Implementation of activities aimed at preventing violence against women and domestic violence is very poor or non-existent, i.e., missing conducted public awareness campaigns, modernisation of the teaching contents used in the educational process, as well as continuous training and education for professionals from institutions working on GBV and DV and specialised service providers.

The institutions responsible for implementing the NAP are not transparent enough in their activities—not all ministries include CSOs' organisations in their activities. However, the NAP provides an obligation to include them.

Recommendations

- » A new NAP must be developed as soon as possible, in close cooperation with CSOs working on this issue.
- » The Government and relevant ministries/institutions must allocate funds within their budgets for the implementation of the new NAP activities. The budget that will be provided must be both separated from and visible within the overall budget of the specific ministry/institution to enable monitoring of the costs associated with implementing the activities provided for in the NAP.
- » Budget allocations must be adopted at the same time as the Government adopts the new NAP.
- » We strongly recommend considering the possibility of forming an independent expert body within the government that will be responsible for the alignment of national legislation and practices with the recommendations and obligations of the IC and other relevant international documents.

The situation with specialised services for victims of GBV and DV and women civil society organisations (WCOS) as service providers

Before the ratification of the Istanbul Convention,¹¹ only four shelter centres for accommodating victims of domestic violence existed. Additionally, one counselling centre run by CSOs and two national SOS lines also run by WCOS were functional, but their sustainability depended on donor funds.

In 2018, three referral centres for victims of sexual violence and rape were opened with funds from international donor organisations, and the obligation to run and secure sustainability was given to the Ministry of Health. Referral centres are hardly effective at all in their functioning. The research¹² conducted by the National Network showed that a very small number of women and girls who are victims of sexual violence received the necessary services in the centres. This number is at least three times lower than the number of victims who reported sexual violence at police stations. The Ministry of Health is not fulfilling its legal obligation to fund the centres, and the last three years have drastically reduced the budget for these centres. Except for once a year during the "16 Days of Activism to End GBV and DV" campaign, the Ministry of Health does not do anything else to promote the centres. It informs women, girls, institutions, and the general public about their existence and the support provided.

In 2019, the Ministry of Labour and Social Policy (MLSP) announced the establishment of 11 new specialised services for women victims of GBV and DV, from which seven were counselling centres, two were shelter centres, and two were crisis centres for victims of GBV and DV. However, the MLSP has yet to adopt official standards and norms

¹¹ According to the Council of Europe, minimum standards for specialised services include provisions such as having at least one National SOS Helpline providing 24/7 support in the languages in use, one family place per 10,000 inhabitants in shelters for women victims of violence, a minimum of one rape crisis centre per 200,000 women, a minimum of one centre for victims of sexual violence per 400,000 women, and at least one counselling centre (providing early intervention, psychological counselling, and free legal aid) per 50,000 women. Unfortunately, North Macedonia falls significantly short of meeting these minimum standards.

¹² The efficiency in the functioning of the referral centres for victims of sexual violence, 2022, available only in the Macedonian language at the following link.

for the establishment and operation of specialised services for women and children victims. This raises concerns regarding the standards these services are adhering to and whether they are meeting the necessary criteria to ensure the quality of care for women who have experienced violence. Keeping in mind the fact that domestic violence has its own dynamics and victims need continuous and long-term support, especially after they leave the perpetrator, a one-time psychological support session does not provide the expected results.

Recommendations

- » As soon as possible, the MLSP will develop and adopt standards and operational procedures for specialised services for help and support of victims of GBV and DV that will be realistic and achievable for WCSOs;
- » The MLSP should reconsider its decision on establishing the prices of social services, ensuring that they reflect the actual costs associated with maintaining qualified staff and guaranteeing the long-term sustainability of these services;
- » The Government, in coordination with the MLSP, allocates enough funds for all types of specialised services to help and support victims of GBV and DV and ensures that services run by WCSOs are sustainable.¹³

Amendments to the Criminal Code for alignment with the Istanbul Convention

Although the Government has begun to involve CSOs in some processes (working groups for preparations of some laws, documents, policies, and inclusion of their recommendations in prepared documents), still no CSO has been invited to be part of the working group for preparing the amendments to the Criminal Code formed within the Ministry of Justice. Namely, the Ministry of Justice worked on amendments for over two years. After the adoption by the Government in July 2021, the CSOs were given a chance to comment and suggest additional amendments. A great number of submitted amendments were adopted, meaning that the Criminal Code was significantly amended regarding criminal offences related to GBV and DV. More specifically, the definition of rape and sexual violence that is based on the absence of consent was introduced, as well as definitions for female genital mutilation (FGM), sexual harassment, and stalking.

However, even with these amendments, the Criminal Code is not completely aligned with the Istanbul Convention, meaning that some forms of violence are not criminalised, such as psychological violence.

Recommendations

- » The Ministry of Justice should open a new process for amendments to the Criminal Code, form a working group and include WCSOs as members from the beginning in order to fully align with the IC;
- » Regulate the crime of forced marriage, which covers all the elements of Article 37 of the IC;
- » Ensure the ex officio prosecution of bodily injury committed in the context of domestic violence;
- » Criminalisation of psychological violence as a separate criminal act;
- » In cooperation with the Academy for Judges and Public Prosecutors, the Ministry of Justice will organise in-depth training for police officers, judges, public prosecutors, and all relevant legal professionals on the new legal provisions to ensure their consistent and systematic application in practice.

¹³ Ibid, 21–22.



Rights of the child

Double Hope

This report focuses on protecting children and youth from radicalisation that leads to violent extremism, organised crime, and various forms of abuse.

Finding 1. Macedonian children and youth are easy prey to online radicalisation that leads to extremism

While numerous forums, sponsored by entities such as the UN, EU, OSCE, NATO, or through bilateral cooperation programs, focus on addressing online radicalisation and countering violent extremism (CVE) in the Republic of North Macedonia, there is a recognised need for a comprehensive CVE approach. However, the practical implementation and operationalisation of this recognition appear to be lagging. In fact, the first institutional effort of coherent CVE came only after the National Committee for Countering Violent Extremism and Counter-Terrorism (NCCVECT) was established in 2017. The Government's decision from 2017 stipulates that the NCCVECT will serve as a national coordinative body to monitor and analyse the situation pertaining to CVE and CT and coordinate activities of the relevant institutions working on addressing the phenomenon of violent extremism and acts of terrorism.

The late institutionalisation of the concept of CVE in general and online radicalisation, in particular, stems from two main reasons. First, speaking in the general CVE context, the discourse results from a sporadic, inadequate, and neglected approach to the issue. This may result from a general lack of

awareness or understanding of the perceived threat, expertise, etc. Second, regarding online radicalisation, the discourse rests on the general administration's bias, i.e., that the internet and relevant information and communication technologies (ICT) are usually attributed as the IT personnel-only area.

A deeper look into the personnel's skills and knowledge will confirm that many of those working or leading in CVE have developed their counterterrorism (CT) expertise within a former system shaped by a different government's role in society. On the other hand, the centralised government's mechanisms to control and lead the society (under which this personnel was trained) dissolved during the poorly managed transition from local to federal levels, which operated on top-down principles. All the social services providers managed and controlled by the government facilitators to old-school CT vanished, too. The knowledge, skills and understanding to run and operationalise CT policies did not evolve to meet the required culture for organising and conducting an effective CVE based on the democratic, decentralised and rather horizontal approach. Hence, the civil servant services such as "Narodna Tehnika", "Pionerski Dom", or the so-called "Kulturni Umetnicki Drushtva" managed by the government and subordinated to law enforcement during the CT efforts are gone. The CSOs that fill the vacuum have a different (horizontal, not subordinate) position in the CVE. Under the new CVE concept, these "new actors" (CSOs) are not appreciated as equals or partners by the same personnel with an old-school CT culture.

At the same time, the newly elected democratic leadership, emerging predominantly from the NGO sector as the primary agent in capacity building for democracy, exhibited a lack of comprehensive national security awareness, including awareness of broader geopolitical concerns. As a result, the only operational component capable of assuming a leading role in CVE became personnel from the security and intelligence services. The new concept introduced with the establishment of the NCCVECT appears to be attempting to address this issue.¹⁴

Although theoretically well-designed, things seem to be different in practice and reflect what we have previously explained (appreciating and cooperating with the CSOs). For example, in the latest official plan to implement the “Program on National Security against Terrorism”, one of the success criteria for the program indicates “Raising citizens’ awareness about CVE”. Given that raising awareness is an important institutional regulatory measure operationalising CVE, the government should not take the lead, as in the past, but should support the CSOs in leading. Moreover, given that the CSOs are under-capacitated for effective CVE, it would be wise for the Government to invest/dedicate efforts and funds to build CSOs’ capacities to meet the proper requirements for this.

The challenge of a lack of capacities to address online radicalisation echoes the general challenges associated with the institutional capacities for e-governance. For example, an independent evaluation of the cybersecurity capacities of the country, run by the World Bank and the Global Cyber Security Capacity Centre in 2018, asserted that “It was not possible to obtain a clear picture regarding crisis management...” in the course of cyber threats.¹⁵ According to the Crisis Management Law, the Crisis Management Center (CMC) is responsible for preventing risks and threats (where radicalisation, extremism, and terrorism are underlined as such) and managing the crisis from such threats.¹⁶ Moreover, the evaluation found that “The extent to which organisations consider cyber threats as part of crises is uncertain. It is understood that general crisis management is necessary for national security. However, cybersecurity is not yet considered a component; “The cybersecurity culture is generally not very advanced, and users are often unaware of the risks associated with using the Internet, the cybersecurity strategy overall awareness and readiness”.¹⁷

The recently developed cybersecurity strategy addresses terrorism solely at an awareness level, acknowledging that terrorist exploitation of cyberspace could pose a national security threat within the broader framework of cybersecurity principles.¹⁸

¹⁴ Accordingly, the NCCVECT consists of the Ministry of the Interior; Ministry of Defence; Ministry of Justice; Directorate for Execution of Sanctions; Ministry of Foreign Affairs; Ministry of Local Self-Government; Ministry of Labor and Social Policy; Ministry of Education and Science; Ministry of Health; Ministry of Information Society and Administration; Ministry of Transport and Communications; Directorate for Financial Intelligence; Directorate for Financial Police; Customs Administration; The Intelligence Agency; The Basic Public Prosecutor’s Office for Prosecuting Organized Crime and Corruption; Center for Crisis Management; Directorate for Protection and Rescue; Agency for Electronic Communications; Agency for Youth and Sports and the Commission for Relations with Religious Communities and Religious Groups. National Committee for Countering Violent Extremism and Countering Terrorism (February 2018), “National Counterterrorism Strategy Of The Republic Of Macedonia (2018–2022)”, Government of the Republic of Macedonia, Skopje, p. 30 and p.33, available at: https://wb-iisg.com/wp-content/uploads/bpattachments/6135/ct_national_strategy_eng_translation_sbu.pdf

¹⁵ World Bank & Global Cyber Security Capacity Centre, (2018), “Cybersecurity Capacity Review, Former Yugoslav Republic of Macedonia (FYR Macedonia)”, World Bank, p.9 available at: https://mioa.gov.mk/sites/default/files/pbl_files/documents/reports/cmm_fyrom_report_final_13_august2018_2.pdf

¹⁶ Article 3, p.2 and 5. from the Law on Crisis Management, Official Gazette No.25, from May 4, 2005.

¹⁷ World Bank and Global Cyber Security Capacity Centre, (2018).

¹⁸ The Government of the Republic of North Macedonia, Republic of North Macedonia: National Cyber Security Strategy 2018 – 2022, p.12 available at: https://mioa.gov.mk/sites/default/files/pbl_files/documents/strategies/cyber_security_strategy_macedonia_2018-2022__eng.pdf. The new strategy is in preparation mode, although the old one has barely been implemented despite there being an Action Plan for this.

Recommendations

- » Strengthening the national legislation to assign responsibility and enhance control over the content and context of messages and communications through social media. This aims to uphold democratic principles and human rights while mitigating the risks of hate speech, discrimination, and content inciting violence or intolerance towards diversity. Ensure that the national concept of CVE addresses online radicalisation in a coherent, structural, and systemised way, including appropriate national strategic updates in this context.
- » Strengthening preventive measures mobilising the government, CSOs, and schools by raising awareness of the negative phenomena that lead to radicalisation. This entails facilitating joint public-CSO forums, supported by regional, EU, and other relevant partners, to identify best practices and support mechanisms necessary for enhancing the role of civil society in developing community-based solutions. These efforts aim to address vulnerabilities that foster online radicalisation and enhance mechanisms for building a resilient society against online radicalisation.
- » Strengthening the institutional capacities of society to deal with the risks of online radicalisation successfully, for example, establishing metrics to monitor and evaluate the effectiveness of the NCCVECT in the overall CVE and online radicalisation.

Finding 2. Children and youth are victims of illegal smuggling of marijuana and synthetic drugs.

Contributing factors that endanger Macedonian children and youth from illegal smuggling of marijuana and synthetic drugs may be classified into two groups: (i) Structural factors and (ii) children's and youth's surrounding factors—family, schools, and neighbourhood.¹⁹ These factors are highly interdependent and interconnected. They influence each other and produce an impact on child and youth behaviour.

As part of the Central Balkan route, North Macedonia is at a crossroads of trafficking, mainly heroin, cocaine, cannabis, and synthetic drugs.²⁰ The procurement, transit, and retailing of these drugs, as well as their production, are often well-organised, with actors involved in these activities typically overlapping. The drug market operates dynamically, utilising established routes for smuggling specific types of drugs. However, these routes are also exploited for various other illegal activities. The groups engaged in drug trafficking often consist of poly-criminal organisations that utilise legitimate businesses as a front for their illicit activities.²¹

¹⁹ Conclusions from the group work in all four community-based workshops designed to raise awareness and build capacities among the relevant community stakeholders that included more than 120 participants (local authorities, law enforcement school workers, parental councils' representatives, CSOs, and media from Kochani, Shtip, Sveti Nikole, and Veles, North Macedonia, as a part of the project "Building community resilience against marijuana and synthetic drugs proliferation in schools to protect children and youth" sponsored by the Global Initiative Against Transnational Organized Crime and resilience fund; hereinafter, (The Resilience WS conclusions and recommendations (2021).

²⁰ UNODC (2015), "Drug Money: the illicit proceeds of opiates trafficked on the Balkan route", available at: https://www.unodc.org/res/cld/bibliography/2015/drug_money_the_illicit_proceeds_of_opiates_trafficked_on_the_balkan_route_html/Drug_Money_the_illicit_proceeds_of_opiates_trafficked_on_the_Balkan_route.pdf 9 Ministry of Interior, supported by OSCE (2016), "Serious And Organized Crime Threat Assessment", available at: <https://polis.osce.org/macedonia-serious-and-organised-crime-threat-assessment>

²¹ Ministry of Interior, supported by OSCE (2016), "Serious And Organized Crime Threat Assessment", available at: <https://polis.osce.org/macedonia-serious-and-organised-crime-threat-assessment>

Moreover, groups that are in this business typically engage in trafficking various types of drugs.²² At the beginning of December 2020, for example, two tons of cannabis were stolen from the warehouse of a licensed company in the village of Josifovo, in the Valandovo municipality, North Macedonia. Allegedly, some of this cannabis ended up in Kosovo. In a separate case, four men (two from Skopje, one from Albania and one from Kosovo) stole 60 kilograms of cannabis from the warehouse of a licensed cannabis producer in the region of Krushevo.²³ According to some reports, marijuana trafficking has increased in the last two years after Albanian authorities were pressured by international partners such as the US and EU.²⁴

Our analysis reveals a distressing trend: addicted children in targeted communities such as Shtip, Veles, Kocani, and Sveti Nikole typically fall within the age range of 14 to 15 years. Family dynamics emerge as the primary push factor driving children and youth towards marijuana and synthetic drugs, as well as other forms of delinquency. Dysfunctional families, such as broken family relations, domestic violence, neglected children, etc., were identified as the most common reasons that push children toward drug abuse. Curiosity is another problem. Typically, children may be driven by curiosity or peer pressure to experiment with or abuse marijuana and synthetic drugs. However, once addiction sets in, they often experience isolation and resort to desperate measures to obtain drugs. This change in behaviour is noticeable, as individuals often become aggressive and engage in delinquent behaviours.

In all four communities, participants agreed that the Local Council for Prevention (hereinafter LCP) is one of the most recognisable “tools” for developing and building the preventive mechanism by local self-government. The LCP significantly helps build trust and improve the partnership between relevant stakeholders in the community. This method has been recognised as a valuable tool in many countries. However, organisations, actors, and methodologies are utilised to fit certain countries’ dynamics, cultures, regulations, and needs.

Apart from juvenile delinquency, which is regulated by the Law of the Right to Children²⁵, there is no legal mandate requiring local authorities to establish a Local Council for Prevention (LCP). Through our analysis and insights gleaned from workshops and training sessions, we have identified the following challenges:

- The mayors of the four municipalities (targeted with the project) have limited power of management. There is a high level of centralisation in resources and decision-making. Mayors are often more loyal to the political party than to the needs of the populace; hence, they are willing to sacrifice some processes for the interest of their respective parties;
- There is an evident lack of interest on the part of the governmental administration;
- Some members of the LCP were unaware of their election or designation to serve in this capacity. Furthermore, the wider community, including other relevant stakeholders, has limited access to information, if any, regarding the strategy, programs, and agenda of the LCP;
- The absence of established communication channels with the community and citizens results in inadequate collection of social needs;
- The process is highly politicised, with membership dependent on political party affiliation rather than merit or expertise;
- The high level of corruption and the politicisation of the process have eroded the populace’s trust in local institutions.

22 See for example the recent seizure from the MOI, Ministry of Interior, (April 23, 2020), “Criminal charges for unauthorized production, distribution of psychotropic substances and precursors”, available at: https://www.google.com/search?q=google+translate&rlz=1C1GCEA_enMK-925MK925&oq=google+transl&aq_s=chrome.0.69i59i457j69i57j0l-5j69i60.2556j0j7&sourceid=chrome&ie=UTF-8

23 Kemp Walter, Amerhauser Kristina, Scaturro Ruggero, (May 2021), “Spot Prices, Analyzing flows of people, drugs and money in the Western Balkans”, Global Initiative Against Transnational Organized Crime, available at: <https://globalinitiative.net/wp-content/uploads/2021/05/Spot-Prices-Analyzing-flows-of-people-drugs-and-money-in-the-Western-Balkans-1.pdf>

24 Anti-Drug Trafficking Task Force, (2019), “2019 Report on Drug Seizures in Southeast Europe”, available at: <https://www.selec.org/wp-content/uploads/2019/12/SELEC-Report-on-Drug-Seizures-2019-Publicversion.pdf>; But also see Annex – 1 Interview with Peco Trajkovski

- The local authorities have no real power or interest in coordinating and ensuring communication among the relevant stakeholders.

National institutional capacities are also insufficient to tackle the problem of marijuana and synthetic drug abuse by children and youth. The high level of politicisation and political polarisation across the institutions is a staggering issue that inhibits any effort designed to enhance community resilience to marijuana and synthetic drugs.

Although it is generally acknowledged that CSOs play a crucial role in mitigating the adverse impacts on society, particularly on children and youth, this sector remains largely underdeveloped. Active participation from civil society—including NGOs, community groups, labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations—is vital to support relevant community stakeholders in fulfilling their missions and responsibilities.

Recommendations

- » Develop mechanisms that will enhance the application of good practices in raising awareness about general drug abuse, specifically of marijuana and synthetic drugs, as a means to an end in building a resilient society. One way to start this process is to enhance the school curriculum with innovative methods and content to articulate the negative impact that uncontrolled consumption of marijuana and synthetic drugs can have on children's and youth's health.
- » Ensure joint public-CSO-based forums (supported by UNDOC, OSCE, EU regional and other relevant partners, including dedicated organisations such as the Global Initiative Against Transnational Organized Crime—GI and the Resilient Fund—RF) to identify good practices and support mechanisms necessary to increase the role of civil society as a leader in developing community-based solutions to address vulnerabilities that stimulate marijuana and synthetic drugs as well to enhance mechanisms for building resilient communities to these threats.
- » Strengthening institutional capacities to address the issues surrounding marijuana and synthetic drug abuse and proliferation, thereby fostering increased parental involvement and activism in collaborative prevention and consequence management strategies.



LGBTI rights

Queer Center Skopje

This analysis refers to hate crimes and discrimination against lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people, providing information on the work of the institutions in the Republic of North Macedonia (the Public Prosecutor's Office, the Ministry of Internal Affairs, and the Commission for Prevention and Protection from Discrimination and the Council for Ethics in the Media in Macedonia as independent bodies) in relation to the fight against hate speech and discrimination, as well as their recognition.

Hate crimes and discrimination against LGBTIQ People

The most common type of hate speech in the Republic of North Macedonia is hate speech based on ethnicity, with which the basics of religion, race, origin, and language are closely related, followed by homophobic and transphobic hate speech. Individuals and groups that hate LGBTI people are the same ones who do not tolerate other differences, especially those related to race, ethnicity, and religion. Hate speech is often the first step towards acts of violence influenced by hatred. The flood of hate speech on social networks creates an image among the rest of the population that LGBTIQ people are immoral, that they violate social norms, suppress family values, and are undesirable, thereby encouraging violence and acts of violence and discrimination.

Impunity for hate speech is becoming the practice of the Basic Public Prosecutor's Office in the Republic of North Macedonia, which further motivates the perpetrators to continue with violence and hate speech against the LGBTIQ community. Despite the criminalisation of hate speech and the numerous reports submitted by QUEER CENTER Skopje, so far, the Basic Public Prosecutor's Offices have not filed an indictment in any case, nor have they sanctioned the perpetrators.

Legal inequality and prejudice make LGBTIQ people in our country extremely susceptible to discrimination and hate speech. When victims of hate speech are members of the LGBTIQ community, the Prosecutor's office usually rejects these reports on the grounds that "there is no place for Public prosecutor's action". According to this, we can conclude that law enforcement authorities, such as the Prosecutor's Office and the Ministry of Internal Affairs, fail to recognise hate speech against members of the LGBTIQ community. This practice of impunity for hate speech normalises, feeds, and encourages such criminal behaviour.²⁵

The Commission for Prevention and Protection against Discrimination had a completely different approach from the Public Prosecutor's Office, so in June 2022, the Commission for Prevention and Protection against Discrimination signed a Memorandum of Cooperation with QUEER CENTER Skopje with the aim of implementing joint efforts to strengthen mutual cooperation and support in efforts to deal with discriminatory speech and other negative phenomena in the online sphere.²⁶ The memorandum set the framework for mutual cooperation to undertake jointly coordinated activities to promote the protection and ensure full and equal enjoyment of all human rights and freedoms of all citizens of the Republic of North Macedonia. Additionally, it facilitated joint public representation on topics related to combating discrimination, encompassing the planning and execution of collaborative media initiatives, campaigns, and more.

To tackle misinformation about the LGBTI community and hate speech in the media, we started submitting complaints to the Media Ethics Council of Macedonia. Respect for ethical and professional standards in journalism, The Code of Journalists of Macedonia, and the Declaration on the Principles of Behaviour of Journalists of the International Federation of Journalists still remains a challenge in our context, especially among online media.

Recommendations

- » Effectively investigate and prosecute hate crimes, including against journalists and lesbian, gay, bisexual, transgender, and intersex persons (Iceland);
- » Fight hate speech, both online and offline, and hate crimes against minorities, including the Roma and the lesbian, gay, bisexual, transgender, and intersex community, by adopting legislation based on international human rights standards (Lithuania);
- » Take further steps to effectively investigate and prosecute hate crimes and hate speech against vulnerable groups, including lesbian, gay, bisexual, transgender, and intersex persons (Canada);
- » Continue its efforts to eliminate all discrimination by adopting the draft amendment to the law against discrimination and by prosecuting hate crimes, in particular against the lesbian, gay, bisexual, transgender, and intersex community (Switzerland).

²⁵ <https://s-front.org.mk/wp-content/uploads/2023/08/MK-Skopje-Queer-Center-2022-Annual-Report.pdf> (page 11).

²⁶ <https://kszd.mk/ксзд-потпиша-меморандум-за-соработка-3/>



Right to education

Multikultura

This report addresses crucial areas of human rights applied to children with disabilities and Roma children in the educational process.

Although the legislation in the Republic of North Macedonia is not fully aligned with international acts, and no special law refers to inclusive education, certain articles from relevant international documents and conventions are an integral part of the Law on Primary Education. Suppose the educational policy for these students in developed countries is compared. In that case, it can be concluded that, globally, many normative solutions are identical or very close to those in our country.

Children with disabilities

Despite the efforts of the institutions, there are many challenges and obstacles for children with disabilities in the education process. The most commonly determined problems are the lack of appropriate documents for students with disabilities, the lack of spatial and material-technical work conditions, the assessment and scoring of students with special needs, and above all, the insufficient development of preschool-inclusive education. The new changes in the legislation promise to promote the entire educational process of children with disabilities. Still, it is necessary to network the institutions in order to exploit all the potential.

Roma

According to the census of 2021, the proportion of Roma in the total population of the Republic of North Macedonia is approximately 2.53%, making Roma the fourth largest ethnic community in the country (after Macedonians, Albanians, and Turks).²⁷ Roma live in 64 out of 85 municipalities in the country. Approximately 45% of the Roma population in Macedonia live in ten municipalities: Bitola, Debar, Gostivar, Kichevo, Kochani, Kumanovo, Prilep, Shtip, Tetovo, and Vinica. Almost the same percentage of the Roma population (43.1%) live in the City of Skopje, and half of them are in the municipality of Shuto Orizari, where Roma is the majority community.

Poverty, discrimination, segregation, lack of identification documents, and early marriages are some of the reasons for the low number of Roma children in the educational process.

State-organised action is clearly needed to improve Roma information and education levels, improve their quality of life, and strengthen their professional and social competencies, especially those of children and youth.

Recommendations

- » Providing services for children with disabilities includes: speech–language therapy, transportation to and from school by specialised van or school bus, physical therapy, simplified assignments, and adapted schedules.
- » Implement changes in new educational programs based on the real and current situation and needs of children with disabilities.
- » Conducting continuous staff training.
- » Working towards reducing segregation of Roma children in school.

²⁷ Data from the Census in 2021. State Statistical Office, available at: <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?rbtxt=146>



Rights of the Roma (ending statelessness)

Romaversitas

This report offers findings related to the issue of statelessness and recommendations for its resolution, using the Roma in North Macedonia as an example.

Despite being Macedonian citizens, some individuals face challenges in completing the registration procedure for newborns due to their parents' lack of identification documents or identity cards. Not possessing an identity card is most commonly due to not having a residence address, that is, a title deed that the persons can register as the residence address. The other way to register an address is through a notarised agreement by someone who can confirm that another person may use that address. However, marginalised individuals often struggle to fulfil this criterion. Consequently, many people living in informal settlements lack identity documentation, preventing their newborns from being registered in the birth register.

Recommendation

- » Amending the Law on Permanent and Temporary Residence to allow individuals to register the Centre for Social Work address or the municipality address as their own.

Despite the amendments to the new Law on Records of Births, Marriages, and Deaths, individuals facing these challenges have a specific deadline for registering newborns in the Register of Births. However, a special approach is still necessary, along with outreach efforts by field workers, patronage services, and mediators. These efforts are crucial for preventive action in addressing the transmission and representation of such cases. Overlooking individuals from marginalised settlements poses a risk of new cases emerging.

People who often move from one area to another also represent a potential problem. It is possible that, due to this reason, a significant number of people were not covered with the initial action, and now people who were not included in the database and are still unregistered may show up.

Recommendations

- » Conducting campaigns on preventive measures to inform the target group about the consequences of non-registration;
- » Covering new persons who are not in the database and the records, but will be found in the field.

Some persons do not have travel documents since they were caught up in the Kosovo crisis. It is possible that these people and their offspring (children), born on the country's territory, are still not registered in the register of births due to the non-renewal of documents. To register their birth in the country, it is necessary to first take care of the documents related to their civil status.

Recommendation

- » Deploying mobile teams comprising registry officers from Kosovo and Serbia to facilitate immediate outreach actions for individuals in North Macedonia who have not renewed their foreign identity cards, are stateless, or are of Macedonian origin. Additionally, these teams aim to assist individuals without passports and lacking the means to travel to neighbouring countries and advocate for increased embassies' involvement in active mediation efforts.

The new Law on Citizenship, which is valid for one more year, stipulates that persons who possess at least one of the listed documents, even just a birth certificate, can submit documents to establish citizenship. This is a good opportunity for people who do not have a Unique Master Citizen Number or are stateless to apply under this Law.

Recommendation

- » Implementing application and outreach efforts related to the new Law on Citizenship to ensure comprehensive coverage of individuals in resolving civil status issues.

People who have not been registered at birth are most often uninformed and are not covered by the Law on Free Legal Aid. Additional legal aid is necessary to further exercise education, social protection, employment, and health care rights.

Recommendations

- » Amending the Law on Free Legal Aid will target these people in the legal aid procedures;
- » Creating opportunities for institutional and legal assistance to enable access in the areas of education, employment, social protection, health care, etc.

