

MONITORING THE EU INTEGRATION PROCESS:

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**PUBLIC ADMINISTRATION REFORMS**

# "ADMINISTERING" THE ADMINISTRATION

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KEY PRECONDITION FOR REFORMS

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Следење на процесот на евроинтеграции - Реформи во јавната администрација - „Администрирањето“ со администрација, клучен предуслов за реформите.

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Public administration reforms can be assessed in two ways, similar to the double meaning of the half-full glass of water. Hence, it can be said that the reforms are going relatively well, but also relatively badly, and in terms of time frame, relatively fast, but also relatively slow. Where the assessment will prevail depends on the political will, the implementation, but also on the financial resources allocated for the administration reforms. An additional category that is little talked about is the potential for implementation, from a professional point of view, but also from the aspect of motivation within the administration itself. The general conclusion would be that if we compare the situation with 2018 when the Reform Strategy was adopted, the situation is significantly better, but the results are far weaker than what could have been achieved if the “administration” of the reforms was implemented at full capacity.

**Author: Teofil Blazhevski**

## ABOUT THE PROJECT AND METHODOLOGY USED

The document represents the result of a research conducted within the project “**Promoting Accountability and Transparency in Public Reforms**”, implemented by the Metamorphosis Foundation for Internet and Society - Skopje, with the support of the US National Endowment for Democracy. The project is being implemented throughout 2021 and 2022.

The project activities aim to present facts translated into journalistic texts from different genres, analyses, and conclusions from public debates on the level of reform activities and achievements of the Republic of North Macedonia in several key areas, which are pointed out in the EU progress reports regarding the path to EU integration. Those key areas are: **reforms in the area of public administration, judiciary, fundamental rights of citizens, and freedom of expression/media.**

The project envisages four (quarterly) monitoring reports, which, guided by a qualitative methodology, provide an assessment of the situation in specific areas, and thus a picture of the situation with democracy in the country.

Each monitoring report thoroughly addresses one of the four key areas and provides a brief summary of the changes in the other three. The first monitoring report referred to the implementation of reforms in the media sector. The second addresses judicial reforms, while the third is about public administration reforms.

The methodology relevant to this report relies on three pillars: (1) desk research, (2) journalistic articles by journalists and editors working on Metamorphosis Foundation media projects, and (3) interviews with field experts conducted through focus groups known to the donor and the Metamorphosis Foundation, but in order to avoid any inconvenience or conflict in the areas where they work (because they work with both governmental and non-governmental organizations and the media), they will remain unnamed in this report as well. Information obtained from informal conversations with other experts, journalists, or public reactions observed throughout the year was also used.

In addition to the interviews, the experts complete a questionnaire, which lists several questions from the area that allows cross-checking - to extract a grade from the questionnaire and to compare with the grades obtained from the interviews and desk research.

## EXECUTIVE SUMMARY

**From the research on the situation with the public administration reforms in the period from mid-2021 until the end of March 2022, the following general conclusions may be drawn for the purposes of this report:**

- There is a strategic framework, strategic planning mechanism, and action plans and these categories are firmly established. The question arises for a qualitative external evaluation of the strategies and the tasks performed from the action plans, which, although foreseen, is not currently implemented, at least for the main Reform Strategy of PA 2018-2022. As for the legal framework, it is also solidly covered, but the main two laws that regulate the work of the public administration and the employees in the public

sector, in general, have been in the process of amendments for a year now, and due to the volume of amendments, they are considered to be new legal proposed solutions and are late. One of them regarding the administrative staff was sent to the Assembly at the end of March.

- A special problem with the legal framework is the adoption of the Law on Senior Management Service, which is being undergoing harmonization and preparation for three years but has never become a topic at the Government session to be approved and proceed to the Assembly. Another problem is the harmonization/amendments of over 200 laws in order to enable the process of providing e-services to citizens, but also to speed up the process of digitalization of the administration.

- The assessment of the impact of regulations - an integral part of the legislative process - is still a problem, which is seen as better or worse from law to law.

- The efficiency of the administration remains a problem. Although the existing legal solutions have built-in models for measuring efficiency, it is being formally implemented. Thus, in a way, the system of salaries is stuck, which according to the efforts of the executive power should be changed and they should grow, but they emphasize the efficiency and measurement of that efficiency in the administration.

Accountability remains a problem that needs to be addressed through the reorganization of the public administration bodies. The process of amending the Law on the Organization of State Administration Bodies remains open and uncertain, despite the fact that in spite of the expert assistance that came from the EU, it did not contribute to significant progress and harmonization of the attitudes. An additional problem is the relative non-inclusiveness, as civil society is kept away from the information about this process. According to all cross-cognitions, it will most likely be partial and step by step, through pilot projects and pilot institutions throughout this year.

- Transparency has traditionally been the best sphere of reforms for several years, thanks to both legal solutions and political will. However, it should be borne in mind that it is a process that needs to be constantly "nurtured" because openness is a fluctuating process. Transparency is highest in the executive power and the legislature, and as it goes down the power vertical, including local government units, the percentage declines. A special gem is the financial transparency, which has been achieved mostly through the open finance portal.

- The services of the administration have been partially improved. In the last 24 months, the portal through which e-services to citizens have been enabled has increased its offer from 50 to 184 completely electronic services, and some 40 new services are being prepared for this year. However, a few unresolved issues remain. Formation of the digital identity of the citizens, the digital literacy of the citizens, popularization of the electronic signature, and, finally, the implementation, i.e. training of the administration for complete acceptance of the e-documents which are obtained by the citizens within the institutions. In the whole process of e-services, the increase in the number of such services in the local self-government units remains problematic.

E-services and the digitization of the administration are complementary processes. There is a dilemma among experts as to whether digitalization can be done in a relatively short period of time with centralization of the process - from the necessary public procurement to the education of the administration or it should be done gradually. At the moment, the digitalization and e-services in the justice sector, especially in the judiciary, are being pushed hard.

In the end, although there are different views on the number of civil servants and employees in the public sector, the key is the atmosphere and the quality of employees in the public administration, not the number. And all the sources consulted for this report indicate that the atmosphere is not at an enviable level (largely due to low salaries) and that there is a problem in fulfilling the tasks both in terms of process duration and in terms of quality.

## STRATEGIC AND LEGAL FRAMEWORK

There is a strategy and laws upon which a continuous process of public administration reform is underway. There are two basic documents in the field of strategic planning, namely the Strategy for PAR 2018-2022 and the Action Plan of the Strategy for Reforms of PA 2018-2022.

In addition, there are other strategic documents, such as the Open Data Strategy and Action Plan, as well as several strategic documents and action plans of the competent Ministry of Information Society and

Administration (MISA), and all reforms should be overseen by a centralized body called The Council for Reforms in the PA, formed in December 2017, as the last report on the government website regarding the sessions held, dates for the ninth session, from July 2021.

According to the experts we talked to within the focus group, the lack or delay in this part of strategies and strategic planning is the evaluation of the quality of the strategies and their implementation in general. Such an external evaluation is envisaged, especially for the main strategy for the reform in the PA, but the process is delayed, and the assumption is that it is due to the change of government and the appointment of a new minister at the MISA. Regarding the semi-annual and annual evaluations made by MISA together with the other competent institutions, according to the experts in the focus group, it is a matter of bare statistical evaluation for how many of the measures and tasks according to the Action Plan are achieved, and not a matter of a qualitative evaluation of the changes made. Looking at the quantitative impact of all reports so far, and given that the Action Plan and the Strategy itself expire in 2022, one of the experts estimated that it would be good if 60 percent of the planned targets were achieved, cumulatively for all 4 reform sub-areas of the Public Administration Reform.

## THERE IS A LEGAL FRAMEWORK, AMENDMENTS ARE SLOW

The laws that regulate the work of the administration exist and have been the subject and still are, to partial amendments, additions, or complete changes. However, these improvements in the legal solutions are slower than expected. The three key legal solutions for the work of the administration are the Law on Public Sector Employees (LPSE), the Law on Administrative Servants, and the Draft Legal Decision on Senior Management Service (SMS). The first two were adopted in 2014, after which all acts for systematization and organization in public services must be submitted for approval to the MISA. The third law never came into force, i.e. it was never submitted to the Assembly, although the idea for its development appeared in 2019 and was promoted by the then Minister of Information Society and Administration. In 2019, three new laws were passed that are necessary for digitalization, i.e. for the e-services that the administration should offer to the citizens.

One of the key problems that could be detected within the legal framework is the Law on Organization and Operation of Public Administration (LOOPA), which is highlighted as a necessary legal solution in the latest EU report on RNM and as one of the three priorities in the forthcoming period, and is the first sentence in the Accountability of the administration section<sup>1</sup>.

## IMPLEMENTATION

The key ministries for the implementation of reforms are the Ministry of Information Society and Administration (MISA) and the Ministry of Finance (MoF), which, in turn, is responsible for implementing financial transparency and rationality in budget policymaking. The public administration reform of 2017 has been implemented much more systematically than before. For this purpose, a Team for Reforms within the MISA, Secretariat for PAR, was formed, which prepares and reviews the points discussed by the Council for Public Administration Reform (CPAR), chaired by the Prime Minister of the RNM.

The Council, [formed in December 2017](#), has been meeting regularly since 2018. Since then dates the [idea, for example, of regulating high management service](#), i.e. its regulation through a special law, which does not yet exist. The seventh session of the Council in December 2019 also discussed the coordination of the process for horizontal functional analysis for reorganization and optimization of the state administration bodies, agencies, and inspection services. The same topic dominated the penultimate [8th meeting of the Council in December 2020](#). At the end of the meeting, which was held in two parts, [the then Prime Minister Zaev](#) concluded the following: **“The reform of public administration is a strategic goal of the Government, and is our commitment to the European Union, but above all to our citizens. The plan is by the end of March 2021, in coordination with all ministries to agree on all proposals and comments on the proposed amendments to the Law on the Organization and Operation of the State Administration**

1 - EC - Report on North Macedonia for 2021 - October 2021 - p.15 and p.19 - (available at <https://www.sep.gov.mk/data/file/Pregovori/North-Macedonia-Report-2021-%D0%9C%D0%9A2.pdf>)

**Bodies, so that the Law can be adopted by the Assembly by July.”** The project for reorganization and optimization of the state administration bodies has been actively implemented for more than 2 years with IPA funds, but no significant progress has been made.

The last record [of the CPAR meeting dates July 2021](#), when the “Integrated Report on the Future Organizational Setup of the State Administration Bodies, Agencies and Inspection Services at the Central Level” was presented as part of the “Support to State Reorganization” Project. **“As the conclusion of the meeting was that in the coming period the Proposal for the future organizational setup of the state administration bodies, agencies, and inspection services at the central level will be finalized and submitted to the Government session.”**

Although, as can be seen, there were conclusions in March 2021 for the reorganization of the state administration, there are no results from that until March 2022.

The implementation itself is carried out according to the Action Plan, which was already amended once in 2019 and is constantly reviewed from the aspect of its functionality, i.e. possibility for implementation. For some sectors of the reforms, which are resolved in four main areas, the adoption of the basic laws is key, in this case, the mentioned amendments to the LPSE, the LAS, and the adoption of the SMS. These regulations are particularly crucial for implementation in the Public Service and Human Resources Management sector.

The success achieved so far in the implementation is assessed as moderate, although in some areas it is even higher. Evaluations are also given by the MISA itself in the quarterly and annual reports on the implementation of the PAR, followed by international organizations such as the EU or institutions funded by, such as the OECD and the EU, the SIGMA Initiative. Annual and quarterly reports are sometimes late. For example, the report for 2021 has not been published yet in March 2022, while according to the one regarding the 2020 performance, an overall estimate of around 18% can be reached, regarding the implementation of activities in the four sectoral areas where reforms are being implemented (Policy Making and Coordination, Public Service and Management of Human Resources, Responsibility, Accountability and Transparency, Service Delivery and ICT Support to PA). “Out of a total of 108 activities reported in the period January - December 2020, 19 activities have been fully implemented, 24 activities are in the process of implementation, and 65 activities have been delayed. The set time frame for 2020 is realized by 18%<sup>2</sup>.”

According to the [draft semi-annual report for 2021](#), the general implementation of activities in terms of overall implementation is only 10 percent (5 out of 51 activities), and if we consider the activities that are still in progress, the percentage would increase to 53 percent.

According to the same document, which shows the percentage of implementation of the **Action Plan for the period January 2018 - June 2021, 48 percent of the activities were implemented, 12 percent were in the process of implementation, and 40 percent were overdue<sup>3</sup>.**

According to the SIGMA Monitoring Report from November 2021, RNM has made progress in 4 areas, comparing them with 2017 and the situation in the region, and in two, however, they are below the regional average. Progress has been made in the strategic framework for administrative reform and accountability and delivery of services, while the country is below the regional average in terms of Policy Making and Coordination and in the Public Service and Human Resources.

The overall assessment outlined in the executive summary of this 2021 RNM report, compared to 2017, is that “visible progress has been made in initiating various administrative reforms, while implementation is limited, with less than half of the planned activities being implemented annually.<sup>4</sup>”

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2 - Annual report on SRPA for 2020 - p. 5 - (available at [https://MISA.gov.mk/sites/default/files/pbl\\_files/documents/reports/izveshtaj\\_za\\_srja\\_za\\_2020\\_godina.pdf](https://MISA.gov.mk/sites/default/files/pbl_files/documents/reports/izveshtaj_za_srja_za_2020_godina.pdf))

3 - Fourth semi-annual report on the implementation of the AP for PAR - June 2021 - p.14- (available at [https://MISA.gov.mk/sites/default/files/pbl\\_files/documents/rja/nacrt\\_-\\_chetvrt\\_polugodishen\\_izveshtaj\\_za\\_srja.pdf](https://MISA.gov.mk/sites/default/files/pbl_files/documents/rja/nacrt_-_chetvrt_polugodishen_izveshtaj_za_srja.pdf))

4 - SIGMA - November 2021 - Monitoring Report - p.8 - (available at <http://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>)

## POLICY MAKING AND COORDINATION

According to the MISA itself, the efforts of the General Secretariat (GS) of the Government to introduce measures for capacity building for mid-term sectoral and annual planning, as well as for monitoring and reporting, and evaluation of the policies are successful.

The GS together with representatives from other ministries and institutions (Ministry of Finance, MISA, Secretariat for European Affairs - SEA, and Secretariat for Legislation - SL), prepared a series of documents such as draft guidelines, forms, and other documents intended for public administration bodies regarding the ways of strategic planning, sectoral strategies, reporting on them and similar.

A big share for 2021 in this part of the reforms is the successfully conducted Population Census based on previously successfully adopted laws and bylaws.

In addition, the GS has published a strategic plan for its development for the period 2021-2023, which can be seen at the link [HERE](#).

Formally speaking, in this reform segment called Policy Making and Coordination, there are some of the most necessary documents: rules and regulations, methodologies, operational plans and guidelines, and all of them are publicly available on the GRNM website at a [special link](#). The problem is their updating and improvement of the texts and this is being done or is planned to be done in accordance with the Action Plan for the CPAR. An example is the [Strategic Planning Manual](#), which dates back to 2014.

From the conversation with the experts in the focus group, it can be concluded that in terms of the strategic and legal framework, there is coordination in policymaking. Strategic planning is already in place, there are mechanisms for strategic plans and plans for their implementation. They are managed and coordinated by the General Secretariat of the Government, through the departments or sectors for strategic planning in the ministries and down vertically in all institutions of the state administration, which are obliged to have such documents related to their work. The experts, however, point out that the whole process is carried out, depending on the institution and the staff quality at their disposal. Apart from this, according to the experts from the focus group, there may be a shortcoming in the fact that the elaboration and the obligation for the elaboration of strategies have never been noted as a special obligation, but are drawn from the Law on Government.

As a problem that arises in this part, policymaking is good governance or management. For example, in the period from the first quarter of this year, the question arises as to what mechanism to establish in the control of spending public money and the functioning of institutions by law, for which the State Audit Office is largely responsible. The main problem is the question of who should review and act according to the reports and findings of this institution. According to the undivided opinion of the first person of the SAO and the Deputy Prime Minister in charge of good governance policies, the Assembly should be very active in reviewing at least the key reports of the SAO, but there should also be a mechanism in the government and ministries for quick action following the findings of the SAO, as long as the institutions are inert and do not act upon the remarks<sup>5</sup>.

## RIA AND LAWS WITH A EUROPEAN FLAG

The Regulatory Impact Assessment (RIA) is still a challenge, as are other documents necessary to shape the quality of regulations. According to the experts from the focus group, it depends on the law. At the quantified level, the number remains around 75 percent of the regulations supported by RIA to the basic level of qualitative RIA, but individually, with some proposed legislative amendments or new laws, the part called impact assessment is very well done, and with others, it is just formally put. There is still a problem with the procedures, such as the fact that for an urgent amendment of a certain regulation, RIA is not necessary, even if the legal solution was proposed by the members of parliament, which is incomprehensible to the experts. To clarify the work, this problem was raised in 2017, when an analysis was made, called "Challenges and Recommendations for Improving the Legislative Process." In this analysis supported by NDI, in connection with RIA, the statement is as follows:

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5 - TV "Telma" - "Top Tema" - 22.02.2022 - How public money is spent- (available at [https://www.youtube.com/watch?v=9y\\_dvdhg3cY&t=2s](https://www.youtube.com/watch?v=9y_dvdhg3cY&t=2s))



“The implementation of the impact assessment is very often prepared once the legislative proposal is prepared and is not a result of a thorough analysis. The legislative proposal is not developed as a preferred option from the conducted impact assessment. Fiscal patterns are filled in formally, without an objective display of the financial impact. The analysis of the social, economic, and environmental impacts on politics is formal.<sup>6</sup>”

Have these conditions changed? According to the experts from the focus group, there is progress, but it is not satisfactory. However, there is even a division among the experts. From the focus group, it emerged that, for example, the Draft of the amended or new law on administrative servants in the part called assessment of the impact of regulations “was not detailed and well explained” (one of the experts) or that “it was very well prepared” (other experts consulted within the focus group).

## PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT - THE MERIT SYSTEM DEPENDS ON THE LAWS

The most important conditions for progress in the public service and human resources management sector are the basic laws in the area: Law on Administrative Servants, Law on Employees in the Public Sector, and the law that is yet to be included in the legislation, the Law on Senior Management Service.

These are legal solutions that should enable professionalization of the administration, better integrity and protection from corruption and nepotism, depoliticization of the administration, and introduction, i.e. enhancement of the merit system as a basic principle for employment and promotion in public administration. It is a long period of preparation and consultations, given the fact that in the semi-annual report on the implementation of the Action Plan for Reforms in PA 2018-2022, for the period January-June 2021, the MISA itself states that “in the first half of 2021 intensive work was done on the legal proposal-solutions for these three laws.” By the way, if you look at the history of the latest amendments to the [LAS](#), [LPSE](#), and [SMS](#), which can be found on the government portal for regulations ENER, you can see that the drafts in the first version were posted on September 17, 2021. and that the time for comments has expired, while the one for senior management service has been dragged through the process of public consultation since March 2019. This means that the public consultation is over.

By the way, just before this report was closed, the competent Minister of MISA confirmed at a press conference, announcing that the three laws have been prepared and clarified, and the first to be sent to the Assembly will be the LAS, and the other two during the year.

It is a matter of completely new regulations because in the narrative description of ENER it is stated that more than 1/3 of the articles to LAS and LPSE are changed, while SMS is a completely new proposal of a law which, again, was repeatedly included in ENER, then reviewed by the Government, then returned to ENER again, etc.

## DEPOLITICIZATION OF THE ADMINISTRATION - LAW ON SENIOR MANAGEMENT SERVICE

It should be noted that the introduction of the principle of merit system or employment and promotion in the service exclusively according to the system of merits, depends on the solutions embedded in the laws and amendments related to the institutions of the system before they enter into force. Along with the new legal solutions, partisanship, nepotism, and cronyism should be banned, especially in the senior management service, which is related to the LPSE.

By the way, that is the main motive of this law. According to the experts, in addition to appointing the seniors in public enterprises, agencies, inspectorates, and other state administration bodies, the law also envisaged professionalization in the appointment of secretaries, except in the institutions of central

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6 - Challenges and recommendations for improving the legislative process - 2018 - (available at [https://www.MISA.gov.mk/sites/default/files/pbl\\_files/documents/rja/zakonodaven\\_proces\\_preporaki.pdf](https://www.MISA.gov.mk/sites/default/files/pbl_files/documents/rja/zakonodaven_proces_preporaki.pdf))

government and local self-governments, although the debate raised the question whether this means interference in local self-governments. In the latest version of the law, however, that decision remained. However, the law was initially envisaged for about 250 management positions (although the scope of all people on management and supervisory boards of public enterprises and state-owned joint-stock companies was also considered), thus reducing the politicization in the senior management service and replacing it with professional staff selected according to the merit system. Another controversial issue was where, or in which institution will the commissions for selection of candidates for senior management be located. Whether in the Assembly, as previously planned in one of the amendments, or in the Government and the ministries.

According to the information we received during the preparation of this Report from experts and other sources, the problem is definitely in two segments - where the commissions and subcommissions will be located and the election of secretaries - the Secretary of State in the ministries and secretaries in local self-governments. The second problem with the secretaries in the latest version of the law was solved in such a way that the secretaries in the municipalities remained eligible for election until we received information on how the problem with the location of the commissions and subcommissions was solved.

Regarding the long road to this never-passed law, although it is being prepared since 2019, there is almost no doubt in the expert public and the media that the main reason lies in the partisanship of the senior management service, which is constantly the subject of party bargains and “mine-yours” agreements. An example of this can be seen in the agreement reached for a new coalition partner in the current Government when in addition to the ministerial positions, other positions were agreed for a total of just under 50 management positions of agencies, bodies, and institutions within the executive power, which was confirmed by the Government itself:

“According to the agreement reached, Alternativa will take responsibility to manage the governing and management bodies in several institutions at the central and regional level. Among them, the most important are MEPSO, PIOM Fund, Railways Transport, Clinical Center Tetovo, Foreign Investment Agency, and others.”

Such doubts about the politicization of the Law on Senior Management Service have been openly confirmed by all the experts in the focus group we spoke to. According to them, there is a political will to keep one’s hands away from the positions of senior management service in the coalition agreements or in the implementation of the party policies from the position of the executive branch.

## LAS AND THE LPSE - SEVERAL PROBLEMS

Regarding the amendments to the LAS and the LPSE, the experts who had an insight into the proposed legal solutions, and with whom we talked, have different opinions. Some of them consider them good. Other experts, however, said that they had a lot of remarks about parts of LAS, for which they said that there was an improvement in the merit system during employment (it has enabled the merit system even earlier if properly implemented) and small changes in progress, i.e. the evaluation of the administration. However, there were other controversial elements to which the civil sector reacted only after the amendments were posted on ENER, as they were not previously included in the writing of the proposed amendments.

When talking about these two laws, LAS and LPSE, according to some experts, one part is about harmonization of the two laws, and the other part is for improvement of the employment system, categorization, and evaluation of administrative servants.

The integrity of the public administration in general, in terms of resistance to abuse and corruption, also depends on partisanship, nepotism, and cronyism. This was also emphasized by all domestic and international entities, which are directly or indirectly indebted or assess the issue of corruption.

According to the initial findings of the research, the two laws should be on the agenda of the Government sometime in June 2022. However, at the end of March, the LAS was reviewed and approved by the Government and it was announced that it would be sent to the Assembly immediately, [and one of the main explanations was](#) that it was necessary to harmonize the amendments with the Law on Minimum Wage. However, until the end of March, despite the announcements, the LAS could not be found on the website of the Assembly as a regulation submitted for review and adoption.

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7 - Government of RNM — 5.12.2021 - / Announcement – Press / - (available at <https://vlada.mk/node/27166>)

## THE WAGE SYSTEM MUST BE REFORMED

The recent minimum wage increase in the country to 18,000 denars<sup>8</sup> has once again shown the need for reform of the public administration wage system. There is a general public belief that public sector administrators or employees have “high wages for little work”, which can only be determined by following all the debate programs in the media where citizens also participate. And, that the wages are high enough compared to productivity, can be heard even from executives in central government institutions, as was the recent statement of the FITD director<sup>9</sup>. But since before, high representatives of the executive power have stated that they have a problem with the wage system, especially in some areas of the public sector, and even more with the employees in the state administration bodies (about 16 thousand people out of the total number of employees in the public sector), as due to salaries, quality staff from these bodies are leaving the public sector. If we add to this the specific problem with the salaries in the IT sectors and the employees in those units in the public sector, which are incomparably lower than those in the private sector, and hence the low interest in employing people with this educational profile - the need to change this and to establish a more efficient wage system is clear.

The Decree of the RNM Government of August 2021 shows that this need can be felt, with which the executive power had the opportunity to pay a salary supplement of up to 30 percent, to 30 percent of the employees in the central institutions, due to the toughness and specific jobs<sup>10</sup>. The implementation of this decree was made possible by the amendments to the Law on Budget Execution, and this evades the basic Law on Administration - LAS, the latest version of which was the previous regulation of benefits with 5 percent of the PA employees. However, it seems that these actions are interventional, as were the policies for increasing the salaries of health care workers, thanks to which the effect of satisfaction was achieved, especially with the specialist staff, but also with the mid-level medical staff. By the way, the inconsistency of the intervention policies for the salaries of the state/public administration is also seen in the data showing that at the beginning of 2022, the new Government readopted a Decree which returns the percentage of only 5 percent of employees in state institutions that are eligible to 30 percent addition in salary.

So there is no single salary system, just as there is no single and precise system for evaluating the administration and measuring its productivity. In terms of salaries, the only document that can be found on the MISA website is the comparative analysis of the wage system, where the main recommendation is that “in Macedonian conditions, a liberal wage system in the public sector cannot grow, but the solution must be sought in an appropriate dose of regulation and flexibility to reward civil servants, in order to ensure an optimal balance of their performance and satisfaction with salaries, while achieving/maintaining high-quality public services.<sup>11</sup>”

This indicates that the Government of the RNM is not particularly interested in this issue in the reform policies of the PA, but is solving it according to the general policies of the programs. According to the latest information before concluding this report, the Government insists on coordination through dialogue, and some of the unions are expressing dissatisfaction and announcing protests, as they are asking for higher percentages of increase immediately or in a quick period, in a month or two.

## EVALUATION OF THE ADMINISTRATION ONLY ON PAPER

However, the remarks of the Prime Minister and other public persons regarding the measurement of the efficiency and productivity of the administration and their binding on salaries point to the diligence in the evaluation of the work of the public administration. This part is regulated in general by the Law on Labor

8 - Government of RNM - 7.2.2022 - Announcement on the minimum wage - (available at <https://vlada.mk/node/27692>)

9 - 24 Analiza - 8.2.2022 - debate on the minimum and other wages, Jovan Despotovski, Director of FITD - (available at <https://time.mk/tv/v/C1B9zIhtYRI>)

10 - Government of RNM - 12.8.2022 - Announcement - (available at <https://vlada.mk/node/26151>)

11 - MISA/CCM - Comparative analysis of the public sector wage system - (available at [https://MISA.gov.mk/sites/default/files/pbl\\_files/documents/rja/komparativna-analiza-na-sistemot-na-plati.pdf](https://MISA.gov.mk/sites/default/files/pbl_files/documents/rja/komparativna-analiza-na-sistemot-na-plati.pdf))

Relations, in detail by the LAS and in a small part by the LPSE. In general, administrative staff are evaluated twice a year. Once mid-year and once at the end of the year. The LAS contains details about that and a grading system from 1 to 5.

But according to focus group experts, this only works on paper. In practice, the highest or lowest grades are never given, and there are several reasons for this. One of the reasons is the closeness, i.e. the fact that the employees do not want to resent each other. Secondly, no one would dare to give the lowest rating to someone with protections (party, family, whatever), because they are afraid of revanchism. The new LAS also envisages the introduction of evidence sheets that would improve the system of evaluation and measurement of productivity, one of the experts said.

**“If you really want to measure productivity, it is very easy with the well-known formula - the number of assigned tasks divided by the number of completed tasks and multiplied by a unit of time,” said one of the focus group experts. Details remain, such as the qualitative assessment of the tasks performed. However, the big question is whether there is a motive and conditions for this to be implemented inside the administration.”**

According to the same expert, in one document, if wanted, the wage system can be revised. In this document, there would be a catalog of jobs with tables showing the position and amount of salary and how it could be changed according to several parameters.

## THERE ARE CODES - THEY HAVE NOT BEEN APPLIED TO THE ADMINISTRATION?

One significant element of integrity are the codes of conduct for all employed in the public and state administration. Following this question, progress has been made with the introduction of codes some years ago. In 2019, the Government [promoted](#) the Code of Ethics for members of the Government and holders of public office appointed by the Government<sup>12</sup>. The introduction of this Code [was also noted](#) by the Venice Commission in the evaluation of the Fifth Round of Recommendations to the RNM, in the part of anti-corruption measures, which was announced in the first quarter of 2021.

In addition to this code, there has been a Code for Administrative Servants since 2014<sup>13</sup>. A change that can be registered in the period we are writing about (2021/2022) is that this Code is subject to amendment. As early as of April 2021, a new proposal version of the Code was posted on the Government’s electronic regulations portal ENER, for which the debate was still open by mid-February. The short description [states](#) that after an assessment of the implementation of the Code from 2014, it was concluded that a new code should be written, which makes you wonder why it was not applied - whether it was not such a high-quality bylaw or there was no will to respect and apply it:

“One of the achievements of the Government of the Republic of North Macedonia is the return of trust in the institutions, and, on the other hand, the Code, as a bylaw adopted in 2014, has not assessed its implementation, imposed the need to implement such activity resulting in the adoption of a new Code of Administrative Servants “- stated ENER.

Although they are not part of the classical administration but are a specific activity that is part of the public sector, the [Ministry of Interior](#) also has a Code of Conduct, the [Police has a special code](#), and there are similar ethical rules in the [Ministry of Defense, i.e. the Army](#), etc.

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12 - Code - Government - 2019 - (available at [https://vlada.mk/sites/default/files/dokumenti/kodeks\\_za\\_etich-ko\\_odnesuvanje.pdf](https://vlada.mk/sites/default/files/dokumenti/kodeks_za_etich-ko_odnesuvanje.pdf))

13 - Code - Administration - 2014 - (available at [https://vlada.mk/sites/default/files/dokumenti/zakoni/kodeks\\_za\\_administrativni\\_sluzhbenici.pdf](https://vlada.mk/sites/default/files/dokumenti/zakoni/kodeks_za_administrativni_sluzhbenici.pdf))

## THE NUMBER OF EMPLOYMENTS IN THE PUBLIC SECTOR IS CONTROLLED - THE QUESTION REMAINS AS TO HOW REALISTIC IT IS

As far as human resources management is concerned, the [HRIS \(Human Resources Information System\)](#) system is in operation, through which the entire public and state administration is networked or should be networked. Through this system, de facto, the register of employees in the Public Administration can be seen, which record is regularly kept for several years, and the annual reports for employees in the public sector are prepared.

Following the reports on the employees in the last five years, it is shown that the employees in the state and public sector in RNM stand at the number of about 130 thousand, with the fact that the persons in the state-owned or mixed companies are not included, where the Government is part of the governing structures. At the same time, in accordance with the law, data on MPs, ministers, deputy ministers, mayors, chairpersons and members of state commissions, directors, judges, public prosecutors, and other elected or appointed persons are not presented.

However, according to some of the experts from the focus group, the number of other people who are registered is unknown, even if they are temporarily employed in the public sector through temporary employment agencies or those who have civil contracts (freelance contracts), whose number is especially growing in election years. One such example was the opening of agreements between temporary employees or other physical entities by the local self-government in Tetovo, which turned out to reveal over 800 persons, most of whom did not submit evidence of completed obligations for which they took public money. The total number of such people in the public sector is unknown, although some in the opposition speculate that the number is some 70,000 people.

What is public data and available to the entire public and experts from the focus group, is the Register maintained by MISA. According to the latest report on the number of public sector employees published in March 2021, the situation is as follows:

As of **December 31, 2021, 132,088** persons are employed in the public sector, working in a total of **1,346 institutions**, increasing the public sector by **905 persons**<sup>14</sup>.

If we compare it with the previous report, we will see a small increase in the number of employees, but also in the institutions:

As of **December 31, 2020, 131,183 persons** have established employment in a total of **1,332 public sector institutions**. Compared to 2019, the number of employees in public sector institutions decreased by **1,717**<sup>15</sup>.

The number of employees in the military-police-security sector, which in 2021 amounted to **19,311 persons**, decreased compared to December 31, 2020, as **19,594 people** worked in these services and institutions at that time. By the way, this number is included in the total number of employees in the public sector, but, in accordance with Article 19 of the LPSE, no special records and analyses are kept for them in the Annual Report itself.

According to the analysis of the data structure for **112,777 employees** in the public sector, **62,356** are women and **50,421** are men. The average age of these employees is 46.11 years, for women the average is 45.27 years, while for men it is 47.15 years, which are data that suggest that public administration is not attractive to young people.

MISA has stopped the trend to publish the numbers of employees in the state-owned JSC and through the temporary employment agencies (TEA) in the last four years in the reports, justifying that it is not their legal obligation. At our request, MISA answered that as of December 31, 2021, the **number of employees**

14 - MISA - Report from the Register of Public Sector Employees for 2021 - (available at <https://www.MISA.gov.mk/?q=mk/node/3946>)

15 - Report from the Register of Public Sector Employees for 2020 - p.19 - (available at [https://www.MISA.gov.mk/sites/default/files/pbl\\_files/documents/reports/izvestaj\\_registar\\_2020\\_rev.1.01.pdf](https://www.MISA.gov.mk/sites/default/files/pbl_files/documents/reports/izvestaj_registar_2020_rev.1.01.pdf))

**in these companies was 8,918, i.e. it decreased by 1,472 persons.** The largest number of these persons - 8,287 are employed for an indefinite period of time, 266 persons on a temporary basis and through TEA - 365 persons<sup>16</sup>.

Last year, the Ministry of Finance [announced](#) the number and financial results of public enterprises and state-owned joint-stock companies, which show that there are 14 PEs formed by the Government, 15 trading companies, of which 13 are JSCs and 2 are LLCs.

Smaller, but more efficient administration is also part of the program of the Government from 2017 onwards, but also of the current Government in the work program 2022-2024. According to these efforts, the administration should be reduced by some 20 percent or some 26 thousand employees in the public sector.

However, there is a dilemma with some of the experts in the focus group. Does the Government think of the administrative/civil servants of about 16 thousand in this strategic definition or of all employed in the public sector? If the former is the case, according to the experts, the optimal number of employees in the state administration with which the entire state apparatus functions would be around 12 thousand employees, with the fact that in some institutions there is overcrowding, in some, there is quite a shortness of staff. If, on the other hand, we think of a 20 percent reduction in the entire public sector, which means about 26 thousand people less, we should first make a detailed assessment of the entire public sector and see where, in which subsectors there is overcrowding and where the number is below the necessary minimum. Examples of the conversation were the firefighters, who are in short supply across the country, doctors and mid-level medical staff, and the education sector. In order to assess that, it is necessary to have precise details of the census, in order to be able to plan strategies and development plans for separate parts of the public sector, including the number of employees, said the expert.

The general conclusion would be that there is a certain surplus of employees in the public sector, but in order to have a complete picture, all functional analyzes should be done and should be crossed with the needs arising from the results of the census. As for the employees in the state administration, the question of quality is greater than the number, although there could be a rationalization of staff to the number of 12 thousand civil/administrative servants, but we should focus on quality, not just a number.

## ACCOUNTABILITY HAS PROBLEMS, TRANSPARENCY IS TRADITIONALLY GOOD

One of the areas for public administration reform is openness and transparency. It can be said that the progress in this field has started immediately after the change of Government in June of 2017, although significant progress has been made in the implementation of measures and activities of the action plan for implementation of the Transparency Strategy 2019-2021 and the readoption and putting into practice the Law on Free Access to Public Information, as well as improvement in relation to proactive information of the public<sup>17</sup>.

This was also stated in the research conducted by Metamorphosis within the regional project in cooperation with the partners of the regional network of the Civic Organization Accountability, Technology and Institutional Openness Network in the South East Europe region (ACTION SEE). The new Metamorphosis measurement has already been completed, but due to the complexity of data verification, it should be published sometime in June 2022.

That work is going well in this reform area could be noticed in 2021, first of all from the semi-annual report on the level of reform efforts, where it is stated that in that period 53 percent of realized activities were recorded, 13 percent ongoing, and only 34 percent late, but also from the SIGMA report (see reference 3), although in this report the assessments are stricter in relation to the accountability.

In fact, there are problems with accountability that are noted in both SIGMA and EU reports.

16 - Truthmeter - The number of employees in the state administration .... (available at <https://vistinomer.mk/brojot-na-vraboteni-vo-drzhavnata-administracija-opadnal-vo-javnite-ustanovi-se-zgolemil/>)

17 - IEP - July 2021 - National PAR Monitor, p.11 - (available at <https://epi.org.mk/post/17312>)

## THE REORGANIZATION OF THE BODIES AND INSTITUTIONS IS STILL ONLY ON PAPER

The need for reorganization and transformation of the institutions in the state and public administration has been noted in the new EU reports, including the last one, where it is indicated in the first sentence, in the part of the administration accountability, stating that it is necessary to adopt new LOOSAB, which was last amended in 2019.

The mentioned SIGMA report, on the other hand, notes the situation with the establishment of several institutions and suggests that the Government should accept the reorganization of those institutions, as suggested in the conclusions of the IPA Project - "Support to State Reorganization". The main remark is that there are bodies and institutions whose accountability refers to the Assembly, and they should be accountable to their ministries, i.e. to those ministries that cover the areas of those bodies. It is therefore suggested that the Government and the Assembly should identify them as state bodies<sup>18</sup>.

More on this request for reorganization within the institutions of the state administration [can be seen](#) in the Minutes of the 9th session of the Secretariat for Reforms in the PA. At that session, held in June 2021, the foreign expert leading the IPA 2 project "Support to State Reorganization", in the findings and conclusions of the adoption of their proposal for reorganization, presented the following information at the meeting:

**" - there is no single hierarchical system, more bodies are formed by *lex specialis* (82), than according to the Law on the Organization and Operation of the State Administration Bodies (LOOSAB) - 62 bodies**

**- there are 100+ budget users from the first line**

**- there is unclear criteria for the status of a legal entity**

**- the hierarchy of accountability is confusing, no reports are submitted**

**- no designation, segregation for functions: policy planning, implementation, supervision, and control**

**The main points of the presentation were: fewer institutions through merging and termination, executive functions within the executive power, clear hierarchy in reporting in the sphere of policies, division of functions: form, realization, control, and connection with the budgeting process. In the presentation itself, the expert pointed out which institutions would merge and which would be terminated, as well as which administration would fall under which ministry. "**

From the Minutes of that 9th session of the Secretariat it can be seen that one of the main bodies through which the reorganization will go, would be the establishment of a digital agency, and then have a number of independent institutions below it, such as the Office for Management of Registers, the Central Register, the Real Estate Cadastre Agency, MARNET and the National Centre for Computer Incident Response, the Agency for Electronic Communications, etc. The discussion shows that the representatives of MISA and the Secretariat for Legislation, for example, have questions and ambiguities about the proposed reorganization, but the foreign expert remained in two attitudes - that a good part of the proposed reorganization was from MISA itself and that if the Reform Council under the chairmanship of the Prime Minister, has different ideas for reorganization, it would not be a problem for the expert to propose and adjust to a new reorganization plan.

By the way, this session of the Secretariat for Reforms of the PA was held immediately before the last session of the Reform Council, at which these issues were considered in two parts of the session, in July 2021. There is no announcement after the second session, so it is unknown what the destiny of this plan is. According to the first, as a reminder, it was announced that **"in the next period the Proposal for the future organizational setup of the state administration bodies, the agencies and inspection services at the central level will be finalized and submitted to the Government session"**.

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18 - SIGMA - November 2021 - Monitoring Report - p.91 - (available at <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>)

However, having in mind the local elections of October 2021 and having in mind the mentioned report by SIGMA from November 2021, the resignation of the Government in December, and the formation of a new one, it is clear that things are stalled, hence the recommendation by SIGMA to accept the plan and have such a reorganization.

Experts also have doubts that politics is the main obstacle in the reorganization and adoption of the new LOOSAB.

- The first LOOSAB was adopted twenty years ago with the help of the EU and their experts as well. As this is a two-thirds law, i.e. it can be passed with the votes of two-thirds of the MPs, it has not been amended often. The last time in 2019, when the Ministry of Political System and Inter-Community Relations was to be established on the basis of a political and coalition agreement, a completely unnecessary ministry with 35 administrative servants and from which over 2,000 employees received salaries outside all criteria of the merit system, and based on the application of equitable representation of members of minorities in the country, primarily Albanian, said the expert. Some of these people then got employed in part of the 1,300 institutions via the K-5 program, but some, several hundred unallocated, continue to receive salaries from the budget through this ministry.

The example from the expert was given as one of the questions for which there was no major problem between the parties to amend LOOSAB, but now that it really needs to be amended due to large-scale organization, the expert expects this not to happen, at least not soon and in a comprehensive manner. He adds that the current overcrowding of institutions formed outside LOOSAB by circumventing it through special laws (*lex specialis*), which is unacceptable, was made just as a result of inter-coalition agreements in order for some of the parties to feel “important” because it manages an institution or employs its members and sympathizers.

- In order for LOOSAB to function, more than a hundred employees will need to lose their jobs, and more institutions will have to be terminated or merged into others, but as sectors, administrations, departments... It is because of these inter-coalition agreements and “keeping the peace” that this part of the reform is quite difficult, the expert concluded.

However, another expert from the focus group strongly claims that it is not just about political will. According to her, there are a number of problematic proposals on how to carry out this reorganization, which affects strategic policies in several ministries, and the Ministry of Labor and Social Policy and the implementation of policies related to women’s rights and gender policies were cited as examples.

What is an undivided assessment of the focus group experts is that it is incomprehensible why the whole process is closed and non-transparent. Only part of the CSOs had an insight into the plan proposed by the project’s expert team, and the last meeting and contact related to this project were sometime in September last year, but no details were shared then. What can be understood from the experts is that the EU supports the project through the IPA 2 program, from the initial duration of 2 years, the past 2021 has extended the duration and financial support of this project for 2022.

The research on where things got stuck was clarified with two data. The Government has already considered the status of this project at its 23rd session, in March 2022, as item 139 on the agenda entitled: Information on the status of the implementation of activities within the IPA 2017 project “Support to State Reorganization.”<sup>19</sup> At the last press conference of MISA, the competent minister announced that a decision was reached that three ministries, MISA, Ministry of Agriculture, Forestry and Water, and Ministry of Economy, to start preparations for the implementation of the new organization as pilot ministries once the law is passed.<sup>20</sup>

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19 - Government of the RNM - Agenda of sessions of the Government of the RNM - (available at <https://vlada.mk/2022-23>)

20 - MISA - 31.3.2022 - Admir Aliti / press - (available at <https://www.MISA.gov.mk/?q=mk/node/3947>)



## TRANSPARENCY AND OPENNESS ARE PROGRESSING WELL

The best field is of course transparency and openness. This is due to the political will, the Transparency Strategy 2019-2021, the [Open Data Strategy](#), and legal solutions. Determination, i.e. political will, also plays a key role. Since 2017, when the current political establishment came into power, the Government, with the appointment of a [minister without a portfolio in charge of communications, transparency and accountability](#), as well as the adoption of a communication strategy, has shown political will for openness of institutions in communication with the public and citizens. Subsequently, as a result of this, the law and the National Action Plan for Open Government Partnership were followed by 21 mandatory, now 22 documents, which each institution from the central government or administrative body must publish on its website. The result of the political will was the amendment of the Law on Access to Public Information, the new composition, and the transformation of the former Commission into the [Agency for Protection of the Right to Free Access to Public Information](#), and altogether led to better results from the previous period. In addition, the Agency is well equipped with a good website, and since the middle of 2021 has adopted a [Strategic Plan](#), which “defines the principles, strategic goals, and values through which the Agency will provide equal and free access to information from public nature.”

The latest figures from the regional project implemented by Metamorphosis in cooperation with the partners from the regional network of the Civic Organization “Accountability, Technology and Institutional Openness Network in South East Europe - (ACTION SEE) show that things are going well in this direction, in terms of openness of the institutions. According to the latest results of the transparency measure, the most open is the Government of North Macedonia, which meets 83.43% of the set criteria for openness, the ministries have an index of 62 percent, the administration bodies follow with 45.5 percent and the Assembly of RNM has an index of 68 percent<sup>21</sup>.

In the period of completion of this report, March 2022, the systematization and measurement of the new data on the transparency of the institutions within the project led by Metamorphosis is in progress and an assessment in the country can be done again, as well as a comparison at the regional level.

With the Strategy entering into force, the Open Data Portal is seen as a direct result. The portal was promoted in 2018 and there were 111 datasets on it then.<sup>22</sup> If you go to the e-mail address of the website - <http://www.data.gov.mk> - in the [Statistics](#) section, you can see that **(on March 14, 2022, when this example was taken)**, there are 637 datasets on it of institutions and bodies of central and local government. The number is still low, but by 2021 there was a discrepancy between central and local government institutions. Namely, until 2021, only a few dozen open data sets were from the local self-government, with the City of Skopje leading the way, with a total of 17 data sets. It was noticeable that some of the smaller municipalities did not have any, and the Municipality of Valandovo was in the lead, with 11 data sets. However, during the second half of February and in March, there is a drastic change in the publication of data sets by the local self-government, which is mostly due to the cooperation of the local self-governments with the Metamorphosis Foundation within the Citizen Participation Project, supported by USAID, through which training of administrators and employees in the local self-government is performed<sup>23</sup>. This better result with the open data was achieved only with the participation of half of the local self-government, because through this project 44 municipalities in RNM participate, while the others did not respond positively to the invitation for such cooperation.

In addition, the government website is continuously filled with data for [each session of the Government](#) or activity of the ministers and bodies of the Government of RNM, and the practice of publishing the items on the agenda and the minutes of the sessions of the Government continued. Unfortunately, the shorthand notes from the debate are not published yet, nor are the materials submitted at the Government session, not even when it comes to open documents, such as information, analysis, draft

21 - Metamorphosis - 28.9.2021 - Conference: Transparency of the Executive Power... - (available at [https://metamorphosis.org.mk/aktivnosti\\_arhiva/konferencija-transparentnost-na-izvrshnata-vlast-korsokak-za-informaciite/](https://metamorphosis.org.mk/aktivnosti_arhiva/konferencija-transparentnost-na-izvrshnata-vlast-korsokak-za-informaciite/))

22 - Government of RNM - 24.12.2018 - Promoted open data portal - (available at <https://vlada.mk/node/16216>)

23 - Metamorphosis Foundation - 18.1.2022 - Conducted online training on transparency and open data ...- (available at [https://metamorphosis.org.mk/aktivnosti\\_arhiva/sprovedena-onlajn-obuka-za-transparentnost-i-otvoreni-podatoci-na-edinicite-na-lokalnata-samouprava/](https://metamorphosis.org.mk/aktivnosti_arhiva/sprovedena-onlajn-obuka-za-transparentnost-i-otvoreni-podatoci-na-edinicite-na-lokalnata-samouprava/))

laws, etc. although, in discussions with the media and civil society representatives, representatives of the Government's communications department often said that this was not a problem. Of the other means by which transparency is measured, the [Accountability Tool for public office holders](#) is worth mentioning, through which each institution submits data several times a year on how the money from the budget of the given institution is spent. Here the data is published in an open format, although the speed with which it is done is debatable and the data is months late. This, in a way, devalues the reason why that website was opened. But, of course, those data also contribute to transparency.

However, the assessment of the implementation of the Action Plan for implementation of the Transparency Strategy 2019-2021, in the area of transparency, implemented by the Metamorphosis Foundation, shows that there is still a lot of work to be done in this area. The latest assessment, which was recently completed and published, states the following:

**Out of a total of 45 activities in the Action Plan, nine are fully completed within the deadline, three are completed with a delay, while eight activities are still ongoing, i.e. in progress. A total of 25 activities remain unrealized<sup>24</sup>.**

The data from another measurement made by the Metamorphosis Foundation, a measurement of the openness index of the local self-government units, speaks about the fluctuating state with transparency. From these data for 2021, it can be noticed that the openness measured based on over 100 indicators, was lower last year than the [data from 2018](#), for example. According to the measurement from 2021, with a new, even more detailed methodology, the highest cumulative transparency of a municipality is 56 percent (Ohrid), and the lowest overall openness is 3 percent (Plasnica)<sup>25</sup>.

## FINANCIAL TRANSPARENCY - DAILY PAYMENTS FROM THE TREASURY

Among the achievements that the Government can be proud of is the financial transparency. Unlike many other governments in the region, the Government of RNM was the first to introduce financial transparency in terms of spending money from the central government budget, and payments can be followed from part of the local government to various budget users, legal entities, and individuals.

Податоците се објавуваат на порталот „Отворени финансии“ (<https://open.finance.gov.mk/mk/home>), при што **можат да се најдат повеќе од 22,5 милиони трансакции**. On the portal, you can see the categories such as “Realization of the budget per month”, “Largest recipient” of budget money per month, “Largest lender”, “Public debt”, including government debt, municipal debt, and public enterprises’ debt as well as payments to over 1,100 institutions, over 70,000 companies, and over 1.3 million individuals.

What is worth mentioning are two things - the data is updated on a daily basis, as well as the fact that all the data can be found in the archive regarding payments from 2010 to this day.

Municipalities can not boast of such financial transparency, i.e. the local government and many of the public enterprises at the central or local level. In fact, when it comes to financial transparency, the trend for general transparency is being followed - it is declining both horizontally and vertically when leaving the central government, and that is why the value of the Open Finance system is even greater.

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24 - Metamorphosis Foundation - 2.2022 - Assessment of the level of implementation of the Action Plan of the Transparency Strategy (2019-2021) in the period November 2019 - November 2021 - available at [https://metamorphosis.org.mk/aktivnosti\\_arhiva/proценка-na-nivoto-na-sproveduvanje-na-akciskiot-plan-na-strategijata-za-transparentnost-2019-2021-vo-periodot-noemvri-2019-noemvri-2021/](https://metamorphosis.org.mk/aktivnosti_arhiva/proценка-na-nivoto-na-sproveduvanje-na-akciskiot-plan-na-strategijata-za-transparentnost-2019-2021-vo-periodot-noemvri-2019-noemvri-2021/))

25 - Metamorphosis Foundation - 2021 - Local Government Openness Index 2021 - (available at [https://metamorphosis.org.mk/izdanija\\_arhiva/indeks-na-otvorenost-na-lokalnata-samouprava-2021/](https://metamorphosis.org.mk/izdanija_arhiva/indeks-na-otvorenost-na-lokalnata-samouprava-2021/))

## ADMINISTRATION SERVICES - PLENTY OF ROOM FOR IMPROVEMENT

One of the elements of a good, reformed administration accepted by the OECD and the EU is the issue of service delivery to citizens and legal entities, businesses, i.e. building an administration aimed at the needs of the citizens, which will offer easily accessible services<sup>26</sup>.

According to most analyzes and reports related to this area of administration reform, things are very different from 2017 and progress has been made. But this progress is more about the key laws that are necessary for the delivery of services, but not in most areas of the services offered by the administration. In 2019, the key legal regulations were adopted by the Assembly of RNM - Law on Central Population Register, Law on Electronic Management and Electronic Services, and Law on Electronic Documents, Electronic Identification and Trust Services. But to run vertically more efficiently, which often means digital services offered by the administration, hundreds of laws need to be synchronized and amended. The government reached such a conclusion on the harmonization of 150 laws in different areas in March 2021<sup>27</sup> and a special working group coordinated by the Prime Minister's Office is working on it and is in various forums discussing this issue, for example, judicial reform, a number of over 200 laws was even mentioned<sup>28</sup>.

Our research shows that in July and August 2021 the Government debated this issue. First, the Prime Minister and Deputy Prime Minister attended a meeting with the working group for the preparation of amendments and supplements to laws for the digitalization of processes, underlining the Government's determination to push this process as a priority with the ultimate goal of contemporary digital administration, which will provide such services to citizens and businesses<sup>29</sup>, and a few weeks later at a Government session, according to information from the Deputy Prime Minister, it was concluded that by the end of August all necessary laws for the digitalization process will be amended and harmonized and submitted to the Assembly<sup>30</sup>.

How much of this has been achieved remains unclear, given that there has been inactivity due to election campaigns to conduct local elections, then adjustments for a new governing majority, then a new government, and so on. However, it is a fact that a modern administration and digitalized services aimed at the citizen are part of the Program of the new Government<sup>31</sup> for the period 2022-2024, and it is still a priority of the Government inscribed on the list of general strategic priorities that are equal in importance as well as a strategic priority for 2022<sup>32</sup>. That there is however work on harmonization of laws can be seen in several such changes that were proposed and adopted by the Assembly by the end of last year in the field of labor and social protection, and a major legal step will be made with the adoption of amendments to the Law on Civil Registry, which from November 2021 was placed on ENER at a public hearing and whose changes are precisely from the aspect of electronic records and identification, for the procedures related to the citizens' personal records. There is also a confirmation from one of the experts from the focus group, who listed several laws that have been amended precisely in terms of digitalization of services, mentioning the Law on Social Rights, the Law on Children's Rights, the Law on Health Care in the area of granting a concession for primary health care, laws on primary, secondary and higher education, bylaws for awarding scholarships, etc.

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26 - SIGMA/OECD/EU - Principles of Public Administration - 2017 - p. 65 (available at <https://www.sigmaxweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf>)

27 - SIGMA - November 2021 - Monitoring Report - p.109 - (available at <http://www.sigmaxweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>)

28 - The source is one of the Metamorphosis experts consulted within the project, who participate in a working group to amend some of the laws in the judiciary

29 - Government of RNM - 28.06.2021 - Announcement - (available at <https://vlada.mk/node/25736>)

30 - Government of RNM - 13.07.2021 - Announcement - (available at <https://vlada.mk/node/25913>)

31 - Program for the work of the Government of NM 2022-2024 - p.26 (available at [https://vlada.mk/sites/default/files/programa/2022-2024/programa\\_na\\_vladata\\_2022-2024.pdf](https://vlada.mk/sites/default/files/programa/2022-2024/programa_na_vladata_2022-2024.pdf))

32 - "Official Gazette" of RNM No. 97 from April 29, 2021 - (available at [https://vlada.mk/sites/default/files/dokumenti/odluka\\_za\\_utvrduvanje\\_na\\_stratshkite\\_prioriteti\\_na\\_vladata\\_vo\\_2022\\_sl\\_vesnik\\_na\\_rsm\\_br\\_97\\_od\\_29.4.2021.pdf](https://vlada.mk/sites/default/files/dokumenti/odluka_za_utvrduvanje_na_stratshkite_prioriteti_na_vladata_vo_2022_sl_vesnik_na_rsm_br_97_od_29.4.2021.pdf))

But last year, the civil society sector analyzed the legislation that is crucial for the digitalization of services and found inconsistencies in some of the basic laws, as well as the lack of legal amendments in some key laws of the institutions that should provide services, such as laws on personal and travel documents. In the analysis prepared by the Institute of Social Sciences and Humanities from Skopje, a rather critical review was made after reviewing the three basic laws (those of 2019), which are important for the digitalization of services and their compliance with the Law on General Administrative Procedure:

**“The effort to introduce digitalization in the keeping of register books before the adoption of the laws on digitalization from 2019 is to be saluted. The realization, on the other hand, is a subject of critical analysis, which shows a preference for inertia from the predigital era, the philosophy of administration inherited from the era of the so-called captive state (alienated from the “little man”), i.e. inertia of the authoritarian and inefficient public apparatus. We will allow ourselves to share the impression that in the way the actions are imagined, their contradictions and the fact that the resolution of contradictions is left to the ordinary citizen instead of the administrative apparatus, we see a kind of sadism of the powerful state versus the “supposedly corrupt citizen.” The legislator’s approach is that according to which even a simple slip and technical omission are treated as a criminal gesture instead of a result of ignorance, lapsus callami, which the state, if established according to the principles of the EPTP, should solve with goodwill and proactivity”** the introduction to the analysis states<sup>33</sup>.

In addition, recommendations are given on what the amendments to the laws on personal and travel documents should be:

**“Special laws on personal documents, including certificates, should be subordinated as fully as possible to the three laws on digital administration, and in the spirit of efficient and cheap procedure, which is a fundamental principle of the Law on General Administrative Procedure (LGAP), as well as to the European Charter of Fundamental Rights in the section explaining the right to good administration. “We have similar remarks regarding the other laws on personal documents processed in this study, as well as the accompanying strategic documents for digitalization, which we will summarize in conclusions and recommendations.”**

One of the experts from the focus group assessed that the three main laws are generally good and that only fine adjustments should be made to some parts of the laws, emphasizing the Law on Electronic Documents, Electronic Identification and Trust Services.

The SIGMA report from November 2021 also notes the different situation from 2017, that in relation to the Western Balkan countries this situation is slightly above the average in RNM, but that in the changes in practice, i.e. in the implementation, there are different results:

“Improving policies in this area is accompanied by mixed results in terms of its implementation. There have been significant developments that have had a major impact on the delivery of public services, such as the establishment of the Central Population Register, the Interoperability Platform, and the National e-Services Portal. However, the analysis of a sample of services shows that only filing and paying personal income tax has significantly improved with the introduction of the new e-Personal Tax system in 2018, including pre-filled tax returns prepared by the Public Revenue Office for all taxpayers. In the case of other services, there is no greater development than in 2017. For example, to renew an identity document, there is no possibility to submit an e-form” - stated the monitoring report from November 2021.

## DIGITAL E-SERVICES, CURRENT STATE

That the process is still moving can be concluded from the series of meetings during the second half of January and February 2022 that the Minister of Information Society and Administration held with a number of entities, such as the one from the meeting held on February 7 with the director of the Registers Management Office (RMO), where the topics were “digitalization of services and process improvement.” The two interlocutors agreed “to form working groups that will analyze the current situation and to take further action to achieve the goals.”<sup>34</sup>

33 - ISSH - Digitalization as a path to true citizen-oriented administration: Decentralization of processes as a means of accelerated and effective reform - 2021 - p.7 - (available at <https://bit.ly/3oSwU85>)

34 - MISA - 7.2.2022 - Announcement - (available at <https://www.MISA.gov.mk/?q=mk/node/3807>)

Regarding the current situation with the services offered by RMO, there is no doubt that it should be discussed, the experts emphasized. According to them, some of those services that should operate electronically, operate with lower quality than two years ago, and the reason is not precisely known. However, the Deputy Ombudsman, who confirmed that they have many complaints about the services of RMO, recently described precisely the possible reason for RMO and, in general, for other state institutions:

**“I have been working at the Ombudsman Office (OO) for a long time and I can say that I am among the founders of this institution and, unfortunately, I can say that even after 25 years of OO, state institutions do not have a culture of respecting human rights. “They are not aware that they should be a service to the citizens, not owners of their rights.”<sup>35</sup>**

The latest EU report for 2021 on administration services states that the national e-portal is being upgraded, which is encouraging, but also that state institutions “must show greater commitment to providing services through the national e-portal.” At the same time, it is emphasized that there is no progress in many areas:

“The use of electronic signatures for services for citizens and companies has modestly increased. The interoperability framework has grown in scale, but it takes political will and funding to reach its full potential. Many key services, such as the issuance of passports, driver’s licenses, school certificates, vehicle registration, have been significantly delayed and have caused dissatisfaction among citizens.<sup>36</sup>”

According to experts in the focus group, three types of problems can be distinguished. The first is the electronic signature, which is now expensive, even for legal entities (through KIBS it costs 3,500 denars). The second problem is the amendment of the laws and the slowness of that process, which is often dependent on the Assembly of RNM. The third is the inertia of the administration itself and the double interpretation of the laws, so, although according to the main laws for digitalization, those from 2019, and according to the LGAP, the electronic document should be fully valid, while it is only recognized somewhere, and somewhere additional physical procedures at the counters or in the archives are needed. According to another expert, even now the electronic signature issued by KIBS is not too expensive for individuals, but in any case, the whole process should be led by the Single National Population Register. The expert’s assumption is that there is no capacity for that, so this process is entrusted to the NBRM.

Regarding the electronic signature, MISA is holding talks with the company MASTERCARD, seeking a simpler and faster solution to this problem, unofficially mentioning the granting or sponsorship of thousands of electronic signatures of individuals to speed up the process.

Although this process of e-services started years ago, the progress is modest, to moderate. At the beginning of last year, there were about 150 fully provided electronic services, while at the time of writing of this report there are 184 such services out of more than 1300 according to the catalog and over 800 that are determined by the state to be placed on the government portal. Good examples are the digital services offered by the judiciary, which are currently one of the most requested - certificates of non-conviction or certificates that there is no court administrative ban to perform any activity. A few days before the end of March 2022, the Deputy Minister of Information Society and Administration Aleksandar Bajdevski said that about 40 new services are planned for this year:

“Currently 43 services are in development and they are expected to be published on the portal in the period June-September 2022. Within this project, a Register of registers is also being developed, which will store data on the registers of all state institutions, regardless of whether they are digitized. Equipment is also procured for 11 communication clients, with which 11 new institutions will be connected on the interoperability platform.<sup>37</sup>”

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35 - Suzana Saliu - TV “Telma”/Morning Show – 9.3.2022

36 - EC - Report on North Macedonia for 2021 - October 2021 - p.20 – (available at <https://www.sep.gov.mk/data/file/Pregovori/North-Macedonia-Report-2021-%D0%9C%D0%9A2.pdf>)

37 - MISA - 23.3.2022 - Announcement/Bajdevski - (available at <https://www.MISA.gov.mk/?q=mk/node/3926>)

## LOCAL SELF-GOVERNMENT DIGITAL SERVICES

As a process that is yet to come is the increase of the volume of digital services offered by the municipalities, i.e. local self-government. For now, this is happening unsystematically, in several municipalities as a pilot project supported by international funds, and the municipalities themselves are getting involved very slowly. The Association of Local Self-Government - ZELS offers a very small part of the services, for example, issuing building permits. In some municipalities, staff and finances are also a problem. But in other municipalities, such as the City of Skopje, where the local government has a budget of hundreds of millions of euros, there is simply inertia.

Some experts think that it is not always about the staff or financial problems, but about inertia for several reasons, and one of them can be of a corrupt nature, i.e. reluctance to relinquish the power they have over the arbitrary settlement of citizen services through “the window”.

The assistance of non-governmental organizations has already been mentioned, such as that of Metamorphosis, which works with the local self-government for digitization of the data available to the municipalities, which should be converted into digital data sets and placed on the Open Data portal but also to promote the full digitalization of the municipal administration which should ultimately result in as many e-services as possible.

The acceleration of the process of e-services of the municipalities, according to the experts, can happen even if the central portal E-services is used, for which there are technical possibilities, i.e. there is no special obstacle and we do not have to wait for full digitalization of the administration municipalities and modernization of their portals.

## DIGITIZATION OF THE ENTIRE ADMINISTRATION AND FINANCE/REFORM BUDGET

The digitalization of administration and the development of digital services can not be separated. These are complementary processes, and, according to experts, we do not stand so badly, but of course, there is room for much faster implementation. A good example is of course the recent signing of an agreement between the Ministry of Justice and 34 other institutions for fast, electronic data exchange between the judiciary and the institutions that were publicly promoted by the Government of the RNM. De facto, RNM has practically become the first country in the region where 34 courts in the country exchange data electronically, and from the moment of signing, 9 institutions can directly exchange data with the judiciary. Through the interoperability platform, the courts are already connected with the Ministry of Interior, the Public Prosecutor’s Office, the Customs Administration, the Central Registry, the SEC, the Financial Police Directorate, the Financial Intelligence Directorate, the SCPC, and MNAV - the Civil Aviation Agency<sup>38</sup>. 39 institutions are connected to the Interoperability Platform as of November 29, 2022, with a tendency of another 15 institutions to join soon by the end of March.

The purpose of the report was to find out whether this part of the reforms is financed in accordance with the needs and tasks of the Action Plan. What is more widely known to the public is that MISA has allocated 4 million euros for this year only for digitalization, plus the Ministry of Justice with 1.5 million euros for digitalization processes in the judiciary. It is assumed that other ministries and institutions in the budgets for 2022 have provided such funds. But how much and is it enough? This answer can not be obtained, unless the budgets are searched manually from institution to institution, and sometimes not at all because in the country the budget is not made programmatically yet. One of the experts said that a new Law on Budgets is being prepared, which will have program budgeting, so it will be transparently known how much is budgeted for the implementation of an action plan for a specific strategy or a special program. This is provided in the new Law on Budgets, which is already on the second reading at the Assembly at the time of concluding this report, which will replace the old legal solution from 2005<sup>39</sup>.

38 - MIA - 10.3.2022 - Government of RNM - Interoperability Agreement between MJ and other institutions (available at <https://bit.ly/3MHYHCj>)

39 - Assembly of RNM - 3.2023-Draft Law on Budgets-(<https://www.sobranie.mk/materialdetails.nspx?materialId=601475ec-d636-4fe2-bb60-f557a6178b9e>)

According to another expert, however, it is not always up to the funds:

**“Sometimes it is not only up to the funds but also to the will of the managers of the institution. You have examples where institutions or municipalities with relatively modest budgets have moved forward in the process and vice versa. “Despite the budgeting, the processes are stagnant or slightly shifted,”** said the expert.

According to one expert, one can even mathematically calculate how much progress in digital services would cost. Starting from the analysis of the expert that digitalization of data sets costs between 20 and 50 thousand euros, if we take an average value of 25-30 thousand euros, the digitalization of service would cost the same, roughly speaking, although there are services for which we do not need that much money, but only a connection to the central portal.

What can be concluded from the experts in the focus group about the success and acceleration of digitalization in the administration, and thus, of course, the acceleration of the e-services process, can be systematized in four points or directions that the policymakers should keep in mind:

- **to have continuity of policies;**
- **the legal framework should be constantly updated or the noticed weaknesses should be removed;**
- **building infrastructure at both central and local levels, as evenly and synchronized as possible;**
- **continuous training of the public administration both from the aspect of digital literacy and from the aspect of the implementation of digital services for the citizens.**

The latest information obtained during the preparation of this report is that the entire process is coordinated by the Cabinet of the Minister of Good Governance, while the need for harmonization of laws has so far identified nearly 300 laws and other regulations.

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# Metamorphosis Foundation

## Monitoring the EU integration process

**Brief summary of the level of reforms in three areas: basic human rights reforms, judicial reforms, and media sector reforms**

## THE REFORM PROCESS IN THE FIELD OF FUNDAMENTAL RIGHTS BY THE END OF MARCH 2022

The proposal for amendments to the Law on Civil Registry<sup>40</sup>, which was submitted to the Assembly in April 2021, and whose main topic of amendments is gender identity, is one of the last significant amendments that occurred in the reporting period from end-December 2021 until the end of March 2022.

With this law, i.e. its amendments, it was necessary to make changes in the definition of the gender policy in the civil records, in such a way that those persons who have not physically changed their sex, will be able to express their gender differently, i.e. as men, women or transgender. The proposal to amend this law is at the request of several non-governmental organizations dealing with the protection of gender and basic human rights. The proposal itself is well explained by the legislator, which lists virtually all the reasons why an amendment to this law is required, ranging from the international conventions signed by the RNM to the rulings of the Court of Human Rights in Strasbourg, although in the sole European Convention on Human rights (ECHR) such rights are literally not included but due to the judgments rendered by this court from 2015 onwards, RNM is obliged to recognize and implement these rights in domestic legal traffic.

At the time of closing this report, the law, which had just been on the agenda of the Committee on Legislation for the first reading with a European flag for a few days, was withdrawn by the Government of the RNM and it, according to available statements, needs to be finalized as a wider public debate has opened and will go into regular parliamentary procedure. The reason for this is the great opposition of the political parties in the Assembly. All opposition parties oppose its adoption in this form. Although he was thought to have the support of the ruling SDSM and most of the smaller parties in the ruling coalition, in the end, it turned out that even SDSM did not have full support, and the Albanian partner in the coalition, DUI, although silent until the last day, turned out to oppose such a law. The excuses vary. The ruling parties insist that the law should be passed due to budget concerns that would suffer from lost verdicts before the Strasbourg Court, as well as the implementation of those verdicts in the domestic legislature, but that it will need a regular procedure and wider debate. Opposition parties, on the other hand, have almost all come out with conservative views in the sense that such a law undermines the traditional understanding of family and marriage, as such a change in the law would pave the way for amendments in the Family Law, where marriage is defined as a legal union between a man and a woman, i.e. different sexes.

The proposal to put this law with a European flag was elaborated with a verdict of the Strasbourg Court against a person from RNM in 2019 and based on the Recommendations of the Ministers of the Council of Europe for the fight against discrimination from 2010.

What is certain is that for the time being this law has the support only of the Inter-Party Parliamentary Group for support of persons belonging to the LGBT community, which includes representatives of some of the smaller parties in the Macedonian ruling bloc.

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40 - Assembly of RNM - 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 main change proposed by the law is the definition of gender identity:

“Gender identity is an internal and individual experience of the gender of each person, which may or may not correspond to the gender determined by birth, including personal feelings about the body and other manifestations of gender, such as name, clothing, speech, and manners.

“Legal recognition of gender” is a procedure in which an individual can change the gender label in the civil registry and thus get gender identity recognition.”

This issue, which threatens the wider community with a new division, is just the tip of the iceberg, which, if deepened, shows that the gender gap in RNM is still a deep obstacle that needs to be addressed.

Although RNM signed it a long time ago and applies in practice the so-called Istanbul Convention of the Council of Europe, gender differences are seen in everyday practice. Although women are equally or higher educated than men, the participation of women in managerial positions in both business and public sectors is drastically lower. The last local elections held in 2021 showed that only four women were running for 81 mayoral seats, which indicates that women are hard to breakthrough in the political action of the parties, and this can be seen in the current composition of the Government of RNM, where the participation of women is only 20 percent. If not for the mandatory quotas, that number would be low in the Assembly of RNM as well. This difference is reflected in higher education, where there is no female rector, and the number of women deans is low. These and many other data were recently published by Portalb, Truthmeter, and Meta in a study that confirms the wide gender gap and justifies the criticism of this issue that can be found in the latest EC reports<sup>41</sup>.

The main institutional pillars for operational protection of basic human rights in the country remain two institutions. The first is the Commission for Prevention and Protection against Discrimination (CPPD) established last year (2021), based on the new Law on Prevention of Discrimination adopted in 2020. The seven-member commission (actually 6 because one has not been elected yet) has significantly broad powers given to it by the law, but also a challenge to implement it quickly and without the full support of the state, although the CPPD itself acknowledges that it has received assistance this year from both the state and the OSCE and the NGO sector through the British Support and Development Program. In 2022, the website of the Commission was launched, which enabled easier submission of electronic applications (<https://kszd.mk/>).

Looking at the one-year achievements of the Commission, it can be concluded that it is by definition an independent body, fully justifies the public trust and the great powers given to it by law, and for which the manner of election of the Commission through open parliamentary debate and public presentation of the programs and skills of the then candidates, is the most deserving. According to the statistics presented in the Annual Report of the <sup>42</sup>CPPD, until the end of 2021, i.e. for a period of 6-7 months, since the Commission worked effectively, it acted on 167 complaints, of which 77 were inherited from the previous composition of that body, which did not function. The commission has received 90 new complaints since its inception, indicating that trust in the body is growing, and as of March, it has opened several cases following a public outcry, highlighting cases related to the Lev Tahor religious movement and the discrimination case of a girl with special educational needs from a school in Gostivar, which is still ongoing. In terms of complaints, they come more from men than women, mostly from Skopje, and the most common basis is personal property and social status. By the end of 2021, the Commission “found discrimination in 40 cases, while in 39 it was found that there were no grounds for discrimination. For 10 complaints, the Commission adopted a conclusion for non-action, non-initiation, or suspension of the procedure, and 41 complaints were rejected due to determined incompetence, disorder, obsolescence, and inadmissibility. For 37 complaints the procedure is ongoing and they are registered as open cases” (p. 22 of the Annual Report).

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41 - 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/>)

42 - CPPD - March 2022 - Annual Report 2021 - (available at <https://bit.ly/36l5onG>)

## THE CPPD DEMANDED A BUDGET OF UP TO 730 THOUSAND EUROS, AND RECEIVED LESS THAN 250 THOUSAND

However, the challenges facing this body remain, above all, in organizational terms and in the implementation of its decisions. Less than half of the vacancies have been filled according to the systematization of the Commission itself (29 vacancies, and only 10 administrative staff obtained by taking over from other institutions), working in 2 sectors covering 4 systematized departments, with a state budget, which is by half and more smaller than the needs identified by the Commission itself. Recently, the first chairwoman of the Commission, Vesna Bendevska, stated that the Ministry of Finance did not express any interest in the request of the Commission, and the working body in the Parliament responsible for financing and budget did not show any interest, so instead of the requested 730 thousand euros per year budget, the budget for 2021 of 15.3 million denars (less than 250 thousand euros) has been rewritten, or only 120 thousand denars more than last year<sup>43</sup>. In addition, the Commission is housed in the former premises of the State Commission for Prevention of Corruption, which in itself does not provide accessibility for persons with physical disabilities. In the Annual Report sent to the Parliament, the CPPD also presents recommendations that refer to the amendments to the Law and to the election of the remaining member of the Commission, so that it is complete with 7 members.

## THE OMBUDSMAN WITH SOME 3,000 COMPLAINTS IN 2021

The Office of the Ombudsman, the second main institution for protection of the fundamental rights and freedoms of the citizens, just before the conclusion of this report, on March 29, 2022, at a press conference presented the basic data from the Annual Report for 2021.

According to the information provided by the Ombudsman, in 2021 2,686 complaints were received/ filed, and 389 were transferred from the previous year, or a total of over 3,000 cases were registered. Thereby, the most numerous were in the field of justice - 436 complaints or over 16 percent, followed by complaints in the field of children's rights, 254 complaints, in third place were complaints about protection of consumer rights, 228 complaints, then in terms of employment rights, 218 complaints, in the field of social protection 183 complaints, in the field of operation of penitentiary and educational institutions 162 complaints, in the field of property law 150, in the field of urban planning and construction 136 complaints and others are complaints from other areas<sup>44</sup>.

Out of the 3,075 complaints received, the Office of the Ombudsman acted in 2,085 cases or 67.80 percent, and in 755 of them, violations of human rights and freedoms were ascertained and intervention was made in order to eliminate those violations - it was stated at the press conference. In 500 cases, the competent authorities acted after the ombudsman's intervention, in 233 the Ombudsman had to intervene in other ways to higher authorities, and in 23 cases response from a competent institution or body is still pending.

Prior to this annual report, from the research by Truthmeter within the project, several conclusions could be drawn with specifics that were spoken about by the Office of the Ombudsman:

"In the last few years, the situation is almost identical with a few exceptions. Most complaints refer to the area of justice, which includes the work of courts, prosecutor's offices, but also notaries and enforcement agents, followed by consumer rights (electricity, water, heating), labor relations, social protection rights, children's rights.

When we talk about the judiciary, unlike ten years ago, when the citizens addressed the Ombudsman with a request for intervention in court decisions (to be completely precise and last year we had such complaints), something for which the institution has no jurisdiction, is now changed. "Well, most of the complaints concern the work of enforcement agents in all segments, non-compliance with the principle of trial within a reasonable time, especially in labor disputes, as well as the work of administrative courts -

43 - "Win-win"/TV "Telma" - March 2022 - Statement by Vesna Bendevska (available at <https://www.youtube.com/watch?v=gS2R4po7bu0>)

44 - Ombudsman - 29.3.2022 - Press of the Ombudsman of RNM - (available at <https://bit.ly/3NuMgdp>)

the Administrative and Higher Administrative Courts,” said the Office of the Ombudsman in [Thruthmeter’s](#) story published in early March 2021.

One month earlier, at the beginning of February, the Ombudsman Naser Ziberi announced to the public that an analysis had been made of the actions of the decisions or the indications of the Office of the Ombudsman. They found that “about 30 percent of the authorities act in a timely manner, 30 percent respond to a repeated request, and 30 percent do not respond at all. Ziberi then said that the least cooperative is the judiciary and the apparatus of coercion in the country, which feels powerful and does not want control. “Failure to respond to a request from the Ombudsman is considered an obstruction of the Ombudsman’s work,” Ziberi said during a guest appearance at the “Morning Briefing”, a web-TV station by Sloboden Pechat.

The Deputy Ombudsman Suzana Saliu, on the other hand, in the [guest appearance on TV “Telma” on March 9, 2022](#), said that the Office has many problems, i.e. complaints about the work of the Registers Management Office (RMO). She clarified that the complaints are about the electronic request and submission of documents and about the documents related to the deceased, but also with the citizenship. It is about hundreds of citizens, who are waiting for a check for obtaining citizenship, as well as the problem with about 900 citizens who have two ID numbers.

## PERMANENT BUDGET REDUCTION - A TENDENCY AGAINST THE OO INSTITUTION?

But what is really symptomatic for the Office of the Ombudsman in the reporting period from December to March 2021/2022, but also generally as a comparison between two budget years, is the claim of not a small reduction of the funds provided by the state for the functioning of this institution. Namely, the ombudsman Ziberi said at the press conference that his budget has been reduced cumulatively by 30 percent compared to 2020.

“I and the Minister of Finance are in a permanent conflict over basic issues, we do not have the means to carry out activities. That is unacceptable. For 2021, the budget is reduced by 10 percent from the previous year. The same thing happened with the supplementary budget in August, while the budget for 2022 is 10% of it. In 1 year, the budget has been reduced by 30 percent. “I see this as a tendency to stifle the institution,” Ziberi said<sup>45</sup>.

However, a review of the 2022 Budget<sup>46</sup> does not provide this impression. Namely, in section 31101 of the Budget, it is stated that for 2021 the total expenditures to the institution OO amounted to 81,755 million denars (1,327 million euros), while for 2022 85,600 million denars (1,390 million euros) or about 63 thousand euros more are provided. Of course, this minimal increase does not mean that it will remain, given the already announced rebalance and reallocation of funds to deal with most of the crises in which RNM is, but it shows that the claim of a tendency to suffocate the OO should be carefully assessed and this will be done by Metamorphosis and its media projects for the next quarterly project report.

From other aspects related to human rights in the reporting period from December 2021 to the end of March 2022, it is worth noting that at the end of February, the Coalition “Margins” presented the monitoring report for the period 2019 - 2021 on the manner of application of the Law on Social Protection in the field of social services. The text, as it was said at the presentation, assesses the functionality of the existing social protection services, with reference to the implementation of the existing Law on Social Protection and the functionality of the centers for social work and other social service providers. The text focuses on three target groups, namely Roma, women victims of violence, and people with disabilities, who due to their specific position in society, face discrimination and inability to integrate into society and are largely dependent on social transfers. The weaknesses of the centers for social protection, starting from infrastructural to personnel, have been identified and a series of recommendations have been given to improve their work, including territorial relocation of certain centers or inclusion, i.e. expansion of the private and civic initiatives to provide certain types of social services and greater involvement of the local self-government in the provision of services through the Centers for social protection<sup>47</sup>.

45 - Alsat TV/web - 30.9.2022 - Ziberi accuses the government of wanting to stifle the... (available at <https://alsat.mk/mk/ziberi-obvinuva-deka-vlasta-saka-da-ja-zadushi-institutsijata-pravobranitel/>)

46 - Assembly of RNM - December 2021 - Closed materials/Draft Budget for 2022 - (available at <https://www.sobranie.mk//materialdetails.nspx?materialId=60a3a254-9fc0-4ff1-b0b2-4c009a2073c6>)

47 - Discrimination Protection Network - Monitoring Report ....- (available at [http://coalition.org.mk/wp-content/uploads/2022/02/ZSZ\\_GolemDokument\\_WEB\\_v002.pdf](http://coalition.org.mk/wp-content/uploads/2022/02/ZSZ_GolemDokument_WEB_v002.pdf))

## REFORM PROCESS IN THE SPHERE OF JUSTICE, THE SITUATION AS OF MARCH 2022

There is a strategic framework for judicial reform and it was adopted in 2017 with validity until 2022, together with an action plan for its implementation. In addition, there is a Strategy for ICT in the judiciary for the period 2019-2024 and a Communication Strategy for Free Legal Aid adopted in 2020. What is newer in the reporting period is that, just like the Administration Reform Strategy, preparations for the new Judicial Reform Strategy should start on time, before the summer of this year to reach the end of November 2022 with the new strategy that will be valid and would be applied immediately from the beginning of 2023.

Regarding the laws, although almost all important laws or their amendments have been adopted by the beginning of 2021, there is a need to adopt new or existing amendments to the existing laws, including the key ones: the Criminal Code, the Law on Criminal Procedure, the Law on the Academy for Judges and Prosecutors, the Law on Expertise, etc.

What can be singled out as new information for the period from December 2021 to March 2022 is that the working groups that prepare the amendments to the LCP and the CC work with a certain dynamics that would be determined as satisfactory, but that the matter is so extensive, and the discussions are thorough, so amendments to these laws are not expected to be ready very soon. Asked for an assessment, some experts estimate that the amendments to the CC can be ready even faster (by summer or during the summer) and that the preparations for the amendments to the LCP will be delayed until the third and possibly the fourth quarter of 2022.

For the Law on Expertise, the public debate is over and it is waiting to be passed by the Government to be distributed to the Assembly for an adoption procedure. The important law for amendments to the current Law on the Academy for Judges and Prosecutors has been ready for several months, it has entered, but also stuck in the Parliament of RNM because there was great resistance by the opposition to be adopted with a European flag, i.e. in a fast procedure. That law is currently in the first reading phase. To make the situation more worrying, the new generation of participants in the Academy of about 90 candidates for future judges and prosecutors has not started studying yet for technical reasons, i.e. complaints procedures, etc., although the latest knowledge is that the process is already over and teaching should start soon. What is progress on the legal framework is definitely that the new Law on Civil Procedure is already in procedure at the Assembly. For this, one of the key laws in the judiciary, there was a request to be adopted in the last report of the European Union from October 2021.

The situation with the Academy, that it should be the only way to promote new judges and prosecutors, is expected to further worsen the situation with the necessary judges and prosecutors in the judiciary in the country. Both the judiciary and the prosecution are facing a shortage of dozens and hundreds of judges and prosecutors, which were explained in detail in the previous reports of Metamorphosis. Additionally, the amendments to the Law on Labor Relations, which will obligatorily retire men at 64 years of age and 62/64 for women, without exception, and which will enter into force at the end of June 2022, will cause a new outflow of judges and prosecutors, but also to professional staff and jurors. The President of the Judicial Council [has already stated this in public](#), especially since the term of retirement of three members of the Judicial Council expires by the end of June this year, and their mandate lasts until the end of 2022.

As for the issue of the independence of the judiciary and the prosecution, although the assumption that it is guaranteed by existing laws is met, as we reported in previous reports, it remains a matter of debate and doubt in the whole process in practice, contrary to the law. An issue that has reopened with all its complexity, and which the public has witnessed, is the recent election of several public prosecutors in the Prosecutor's Office for Prosecuting Organized Crime. 10 candidates applied for the election of 5 new prosecutors. The process required as many as three attempts to hold a session of the Council of Public Prosecutors and controversial public statements about why some prosecutors passed and others with higher or equally high grades were not elected. But what is definitely something different is that this institution, defined by experts as one of the least transparent in terms of its work, after the session that discussed the election/extension of the mandate of 5 prosecutors in the Public Prosecutor's Office for Prosecuting Organized Crime, published the minutes of the 47th session<sup>48</sup> on its website from which it can be seen that the problems are much more multifaceted than what has been known to the public so

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48 - COORM - Minutes of the 47th session - (available at <http://sjorm.gov.mk/%d0%b7%d0%b0%d0%b-f%d0%b8%d1%81%d0%bd%d0%b8%d0%ba-13/>)

far. Namely, according to this report, there is obviously a conflict between the Council and the Head of the Prosecutor's Office for Prosecuting Organized Crime and Corruption, Vilma Ruskovska. The minutes show that there were even proposals for disciplinary sanctions against Ruskovska because of her public statements that the Council is guilty that the prosecution was left to work with only 5 prosecutors, although, according to the minutes, many of the reasons lie with the head of the PO POCC, because it was late with the evaluations for the prosecutors, gave illogical evaluations in relation to the description in the evaluation forms, so at the very session of the Council some of the prosecutors' grades were increased.

Such a debate, according to the experts consulted for this report, confirms that there are problems in the Public Prosecutor's Office system that are deeper than what is known to the public so far, but, according to the way prosecutors are elected, indicates the continuation of suspicions that it is agreed in advance who will be elected/re-elected and who will not. This is all the more so because in CPPRM, for example, according to unofficial, but rather credible information, they had the practice of holding collegiums before the official sessions, at which the positions were "ironed" before the session was officially held<sup>49</sup>.

Regarding the transparency of the institutions from the judiciary, the assessment remains that it is different in the judiciary and the prosecution, but still, the most closed institution for the public is marked CPPRM. The sessions of this body, according to experts, are sometimes scheduled at the "last minute", journalists still have relatively limited access with exception of the small space for holding sessions, and the session itself can not be attended by cameras. What is a step in improving the situation is the improvement of the CPPRM website and the publication of the minutes of the sessions, as well as more and more other materials or documents related to the work of this body.

Since the last reporting period, there has been an improvement in terms of the transparency of the Judicial Council, which was already much better than the Council of Public Prosecutors, both to the public and in terms of the essential processes conducted by this supreme body that manages the judiciary in RNM. The completion of internal bodies for selection of judges in a higher court and the internal regulations continue, such as the "decision on determining the reference number of cases to be resolved by a judge per month, in the basic courts, appeal courts, Administrative Court, Higher Administrative Court and the Supreme Court of RNM for 2022", which was to be adopted at the very end of March 2022.

## DIGITALIZATION IS SISTEMATICALLY BEING PUSHED FORWARD

A process of judicial reform that can be said to be fulfilling and moving for the better is, of course, digitalization. After placing part of the services of the judiciary to the citizens through an electronic form of providing those services at the end of October 2021, the process of digital equipping of five pilot courts in the country is completed, including fully digitally equipped main courtrooms. The problems with tendering that were present at the end of 2021 have been overcome, the courts have been equipped or are being equipped, along with other infrastructural improvements. However, perhaps most importantly, the digital connection of the judiciary to other institutions in the country has finally expanded.

On March 10, 2022, a ceremony was held in the Government of the Republic of North Macedonia at which the Ministry of Justice signed an interoperability agreement with 9 institutions that from that moment can communicate directly with the courts. At the same time, it was said that there are already about 40 institutions on the interoperability platform, with a tendency to have a dozen more by the end of March. (More details are in the administration digitization section above in this report). According to an expert, the impression is that digitalization in the judiciary is being pushed in the right direction with good time dynamics, unlike the rest of the administration.

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49 - Interview with an expert from the focus group held on March 23, 2022

## THE REFORM PROCESS IN THE MEDIA SECTOR BY THE END OF MARCH 2022

As the situation with reforms in the media sector was generally unchanged throughout 2021 compared to previous years, except in the sphere of legislation, it remains the same in the first quarter of 2022. Even that small step in the legislative sense that was made with the established amendments to the Criminal Code, according to which the attack on a journalist will be interpreted as an attack on an official, those amendments were not adopted by the Assembly and are stuck in the procedure.

According to experts consulted for this reporting period, it is not clear why this law remains stuck, as the parties in the Assembly have not expressed any remarks or intention to amend such changes. There remains the possibility that the delay will occur due to the general stagnation of the Assembly with the new filling of members in the working bodies, but also an amendment debate that has been announced in relation to the members of the CC, who are changing in terms of fulfilling the so-called Istanbul Convention and increase the protection of women with the introduction of a new crime of stalking. These changes are in line with the proposed changes regarding the increased protection of journalists. However, at the end of the month, these amendments to the CC were also put on the agenda of the parliamentary committee with a European flag, in the first reading<sup>50</sup>. The process with the amendments to the Civil Code for Insult and Defamation, which is already in the first reading phase, has moved a little further, thus increasing the chances that the amendments to this Law will be adopted soon, which will drastically reduce the penalties for journalists, editors, and media owners if they are being prosecuted for insult or defamation.

There is a change in the reporting period from January to the end of March 2022 in the court practice and it is assessed as positive by the experts. Namely, during this period, journalists or newsrooms received lawsuits that were filed against them in three cases of high current or former elected or appointed persons, which are characterized by the Council of Europe as <sup>51</sup>Strategic lawsuits against public participation (SLAPP). In all three cases, the court upheld the right of the journalist or media outlet to greater freedom of speech when it came to an elected or appointed person, thus demonstrating, in practice, the judiciary's compliance with the European Convention on Human Rights and the Court's practice of the Human Rights Court in Strasbourg. However, in this regard, experts say, it should be borne in mind that at the same time with such positive tendencies in the domestic courts, there is an increasing number of lawsuits by current or former officials or companies against journalists or media outlets compared to the last two or three years.

The number of attacks on journalists did not increase in the first quarter of the year. However, journalists' associations note specific obstructions to the work of journalists by security agencies or even a physical threat of an ax attack, a specific case that occurred while reporting on an event in the Tetovo region. Journalistic organizations, when asked about the reasons for this problem, again connect it with the non-adoption of the amendments to the Criminal Code for greater protection of journalists, although they are generally satisfied with the prompt action of the Ministry of Interior, but still not with the Prosecutor's Office.

The election of new members of the Council of the Agency for Audio-Visual Media Services and the Program Council of MRT, based on the second call announced by the Assembly of RNM in the first quarter of 2021 remains a problem for which there are no announcements to be resolved, even in the second quarter of 2022. Experts do not see any progress in this direction, despite the fact that for a long time the justifications by the legislature and the executive branch were that the problem lies in the stuckness of the Committee on Elections and Appointments in the Assembly. Now that this problem has been resolved a few weeks ago, the Commission sees no need to reactivate the competition, which, for procedural reasons, will have to be declared null and void and announced for the third time. Let us remind you that this is a legal obligation of the Assembly to fill the bodies in the Media Agency and MRT. The experts reiterated that "they are sure that this is a lack of political will, which, in turn, may be due to the fact that the dozens of candidates who applied for these competitions for both bodies are not to the liking of political parties, nor in the opposition or in the majority."

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50 - Assembly of RNM - 28.3.2022 - Draft-law Amending the Criminal Code- (available at <https://www.sobranie.mk/materialdetails.nsp?materialId=4448d2a8-7fc4-4fdc-9c2a-b43443de38c2>)

51 - 3HM-4.2.2022 - The court rejected Apasiev's lawsuit against the journalists – (доступно на <https://bit.ly/3ISAXZh>)

The problems with public money in the media remain from two aspects. One is the millions of public money spent on advertising political parties through the election process, made possible by the Electoral Code. The second is the financing of the public broadcaster, MRT, which has been budgeted for years at a legal or even by-law minimum, instead of applying the legal solution for financing MRT to reach the level of 1% of the state budget, which was realized in the previous budget year.

The financing of the Public Service is a problem that has been going on since the change of the legislation in 2017, when the state decided to change the financing model of MRT/NRT, and instead of the broadcasting fee, the financing should take place through the state budget. Since then, the state (legally) has not fulfilled its obligation to finance MRT/NRT through the system of the overall financing of broadcasting, which is shown by the figures in the budget for 2022<sup>52</sup>, where 900 million denars are provided for the entire sector or 14.6 million euros, of which, according to the legal distribution of funds, MRT will receive just under 11 million euros, which is less than in 2021. In 2021, with the supplementary budget from July, the broadcasting activity was financed with 1.1 billion denars or over 18 million euros.

Regarding the improvement of the status of journalists and the material work of the media in order to maintain the conditions for independent and objective journalism, it is worth noting two processes. The first is the expulsion of 6 journalists and media workers that happened at the end of last year and the beginning of this year, along with the mobbing of several employed journalists and media workers members of the Independent Trade Union of Journalists of Macedonia from TV "Alfa", a television with a concession for terrestrial broadcasting throughout the country. These processes took place after the successive interruptions of the work process in the television undertaken due to unpaid salaries and salary delays throughout 2021, and in all these events the employees were led by the local union, while support was received and still exists from the leadership of SSNM. From the Trade Union and from the employees and the fired, there are constant assurances and new evidence that this is an attempt to completely disrupt the trade union activities in this media outlet.

In terms of improving the financial situation of journalists, the union managed to move things forward regarding the status of MRT correspondents, first over the payment of arrears, and then over fixed-term contracts, but still, this process is difficult due to the fact that employment permits in MRT are with mandatory approval from the Ministry of Finance.

The second process is the attempt of the Association of Journalists of Macedonia (AJM) to renew the dialogue with the Government on the establishment of the Media Fund, because lately, as one of the experts said, the demands from the media for returning the provisions of the article of the Law on Audio-Visual Media Services are getting louder which enables government advertising in the media, due to the difficult material and financial situation of media publishers. The initiative for establishing a media council in the framework of the dialogue for solving the problems in the media sector, which was launched last year under the auspices of MISA, according to an expert, has definitely been abandoned. However, the AJM has renewed the initiative for direct contact with the Government regarding this fund, and development is expected towards the realization of this idea in the next few weeks.

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52 - Government of RNM - 2.12. Press of Jeton Shaqiri, Minister of MISA - (available at <https://vlada.mk/node/27143>)

