

MONITORING THE EUROPEAN INTEGRATION PROCESS

FUNDAMENTAL RIGHTS

**A FRAMEWORK EXISTS, IMPLEMENTATION
VARIES, AND MORE MONEY IS NEEDED
EVERYWHERE**

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Although fundamental human rights and freedoms are generally respected in RNM, structural discrimination still exists. Even where there are strategies and laws, implementation depends on management capabilities for the specific sectoral areas covered (children, Roma, anti-discrimination), but also on funding. The development of the degree of fulfillment of fundamental rights also has a price - according to all the experts we talked to, it must be calculated by every executive authority in the state budgets. The latest budget policies for 2022 show that the executive authority has a sense of these financial needs, so even though it cannot be said that they are “wasting” money, it nevertheless increases the financial resources little by little in several sectoral policies that cover the basic complex or fundamental rights

Author: Teofil Blaževski

ABOUT THE PROJECT AND THE METHODOLOGY

The document is the result of research carried out within the project “**Promoting the Accountability and Transparency of Public Reforms**”, which is implemented by the Foundation for Internet and Society Metamorphosis from Skopje, with the support of the National Endowment for Democracy from the USA. The project is implemented in 2021 and 2022.

The project activities aim to present facts translated into journalistic texts of various genres, analyzes, and conclusions from public debates about the extent of the reform activities and achievements of the Republic of North Macedonia in several key areas, which are also indicated in the EU reports on the progress of the RNM on its EU integration path. Those key areas are **reforms in the areas of public administration, judiciary, fundamental rights of citizens, and freedom of expression/media**.

Within the framework of the project, four (quarterly) monitoring reports are prepared, which, guided by a qualitative methodology, provide an assessment of the situation in the specific areas, and thus a picture of the state of democracy in the country.

Each monitoring report elaborates on one of the four key areas and provides a summary of changes in the other three. The first monitoring report concerned the implementation of reforms in the media sector. The second one is about the reforms in the judiciary, while the third one is about the reforms in the public administration. The last monitoring report refers to the situation, i.e. the reforms in the corpus of fundamental, i.e. basic human rights.

The methodology for this report relies on three pillars: (1) desk research, (2) journalistic texts written by journalists and editors in the media projects of the Metamorphosis Foundation, and (3) conversation with experts in the field that is carried out through focus groups, who are known to the donor and the Metamorphosis Foundation, but due to the desire to avoid any possible inconveniences or conflicts in the areas where they work (as they cooperate with both governmental and non-governmental organizations and in the media), will remain unnamed in this report. Insights obtained from informal conversations with other experts, journalists, or public reactions observed during the year were also used.

In addition to the interviews, some of the experts also fill out a survey questionnaire, which lists dozens of questions in the field, and allows cross-comparison - to extract a score from the questionnaire and compare it with the scores extracted from the interviews and the desk research.

EXECUTIVE SUMMARY

Fundamental or basic rights are among the most important in meeting the standards prescribed by the United Nations, the Council of Europe and the European Union, and other relevant international organizations and associations. The corpus of fundamental rights is huge, with over 50 sub-areas, so for this report, we focused on the most important issues that are currently relevant in RNM, both from the aspect of fulfilling the norm and from the aspect of implementation. Hence, in the summary of the report, the following findings can be highlighted, as of the end of June 2022:

- Human rights in RNM are generally respected, although in some areas cases of structural discrimination are still observed. Competent institutions sometimes register cases of human rights violations and discrimination in the institutions of the executive power itself.
- The strategic and legal framework for respect of fundamental rights in the RNM is well covered, and generally aligned with all major international regulations, except for certain segments that are related to the LGBT community. However, the need to bring legal amendments to certain laws that are related to the LGBT community. However, the need to bring legal amendments to certain laws that practice has shown to have weaknesses is constantly pointed out, and that amendment is often delayed for various reasons - sometimes by the executive, sometimes by the legislative authority.
- The implementation suffers from, generally, two problems – lack of human or infrastructure capacity and lack of money, that is, underestimated funding from the budget.
- There are two functional main bodies for the protection of human rights and prevention of discrimination – the Ombudsman and the Commission for Prevention and Protection from Discrimination. The effect of the two bodies is different. The Office of the Ombudsman is a body that works mostly by pointing out and alerting the institutions, while the Commission also agilely submits requests for establishing violations when it determines discrimination that the discriminator does not remove.
- The Ministry of Labor and Social Policy, as the state body with the greatest competences regarding the respect of human rights among the broadest categories of citizens, generally covers all areas with both legal regulation and implementation, which records improvement and progress, and registers the biggest challenges in the system of social protection and the protection of vulnerable and marginalized groups, persons with disabilities, domestic violence, and violence against children, where discrimination is still recorded for various internal reasons.
- The problem with poor conditions in closed-type institutions, above all, in detention and prison institutions, as well as in educational and correctional institutions for minors, is still strongly pronounced and with a very slow pace of improvement.
- Discrimination and violence against the LGBT community are still present largely. Transphobia is strongly expressed even by representatives of both the government and the opposition.
- The inclusion of the Roma, although normatively covered, suffers from insufficient budgetary support, and the Roma still face examples of discrimination and segregation.
- Hate speech (and hate crime) is a phenomenon that has a worsening and increasing trend in the last two or three years, including 2022, and the main reason is impunity and unrecognition.

STRATEGIC FRAMEWORK AND LAWS

The strategic and legal framework regarding the protection of basic human rights in RNM remains at a satisfactory level. RNM is a signatory to most of the international documents in this area and those conventions and agreements have been ratified in the Assembly, which means that they are part of domestic law, under ratification, and then through special legal decisions.

The main strategic document is the [National Strategy for the Development of the Concept of One Society for All and Interculturalism](#), which entered into force in 2019, and foresees that one of the main working pillars will be equality and non-discrimination as a basis to remove the division in the Macedonian society. This is accompanied by an action plan, which was adopted in October 2019. In addition to this national strategy, within the framework of other strategies, most of which are implemented under the Ministry of Labor and Social Policy, it is worth highlighting the National Strategy for Equality and Non-Discrimination, the Strategy for Gender Equality, the Strategy for the Inclusion of Roma in RNM, the National strategy for the prevention and protection of children from violence, etc., together with action plans, programs, and protocols. Some of these strategies, as noted by the experts from the focus group, have expired in 2021 and new documents have been created based on the existing ones.

Such an example is the Strategy for Gender Equality, whose extension for the period 2021-2026 was on [second reading in the Assembly of RNM](#) in April 2022, and the review carried out in June showed that it has not yet been adopted. A second example is the Roma Inclusion Strategy, which expired in 2020 and [was placed for public consultation](#) on the Unique National Electronic Registry of Regulations - ENER on 12/30/2021. In February 2022, the [RNM Government adopted the Strategy for Roma Inclusion 2022-2030](#), and already in April, at a Government session, social and economic policies to support the Roma commu-

nity were discussed under the Strategy.¹ After this, it was announced that 14 million denars more than in 2021 were allocated this year, i.e. a total of over 73 million denars for the implementation of the inclusion, so that in May, with the rebalancing, the amount will again be reduced to around 63 million or just a little over one million euros. However, some strategies have expired, and no new ones are being prepared, such as the National Strategy for Equality and Non-Discrimination, which was valid for the period 2016-2020. The latest news is the announcement of the National Strategy for the Rights of Persons with Disabilities, which was announced at the very end of June this year.

Regarding the legal framework, North Macedonia already in the Constitution guarantees all fundamental rights, which have been translated into appropriate laws. The Law on Protection and Prevention of Discrimination (adopted at the end of 2020) can be singled out as more important whose implementation began in 2021 and continues in 2022, as well as the establishment of the Commission for the Prevention and Protection against Discrimination (CPPD), which according to this law, was elected for the first time in a transparent manner in the Assembly, in a public competition. Four of its members have a five-year mandate each, three of them have a three-year mandate with the right for re-election, and the president is elected from among the members of the commission for a mandate of one year. However, the Assembly was late with the election of the seventh member, since six were elected in 2021, and although the Commission intervened with the Assembly until the end of June 2022, there is still no election of the last member of this body.

In July 2021, the Law on Prevention and Protection from Violence against Women and Domestic Violence, which is considered the first law to sanction gender-based violence, entered into force. In April 2022, the Ministry of Labor and Social Policy, in cooperation with other ministries and the non-governmental sector, prepared and sent a report to the Council of Europe on the implementation of the activities of the Action Plan (which is valid from 2018 to 2023), for implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).²

In terms of the legal framework, novelties are the proposal of the Law on the payment of monetary compensation to victims of violent crimes, as well as the amendments and additions to the Criminal Code, which introduces the crime of “stalking” to ensure the protection of women from sexual and any other harassment through communication channels, including the Internet. Both regulations had not been adopted by the time of writing this report, although they have been proposed as early as the second half of 2021.

In terms of laws and by-laws, practice shows which laws have weaknesses and need to be amended. Through the work and recommendations of the Ombudsman and the Commission for Prevention and Protection against Discrimination, there are already recommendations for supplementing certain sections of the Law on Basic Education, from the Law on Protection of Children, as well as a by-law related to this law, recommendations for changes and additions to other laws that regulate the area of human rights, as well as initiatives for working groups, which should propose other legal amendments. The Commission for Prevention and Protection from Discrimination initiates and supplements the basic law of the area, as well as other laws, such as the Law on Misdemeanors.

IMPLEMENTATION

What can be drawn as a basic conclusion regarding strategies and laws, definitely, for all areas, not only for fundamental rights, is that the implementation of regulations and documents takes place with different dynamics. Somewhere better, somewhere worse or weaker, and somewhere, such as the protection of the rights of vulnerable and marginalized groups, even when a high degree of progress is reached, things go backwards. Such was the example with the protection rights of transgender persons, when instead of adopting higher protection rights through the amendments to the Law on Civil Registry, the proposed amendments were sent back to the Government for finalization and it is not known when the document will be sent to the Assembly again.

1 - RNM Government – 5.4.2022 – Announcement of the 34th session – (available at <https://vlada.mk/node/28336>)

2 - MLSP – 5.4.2022 – Report of North Macedonia to GREVIO of the CE – (available at <https://bit.ly/3McA9kl>)

According to the experts in the focus group, a good or certain degree of implementation can be attributed to the application of the Law on Prevention of Discrimination, to the prevention and application of measures to protect women from violence, to respect for the rights of children, especially children who are taken care of by the state, because the process of deinstitutionalization is already nearing its end. In addition, where there are still state institutions, things are bad³, especially with the rights of children with disabilities, in the sense that since last year, for the first time, the use of an educational assistant has been made possible at the expense of the state and in some other areas. It can be said that, in addition to the already mentioned rights of transgender people, things are changing very slowly in the areas surrounding the rights of people with special needs in certain categories, the rights of people in closed institutions, hate speech, where the situation is even worse, and another.

The biggest problems can also be spotted most vividly in the assessment of the Helsinki Committee for Human Rights, which came out in December 2021, on World Human Rights Day, and among other things, states:

In our context, structural discrimination is still most visible in the attitude towards the Roma, people with disabilities, sexual and gender minorities, women, people in closed institutions.⁴

As a matter of fact, the basic problems in the implementation of fundamental rights are relatively precisely noted in the EC's latest RNM Report, where among the state's priorities for 2022, the following statements are highlighted: **"rights of persons in detention/prison, promotion, protection and guarantying the rights of persons from vulnerable or marginalized categories"**, as well as **"further improvement of the quality of services in the community to identify children at risk and provide adequate support for vulnerable categories of children, especially children victims of violence, Roma children and children with disabilities"**.⁵

The data on the application of the Law on unregistered persons in the birth register passed in February 2020 shows that the laws are not enough. According to cross-references from the Ombudsman and from media research, this law is not implemented in practice, as it should be in relation to the ultimate goal. There are different data on how many people are registered as undocumented. In addition to the fact that the Ombudsman determined that 60 percent of those people are children and that the authorities do not have accurate records of how many children were registered as newborns after the deadline, another journalistic investigation revealed that of those who registered, over 300, who received temporary identity number and a document confirming they are entered in the Temporary Register, they cannot exercise any right with that document. These rights include opening bank accounts, applying for temporary financial assistance based on socially disadvantaged persons or to health and educational services, because the institutions do not recognize those documents. In the journalistic research of "360 degrees" it was shown that the institutions do not cooperate to solve the problem, which lies in the imprecise law and in relation to which documents are needed to solve the problem of phantom persons and to make them visible for the system.⁶

This research showed that the quality of the legal solution could also be a problem, because it was undeniably established that the law is not completely precise. The Office of the Ombudsman found a similar example, because in the last annual report on its work, they point out problems arising from the last 2019 Law on Social Protection, which led to a decrease in the number of recipients of financial assistance from the state precisely because of unenforceable legal solutions.

Finances are also a problem for the efficient implementation of some of the laws that refer to fundamental rights. For example, if you look at the Report "North Macedonia to the experts of the Council of Europe for the prevention and fight against violence against women and domestic violence", it can be concluded that in total no more than 200,000 euros are provided annually for that purpose, i.e. for support for social protection centers, for shelter centers and SOS telephone lines, for civil organizations that deal with this problem, for health care of victims, and the mentioned amount includes the largest item of 5 million denars or 80 thousand euros annually for free legal aid, of which, for example, only about 25 thousand euros were used in 2020.⁷

3 - Mother and child – 6/4/2021 – After the denial... – (available at <https://bit.ly/3r6eGBf>)

4 - HCHR – 10.12.2021 - The pursuit of equality must exist – (available at <https://mhc.org.mk/news/streme-zhot-kon-ednakvosta-mora-da-opstoi/>)

5 - SEA – European Commission's RNM Report 2021 - (available at: <https://www.sep.gov.mk/data/file/Pregovori/North-Macedonia-Report-2021-%D0%9C%D0%9A2.pdf>)

6 - 360 degrees – 18.4.2022 - Problem with phantom persons – (from 17 min. in the video) – (available at <https://www.youtube.com/watch?v=cp3NVM2xQcl>)

7 - MLSP – 5.4.2022 - Report of North Macedonia to GREVIO of the CE – (available at <https://bit.ly/3McA9kl>)

The problem of insufficient funding can also be encountered with the inclusion of the Roma, and with the institutions of the Ombudsman and the Commission for the Prevention and Protection of Discrimination, although this year the money for support has increased for both institutions. The initial funds with the 2022 Budget, with the Rebalance of the budget submitted to the Assembly at the end of May 2022, although not drastically, have still increased, but under strong pressure, especially from the CPPD...

The conclusion would be that even where there are strategies and laws, the implementation depends on the management capabilities for the specific sectoral areas covered (children, Roma, anti-discrimination), but also on the financing. The development of fundamental rights also has a price - according to all the experts we talked to, and every executive authority in the state budgets must calculate this. The latest budget policies for 2022 show that the executive authority has a sense for these financial needs, so even though it cannot be said that they are “wasting” money, they nevertheless slowly increase the financial resources in several sectoral policies that cover the basic complex or fundamental rights.

CPPD AND THE OMBUDSMAN – THE TWO KEY BODIES IN THE PROTECTION OF FUNDAMENTAL RIGHTS

The main institutional pillars for operational protection of fundamental human rights, including prevention and protection against discrimination, in the country are two institutions - the Commission for Prevention and Protection against Discrimination (CPPD) and the Ombudsman.

The Commission for Prevention and Protection against Discrimination (CPPD) was established last year (2021) in a new composition, based on the new Law on Prevention of Discrimination adopted in 2020. The seven-member commission (that is, 6, because one has not yet been elected), has considerably wide competences, provided law. However, there is an additional challenge - how to implement these competencies quickly and without full support from the state. On the other hand, CPPD itself admits that they received help in this year from the state, from the OSCE and from the non-governmental sector, through the British program for support and development. In 2022, the website of the Commission was put into operation, which made it possible to submit electronic reports more easily (<https://kszd.mk/>), but, together with the profile page on “Facebook”, it also enables a wider communication with the public.

Looking at the one-year achievements of the Commission, it can be concluded that this, by definition an independent body, has fully justified the trust of the public and the great powers given to it by the law, for which, probably, the method of selection of the Commission is the most deserved. This happens through an open parliamentary debate and public presentation of the programs and skills of the then candidates, current members of the Commission.

According to the statistics presented in the Annual Report of the CPPD⁸, by the end of 2021, i.e. for a period of 6-7 months since the Commission was effectively working, **it acted on 167 petitions**, of which 77 were inherited from the previous composition of that body, which in turn did not function. The commission has received **90 new petitions** since it was established, which shows that trust in this body is growing. As of March 2022, it also opened several cases following a public outcry, where the cases related to the Lev Tahor religious movement and discrimination against a girl with special educational needs from a school in Gostivar should be highlighted. The latter case ended in March with the opinion of the Commission that discrimination had been committed and with recommendations on how to alleviate it. In the first half of April, the state elementary school “Edinstvo” from Gostivar notified the Commission with written evidence that the discrimination has been alleviated and the recommendations of the CPPD have been accepted and implemented.

Regarding the petitions, they come more from men than from women, mostly from Skopje, and the most common basis is “personal issue” (a qualification when it is not possible to define exactly what the basis of the petition is) and “social status”. Until the end of 2021, the Commission determined discrimination in 40 cases, while in 39 cases it was determined that there was no basis for discrimination. For 10 petitions, the Commission came to a conclusion for failure to act, failure to initiate or stop the procedure, and 41 petitions were rejected due to established incompetence, irregularity, obsolescence and inadmissibility. For 37 petitions, the procedure is ongoing and they are registered as open cases” ([p. 22 of the Annual Report](#)).

8 - CPPD – March 2022 – Annual Report 2021 – (available at: <https://bit.ly/36I5onG>)

THE NUMBER OF PETITIONS IS ALSO GROWING IN 2022

The successful work of the Commission during seven or eight months last year, as far as its members actually had any working conditions, is obviously recognized by the public. The numbers speak of this fact, because only by the end of March or for the first quarter of 2022, the Commission received **57 new petitions**, and in total, they worked on 95 petitions. It is worth pointing out that 3 procedures were initiated by CPPD's own initiative, which shows that the so-called mechanism by voice, which is incorporated as a legal authority of the Commission, is respected and functional.⁹ According to the structure of petitioners, the number of legal entities as petitioners has slightly increased, but it is still too early to draw conclusions whether this indicates a trend. **However, it is even more interesting that slightly more than half of the petitions received in this period are from the field of public information, and when those from last year are added, the conclusion is reached that discrimination through social networks and less often through digital or traditional media is a reality in the country.**

In the second quarter, that is, until the closing of this report, even more dozens of petitions were received. According to unofficial data received from the CPPD, they expect to finish the first half of 2022 **with over 130 petitions**, and the final official figures will be published in July, in the second quarterly report.

In addition, in these two quarters of the year, the Commission also worked on filling the vacancies, as well as on a series of internal acts, which are important for the work of CPPD, such as an act on anonymizing data, an act that would regulate the work of volunteers etc. In addition, they created a by-law that would precisely regulate the procedure for shifting the burden of proof to the indicated discriminator.

CPPD REQUESTED A BUDGET OF UP TO 730 THOUSAND EUROS, AND RECEIVED 315 THOUSAND (WITH THE REBALANCE)

However, the challenges faced by this body exist, above all, in the organizational sense and in the implementation of its decisions. By the end of 2021 less than half of the vacancies were filled according to the systematization of the Commission itself (29 vacancies, and only 10 administrative officers obtained by taking over from other institutions), working in two sectors covering four systematized departments, with a state budget that is half and rather smaller than the needs determined by the Commission. Already in the first quarter of 2022, two more vacancies were filled by taking over employees from other institutions, and after the open competition for voluntary takeover from the public administration, two more vacancies were filled. The same thing happened in the second quarter when two more vacancies were filled, so that the first half of the year ends with 16 new officials, which will significantly help in its efficiency during this year. In March 2022, the first president of the Commission, **Vesna Bendevska**, stated that the Ministry of Finance did not express any interest in the request of the Commission, nor did the working body in the Assembly responsible for financing and budget show any interest. Thus, instead of the requested approximately 730 thousand Euros annual budget, the 2021 budget was 15.3 million denars (less than 250 thousand Euros), or only 120 thousand denars more than last year's.¹⁰

However, in the interview¹¹ for the needs of this report conducted in May, Bendevska confirms that the relationship between the executive and legislative authorities is slowly changing for the better, that is, that an understanding is slowly being reached about the infrastructural, personnel and financial needs of the Commission in order to fully fulfill its role. This results in a dialogue with the Ministry of Finance during the preparation of the rebalancing of the state budget and an increase in the budget of the Commission by 4 million denars or about 65 thousand Euros with the rebalancing adopted by the Government at the end of May, with which the CPPD for 2022 has a total budget of **315 thousand Euros**.

Of course, this is still far from the needs, but the Commission expresses satisfaction that it was the only one of the four independent institutions in the country that, in conditions of large cuts and deficit, received more funds with the rebalancing.

9 - CPPD – April 2022 – Quarterly Report (p. 7) – (available at: <https://bit.ly/3lxJqI7>)

10 - "Win-win"/TV Telma – March 2022 – Vesna Bendevska – (available at: <https://www.youtube.com/watch?v=gS-2R4po7bu0>)

11 - Two interviews with Vesna Bendevska in May and June 2022

Apart from this, the executive authority also understood the need for a larger number of administrative officers (which is also confirmed by the quarterly report. However, a greater understanding was also expressed by the Legislature, because this time they were promised that they would be called to the parliamentary Committee on Financing and budget upon adoption of the annual report for 2021 and the financial needs of the Commission for 2022. This was accomplished, but their report has not yet been reviewed due to the parliamentary committee being stuck with other items.

CPPD still has problems in functioning in terms of infrastructure and premises maintenance, and in order to be a fully functional independent body as defined by the Law, they are initiating an amendment to their parent law.

- We intend to initiate amendments to the Law on Prevention and Protection against Discrimination, in Article 15, Paragraph 4, in order to be completely independent, but this will also require a complete amendment to the Law on Budget Execution. Paragraph 4 of the Law states that after the determination of the annual budget by the Assembly, the Commission independently disposes of the received funds. However, in practice this is not the case, because for new employments, for example, the Commission first needs to obtain permission from the Ministry of Finance, just as we need permission for any internal conversion of the funds received on an annual basis. Thus, in fact, the independence of the commission is not complete, it is once again subordinated to the executive power - says Bendevska.

CPPD BELIEVES THEY SHOULD BE AN AUTHORITY THAT SANCTIONS MISDEMEANORS

The commission has another initiative to change the law, for which it already has an agreement on the formation of a working group together with other bodies of the executive power. It is about amending the Law on Misdemeanors and harmonizing that law through amendments to the Law on Prevention and Protection against Discrimination, with which the Commission, instead of being authorized to submit a request for a misdemeanor to the competent departments in the basic courts, could impose request for sanctioning misdemeanors on its own. In other words, the Commission's analyzes showed that it should also be authorized to be an authority that sanctions misdemeanors and that in this way protection against discrimination will be faster and more effective.

It should be noted that even with the current legal solution, the Commission quite agilely uses the opportunity with several requests to the basic courts for misdemeanor proceedings against the discriminators who, even after the determination of committed discrimination, did not remove the causes or as friends of the court submit their opinions on individual cases. The Commission also informs that they have registered discrimination even in the institutions of the executive power and that they are actively working to eliminate that discrimination.

In addition, the members of the Commission consider that being located in the former premises of the State Commission for the Prevention of Corruption, which in itself do not provide accessibility for persons with physical disabilities, is an inconvenience, even just in terms of the message it sends to the public. In the Annual Report sent to the Assembly, the CPPD also presents recommendations that refer to amendments to the Law and to the election of the remaining member of the Commission, so that it will be complete with seven members.

OMBUDSMAN – THE NUMBER OF COMPLAINTS, AFTER YEARS OF DECLINE, IS ON A SLIGHT INCREASE

The Office of the Ombudsman, one of the two main institutions for the protection of the basic rights and freedoms of citizens, presents the basic data on the work in the Annual Report for 2021 at the end of March.

According to the information presented by the Ombudsman, in 2021, 2,686 complaints were received/registered, and 389 were transferred from the previous year, or over 3,000 cases were registered. At the same time, the most numerous were from the area of justice - 436 complaints or over 16 percent, and

then complaints from the area of children’s rights - 254, in third place were complaints for the protection of consumer rights – 228. Then there were complaints regarding rights of employment - 218, from the field of social protection - 183, from the field of operation of penitentiary and educational institutions - 162, from the area of property law - 150, from the field of urban planning and construction - 136 complaints and the rest are complaints from other areas.¹²

Out of 3,075 complaints, the Office of the Ombudsman acted on 2,085 cases or 67.80 percent, and of these, in 755 cases, a violation of human freedoms and rights was found and interventions were made in order to remove those violations. At the same time, in 500 cases the competent authorities acted after the intervention of the Ombudsman, in 233 the Ombudsman had to intervene in other ways to higher authorities, and in 23 cases in April a response from a competent institution or authority was still awaited.

From this, it can be seen that the efficiency of the Office of the Ombudsman is slightly over two-thirds in relation to the total number of cases they work on, which may also depend on the unfilled positions according to the systematization that this institution has.

ACCORDING TO SYSTEMATIZATION 100 VACANCIES AT THE OFFICE OF THE OMBUDSMAN

With the latest Rulebook for amending and supplementing the Rulebook for the systematization of job vacancies in the Professional Service, the Team of the National Preventive Mechanism, the Special Departments and the Offices of the Ombudsman no. 1695/3 of 1.7.2021, 183 job vacancies are planned for the performance of work duties, of which 85 have been filled by December 2021.

In the Report, in the section of statistical indicators, it can also be seen that the number of complaints received, compared to a few years ago, is decreasing. According to experts we consulted for this report (fundamental rights experts), may indicate of a tendency that the public does not perceive the office of the Ombudsman or the Ombudsman itself as an institution that can help them or be effective if they complain.

TABULAR DISPLAY WITH THE NUMBER OF RECEIVED/ FILED PETITIONS (SOURCE: OMBUDSMAN OFFICE)

2016	2017	2018	2019	2020	2021
3775	3223	3458	3453	2448	2686

Ombudsman Nasser Ziberi, in a guest appearance on TV Telma on 25 May 2021, indicated that thanks to the cooperation with the media (especially with the indicated television) for increasing the visibility of the Office of the Ombudsman and the recognition of the institution by the citizens as a body that is in protection of their fundamental rights, the number of complaints in the first five months of 2022 is on the rise and is higher compared to the first five months of 2021, although he did not specify numerical data. Most of the complaints relate to the judiciary, in the area of the work of the executors, police competencies, the security sector, with the National Security Agency in particularly being put in the spotlight, the situation in prisons, the situation with children’s rights, especially in terms of education, and first time complaints from the area of housing rights.

Regarding the cooperation of the institutions, Ziberi said that there are changes in the behavior of the Government, but no changes in the manner they get involved. He pointed out that the Government now regularly informs the Ombudsman if the Office receives a complaint about the non-cooperation of a manager or administrative body, but only with a formal notification that they forwarded the complaint to the competent institution and that they are waiting for a response. Previously, at the beginning of February 2022, the Ombudsman Nasser Ziberi disclosed to the public that an analysis was made of the decisions or indications of the Office of the Ombudsman. At the same time, they determined that “about 30 percent of the authorities act promptly, 30 percent react after a second request, and 30 percent do not respond at all.” Ziberi then said that the least cooperative were the judiciary and the state’s coercive apparatus, which felt powerful and did not want control. Failure to respond to a request from the Ombudsman is considered an obstruction of

12 - The Ombudsman – 29.3.2022 – RNM Ombudsman’s press conference – (available at: <https://bit.ly/3NuMgdp>)

the Ombudsman's work, Ziberi emphasized in his guest appearance at "Morning Briefing", on the web television of "Sloboden Pečat".

In the part of the initiative of the Office of the Ombudsman, Ziberi, in the mentioned guest appearance on 25 May 2022, on TV Telma, stated that they raised three issues that could greatly improve the situation with the rights of a large group of citizens:

- An initiative to the Assembly to amend the Law on Obligations, which will also limit the penal interest paid by citizen debtors to creditors, just as it was previously done with contractual interest (complaints in the area of enforcement).
- An initiative in cooperation with the Energy Regulatory Commission to amend the by-laws by which the operators of services related to electricity and water supply will be required to read the electricity meters and other devices at least once a quarter, instead of once a year as before (complaints due to lump-sum-bills).
- Changing the location of the juvenile prison for women from the premises of the KPD Idrizovo (inappropriate location for punishment and resocialization).

THE OMBUDSMAN BUDGET IS GROWING, BUT SLOWLY

The Office of the Ombudsman, both in the annual report on its work and through the head of the Office, in the past months made a claim for a not-so-small reduction in the funds provided by the state for the functioning of this institution. According to the claim of the ombudsman Nasser Ziberi, at the press conference on the presentation of the report, the budget for 2021 was reduced cumulatively by 30 percent compared to 2020.

"The Minister of Finance and I are in a permanent conflict over basic issues, we have no means to carry out activities. It is not permissible. For 2021, the budget has been reduced by 10 percent compared to the previous year. The same thing happened with the rebalance in August, while the budget for 2022 is 10 percent of it. In one year, the budget was reduced by 30 percent. I understand this as a tendency to suffocate the institution," Ziberi said.¹³

HERE IS WHAT THE OFFICE OF THE OMBUDSMAN SAYS ABOUT THE BUDGET IN THE 2021 ANNUAL REPORT:

"The budget for the Ombudsman for 2021 went through one rebalance and one Decision on the redistribution of funds between the budget users of the central government and between the funds, with which the budget was reduced from 83,755,000 to 77,738,000 denars, that is, by 6,017,000 denars, which represents a 5.3% decrease compared to the 2020 budget. 2021 will be noted as the second year that passed in the shadow of the Covid-19 pandemic and as such slowed down the pace of work, reduced the volume of promotional and other activities and imposed restrictive circumstances for work. The reduced budget was realized in 95%. Expressed in numbers, the budget of the Ombudsman after the rebalancing and two performed conversions amounted to 76,762,200.00 denars, while the National preventive mechanism sub-program had 375,000.00 denars. Due to the non-equipment of the civil control mechanism with three external members and its non-revival in that sense, the funds that were allocated for this sub-program were repurposed for other needs, leaving only 800.00 denars. The mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities had 300,000.00 denars, and the National Reporter on Human Trafficking and Illegal Migration had 300,000.00 denars, or 77,738,000.00 denars amounted to the budget of the Ombudsman institution for 2021".

13 - Alsat TV/Web – 30/09/2022 – Ziberi accuses that the government wants to suffocate his institution... (available at: <https://alsat.mk/mk/ziberi-obvinuva-deka-vlasta-saka-da-ja-zadushi-institutsijata-pravobranitel/>)

However, from an inspection of the 2022 budget¹⁴ and comparisons to the past few years, one cannot get this impression. Namely, in section 31101 of the budget, it was stated that for the year 2021, the total expenditures for the Office of the Ombudsman amounted to 81,755 million denars (1,327 million Euros), while for the year 2022, 85,600 million denars (1,390 million Euros) or an increase of about 63 thousand Euros are planned. With the rebalance from May 2022, this amount is expected to be further increased. It does not exclude that with the rebalancing in 2021, part of the funds available to the Ombudsman was indeed reduced.

The general conclusion would be that the state does not really spend money on the protection of fundamental rights when it comes to the Office of the Ombudsman. However, it is a fact that the budget has been growing little by little in the past few years. With the rebalancing of the budget from the end of May, the Office of the Ombudsman receives plus two million denars directly from the RNM budget and about 600 thousand denars from donations, so that the budget of the Ombudsman for 2022 should amount to 88,199 million denars or **about 1,432 million Euros**, compared to the one determined in December 2021 for 2022 of **1,327 million Euros** (the exchange rate is calculated according to the average exchange rate of the National Bank of 61.6 denars per Euro).

POOR CONDITIONS IN PRISONS REMAIN AN UNSOLVED PROBLEM

One of the major problems with the realization of fundamental rights in the RNM are the rights of the persons staying in the penitentiary institutions. This bad situation has been noted for years by the media and the Office of the Ombudsman, by non-governmental organizations dealing with this issue, such as the Helsinki Committee, etc. But, also in the EC Report on the RNM for 2021, in the report of the US State Department on respect for human rights, in the reports of the Council of Europe on North Macedonia and the Committee of the Council of Europe on the prevention of torture.

According to the Ombudsman in the Report for 2021, the number of petitions on this issue is within the average of 2020, i.e. they received 161 complaints (170 for 2020). The assessment from the analysis of the petitions, but also from the field research of the Office of the Ombudsman from August 2021, is that the main problems in penitentiary institutions are in two directions: **a) failure to provide basic health care; b) poor infrastructure and overcrowding in prisons.**

The information the Office of the Ombudsman discovered is shocking. Namely, even half are without any health care: **“The problem with the health care of convicted/detained persons cannot be solved by the new reform, because almost half of the institutions where these people are housed still do not have a doctor available. Some of these institutions, in order to overcome this problem, hire doctors themselves so as not to leave the convicts without primary health care.”**

Apart from a doctor, half of these institutions do not even have nurses, and the situation with providing dental and psychiatric care is bad. In most of the 11 penitentiary institutions in RNM, the condition of the rooms dedicated to health care is also bad, in terms of dilapidation of the equipment: **“Outpatient clinics in the institutions usually consist of a family doctor’s office and an examination room, which are equipped with basic equipment, a suitable medicine cabinet, a medical bed, a pressure measuring device, a sugar measuring device, and only a few institutions have functional ECG machines, defibrillators, oxygen cylinders and masks, etc., but, most often, the equipment with which the clinics operate is dilapidated or non-functional”.**

Such findings about the poor medical care for convicted and detained persons in the country have been the subject of general or partial reporting by part of the media for years. However, the shock of the medical care, or lack of it, for the prisoners was particularly highlighted in a journalistic investigation of a specialized show on a national television. In the largest prison in North Macedonia, Idrizovo, about 1,200 pris-

14 - RNM Assembly – December 2021 – Closed Materials/Proposed Budget for 2022 – (available at: <https://www.sobranie.mk//materialdetails.nspcx?materialId=60a3a254-9fc0-4ff1-b0b2-4c009a2073c6>)

oners are cared for by six people - a doctor, two nurses, a laboratory assistant, a dentist and a dental nurse. This modest team is too small to solve problems, such as the problem of the huge number of addicts in rehab, and an even bigger problem is the six suspected cases of prisoners with malignant diseases who are not receiving the necessary medical care. For one of them, a foreign citizen sentenced to 7 years in prison, who, after being diagnosed with malignant melanoma, requested and received a temporary release from prison for treatment last December. However, the competent prosecution appealed against this decision, and the Criminal Council in the court, which did not bring an immediate solution to this complaint, shifted the blame to the Administration of Prison Idrizovo, which according to the law could have reacted and released the prisoner. The epilogue is that the prisoner died on December 18 while this legal problem was being passed from one institution to another. This is only a part of the picture of Macedonian prisons that was presented on TV "Telma" within the show "Code".¹⁵

The second problem is overcrowding in prisons, most of which are in poor condition. During the field research of the Ombudsman, this was ascertained with precise figures. The actual accommodation facilities are for 1,947 convicted persons, and at the time of the visit, 2,058 imprisoned persons were found. However, somewhere the overcrowding is more emphasized, and somewhere not. For example, the largest prison in the country, Idrizovo, has a capacity for 900 convicts, and in August last year 1,102 people were housed there. The situation in the prison in Štip, where the accommodation capacity is for 160, and 227 people were found.

The situation in correctional homes, where minors are accommodated, is also worrying, from two aspects. Within Prison Idrizovo there is a correctional home for female minors, where the Ombudsman found that they are in constant contact with adult convicts, which, according to the Ombudsman, is impermissible. They generally recommend that Prison Idrizovo is not a suitable place for a juvenile correctional facility. The second aspect of concern is the educational process for juveniles in correctional institutions, which, according to the Ombudsman, does not exist at all! "Part of the institutions, through the Administration for the Execution of Sanctions, provides the educational process in cooperation with the United Nations Development Program (UNDP), the Ministry of Education and Science and local schools. In part of the institutions, trainings and courses are organized for acquiring knowledge in various professions and areas (e.g. wood-processing activity, welding, cooking, baking, gardening, barbering, etc.), for which the attendees acquire appropriate diplomas. However, the Ombudsman believes that this way of providing education for people is not enough, especially because it is of a temporary nature and without continuity, which is why he makes a recommendation to the competent institutions to overcome the situation."

In May 2022, an international conference dedicated to the resocialization of convicted persons and their fate after leaving the penitentiary was held, organized by the University "St. Kliment Ohridski" in Bitola. The head of the Administration for the Execution of Sanctions under the Ministry of Justice stated that resocialization in the country is a big a problem further complicated by the fact that convicted persons face a problem of finding a job after serving their sentence.¹⁶

Regarding the respect of the basic rights of imprisoned and convicted persons, as well as of persons sent to correctional institutions, in the regular annual report on the respect of human rights for 2021, issued by the US State Department¹⁷, the tone is similar to the critical tone of the Annual Report of the Ombudsman. This critical tone is different from the US report for 2020, where a more optimistic general picture of this problem prevailed. The latest US report also cites the findings of the UN Committee on Protection against Torture, which was published in 2021 in July and included the unannounced visit made a few months before. At the same time, there are

15 - Telma TV/"Code" – 8/5/2022 – Prisons with minor medical services...- (available at: <https://www.youtube.com/watch?v=Z9HWDCxthkM&t=216s>)

16 - Sitel TV - 11.5.2022 - Experts warn - resocialization of convicted persons works poorly - (available at: <https://sitel.com.mk/ekspertite-predupreduvaat-slabo-funkcionira-resocijalizacijata-na-osudenici>)

17 - 2021 Country Reports on Human Rights Practices: North Macedonia – (available at: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/north-macedonia/>)

quotes that the prisoners are kept in a very small space (as an example, the open department in Prison Idrizovo is indicated, where 91 prisoners are housed, 16 prisoners in a room of 32 square meters) or the persons sentenced to serve a long prison sentence spend 23 hours in bad cells (wet and unheated), and only 35-40 minutes a day are allowed to walk in the prison yards, that is, they do not have any other activities.

In addition, in the American report, it is emphasized that the Administration for the Implementation of Sanctions under the Ministry of Justice responsible for prisons does not have enough budget funds, that there are weaknesses in the administration, etc. However, the figure of five deaths in prisons in 2021 (although in 2020 there were eight deaths of natural causes) is also worrying, with only one case being a suicide, and the other four being long-term health conditions, without adequate health care (see report from reference 9).

THE ADMINISTRATION FOR THE EXECUTION OF SANCTIONS HAS A BUDGET OF OVER 19.5 MILLION EUROS, BUT EVEN THAT IS NOT ENOUGH

Starting from this situation, for the purposes of this report, we checked the budget of the Administration for the Execution of Sanctions, where it can be ascertained that it is growing slowly and little by little, but the number of employees is also growing. With the rebalancing of the budget that is in the Assembly, the budget of this body has increased by only 6 million denars, so it now amounts to **1.046 billion denars**, and in total with income from self-financing activities and a loan of 116 million denars, it amounts **to a total of 1.201 billion denars** or about **19.5 million Euros**. This is a **reduction** of the previously projected budget for 2022 from 1.327 billion Euros or by about 21.5 million Euros, due to the reduction of the loan expenses by more than 100 million denars intended precisely for the construction and reconstruction of prisons. In the output indicators, not only is there no new employment, but it is estimated that there will be 10 fewer people than in 2021, and the number of prisoners would be about 100 more, that is, 2,650.

The comparison shows that **in 2018** with 771 employees the Administration had a budget of **about 733.8 million denars**, in **2019** with 974 employees they had a budget of **about 752.3 million**, in **2020** with 1,010 employees they had about **917.5 million denars**, in **2021**, with 1,039 employees already over **1 billion denars** and with the same number of employees for 2022, the budget with the rebalance is set at 1.201 billion denars (about 19.5 million euros), with the expenses from the basic budget estimated at just over one billion, and 116 million denars or about 1.9 million Euros is a loan from the Development Bank of the Council of Europe. This loan, as explained in the basic budget for 2022, foresees the reconstruction of the prisons through “a project to advance the process of execution of sanctions through the realization and promotion of human rights in terms of accommodation conditions, hygiene, health care and leisure activities of convicted and detained persons”.

Such a project should continue in 2023 and 2024, for which in the basic budget and in the rebalance, projections were made for 2023 and 2024 of 369, that is, 430 million denars, that is, about 6 and 7 million Euros for the next two years. In addition, 16 million denars have been earmarked for this year for correctional homes where minors are housed, and over 66 million denars each for 2023 and 2024, representing investments for capital expenditures of just **fewer than 3 million Euros for three years**. The difference is that these funds and the development projection of the budget of correctional facilities is from own funds.

These basic indicators show that the state is, however, aware of the problems with the basic rights of persons in detention centers and prisons in N. Macedonia, about 2,500 people in May 2022, as well as for the criticism made in domestic and international reports. But the conditions have been bad for decades, so without even bigger funds from the basic budget, it is unlikely that they will change, and it is obvious that a legal amendment will be needed, which will enable much greater benefits and for the employment of new medical personnel in such institutions. In addition, this will be good for the employees of the prison police, who in June protested in front of Prison Idrizovo claiming that they have been forgotten by the state and that this could bring big problems in the future. The problem came to light after the Ministry of Internal Affairs conducted a search in several cells in Idrizovo, during which drugs, mobile phones and knives were discovered, after which the car of the head of the prison police parked in the vicinity of the prison was set on fire.¹⁸ The care for the employees should be much more thorough, because constantly in various reports and media articles there are accusations of corruption on the part of the prison police, due to which the situation in the prisons is getting more complicated. In fact, this is what is stated about this case in the reaction of the Helsinki Committee and the Association of Young Lawyers, which was issued at the end of June: “As organizations that continuously and directly monitor the situation in prison facilities, and encouraged by the latest action of the Ministry of Internal Affairs in Idrizovo prison, we point out that what was shown in the media as a spectacular seizure of knives, drugs and mobile phones in the prison, **is actually a common situation that goes back decades...** We expect the investigation to be thorough and **comprehensive so that someone can finally be held accountable for all of these failings in correctional facilities** that we have been witnessing for years. If direct responsibility is avoided in this case as well, we can hardly expect the desired positive changes in the entire penitentiary system... The situation in closed institutions is always an illustration of the wider social situation. That is why the state must invest efforts and resources and find long-term solutions for these systemic problems. Occasional actions in prisons are obviously necessary, but they will not bring any improvement without appropriate sanctions and without specific measures related to the material conditions and the necessary professional staff.”¹⁹

During the changes and the greater concern of the state, above all, in financial terms, of course, the [National Strategy for the Development of the Penitentiary System in the Republic of North Macedonia \(2021-2025\)](#), as well as the Strategy for the Development of the Probation Service in the Republic of North Macedonia with an Action Plan (2021-2025), implementation of the Law on Probation and by-laws and all other documents, regulations and by-laws will have to be followed. Although the last law was adopted in 2015, and the Administration has a special department for probation, the results are very weak, for which the justifications are politically unacceptable for part of the professional public.²⁰

18 - TV “Alfa”/“YouTube” – 15.6.2022 – Protest of prison policemen... (available at <https://www.youtube.com/watch?v=KFobgRFPuVU>)

19 - HCCP – 18.6.2022 – Will someone finally bear responsibility....(available at <https://mhc.org.mk/news/dali-konechno-nekoj-ke-snosi-odgovornost-za-propustite-vo-zatvorite/>)

20 - Green Magnifying Glass – 2020 – Analysis of the degree of awareness of probation... (available at <https://fosm.mk/wp-content/uploads/2020/06/finalna-analiza-zelena-lupa.pdf>)

BAD SOLUTION TO THE PROBLEM OF PERSONS WITHOUT IDENTITY

One of the special problems of a larger group of citizens is the issue of acquiring an identity before the state authorities, that is, registering in the registers and obtaining basic documents from the Ministry of the Interior, such as identity cards and (or) travel documents.

The deputy ombudsman Susana Saliu, in a [guest appearance on TV Telma on 9/3/2022](#), said that the Office has many problems, i.e. she complained about the operation of the Office for management of registers. She clarified that the complaints are about the electronic request and delivery of the documents and about the documents related to the deceased persons, as well as to the citizenships. We are talking about hundreds of citizens who are waiting for a check to obtain citizenships, as well as a problem with about 900 citizens who have two identity numbers. However, the Annual Report also revealed another data. About 400 children are without any documents.

“After the research carried out in April, it was established that 60% of people without documents are unregistered children under the age of 18. Additionally, it is worrying that the Office for the management of records does not have information on the number of children born after the end of the public call, who do not meet the conditions for registration in the Register of Births according to the law (considering that this category is also covered by the Law for unregistered persons in the Register of Births). According to the Ombudsman, the line ministries of justice and labor and social policy, in coordination with the Office for management of registers, should urgently find a permanent, systemic solution to this perennial problem with “legally invisible” children, given that the Law on Unregistered Children did not enable them to enjoy their rights, which is contrary to the Convention on the Rights of the Child”, the Report states.

According to the journalistic research of “360 degrees” (see reference 6), from the recorded 723 persons without identity from the field mapping before the entry into force of the Law on unregistered persons in the Register of Births from February 2020, until March 2022, three months before the expiration of the law, 318 persons were entered in the Special Book of Births, and 94 persons were entered under the old law.

THE CAPACITY OF THE ADMINISTRATION - AN OBSTACLE TO THE REALIZATION OF FINANCIAL AID

Another area where the number of petitions to the Ombudsman has increased by about 30 percent is the exercise of the right to minimum financial assistance from the state, financial assistance for the care of other persons and one-time financial assistance.

Most of the petitions refer to monetary rights from social protection, namely the right to guaranteed minimum assistance (37), the right to compensation for help and care from another person (35), the right to one-time monetary assistance (3), the right to compensation for part-time work (2), the right to compensation due to disability (3), permanent compensation (3). While some of the petitions (16) refer to the right to social security for the elderly (social pension), domestic violence (5), social services (5), and in 23 cases, citizens only requested legal advice.

According to the Office of the Ombudsman, this increase is, among other things, due to the fact that the new Law on Social Protection of 2019, instead of simplifying the exercise of these rights, made them more complicated:

“As it was already emphasized in the previous annual report, the new Law on Social Protection and Security adopted in 2019, instead of facilitating the procedures for realizing the right to compensation for

assistance and care from another person, on the contrary, complicated and made these procedures more difficult. The new legal solution, according to which anyone, without limitation, can submit a request, has contributed to an increase in the number of new requests, along with requests for the renewal of the right of those who had previously been granted the right, with a control review and of those pending requests of the time before the application of the amendments from the Law on Social Protection and before the formation of the new commissions. This situation contributed to a smaller opportunity to find an appropriate term for consideration of each separate request before the expert commissions. In such conditions, the commissions could not respond to citizens' requests in a timely and efficient manner. According to the statements of the Ministry of Health, the number of submitted requests exceeded the work capacity of the commissions. As a result of this situation, many citizens unjustifiably lost the right to compensation for help and care from another person" (quote from the Annual Report for 2021).

The Office of the Ombudsman also concluded that "a large number of citizens had their right to guaranteed minimum assistance unjustifiably revoked, on the grounds that they had unjustifiably received funds from other sources, such as: games of chance, quick money transfer, etc. which were symbolic and could not influence the improvement of their social status".

"The most flagrant is the case of a high school girl from Skopje, the awarded student of the generation (the best student), whose family's right to guaranteed minimum aid was revoked, due to receiving funds as a prize for being the best student," it was emphasized in the 2021 Report of the Ombudsman. However, this story ended successfully after several Ombudsman interventions.

The 2021 Ombudsman Report, apart from the extensive description of these violations of fundamental rights, also points to many other areas where complaints are registered and are also related to the law enforcement authorities, emphasizing that the Ministry of Internal Affairs does not always cooperate with the Ombudsman, especially not the Department of Internal Control for the application of professional standards. One of the deputies of the Ombudsman, appearing in a TV debate, however, said that it is very interesting that when they submit a criminal report for unprofessional behavior of members of the Ministry of the Interior to the Public Prosecutor's Office, that authority does not react at all, while when the Ministry of the Interior itself submits criminal complaint against a member of the Office of the Ombudsman, PP immediately accepts it and acts on it.²¹

PROTECTION OF CHILDREN'S RIGHTS - CHILDREN WITH DISABILITIES SUFFER THE MOST

Regarding the realization of the basic rights of children in accordance with legal and international legal documents, such as the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, it can be stated that the biggest problem in RNM is, in fact, children's rights that have some form of physical or intellectual disability.

Although progress has been made in that direction in 2021/2022, since for the first time through the Ministry of Labor and Social Policy financial resources have been provided for 500 educational assistants and for a certain number of personal assistants, it appears that the needs are much greater than what is provided by the state.

Namely, according to the data collected by the Office of the Ombudsman in the last quarter of last year, the situation is as follows:

Through the complaints received from the children's parents, regarding the unfulfilled right to an educational/personal assistant, the Ombudsman became aware that there is a lack of educational and personal assistants for students with disabilities who study in municipal primary schools. Consequently, in order to understand the current situation and the challenges in exercising this right, the Ombudsman addressed a request for data to all state elementary schools with a resource center through which educational assistants are assigned, as well as to the Ministry of Labor and Social Policy regarding the provision of personal assistants to obtain the number of requested, versus secured and unsecured assistants. **The conclusion that emerges from the responses of primary schools with a resource center is that as of October 2021, 414 educational assistants have been allocated, and a positive response has not been given to 266 requests. According to the data from the Ministry of Labor and Social Policy, the total number of submitted requests for personal assistants is 26, of which 9 personal assistants were provided, five requests**

21 - "Win-win" – 14.4.2022 – Jovan Andonovski, deputy of the Ombudsman – (available at: <https://www.youtube.com/watch?v=OB8oBPwMD-M&t=221s>)

were rejected as unfounded, and the procedure for 12 requests was not completed due to the lack of free certified personal assistants.

Unlike this number, the Ministry of Labor and Social Policy repeats the number of 500 educational assistants, but even if it was reached, the needs in schools are much greater. This was also confirmed by the official answer received by the [editorial office of "Portalb" in the research on this topic](#) published in June of this year on the media projects of "Metamorphosis":

"The Ministry adds that this year the **Government has provided funds and hired 500 teaching assistants, for whom 216 million denars have been provided**, and who support teachers in working with students with disabilities, while the Ministry of Labor and Social Policy made legal changes that the age limit for using the personal assistance service is reduced from **18 years to 6 years**. **Currently, 150 personal assistants are employed, who provide support for 217 children/people with disabilities and 126 people engaged in the care and home care service for a total of 301 people**".²²

It is worth pointing out that in the Rebalance of the budget for 2022 submitted to the Assembly in May, in the program for child protection there is an increase in the budget of the Ministry of Labor and Social Policy - from 157 to 183 million denars, mostly for the construction of facilities for child protection (kindergartens), but there is also an increase in the program for deinstitutionalization and social services - from 242 to 345 million denars, which are mostly intended for children in small group family homes, instead of in the former large state centers for that purpose.

OTHER PROBLEMS OF PERSONS WITH DISABILITIES

One of the main problems is that the state cannot lead a long-term policy if it does not know precisely the needs for where to allocate the funds. The state still does not have a register of persons with disabilities, although some breakthrough has already been made with the 2021 census.

The Commission for Protection against Discrimination on 3.12.2021, on the International Day for Persons with Disabilities, came out to the public with four structural recommendations to the executive power and all institutions in charge of implementing the rights of these persons. One of the most important recommendations, apart from equal access to health services and vaccines during a pandemic, is to finally create a national registry for these people, in order to be able to implement more successful and enforceable policies at the central and local level in the future, the protection and realization of the rights of these persons.²³ According to estimates by experts who are involved in this issue, and who were consulted for this report, there are over 200 thousand people with some kind of disability in RNM, and that number with their family members is much higher, because the experts state that the total number of people facing the problem should be considered – people with disabilities, but also their families.

This problem has a chance to be partially overcome with the implementation of last year's Population and Household Census, because a count was made, but even before the census began, the State Statistics Office (SSO) said or denied that it was a certain general base, which can serve for further in-depth research.²⁴

Finally, at the beginning of June of this year, the SSO came out with this set of data from the census, where it turned out that the census officials counted about 94 thousand people with various disabilities. More details about the knowledge obtained from the census can be seen in the analysis made by "Truthmeter" in June of this year, where the role of the local self-government in removing the discrimination faced by these people is emphasized.²⁵ "Now, with the publication of the census data, it is known exactly in which municipality in the country how many people with disabilities there are, and depending on that, future plans could be made in terms of whether and where more centers and greater access to services for this category of persons. It is up to the mayors to use this data to improve the services for people with disabilities in their municipalities" - the analysis of "Truthmeter" states.

22 - "Portalb"/"Truthmeter" - 7.6.2022 - Social reforms are not enough for children and people with special needs - (available at <https://vistinomer.mk/socijalnitereformi-nedovoljni-za-decata-i-licata-so-posebni-potrebi/>)

23 - "Civil media" - 3.12.2021 - Statement by Vesna Bendevska - (available at https://www.youtube.com/watch?v=B80xeb-u-9c_)

24 SSO/Census 2021 – 8.27.2021 – The census will enable...for persons with disabilities" – (available at <https://bit.ly/3OW1uZQ>)

25 "Truthmeter" – 8/6/2022 – The census revealed ... (available at <https://vistinomer.mk/popisot-ot-kri-kolku-lugje-so-poprechenost-zhiveat-vo-opshtinite-na-red-se-gradonachalnicite-da-im-obezbedat-uslovi/>)

The creation of a Register for 2022 was also announced by the Minister of Labor and Social Policy at a meeting in April 2022 with representatives of the National Disability Organizations, but apart from that, she generally listed what the state's policies foresee, i.e. through MLSP, for this year:

- The new rights and services for 2022, which have been agreed with other ministries and funds, are: exemption from participation for persons with disabilities over 26 years in the total amount of **16,000,000 million denars**, increase of the right to a **special allowance of 15%** for all three categories of users, signing of the contract for people who use cochlear implants for the purchase of the speech processor, amendment of the regulations for establishing a list of repairs of orthopedic aids to cover the costs of service and repair of the speech processor. Furthermore, reducing the time for awarding orthopedic aids - shoes from 9 to 6 months, changing the criteria for using personal assistance, i.e. supplementing with a combined disability where the physical is dominant, checking the alignment of the amount of rights with the cost of living, amendment and addition of the Decision on the price of social services for the year 2022, where the price for an individual hour and the price for daily treatment for a child/person with a disability by an expert worker in licensed day care centers for children with disabilities is foreseen, i.e. **MKD 858** for individual treatment and **MKD 1,053** per day per user, paid through the Centers for Social Work, **introduction of a Register for persons with disabilities.**²⁶

The register is really needed, because there is a discrepancy between the figure of about 200 thousand people that some of the experts in the focus group pointed out and the data from the census, from which data emerged that there are about 94 thousand people, noting, once again, that the SSO protected itself, stating that those numbers cannot be a substitute for the registry.

However, the biggest change for the better will probably happen after the National Strategy for the Rights of Persons with Disabilities is drafted, which was announced at the very end of June this year, at a workshop organized by the RNM Government and the German Society for International Cooperation GIZ. At this event, Prime Minister Dimitar Kovačevski and Minister of Labor and Social Policy Jovanka Trenčevska spoke about all the positive achievements made so far, but also about "policy modernization that enables the employment of people with disabilities".²⁷

CENTERS FOR SOCIAL PROTECTION - ONE OF THE PROBLEMS FOR SOCIAL RIGHTS

A problem in the application of the Law on Social Protection and Security, as well as all other legal rights that should be implemented through the Ministry of Social Affairs, are definitely the centers for social protection, which had to undergo transformation and change since the time when Mila Carovska was minister. This was included in the basic law in 2019.

This conclusion about the still unfinished reform process of the centers themselves can be ascertained from the Coalition "Margins", which in February 2022 presents the monitoring report for the period 2019-2021 on the way of applying the Law on Social Protection in the area of social services.

The text, as it was said at the presentation, provides an assessment of the functionality of the existing social protection services, with reference to the implementation of the existing Law on Social Protection and the functionality of social work centers and other social service providers. The text focuses on three target groups - Roma, women victims of violence and people with disabilities, who, precisely because of their specific position in society, face discrimination and the inability to integrate into society on a daily basis and are largely dependent on social transfers. The weaknesses of the social protection centers have been determined, starting from infrastructural to personnel, and a series of recommendations have been given to improve their work, including the territorial redeployment of certain centers or the inclusion, that is, the expansion of private and civil initiatives to provide certain types of social services and more involvement of the local self-government in the provision of services through the Centers for Social Protection.²⁸

26 - MLSP – 4.22.2022 – Announcement of MLSP – (available at: https://www.mtsp.gov.mk/pocetna-ns_article-trencevska-zaednicki-kreirame-i-implementirame-politiki-koi-kje-go-unapredat-kvalitetot-na-zivot-na-nspk)

27 - META.mk – Trenčevska: Inclusion and respect... (available at: <https://meta.mk/trencevska-inkluzija-ta-i-pochituvanjetona-pravata-na-licata-so-poprechenost-e-eden-od-nashite-kluchni-prioriteti/>)

28 - Network for Protection against Discrimination – Monitoring Report – (available at: http://coalition.org.mk/wp-content/uploads/2022/02/ZSZ_GolemDokument_WEB_v002.pdf)

In the conclusions of this research for the period from 2019 - 2021, the following is precisely stated:

“The law on social protection has a sufficient breadth of services and provides a legal basis for establishing different types of services, but from the answers received from respondents who used or need to use any of the services, it follows that there is not enough information about the types of services available. Centers for social work, as public institutions for social protection with public powers to perform social protection act in accordance with the Law and their competences. They usually serve more than two municipalities and are located in the larger municipalities. In smaller and rural municipalities, there are no units of social work centers. As a result, citizens from rural areas are forced to travel to the nearest social work center, which represents a financial and geographical obstacle to accessing social protection rights and services. The centers for social work do not have a sufficient number of professional and technical personnel, as well as adequate technical equipment, offices, field vehicles, computer equipment, which will enable adequate conditions for working with all categories of citizens. The centers have not provided adequate waiting space. Often, two users are received and worked in the same room, which does not ensure the discretion of the customers”.²⁹

This conclusion is partially confirmed during our research on the respect of rights arising from gender representation policies and protection obligations arising from the Istanbul Convention.

GENDER REPRESENTATION, VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE ARE STILL A CHALLENGE!

Although RNM signed it a long time ago and ratified it in 2017, and since 2018 applies the so-called Istanbul Convention of the Council of Europe, and before that there are strategies and laws to eliminate gender inequality, discrimination due to gender, problems with violence against women, as well as family-based violence, are still witnessed in everyday practice. For example, although women are equally or more highly educated than men, the participation of women in leadership positions in both business and the public sector is drastically lower, just as women’s representation in politics is significantly lower. The last local elections held in 2021 showed that only four women were candidates for 81 mayoral positions, which indicates that it is difficult for women to break through in the political activity of the parties, and this is also seen in the current composition of the RNM Government, where the participation of women is only 20 percent. In addition, that percentage is due only to the mandatory quotas when running for deputies, otherwise it would be minimal, just as it is in local self-government. This difference is also reflected in higher education, where there is not a single female rector, and the number of female deans is small. “Portalb”, “Truthmeter” and “Meta” also published these and many other data in a research that confirms the large gender gap and justifies the criticisms on this issue that can be found in the latest EC reports.³⁰

In order to implement the Istanbul Convention, RNM has strategies for gender equality since 2013, and the latest Strategy 2021-2026 has been in the Assembly since August 2021, for a long time in the stage of second reading, although the Minister of Labor and Social Policy as early as December 2021 presented it to the home committee in the Assembly.³¹ There is also an Action Plan 2018-2023, and a breakthrough in a positive direction was made last year, when the Law on Prevention and Protection against Violence against Women and Family Violence was adopted for the first time. After that, several by-laws were adopted by the Ministry of Internal Affairs and Communications, but also by other ministries in charge of implementation, such as the Ministry of the Interior and the Ministry of Defense.

In the already mentioned report of the MLSP to the group of experts of the Council of Europe GREVIO, sent in April (see reference 7), all the activities carried out in the implementation of this and other laws, the cooperation with the non-governmental sector and the like are listed. For example, the law, the harmonization of other laws, the regulations, the number of trainings they conducted on their employees

29 - Ibid, p. 79

30 - “Portalb”/“Truthmeter” - March 2022 - The gender gap in RNM: Men dominate the labor market... - (available at <https://vistinomer.mk/rodoviot-jaz-vo-rsm-mazhite-dominiraat-na-pazarot-na-trudot-i-so-povisoki-plati-brisel-ostanuva-kritichen/>)

31 - MLSP – 24.12.2021 – Announcement by MLSP – (available at: https://mtsp.gov.mk/pocetna-ns_article-shah-paska-so-strategijata-za-rodova-ednakvost-2021-2026-kje-ovozmozime-ednakva-vidlivost-na-zenite-i-nspjx)

to eliminate and deal with violence against women, the policies undertaken in other institutions of the executive and legislative authorities, gender-based violence (GBV), domestic violence, etc. are counted.

Undoubtedly, according to the expert opinion of the focus group, a breakthrough has been made in terms of strategic and legal documents, but as usual, the problem is implementation. And one of the biggest problems in the implementation is the finances, according to the experts, stating, for example, that the Law on prevention and protection against violence against women and domestic violence and other related laws are “expensive laws”, that is, more serious financial support is needed in the implementation. One of the problems is the implementation of the legal obligations for the treatment of such victims, through the network of existing social protection centers, shelter centers, as well as psychological assistance to the victims and psychosocial treatment of the perpetrators, in order not to be seen as returnees.

The problem stems from the not yet completed reform of social work centers that was foreseen by the Law on Social Protection from 2019 (the same problem is also mentioned by the Ombudsman in his annual report, talking about exercising the right to financial assistance, but also from analysis prepared for the needs of the Coalition “Margins” - see references 27 and 28), the training or lack of personnel, i.e. the capacities of the system for exercising social protection rights. The focus group pointed out, as an example, that the standards according to the Council of Europe for dealing with victims and perpetrators of violence (in the same room by the same officers) are not met, that counseling centers are missing, because there are ten counseling centers in the entire territory for women victims of domestic violence, and eight for psychosocial treatment of perpetrators.

The state declares that MTSP also has “13 centers for women victims of domestic violence (and their children), of which eight (8) are organizational units of the local center for social work, two (2) are financed by the Ministry, and managed by associations, and one (1) is financed by the local government, and managed by an association”.³² However, the problem with this declaration in the report to the group of experts of the Council of Europe, according to the expert opinion that we used, is that, according to the law, the state should have enough centers for domestic violence. Such are three of the declared centers, there is no center for sexual violence and it is not known how many shelter-centers there are. What is known, for example, is that in the Polog region, as it was pointed out at a recent forum organized on this problem, none of these forms of centers exist. There is also no SOS line that would function 24 hours a day. There is only a Center for referring victims of sexual violence, which is part of the General Hospital in Tetovo, and at this moment the numbers are minimal in relation to how many women and girls are victims.³³ In addition, at the same event, [the competent minister said that systemic monitoring is also a problem](#) (which is an obligation by law): “What is necessary and missing in our country, is a data system and monitoring of each case from the application to its conclusion, so that we can see where the system is failing and be able to react, but also to have data that will further serve for creation of new measures and policies in order to successfully deal with gender-based violence, including domestic violence, emphasized the Minister of Labor and Social Policy”. In addition, the system, according to expert opinion in the focus group, precisely in the direction of what the minister says, does not evaluate the trainings it conducts to see if there is a result, that is, an improvement in the treatment of the victims.

“I believe in government figures that hundreds and hundreds of officers of the Ministry of the Interior, for example, had training on how to deal with such persons and follow the protocols, but practice shows us that there are both good and bad examples, depending on the specific police officer,” says the expert consulted for this report.

Since non-governmental organizations are also involved in the fight to prevent, prevent and deal with violence against women, gender-based violence, child victims of violence, etc., and they have the legal right to be providers of specialized services, the state annually allocates about 65 thousand euros, which is little.

Money is also a problem for compensating a child victim of violence, according to the Law on Children’s Rights. According to the already indicated report of the Ministry of Justice to the Council of Europe, the Ministry of Justice allocates a budget for this purpose, and for 2020 and 2021 it amounted to just over 16 thousand Euros. The problem, as pointed out by the focus group, is not only the small amount of money, but also the complex procedure according to the law for a child to receive compensation money. There was mentioned a case where the procedure was started in 2014 and ended last year in 2021 for

32 - MLSP – 5.4.2022 – Report of North Macedonia to GREVIO of the CE – p.24 - (available at: <https://bit.ly/3M-cA9kl>)

33 - SDK.mk – 24.05. 200 – Domestic violence on the rise ... (available at: <https://bit.ly/3NqKSZ8>)

compensation of 400 thousand denars. Seven more children have been compensated from the MP fund since it was established.

According to the Law on Protection against Violence against Women and Domestic Violence, victims also have the right to compensation, and the procedure for exercising this right is regulated in the Law on Criminal Procedure and the Law on Justice for Children only for the compensation of damage to child victims of a crime with elements of violence. The draft law on the payment of monetary compensation to victims of violent crimes, which partially provides compensation to victims of gender-based violence and family violence, is in parliamentary procedure. The existing procedure for compensation of damage is long and complicated and is first conducted in a criminal procedure, and if it is not determined in the criminal procedure, the victim should conduct a civil procedure to determine the type and amount of the damage. In addition, the procedure for executing the awarded compensation becomes more difficult, especially when it cannot be collected from the perpetrator of the crime.

A real breakthrough in this direction is expected with the Law on the payment of monetary compensation to victims of violent crimes, which is still stuck in the Assembly, although it was submitted in August last year. With this draft law, if it is adopted, the procedures for the payment of compensation are simplified, so what is expected is only an increase in the fund for that purpose, if the perpetrator will not be able to pay compensation, which is usually the case.

As if stuck in a limbo, that is, in the Assembly, we can also point out the amendments and additions to the Criminal Law that introduced criminal acts such as “stalking”. However, even though these amendments were prepared and submitted in August 2021, they were not adopted. Although formally no one has any objections to them, “they are a victim of bargaining between the parties in the committees in the Assembly” (interpretation of expert) and, most likely, will suffer the fate of waiting for the new Criminal Code, which is announced by the Ministry of Justice for December 2022.

THE LGBT COMMUNITY CONTINUES TO FACE MANY CHALLENGES AND THREATS

Homophobia and transphobia are still present on a large scale in RNM. Although some things have generally improved, for example, there are no longer group attacks on members of the LGBT community, nor on centers or other forms of protection offered by the non-governmental sector, as was the case until a few years ago, hate speech, violence by hatred and discrimination on several grounds are observed quite often. This is the basic conclusion of the expert on these issues, who helped in the compilation of this report within the framework of the focus group.

Hate speech and stigmatizing discrimination speech regarding the LGBT community are most registered on social media, and media in general as well, and the NGO sector confirms that they register this behavior by selected politicians. According to the expert, all this can be confirmed not only from the statistics kept by the NGO sector, but also from the already resolved or documented cases handled by the Commission for Prevention and Protection from Discrimination. The last such case of hate violence, which the expert believes was motivated by hate speech, even inappropriate speech by politicians from political parties or members of Assembly when they discussed the matter, is the beating of an LGBT activist and president of a local LGBT - organization from Tetovo, in May 2022.³⁴

Apart from the mentioned social networks and media, hate speech or harassing speech that discriminates against sexual and gender minorities and vulnerable groups is also registered in education, both in primary and secondary schools, with the last confirmed example being from December 2022, when at the request of the non-governmental sector, the CPPD determined continued discrimination in a sociology textbook.³⁵ The attempt to systematically fix the problem in education, to remove this kind of speech from textbooks, failed after the Ministry of Education withdrew the corresponding law on textbooks and didactic aids, which, although it was entered into parliamentary procedure, was returned for revision. The withdrawal followed the reactions received by informal and formal associations of citizens, who were opposed, in fact, to the introduction of informal sex education for children in the 9th grade, so the revision of the existing textbooks failed. The expert says that now that problem is left to the individual reporting of such textbooks if they are detected, and several such cases have already been realized. However, it is not a systemic solution.

34 - HCPC – 9/5/2022 – The attackers of Asani to be found immediately... – (available at <https://bit.ly/3tgrcPs>)

35 - Coalition “Margins” - 28/12/2022 - Disturbing content found in a third-year sociology textbook - (available at <http://coalition.org.mk/archives/12023>)

“THE LAW IS GOOD - TRANSPHOBIA PUTS IT IN A DRAWER”

This subtitle is the title of a press release issued in March of this year by the Coalition “Margins” regarding the fate of the proposed amendments to the Law on Civil Registry. This law was supposed to systematically solve the problem that transgender people have with regard to the official documents they need to receive from the registers of the Office for Management of Registers.

Namely, the proposal for amendments to the Law on Civil Registry³⁶, which was submitted to the Assembly in April 2021, and whose main topic of changes were the rights to respect the determination of gender and gender identity regarding transgender people. However, in March 2022 this proposal was withdrawn from the parliamentary procedure when, marked with a European flag, it reached the first reading in the parent committee.

With the amendments, changes were to be made in such a way that even persons who have not changed their physical gender will be able to declare their gender differently, that is, as men, women or transgender persons. The proposal to amend this law was at the request of several non-governmental organizations dealing with the protection of gender and basic human rights. The proposal itself was well explained by the proposer, with all the reasons why an amendment to this law is required, starting from the international conventions signed by the RNM to the judgments of the Court for the Protection of Human Rights in Strasbourg, specifically against the RNM in 2019.

The law was only put on the agenda in the Legislation Commission for the first reading for a few days, the RNM Government withdrew it and, according to the available statements, it was supposed to be refined, a wider public hearing should be opened, and then it should go to a regular parliamentary session. The reason for this is the strong opposition of the political parties in the Assembly. All opposition parties oppose its adoption in this form. Although it was thought that the law had the support of the ruling SDSM and most of the smaller parties in the ruling coalition, in the end it turned out that even the ruling coalition did not support it (exception is only one MP), and the Albanian partner in the coalition DUI, although remaining silent until the last day, has also been shown to be opposed to such changes in the law. The justifications are various. The ruling parties stand by the justification that the law had to be passed out of concern for the budget that would suffer from lost judgments before the Court in Strasbourg and because of the implementation of those judgments in the domestic legislation, but that it would require a regular procedure and a wider hearing. Almost all opposition parties, on the other hand, came out with conservative, transphobic views, in the sense that such a law destroyed the traditional understanding of family and marriage and that with the change of the law, the way would be opened for the change of the Family Law, where marriage is defined as a legal union between a man and a woman, i.e. between different genders.

The non-governmental organizations expressed strong condemnation of this withdrawal from a process that had been worked on for a long time and condemnation of the behavior of all, but also of the MPs from the inter-party group who declaratively stood behind this idea, and during the voting itself, all the MPs withdrew or remained silent, with one exception - MP Maja Moračanin who remained consistent. On April 21, a letter was sent to the Government by members of the European Parliament, who appeal and demand from the Government “to recognize the legal recognition of the gender of trans and non-binary persons in the Law on Civil Registry”. There is no reaction to this letter until the conclusion of this report, and the latest knowledge is that the Ministry of Justice has an initiative to form a working group to draft a completely new law on civil registry, within which this issue will be resolved. However, the very fact that the Coalition “Margins” is not included in that working group leaves doubt among the expert from the focus group that the problem will be solved at a satisfactory level, and even less - in a timely manner.

Apart from this, transgender people have a number of other problems. People who want to change their gender, for example, cannot do it in RNM, because no clinic does it. However, the procedures for those who do not want a complete gender change are not included in the public health system and are carried out on a case-by-case basis, with acquaintances, friendships or urgent requests. For example, the basic package of health care does not even include the hormonal therapy that a person in transition should receive, if in the system from a family doctor to a specialist, they receive such therapy. In 2019, a working group was established in the Ministry of Health to systematically solve this problem, but due to the Covid-19 pandemic, the group stopped its work without results. Dissatisfaction is great, given that in Serbia, for example, which is a similar society to Macedonia, sex change is carried out at the expense of the state - 2/3 of the amount, and the whole procedure is strictly regulated by the Law on Health Care - from

36 - RNM Assembly - Proposal for amendments to the Law on Civil Registry - March 2022 - (available at <https://www.sobranie.mk//materialdetails.nspx?materialId=09424067-36fb-4b7c-9853-d4c35ba5a28f>)

the family doctor to the last instance – the clinic where such type of operations are performed. An expert from the focus group points out that considering the fact that many surgeons from the RNM are specialized in this kind of procedure because they have been on study visits abroad, all that is needed is a little good will from the government. There is expert knowledge, and with the very fact that the number of such persons is not very large, at least not publicly, such a legal change would not be a particular burden on the health budget.

THE INCLUSION OF THE ROMA IS INCORPORATED SYSTEMICALLY, BUT THE RESULTS ARE INSUFFICIENT

The policy of the state regarding the inclusion and promotion of human rights, as well as prevention and protection against discrimination against the Roma, is in line with the general policy of the European Union, and emphasized within the framework of the Berlin process for the countries of the Western Balkans, which in 2019 resulted with the Poznan Declaration.³⁷

North Macedonia has a basic document that guides the inclusion of Roma in society - Strategy for Roma Inclusion 2022-2030, which was adopted in February this year and which is the successor of two previous national strategies for inclusion 2005-2015 and 2016-2020 year. There are questions in the professional public whether this strategic document is well prepared, but also whether an expert analysis and evaluation of the previous strategy and of the action plans with which it is implemented has been done in order to determine possible weaknesses. This is all the more so since the strategy was put on the national portal for ENER regulations at the very end of December 2021, and it was already adopted in February 2022, although the Strategy itself states that in the first part of 2021 extensive consultative preparations were carried out, especially with non-governmental organizations dealing with the position of Roma in society.

According to the Strategy, inclusion will be coordinated and implemented by the national contact point for Roma and the national coordinator for the implementation of the Strategy, i.e. Adviser to the Prime Minister on the inclusion of Roma, the Ministry of Labor and Social Policy, the National Coordinating Body that includes various line ministries, the Ombudsman and the Commission for Prevention and Protection from Discrimination, an inter-party parliamentary group established in early 2021 and others.

The strategy itself, in the introductory part, ascertains the basic parameters by which inclusion is evaluated, while it is noted that worse numbers have been ascertained regarding the employment, that is, the unemployment of the Roma due to the Covid- 19 pandemic. In relation to housing, it is stated that the capital transfers for this purpose through the Ministry of Transport and Communications contributed to the improvement, but that the municipalities did not take anything, that is, they do not use the state funds for the urbanization of the Roma settlements. "Regarding health, the poor socio-economic situation further worsens the health situation. The budget within the Ministry of Health continues to remain unused, while the number of Roma health mediators has decreased, and they have not been systematized in the health system," the latest strategy states.

The biggest move forward has been made in terms of education. It is stated that the enrollment of children in primary and secondary education has increased, that 94 percent of children enrolled in primary education complete their education, that around 850 scholarships for children in secondary education and around 100 scholarships for higher education have been provided, etc. This year's figures, according to the consultations we had in preparing this report, are even higher. For children in secondary education for the year 2021/2022, the state provided 940 scholarships in the amount of 2,200-2,800 denars depending on categorization and 140 scholarships for students in the amount of 5,000 denars each for the academic year.

But this seems to have no effect on the employment measures for the Roma. According to data presented in the Strategy, it can be seen that the percentage of 5.9 of unemployed Roma from the total number of unemployed in 2020 increased to 9.2 percent or a total of over 14.4 thousand unemployed Roma. We emphasize education and employment because according to the structure of unemployed Roma, over 95 percent are without primary education or with primary education, 7.7 percent with incomplete or complete secondary education and only 0.3 percent are unemployed with higher education. The explanation from a focus group expert was that these poor numbers are partly the result of employment discrimination, which is explained a little further below.

37 - Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process - 2019 - (available at: <https://www.rcc.int/romaintegration2020/files/admin/docs/866ab25893dd6d9271ebccbfd195349e.pdf>)

Regarding health care, our interlocutors pointed out that there are indications, but no evidence, apart from indications of non-governmental organizations, that the Roma enjoy a lower level of quality of health care for several reasons. Among these are the unregistered Roma population without personal documents, without health insurance because they are unemployed or informally employed, but there are also indications of segregation, due to ethnic origin, skin color, or mostly neglect due to social origin. Therefore, there are studies by international organizations, which are also stated in the Strategy, that the Roma have a lower life expectancy by 10-20 years than others, that the mortality rate among newborns is 25 percent higher, and that there is a frequency of chronic diseases. It is also indicative that of the over 3 million denars provided for health care in support of the Inclusion Strategy, only half, that is, about 1.5 million denars, is used.

DISCRIMINATION AGAINST ROMA IS A CONFIRMED FACT - SEGREGATION IS NOTICEABLE

The discrimination faced by the Roma in North Macedonia is not a new phenomenon, it has been registered in previous periods as well (see the [Report of the Institute for Human Rights from 2013](#)). Unfortunately, it has been registered and confirmed in 2021 and in the first months of 2022, both from the non-governmental sector and from Ombudsman and CPPD. It refers to issues from infrastructure and access to water, but also from the area of housing, where there are indications of the existence of such discrimination, to established discrimination in the field of education at the level of segregation. It is about precisely determined indirect discrimination, which leads to segregation, and this case has been published by KSZD.³⁸ If you look at the rationale of the Opinion that the Commission for Prevention and Protection against Discrimination established in February of this year, you will see that the primary education school from Štip is not to blame for the case of the complaint that was submitted to them. The Commission finds the main fault that leads until the establishment of ethnically clean classes in the Law on Basic Education, in Article 63, paragraph 4, which is called the Reunification of schools and which allows both parents and the school to enroll their children or to enroll other children outside the area where the school is located.³⁹ The commission also adopted a General Recommendation in which, among other things, it is recommended to the Ministry of Education and Science to prescribe stricter criteria for changing schools to another area outside the area where the children live, which would help in the process of desegregation of Roma children. The Office of the Ombudsman also speaks about this case in the Annual Report for 2021, highlighting it as a “tendency for the segregation of students due to non-compliance with the rezoning decision”, which also sent a Notice to the local self-government about the violations committed ([more details on p.85 from the Annual Report of the NP for 2021](#)).

In the course of 2021 and 2022, CPPD determined several more cases of discrimination based on nationality and race, i.e. skin color - two cases of discrimination by employees of the Public Transport Company Skopje, with one case being a more severe form of intersectional discrimination. Then we have cases of denial of goods and services for Roma, such as access to two coffee bars, one in Berovo, the other in Prilep, etc. In 2022, CPPD already established discrimination against Roma in relation to the right to supply clean water in Kičevo and Kavadarci, and such a case also occurred in Strumica.

- Discrimination that has taken the form of segregation also exists in other areas, such as the right to freedom of movement, where we have registered cases and confirmed them through an experiment carried out with intentionally organized bus transportation when crossing the state border. In addition, that test and other reports that we registered showed that it happens that the police officers check in detail and separate the Roma from the buses, with the justification that there was an abuse of the visa-free agreement with the EU member states. However, the examples are from the Macedonian-Serbian border, which can be crossed with an ID card - an expert from the focus group who was consulted on issues related to the Roma told us.

According to the same expert, discrimination also exists in employment, even in the public sector and state administration, and the reasons are multifaceted:

- One of the reasons is the so-called a “Balancer Calculator”, who rarely shows that there is a need in any

38 - CPPD – 3.3.2022 – Opinion of CPPD – (available on <https://kszd.mk/wp-content/uploads/2022/02/0801-306-od-08.10.2021-se-utvrduva-indirektna-diskriminacija.pdf>)

39 - MES - Basic Education Act - p. 26, article 63 – (available at <https://mon.gov.mk/stored/document/Zakon%20za%20osnovnoto%20obrazovanie%20-%20nov.pdf>)

institution for Roma employment. The problem is in the methodology for fair representation (by-law), which until now extracted wrong data from the census in 2002, and we propose that it be from the total number of employees, that is, to take those parameters, and not the total number of Roma. However, we also have a case, registered by the Ombudsman, which showed us that even when the “Balancer Calculator” shows that employment of a Roma is necessary, another person is employed - from another community - according to party rules. The example is from the regional IRS in Prilep - says the expert.

A second reason, according to the same source, is that the databases, including the results of the last population census of 2021, are not accurate.

- The census does not reflect the real number of data because, firstly, there was a large number of Roma that missed the enumeration, and secondly, those who were enumerated were manipulated in two ways. First by the influence of the enlists, who in some areas did not even ask about the ethnicity of the people and influence of Turkey and the Turkish community in the RNM, whether through enlists, whether through organizations for cooperation and development, which actively lobbied and exerted influence in parts of the Roma community to declare themselves as Turks. Such influences on the Roma community were also from the local Albanian community or from members of the political parties of the Albanians in some of the cities in Western Macedonia, but on a smaller scale, unlike the problems we registered in part of central and eastern Macedonia.

This error cannot be corrected even with the cross-comparison of data from other registers and databases maintained by other institutions, such as the one of the Employment Mediation Agency - AVRSM. There are also many “mistakes” by counter employees, so Roma people, active or passive job seekers, are recorded as being of another ethnicity, in this case Albanians. A test check was recently done, during which a randomly selected sample of 200 Roma in the AVRSM database, about 30 percent were recorded as non-Roma - says the expert who was consulted for this report.

From the examples mentioned above, it can be concluded that discrimination based on ethnicity and skin color, i.e. Discrimination against the Roma is still a burning constant problem in North Macedonia. During the year, several cases are registered in the Commission for Prevention and Protection from Discrimination and with the Ombudsman, as well as dozens of cases by non-governmental organizations that deal with the protection of the rights of the Roma. According to the actual situation (annual reports and statistics), it seems that the CPPD makes much more use of the instruments given to it by the Law on Prevention and Protection from Discrimination, so it also initiates misdemeanor proceedings with a more serious qualifying form such as intersectional discrimination, while the Ombudsman performs a more mediating role and acts through indications, emergencies and recommendations.

The strategy also uses the vocabulary used in the Council of Europe and the EC, which is anti-Gypsyism, as a kind of complex form of racism registered by non-Roma against Roma, on several grounds. One of the strategic goals is to reduce anti-Gypsyism through a series of measures, and one of them is the incorporation of anti-Gypsyism as a crime in the Criminal Code, for which there are conflicting opinions between our experts.

INCLUSION SUFFERS FROM A LACK OF FUNDING – MANY WISHES, LITTLE MONEY

All the money from the budget set aside for the inclusion of the Roma is determined by programs and amounts to about one million euros! The adviser on Roma inclusion in the Prime Minister’s Cabinet, stated at a press conference in April that the Government has determined additional funds for this year, thus in total the funds amount to 73 million denars. However, our review of the budget rebalance submitted to the Assembly at the end of May showed that the total funds for this purpose (listed as Support for Roma inclusion and implementation of the 2022-2030 Inclusion Strategy), are about **62.553 million denars or 1 million and 15 thousand euros** according to the average exchange rate of the National Bank.

These funds are intended for sub-programs implemented mainly by the Ministry of Transport and Communications, the Ministry of Education and Science, the Ministry of Labor and Social Policy and the Ministry of Education. They are indeed larger compared to a few years before, because then they amounted to about 35 million denars or half of what is allocated today, but the impression of the experts is that they are insufficient.

- In the state, the inclusion of the Roma is not understood as a political issue, but as a social issue, and this is the main weakness, which is why inclusion is relatively slow. Thus, although we say that there is political

will and openness to solve all the problems faced by the Roma in RNM, things are going slowly. Of course, the financing of the measures resulting from the Strategy to achieve inclusion are also crucial and that the approximately one million euros allocated for this year are insufficient. On the other hand, the executive authority can constantly use the justification of the type, why would they allocate more if the allocated money were not spent. We have had such examples so far, especially in the Ministry of Transport and Communications (which manages the money from the inclusion program in the area of infrastructure and housing) and in the Ministry of Health (which manages the money in this area and which mainly goes to health assistants).

The expert also believes that the concept of educational or health assistants is wrong and that it would be much more useful if more Roma were employed in educational or health institutions. In this way, according to the expert, the Roma will have more trust in the institutions, one of the reasons why there is a problem with the use of the services of these institutions by the Roma.

The best results have been achieved in education and the policy is still being implemented so that inclusion is successful and gives results. According to the expert, there were also problems in the Ministry of Transport and Communications. Until now, according to the expert, the money was known to be distributed in a face to face meeting at the very end of the year. Now there are much more serious criteria for how the public tender is announced and implemented for the use of that money through the implementation of projects, the expert clarifies. However, the main problem at the moment is that there are municipalities that are either not interested in meeting the technical conditions for receiving the money (they mostly complain that they do not have the capacity in the local government administration to prepare the documents) or, that they use it as an excuse and are not interested in solving the infrastructure problems of the Roma ghettos. Although there were also cases of complaints from non-Roma communities when housing units were to be located in certain municipalities, intended to solve the housing problem faced by the Roma, which, from the experts' point of view, can also be labeled like racism.

However, the money of one million euros per year is not enough, state our interlocutors, who helped in compiling this report.

HATE SPEECH IS CONSTANTLY GROWING - IMPUNITY IS THE MAIN REASON

The problem with hate speech in the RNM remains or, more precisely, is becoming a bigger problem, to which society as a whole cannot find an effective answer for the time being. Although it has been noted as a problem and started to be monitored since more than ten years ago, although more active measures and more initiatives have been taken, first by the non-governmental sector, and then by the state, which incorporated it as a criminal offense in several articles of the criminal legislation, even though the law enforcement authorities, the prosecutor's office and the judicial authorities already have training and make some efforts to deal with hate speech - the results are lacking. More precisely, from talking to all the experts dealing with this issue, it can be assessed that they are even getting worse.

The impression that there is a worsening comes primarily from statistical indicators. The number of cases of hate speech is growing year by year, and a drastic increase, by as much as 160 percent, was registered by non-governmental organizations at the transition from 2019 to 2020, at the beginning of the Covid-19 pandemic. This trend is not stopping, and it is still registered today. An illustration of this is the data we received from the experts of the Helsinki Committee for Human Rights that from 2014 to June 1, 2022, they registered **3,046 cases of hate speech**. The registration of these cases can be seen on the online platform for reporting hate speech, which was established in 2014 by the HRC, with the help of the American NED, "Hate Speech" (govornaomraza.mk), which is active almost 10 years. Since 2018, the HCRC systematically, analytically and practically deals with hate speech and the ways of its registration, prevention, as well as increasing public awareness of the seriousness of the problem. Those 3,046 cases that have been registered since then are pure cases of hate speech on 14 different grounds, which are also recognized by law, and it is worth pointing out that they have been checked and filtered from the number of reports, which is much larger, i.e. there is no doubt that these are cases of hate speech.

Ethnic affiliation - with 1,477 cases or 37 percent, political affiliation - with 922 cases or 23 percent, sexual or gender affiliation - with 901 cases or 23 percent, sex and gender - with 238 cases or 6 percent surface as the most common grounds for hate speech.

Hate speech is found everywhere, but the most common platforms for its dissemination are social net-

works. If they are ranked by experts, it is the least present in traditional media, much more in online media, but definitely as platforms “seeders” of hate speech emerge “Facebook”, “YouTube” and, lately, “Tik-tok”.

Statistics, such as this one on the specialized platform, confirm other databases from the non-governmental sector or, on the other hand, the figures that official institutions have, including the statistics maintained by the Commission for Prevention and Protection from Discrimination. According to the statistical search on the page of the CPPD, only from 2021 to January 2022, the Commission has made 14 decisions on a committed form of discrimination through hate speech or disturbing speech expressed through means of public information/media, and mostly through the social networks “Facebook” and “Twitter”. Such speech was aimed at persons who belong to a marginalized group, and refer to sexual orientation, that is, based on gender, sexual orientation, gender identity. On the basis of national or ethnic origin, origin, disability, family or marital status and others there are seven more cases where harassing speech or discriminatory speech has been determined, so that in total there are over **20 such cases for 2021**, only through means of public information/media, including social networks. If other ways of expressing hate speech are also taken into account, the ratio is quite clear when comparing the total numbers of decisions and opinions made by the Commission. The Commission determined that in these 20 cases, natural persons, an association of citizens, internet portals, as well as the persons who are editors and registrants of the internet portals appear as discriminators. However, the number increases dramatically in 2022. The Commission in its quarterly report for January-March 2022 presents data that as much as 50 percent of the complaints where discrimination was determined, i.e. 13 complaints, refer to discrimination committed through means of public information/ media, and the largest number of them refer to the social network “Facebook”, through which harassment or incitement and instruction for discrimination through the publication of discriminatory content was determined. Apart from “Facebook”, this kind of speech and content has also been detected through “YouTube”, “Twitter” and at an internet portal.⁴⁰

If we take into account the cases registered by journalist associations in the last year or two and other non-governmental organizations (for example, “Metamorphosis” alone has registered about ten cases of hate speech and incitement of hate crimes against its employees), the magnitude of the problem faced by society is quite clear.

According to experts from the HCRC, one of the most pressing problems is that there is no systemic punishment of hate speech. They, just as the EC detects it in its reports, point out that the state does not have a system of punishment, although the non-governmental sector helps in its detection, gathering evidence, communication between the Public Prosecutor’s Office and the Ministry of Internal Affairs. In the end, the judicial practice proves the overwhelming numbers, because the cases for which the Public Prosecution in the courts has initiated hate speech proceedings can be counted on the fingers of one hand for years. Since the journalists’ associations, after their reports of hate speech against journalists, from the Public Prosecution and the courts often receive an excuse that there are no trained prosecutors and judges who would deal with this problem, the HCRC with the help of the Academy of Judges and prosecutors and with the support of the OSCE in 2021 organized trainings for prosecutors and judges. These trainings were attended by 60 participants. Also members of the relevant Department of Internal Affairs for forensics and computer crime organized a little more complex trainings, i.e. across the regional units in each regional sector in the country.

AMENDMENT OF THE LEGAL FRAMEWORK IS NECESSARY

As one of the ways to more effectively deal with the phenomenon of hate speech, experts recommend that changes to the legal framework to solve the problem should be systematically considered.

Namely, they agree that the current Criminal Law, which in five articles detects and prescribes sanctions for hate speech on various grounds, covers this issue relatively well, although they do not rule out that perhaps even here new articles could be added that would increase the coverage of hate speech. However, as a problem, they point out the thousands of examples of hate speech or borderline speech, which apart from discrimination can also cause hate crimes, which are difficult to prosecute. For example, comments on Facebook under the posts and similar examples on other social networks. In that direction, the experts recommend thinking about strengthening the criminal liability, i.e. to intervene in the Law on Misdemeanors. As one of the measures that can help is giving the authority to some institutions to have a misdemeanor role as well, i.e. to issue misdemeanor fines. As an example, they pointed to the

40 - CPPD – April 2022 – Quarterly Report – p.12 – (available at: <https://bit.ly/3aArNo>)

Commission for Prevention and Protection from Discrimination, whose members, for the purposes of this report, pointed out that they are thinking in this direction and will launch an initiative to achieve it. Because, as the experts say, it is very important for the individual, even with a minimal fine, to feel that hate speech and the discrimination they perform in that way is considered unacceptable behavior.

Otherwise, impunity creates multiplication and redoing of the crime, i.e. the same perpetrator of hate speech, who was once sanctioned in some way, to repeat the crime. Such an example was presented in connection with a case that went through the PCCD. The commission issued an opinion and asked the perpetrator to remove the content from YouTube, which they did, but only temporarily, after which they returned the controversial content in which hate speech against various public figures from different spheres of society was detected.

In addition, experts emphasize that a problem that plagues society, which is close to hate speech, is cyber-bullying. They point out that in the RNM legislation this matter is not even defined, let alone talk about dealing with it.

POLITICIANS AS INSTIGATORS OF HATE SPEECH

In a conversation with experts about their impression of the political will of the main actors to deal with hate speech, they point out that no interest or strong political will can be detected. The reason is simple. Elected or appointed political figures, political parties themselves through their communication with the public, are often registered as instigators of hate speech. The statistics also shows this. Hate speech due to political affiliation is in the first four categories of hate speech registered, more precisely in second place, and the speech of politicians and parties before every election or important political decisions, such as referenda and other debates in the society is considered as an instigator of hate speech.

Often that speech is skillfully hidden and is not pure hate speech, but it is definitely inciting speech, which then produces hate speech in society. More importantly, experts who follow the problem indicate that there has been no reaction from the politicians themselves. There is no condemnation or public expression of disagreement with someone's speech from the parent parties, and in general. Moreover, they, as holders of public functions, should be much more responsible, and subject to higher sanctions for such improper communications in the public. Since the problem lies partly in the immunity of the elected politicians, for example, the members of the RNM Assembly, where there are also numerous examples of speech close to hate speech or discriminatory speech, primarily due to political or sexual and gender affiliation, experts recommend that a good way to deal with it would be the strict application of the ethical codes that the institutions have, from the executive and legislative authorities, as well as the public administration. And of course the establishment of internal ethical rules in every political party or movement that deals with politics.

Another expert from the focus group, whom we consulted regarding the reforms in the media, believes that the political elites are not interested in solving the problem of hate speech. They say that they had the impression that the political elites deliberately leave this space uncovered by criminality as a "free space", because they use it massively when they need it, through their detailed "bot mechanisms."

IMPUNITY LEADS TO HATE CRIME

What is most frightening is that it has been detected that the most frequent perpetrators and victims of hate speech are young people, i.e. up to 26 years. Impunity leads to the multiplication of hate speech, but also to hate crime. According to the statistics of the HRC and other organizations, hate speech is followed by a hate crime. Since 2014, the Helsinki Committee for Human Rights has also systematically monitored the phenomenon of hate crimes through its specialized Hate Crimes website. The data for 2021 is still being systematized and analyzed. However, the data from the Annual Report for 2020 states the following:

"The committee registered and published 104 hate crimes/incidents for the period from January 1 to December 31, 2020. The notable drop in registered incidents (104) compared to 2019 (159) is likely related to the exceptional circumstances caused by the pandemic and the numerous curfews imposed, which we will talk about in more detail in the overview of the main findings."

A look at the interactive map on the portal shows that this number is also high for 2021, so it can definitely be assessed that hate speech, which leads to hate crime, is a phenomenon with a worsening trend and that the state must take measures to deal with it with the problem.

Metamorphosis Foundation - Monitoring the European integration process

Brief summary of the level of completed reforms in three areas: judiciary, media sector and public administration in the period March - June 2022

Reforms in the judiciary in the period from 31 March to 30 June 2022

The reform process in the area of the judiciary in the period we are reporting on has few elements that can be stated as positive or progress in the area.

Regarding the legislation and the strategic approach, it can be stated that work continues on a completely new law on criminal procedure and criminal code, for which working groups under the Ministry of Justice are still working. The final versions can be expected near the end of 2022, say the experts who were consulted. The preparations for a new law on expert witnessing, which is expected to increase the efficiency of court proceedings, have already been completed, but it has not yet been sent to the Government for consideration. One of the changes in this law provided for the abolition of the previous Bureau of Forensic Expertise and its transformation into the Agency for Forensic Expertise, but this also depends on the current process of reorganization of the state administration bodies. Regarding the key document Strategy for Judicial Reforms, as the Judicial Council itself points out, it is necessary to reaffirm the work of the Council for Judicial Reforms, which should work on the new strategy, because the existing one expires during 2022. The experts are not aware if this will go with the reactivation of the Reform Council, but they confirm that invitations have been sent to various stakeholders for inclusion in the work of the new document of the Strategy 2023 - 2027.

When it comes to the judiciary, few elements in a positive direction can be ascertained in terms of ensuring independence, the responsibility of judges, the efficiency of courts and ensuring financial independence.

From what is new and has been implemented effectively since this year, although it was adopted last year, it is possible to highlight the application of the Methodology with indicators for determining the complexity of the cases, as well as the Rulebook on the method of forming commissions for evaluating the work of judges and the presidents of the courts. The two acts of the Judicial Council were determined and adopted at the end of September last year, and are expected in 2022 to help especially in the two processes that are crucial for evaluating the efficiency of the courts and evaluating the work of the judges themselves and the presidents of the courts, from which also depends on the promotion or dismissal of judges.

When it comes to determining the work of the judges themselves, the number of judges who are dismissed after received petitions and the number of dismissals of judges increases. In the course of 2021, seven judges were dismissed, some of them following proceedings initiated as early as 2018, while liability assessment is pending for 49 judges in 25 initiated liability determination procedures (Source: Judicial Council of RNM).

As far as efficiency is concerned, it can be concluded that there is no progress. According to the evaluation of the Judicial Council in the [Annual Report to the RNM Assembly](#) submitted in March and which has not yet been considered by the MPs, it is stated that 15 courts were assessed as responsive and up-to-date, and 19 courts were assessed as out of date. Although, looking at the total number of received and resolved cases in 2021, it can be concluded that the backlog has been reduced by over 2,256 cases. However, in order for the picture to be complete, it should be taken into account that the backlog of received and resolved cases has been at just over 90,000 cases for years. When it comes to efficiency, a big threat is the trend of reducing the number of judges, multiplied by the threat that with the amendments to the Law on Labor Relations, dozens of judges (59 judges and 13 prosecutors) will have to retire from 1.7.2022 at age 64. In order to overcome this problem, on June 22, 2022, the Government submitted to the Assembly urgent [amendments to the Law on Labor Relations](#), with which judges and prosecutors will be allowed to temporarily extend their mandate for another three years until the new generation from the Academy for Judges and Prosecutors arrives. At the end of June, these amendments were put on the agenda before the parliamentary bodies, and the discussion in one of the parliamentary committees took place [with a physical incident](#), after the MPs from the opposition opposed this way of adopting the law and proposed between 200 and 300 amendments. This was done in order for the amendments to the law not to pass by the deadline, 30.6.2022. Until the conclusion of this Report on the last day of June, the amendments to

the law had not been adopted by the Assembly, so it can be concluded that the problem of efficiency in both the judiciary and the prosecution will really intensify in the coming months.

One of the main “pains” in the judiciary is ensuring actual financial independence, as opposed to the declared one, because the judicial authority is still far from the legally guaranteed 0.8 percent of GDP achieved in the previous year and moves with financing of about 0.3 percent, according to the declaration of the Judicial Council in the 2021 Annual Report.

THE STATE WITH MORE MONEY FOR THE JUDICIARY AND PROSECUTION

Namely, the judiciary ended the last year with 2.07 billion denars or **33.6 million euros** spent, where the dominant, with about 80 percent, is the expenditure for salaries and compensations from salaries, while the item for material equipment with goods and services participated with a modest 14 percent of the total amount and minimum percentages for capital expenditure.

For 2022, on the other hand, with the rebalance in the Assembly, the state projects that the judiciary should have 2.36 billion denars or almost **38 million euros** at its disposal, while the expenses from the basic budget remain at 2.18 billion denars or **35.4 million euros**, while the remaining funds are from self-financing activities and donations.

Funding remains a pain for the Public Prosecutor’s Office (PPO), because the legal obligation for funding with 0.4 percent of the Budget for the current year is not observed there either. Last year, the PPO of RNM had at its disposal a budget of over 574 million denars or about 9.3 million euros. For this year, that budget was expected to grow to 662 million denars, and with the rebalancing in the Assembly, it has been reduced by about 20 million, so the total amount predicted by the state is about 642 million denars or about 10.4 million euros. This is a slight increase of one million euros compared to 2021, but it is still far from the more than 15 million euros requested by PPO.

TRANSPARENCY MAY REGRESS

Transparency in the judiciary, above all, in the area of communication with the public, which is one of the key factors for the perception of the work of the Public Prosecutor’s Office and the judicial authority, very generally speaking, is at a higher level compared to years ago. At the same time, the perception of this transparency remains at the same level of assessment from the previous reports of “Metamorphosis” for the period from July 2021 to July 2022. The judiciary has achieved a little more in increasing this transparency, while the system of the Public Prosecutor’s Office remains, so to speak, cocooned and even the small steps made towards openness, it often undoes with controversial decisions. In this report, we allocate a little more space due to the assessment of an expert from the focus group that things have stopped at some point in the progress and may go backwards.

- I have the feeling that in terms of transparency, both the judiciary and the prosecutor’s office are taking two steps forward, three steps back - says an expert we consulted on this issue.

Precisely enumerated, positive changes can still be registered at the Judicial Council, the supreme body of judicial power, because the finding remains that it promptly announces its sessions, allows the public to attend them and then regularly publishes the conclusions of the sessions. As for the courts, it depends from court to court, says the expert. In most courts, appointed judges are court spokespersons. And here it depends from person to person, on the understanding of that judge-spokesperson, as well as on the president of the court about the meaning of communications with the public, but there is also an additional weakness here, because those judge-spokespersons also have regular judicial work and do not they always have the time and sense to devote themselves to some current public issue.

As for the Public Prosecutor’s Office, its supreme body, the Council of Public Prosecutors, remains closed and insufficiently transparent. The small improvement that has been made with a more transparent website has been negated by the further closure of meetings to the public due to the alleged lack of space and the “discomfort” felt by members of the Council regarding the presence of cameras in their meetings. Also, the publication of detailed minutes of the sessions after their holding has now taken a step back, by anonymizing the names of the members who spoke and it is not clear which of the members had what opinion.

The same assessment of semi-closedness remains for the system of the Public Prosecutor's Office. There are spokespeople who if you ask them a question you wait sometimes even a day or two, because for the answer they have to consult the first people in the Prosecutor's Office. Also, often those answers are technical and not essential and the impression is created that in the end everything depends on the person who is elected for a head of one of the prosecutor's offices, or even more precisely, all transparency largely depends on the choice of the state public prosecutor, assesses the expert from the focus group. Explaining their opinion, the expert states that the only step forward in communication with the public has been achieved by the Prosecutor's Office for Organized Crime and Corruption and the Skopje Public Prosecutor's Office.

This limbo state in terms of transparency seems to be mirrored in the Ministry of Justice, which has been preparing the Strategy for transparency in the judiciary for some time now through a working group. According to the information obtained during the preparation of this report, the work has been at a standstill for some time. However, a few months ago a group of journalists, mostly involved in the work of the Judicial Media Council, made requests to enter into the strategy for changes in several key laws from the judiciary where the transparency of the courts is normalized, first of all the Court Rules of Procedure, which are quite outdated. The problem that the expert singles out is the availability of minutes from court hearings, which are necessary for journalists to report more accurately to the public. Although there is no legal obstacle, the minutes are not given to the journalists, so they have to manage to get them in a roundabout way i.e. from the defense.

A certain stagnation seems to be felt in the work of the Judicial Media Council, which has been trying for the fourth year to come up with solutions that would help in greater transparency in the judiciary. This body composed of judges and journalists, according to the expert, seems to be stuck between the essential differences of the expectations of both sides. Namely, judges perceive it as some kind of ethical body, which is not the case, and in general, according to the expert, they are of the opinion that journalists are largely to blame for the fact that the public's perception of trust in the judiciary is so low.

- There are judges and prosecutors who understand extremely well the role of the public and the importance of transparency for a better and more accurate public perception of the judiciary, including media reporting. However, I can say that these are only separate cases. The majority of judges and public prosecutors still do not understand the essence of transparency. Therefore, I think that first it is necessary this subject of transparency to be included much more seriously in the educational process in the Academy for Judges and Public Prosecutors, that they have training and even exercises for press conferences, behavior in front of a camera or a microphone, and so on. Second, there must be an amendments to key laws that will specify and guarantee transparency, but, in the end, it will be inevitable to wait for a generational change in both judges and public prosecutors, concludes the expert.

REFORMS IN THE MEDIA SECTOR IN THE PERIOD FROM 31 MARCH TO 30 JUNE 2022

Nothing new has happened in terms of reforms in the media sector in the period we are evaluating in relation to the findings already noted in our previous reports.

The only small change can be noticed in that the RNM Government decided to make the process of awarding subsidies for print media more inclusive, so at the end of June it held a consultation meeting in which representatives of interested parties participated. Representatives of journalist guild associations and organizations also participated and discussed on how to improve the method of allocation and control of funds allocated for print media. After the initial 50 million denars in 2018, then the drop of about 20 million denars in the next three years due to the pandemic and the crisis, but also the additional subsidy for the first pandemic year 2020, paid in 2021, for 2022 with the rebalancing of the budget, only 10 million denars or about **162 thousand euros** are planned for this purpose.

IMPUNITY FOR ATTACKS ON JOURNALISTS CONTINUES

Threats and attacks on journalists remain a problem in the country. In March of this year, the Association of Journalists of Macedonia came out with a publication-analysis [“Attacks on journalists or media workers 2017-2021, trends and recommendations”](#), where 47 cases of various verbal or physical attacks were registered for the indicated period of five years. Several trends have been identified in the analysis, including that the number of attacks on female journalists will increase in 2021. However, one of the more important trends and conclusions of AJM in the analysis is the problem of impunity for those attacks:

“The fourth and arguably the most important trend that has been going on in the last ten years is the trend of impunity for attacks on journalists. Despite the numerous domestic and international reports that point to this problem, despite the numerous conferences used to point out this problem, and despite the numerous analyzes and publications on this topic, the problem of impunity continues to smolder and be cited as a negative example worldwide”.

You can read more about the analysis itself and especially about impunity in the article of “Truthmeter” - [“Investigators Silent before the Attacks on Media Workers, Women Journalist – the Most Common Target”](#). In that context, it should be noted that this trend of impunity or increasing attacks on journalists also contributes to the fact that after almost a year, the Assembly has not even discussed the proposed amendments to the Criminal Code, in which, according to the Government’s proposal new criminal acts have been places by which verbal or physical attack on journalists and media workers will be treated equally as an attack on officials for which an automatic prosecution by the Public Prosecutor’s Office follows.

The conditions in the reforms of the media sector remain stuck in other important segments. The first and most important is that despite two parliamentary compositions and despite two announced contests, the Parliament remains deaf to the application of the amendments to the Law on Audio-Visual Media Services, with which new elections should be held for the members of the Media Agency and new MRT Program Council. This situation, no doubt by any expert consulted for this report, is interpreted as a lack of political will for reforms, although in the very rare statements of politicians from the main parties you will hear some justification that these elections are difficult to implement because a two-thirds majority was required in the Parliament.

THE PUBLIC SERVICE IS STILL OUTSIDE THE GOVERNMENT’S PRIORITIES

This, in turn, leads to another problem that has been simmering for years – unreformed MTV, that is, an unreformed public service. According to an expert from the focus group, this shows the tendency of politics to leave things as they are, because, according to the expert, the conservative and vulgar understanding of politicians remains that by coming into power they get everything, including the public service, which they understand as a state service.

- All the political elites from the 90s onwards did not have the courage to transform the state service into a public service, and this is of exceptional importance for democracy and for other situations in a multicultural and multi-ethnic society such as RN Macedonia - says the expert. In the meantime, there are attempts to offer such a program by some commercial television stations such as TV 21 or TV “Alsat-M”, but it is neither their obligation nor their task. This should be done by MTV. Preservation of the fragile democracy is done with a new qualitative program, and it is not possible without the election of a new Program Council - says an expert from the focus group.

The indolence of the political elites towards the transformation of the public service is also seen through the financing. It remains at a minimum, although the law stipulates that already in 2021, the funding will amount to 75 percent of 1 percent of the state budget in the previous year. Instead, although the budget already reached about 4 billion euros last year, the funding has not reached more than 13-14 million euros, which according to the [Annual Report of the MRT](#) for 2021, creates problems in the operation, especially since the monthly installments were not paid equally throughout the year. MTV is facing a reduction in staff, outdated technology and a slow digitalization process, although the needs are growing, because new program services were opened in 2020, and the program in Albanian is broadcast 24 hours a day.

- There is another reason for such indolent behavior towards finances. These are the commercial broadcasters at the national level. They know that with increased funding, an increase in the salaries of journalists and media workers in MRT can happen, so after

two decades they would witness a reverse process - an outflow of journalist and media personnel from private television stations to the public service. From here, they exert continuous discreet pressure on the parties in power not to give more money to the public service - says the expert we talked to.

In the media sector, the problem of financing private media through public money remains unresolved. Except for the print media, which are subsidized with public money, there remains an inflow of public money to the media through the electoral processes, with between 3 and 5 million euros flowing out for each election to monitor the electoral process. According to the National Strategy for Combating Corruption since 2020, this process carries a high risk of media corruption by politics. The media themselves, on the other hand, continue with the pressure to remove the ban on advertising the work of the government and institutions in the public sector, something that was achieved after years of lobbying by journalist associations in 2017 and 2018.

REFORMS IN THE PUBLIC ADMINISTRATION IN THE PERIOD FROM 31 MARCH TO 30 JUNE 2022

Few things happened in the reporting period from 31 March to 30 June 2022 in terms of Public Administration reforms, which can be noted here regarding the main report of “Metamorphosis” that was published in April this year.

In terms of the strategic framework, after the preparations started a few months ago, the RSM Government at its 54th session on 22 June 2022 adopted the “Information for the preparation of the Strategy for the Regional Development Plan (2023-2030), with an emphasis on the recommendations contained in the monitoring report of SIGMA for the Republic of North Macedonia from 2021.

The [short announcement](#) only states “within the continuous process of reforms in public administration and strong commitments in that direction, the goal is to provide a modern and efficient public administration based on digitalization, which provides quality and fast services for citizens and business entities.”

However, the words “continuous reform process... and strong commitments” are not appropriate when it comes to legal reforms, that is, changes to the key laws governing the administration. It is about the amendments to the Law on Administrative Officers, the amendments to the Law on Employees in the Public Sector and the Draft Law on Senior Management Service.

THE LAWS NEVER REACH THE ASSEMBLY

These three legal solutions should ensure the processes of de-politicization of the administration, especially in the senior management service, the processes of more efficient administration, but also the ways to better evaluate and measure that efficiency, as well as the improvement of the general rules in the system of employees in the public sector. Although all three legal documents have passed all previous filters, in terms of preparations, inclusive consultative process, consultations through the government portal for regulations ENER, etc., there is still no information that the Government has considered them and is preparing to forward them to the Parliament for consideration and adoption.

There is no new information about the extent of the implementation of the reorganization of the state administration bodies, for which, also, in two-three years of preparation, amendments to the corresponding law – Law on the Organization and Work of the Bodies of the State Administration. Everything is left to the last conclusion of the Government announced by the Ministry of Information Society and Administration (MISA) on 30 March 2022, that this process will be implemented through pilot projects in three ministries - MISA, the Ministry of Agriculture, the Ministry of Forestry and Water Management and The Ministry of Economy. These ministries by the conclusion of the Government were tasked with starting preparations for the application of the new organization as pilot ministries, after the law is passed.

Since the Ministry of Inter-Community Relations, which was established by an ad-hoc solution in 2019 with changes in the then Law on the Organization and Work of the Bodies of the State Administration, does not belong to the mentioned three pilot ministries, it remains unclear whether, for example, in the reorganization of the Agency for Youth and Sports, for which was planned to be abolished and become

a department in the Ministry of Inter-Community Relations, is it a planned move within the entire reorganization or is it a separate solution. On [June 1, the National Youth Council of Macedonia sent a protest and open letter to the Government](#) about such plans, which, on the contrary, requested the growth of the Agency for Youth and Sports into a separate ministry.

What turned out to be a correct conclusion from the main report of “Metamorphosis” from April is the weakness of the system of evaluation of administration according to the rules in the Law on Administrative Officers, but also in general evaluation of the efficiency of employees in the public sector. Namely, this surfaced after the Union of Trade Unions of Macedonia entered into negotiations with the Government, and in the second half of June in protests and blockades, because the Government has not provided money in the budget for 2022 to increase the salaries of employees in the public sector in accordance with the legal obligation to increase within 6 months due to compliance with the Law on Minimum Wage. Namely, in public communication, the prime minister and other government ministers began to mention that the problem would be solved after a new methodology for salaries in the public sector was developed, together with a solution for measuring the efficiency of the performance of employees in the administration and in the public sector and it should be regulated through the Law on Wages. A focus group expert we consulted on this said he doubted the sincerity of the statement in terms of background.

- The real motive behind such a statement is that the state does not have money for such an increase, and not for any new methodologies or efficiency measurement models. Technically speaking, wages and their amount and how they will grow can be solved either by amending the existing laws that regulate the matter, meaning the Law on Administrative Officers and the Law on Public Sector Employees, or by one general law, which is the Law on Wages. However, also in this case then the administration and public sector laws will have to be amended in order to comply with the new wage law. Until now, through the existing legal solution, for example, in Law on Administrative Officers, the efficiency of the administration can be measured, but as it was said in the report of “Metamorphosis” from April, that evaluation is carried out only formally.

TRANSPARENCY REMAINS THE BEST SEGMENT OF THE REFORMS

In terms of transparency, there are no major problems or changes. It remains within the framework of what is said to be the best of the overall reform of the public administration with all the listed weak points and the need for continuous feeding of the transparency process in all organs of state administration and at all levels of government, both central and local, and both legislative and judicial.

The biggest achievements are still in financial transparency, that is, in terms of spending public money, for which the solution through the central portal “Open Finances” is still the most deserving. Great progress has also been achieved through the opening of the data on the indicated portal, especially on the local self-government, for which the Metamorphosis project is also a credit, through which officials from the local self-government were trained on the use of the “Open Data” portal.

Openness and transparency according to the measurement for 2021 remain high, compared to other countries in the region, and the ratio of coefficients in the government itself is the same. As it is unofficially known, the Government ranks highest, then the Assembly, then the ministries, and a certain slight decline was observed among the executive bodies and administrative bodies.

DIGITIZATION AT THE SPEED OF A TURTLE

In terms of digitization and e-services, there are no major changes. The process is alive, but it is moving forward at a speed that could not be rated as satisfactory. Experts have the impression that changes in this direction can take place much faster.

It certainly depends on the organization and money. Namely, there is still no news regarding the establishment of the Digital Agency, which should undertake the main tasks regarding digitalization. Now the development of the information society is led by MISA, and coordinated at the Government level by the Deputy Prime Minister in charge of good governance policies, Slavica Grkovska. The development of overall digitization, in fact, also depends on the delay of the National Strategy for ICT, which has been stuck on ENER since July 2021, although the consultations have been completed, but it is not yet on the Government’s agenda.

The problem of financing digitization activities remains. Including the ambiguities of how much total money is allocated for it. From the rebalance submitted to the Assembly at the end of May, it could be seen that 8.3 million euros have been set aside for the information support of the Government, for the information society within the framework of MISA a total of 7.75 million euros (here the budget has increased by more than a million euros). However, in the ICT development and implementation subprogram within the MISA, which is actually the amount for digitization, interoperability, networking of institutions among themselves, etc., the amount is 2.15 million euros.

In addition, 1.8 million euros have already been set aside and used for the digital connection of 34 courts in the country, and together with the money for the digital equipment of five courts, which has been completed, the amount exceeds 2 million euros, including several hundred thousand received from donations from foreign partners.

At the end of June, Metamorphosis organized an online debate within the framework of its ICEDA project about the current situation regarding digitalization and future directions of action, during which [a comprehensive report](#) dedicated exclusively to digitalization was presented, after which comments and recommendations were presented.

