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2024 Rule of Law Report Country Chapter on the rule of law situation in North Macedonia

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

2024 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

North Macedonia has undergone several waves of judicial reform and adopted a new justice strategy aiming to improve the independence, efficiency, and professionalism of the judiciary. However, the independence of the judiciary and the institutional capacity to protect it against undue influence remain a serious concern. The level of perceived judicial independence is very low. Concerns also remain regarding the functioning and independence of the Judicial Council, while steps have been taken in this respect. Appointment decisions for public prosecutors and judges have been criticised by civil society for not being comprehensively motivated or based on objective criteria. Measures to improve transparency have been undertaken, notably under the auspices of the President of the Supreme Court and the Judicial Council. Codes of ethics are in place for both prosecutors and judges. Limited financial resources allocated to the judiciary may affect its financial autonomy, and the deficit of human resources could impact the quality and efficiency of justice. Digital tools for case management are being developed. The efficiency of the judiciary has declined for first instance civil, commercial and criminal cases, while it remained stable for second instance cases.

A comprehensive national anti-corruption strategy is in place, however its implementation lags behind. High risk of corruption remains prevalent in many areas. Recent amendments to the Criminal Code weakened the legal framework, negatively affecting the prosecution of corruption, especially in high-level corruption cases. Resource constraints and a lack of cooperation between national authorities hamper the effective prosecution of corruption and hinder the establishment of a robust track-record of high-level corruption cases. The State Commission for Prevention of Corruption has continued efforts to fulfil its mandate despite limited resources. While a legal framework and lobbying registers are in place, there are no registered lobbyists yet. There are several gaps as regards financing of political parties. North Macedonia is updating the law on the protection of whistleblowers.

The Agency for Audio and Audiovisual Media Services fulfils its tasks, while its financial and institutional independence remain to be further strengthened. The Council of Media Ethics continues to be put under pressure. Challenges remain concerning transparency of media ownership and concerns have been raised regarding certain elements of the reintroduction of state-funded advertising. The Public Service Broadcaster faces challenges. The Agency for Protection of Free Access to Public Information ensures access to public information despite limited resources, while concerns regarding refusals and delays remain. Legislative measures have enhanced the legal safeguards for the protection of journalists, yet threats and acts of violence against journalists have been noted.

Political polarisation in the Parliament has caused delays in its work and led to an excessive and sometimes inappropriate use of accelerated legislative procedures. Shortcomings remain in the implementation of the processes for inclusive and evidence-base policymaking. The Office of the Ombudsperson is under-resourced, and challenges for the systematic follow-up to its findings and recommendations remain. Civil society organisations operate in an overall enabling environment, but challenges remain to ensure sustainable engagement in policymaking.

I. JUSTICE SYSTEM

North Macedonia has as a three-tiered ordinary court system. It consists of 27 First-Instance Courts, four Appeal Courts and the Supreme Court. The latter is the highest instance in the judicial system with competences to ensure the uniform application of laws by all courts, to decide on legal remedies against decisions of the appeal courts, and for the protection of trial in reasonable time. One Administrative Court and one Higher Administrative Court exercise the highest instance control over the legality of measures by public administration. The Prosecution is organised around the Public Prosecutor of North Macedonia, four Higher Public Prosecutor's Offices and 22 Basic Public Prosecutor's Offices (PPOs). The Constitutional Court is not part of the judiciary and, among others, reviews the constitutionality of laws. The Constitution of North Macedonia enshrines the independence of courts and the autonomy of the prosecution service¹. The Judicial Council and the Council of Public Prosecutors are the management bodies tasked with guaranteeing judicial independence and prosecutorial autonomy respectively, and take decisions on the recruitment, career management, and disciplinary procedures of judges and prosecutors. Working arrangements with the European Public Prosecutor's Office (EPPO) are in place². The Bar Association is an independent and impartial public service that provides legal assistance and exercises public powers.

Independence

The level of perceived judicial independence in North Macedonia is very low among both the general public and companies. Overall, 25% of the general population and 20% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024³. The main reason cited by both the general public and companies for the lack of independence of courts and judges is the perception of interference or pressure from the Government and politicians.

A new justice strategy aiming to improve the independence, efficiency and professionalism of the judiciary was adopted. North Macedonia has undertaken a series of judicial reforms, notably addressing the "Urgent Reform Priorities" of 2015⁴, the recommendations of the Venice Commission⁵, and those of the Senior Expert Group on Systemic Rule of Law Issues⁶. The reforms included amendments to the Law on Courts and

¹ Articles 98 and 106 of the Constitution of the Republic of North Macedonia.

² A contact point has been appointed since October 2022.

³ Eurobarometer survey FL540, conducted among the general public between 14 February and 27 February 2024, and Eurobarometer survey FL541, conducted among companies between 14 February and 5 March 2024. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁴ European Commission (2015), Urgent Reform Priorities for the Former Yugoslav Republic of Macedonia.

⁵ Venice Commission opinion (CDL-AD(2018)022, CDL-AD(2018)033, CDL-AD(2019)008).

⁶ The group of independent senior rule of law experts was asked by the Commission in 2015 to assess systemic rule of law issues, which provided the basis for the Urgent Reform Priorities. In 2017 the same group assessed the progress in addressing their previous findings and provided new recommendations. Assessment and recommendations of the Senior Expert Group on Systemic Rule of Law Issues 2017. See: European Commission (2015), The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed

the Law on the Judicial Council⁷, which led to a certain degree of approximation to European standards in the field of justice⁸. In December 2023, the Government adopted a new justice sector strategy aiming to improve the independence, efficiency, and professionalism of the judiciary⁹. The strategy continues the reform process although it was adopted with significant delays. In addition to measures still to be implemented under the previous strategy¹⁰, the new strategy includes additional measures aimed to advance alignment with European and international standards of the judicial system¹¹. The strategy's objectives include strengthening the independence and accountability of the judiciary and its resistance to internal and external influences, increasing the quality of justice and the uniform application of the law, improving efficiency, for instance with a reorganisation of the judicial and public prosecutors' network and the application of digital tools, and improving access to justice for those living in poverty and marginalised groups. It notably includes measures to strengthen transparency and public outreach to increase public trust. The strategy is accompanied by an Action Plan that sets out the envisaged timeline for implementation. In March 2024, the Government established a Council to monitor the implementation of the new strategy¹². The Council met on 23 May 2024 under the chairmanship of the outgoing Minister of Justice.

The independence of the judiciary and the institutional capacity to protect it against undue influence continue to raise serious concerns. More than a third of judges surveyed reported to have faced attempts of external influence, either by the executive branch or representatives of political parties¹³. An increase in attempts of internal influence was also observed compared to the results from 2009, as nearly 46% of judges surveyed in 2023 reported experiencing some form of pressure or attempted influence from their colleagues,

in Spring 2015 and European Commission (2017), The former Yugoslav Republic of Macedonia: Assessments and recommendations of the Senior Experts' Group in systemic Rule of Law issues 2017.

⁷ Law on the Judicial Council of the Republic of North Macedonia, Official Gazette no. 102/2019. Law on Courts, Official Gazette no. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018 and 198/2018.

⁸ 2023 Screening report North Macedonia, Cluster 1 Fundamentals, p. 37.

⁹ Ministry of Justice (2023), The new Development Sector Strategy for the Judiciary 2024-2028.

¹⁰ According to the implementation reports, as of 2022, out of a total of 227 activities determined in the Strategy, 118 activities have been fully implemented, 30 activities are ongoing, 34 are delayed, 40 activities are being implemented continuously, three activities directly depend on the previous adoption of the legal amendments, while two the activities could not be carried out. For reasons of the incomplete implementation, the authorities reported to delay in the parliamentary work, for example, due to early parliamentary elections in 2020, delays caused by the COVID-19 pandemics, as well as political polarization and the absence of a culture of consensus building, especially for legal changes that require a qualified majority. Ministry of Justice (2023), The new Development Sector Strategy for the Judiciary 2024-2028. Part II.

¹¹ The Strategy identifies five specific priority areas: Judiciary and public prosecution in line with EU standards; Institutions of the justice system; Independent professions and public services; Reform of the Constitutional Court of the Republic of North Macedonia; Reforms in Special Legal Areas (Criminal and Civil).

¹² Written contribution from North Macedonia in the context of the country visit, p. 1; see also: Ministry of Justice, Press release 26.03.2024. The Council will be chaired by the Minister of Justice, and other members are: the Minister of Internal Affairs; The Minister of Information Society and Administration; The Minister of Finance; The Deputy President of the Government in charge of European affairs; Deputy of the President of the Government in charge of policies for good governance; public prosecutor; President of the Supreme Court; President of the Judicial Council; chairman of the Council of Public Prosecutors, as well as distinguished professors, experts and representatives of civil society. At the technical level, a working group was established within the Ministry of Justice in March 2024 that should meet monthly to monitor progress in the implementation of Action Plan of the Strategy.

¹³ OSCE Mission to Skopje, 2023 Corruption Risk Assessment of the Judiciary in North Macedonia, pp 14-16.

while 42% reported experiencing similar pressure or influence from judges of higher rank, such as court presidents or judges of higher courts¹⁴. Several high-level representatives within the judiciary made public statements criticising the environment of undue influence, including the President of the Supreme Court¹⁵. Regarding prosecutors, about a third have reported attempts of influence, either from the executive branch, or from political parties¹⁶. More than a third of public prosecutors also reported having experienced internal direct or indirect pressure, suggestions, or attempts of undue influence, including by senior public prosecutors and fellow colleagues¹⁷. Several judges (59%) and (49%) prosecutors do not believe that the current mechanisms in place to safeguard the judicial and prosecutorial function from external pressures or attempts to influence are effective¹⁸. Stakeholders have indicated that the introduction of new measures, for example, the creation of a dedicated unit at the prosecutor's office, would help to better protect the reporting of undue influence by judges and prosecutors, and strengthen judicial integrity broadly¹⁹.

Concerns remain regarding the functioning and independence of the Judicial Council, while steps have been taken in this respect. Developments within the Judicial Council have negatively affected the public's trust in the judiciary. The Judicial Council President had been demoted from her role and was later reinstated following a ruling by the Administrative Court in December 2023 that her demotion was unlawful. Two Judicial Council members, as well as a previous Council President, had resigned in June 2023 in disagreement to the demotion of the President and invoking reasons of undue influence within the judiciary²⁰. These developments raised serious concerns about the Council's legitimacy and functionality²¹. Moreover, its lack of transparency was criticised by stakeholders, as public access to several key Council sessions was restricted²². The majority of judges do not consider that the Judicial

¹⁴ Ibidem. When compared to the results of the OSCE 2009 legal analysis on the Independence of Judiciary, there has been an increase in the perceived pressure or attempts to influence from fellow judges (+12%), higher-ranking judges (+12%), and members of the Judicial Council (+9%). The primary internal corruption risk that judges identified pertains to the influence wielded by court presidents through the Annual Schedule for Judges' work, specially noting that ad hoc changes made to the annual schedule may result in certain judges being assigned to cases of high public interest.

¹⁵ Supreme Court of North Macedonia, Press release, 06.11.2023. VOA News 17.01.2024.

¹⁶ OSCE Mission to Skopje (2023), Corruption Risk Assessment of the Judiciary in North Macedonia, p. 31. 36% of public prosecutors reported that they experienced attempts of influence from members of the executive branch of power, and 29% from representatives of political parties.

¹⁷ Ibidem. 41% of prosecutors reported having experienced attempts from attorneys, while 36% and 35% experienced similar pressure from senior public prosecutors and fellow colleagues, respectively.

¹⁸ Ibidem, p. 17, p. 32.

¹⁹ Information received in the context of the country visit to North Macedonia from stakeholders from the justice system. The proposal is included in the work program of the Work program of the Public Prosecution Office 2024-2030 (2024).

²⁰ In November 2022, the former Council president resigned, alleging undue influence from within the judiciary and business communities. The subsequently elected president was dismissed from this role after only a few months in office in April 2023, in a controversial voting process not in line with the rules of procedure. In protest to this vote, in June 2023, two Judicial Council members resigned. See also: Coalition of citizens' associations 'All for a fair trial' – Skopje (2024), Report from the Monitoring of the Judicial Council and the Council of Public Prosecutors in the year 2023.

²¹ 2023 Communication on EU Enlargement policy, North Macedonia Report, pp 18-19. See also: Citizen Association Institute for Human Rights, Skopje 2023, Monitoring Report on the Work of the Judicial Council January – July 2023; Coalition of citizens' associations 'All for a fair trial' – Skopje (2024), Report from the Monitoring of the Judicial Council and the Council of Public Prosecutors in the year 2023.

²² Citizen Association Institute for Human Rights, Skopje 2023, Monitoring Report on the Work of the Judicial Council January – July 2023, pp. 5-6. The Judicial Council held sessions that were not previously

Council can effectively safeguard their independence²³. Additionally, several decisions on appointments and disciplinary proceedings, including the decision to suspend all such procedures in the Judicial Council during the parliamentary and presidential elections period²⁴, sparked criticism among stakeholders about the independence of the Council²⁵. The proportionality of disciplinary measures was put into question by CSOs monitoring the Judicial Council²⁶. For example, the relatively lenient sanctions imposed for intentionally having delayed a high-level corruption case, ignited public criticism²⁷. The appeal process against decisions by the Judicial Council has also been subject to criticism due to a lack of clarity on competences²⁸. To improve the Council's functioning and strengthen its independence, a TAIEX peer review mission²⁹, conducted in September 2023, made several recommendations. Among others, these focused on clarifying the status, terms of office and qualification requirements of Judicial Council members, on increasing the Council's transparency, and on clarifying provisions concerning the appointment and disciplinary procedures of judges and Judicial Council members. Initial steps are being taken to implement these recommendations. A working group to address the legislative recommendations concerning the Law on the Judicial Council has published its proposal for

announced, so the public, due to lack of information, did not have the opportunity to attend them. Several actions were taken at these sessions, which, according to the law, should have been public. Moreover, the electronic sounds recovering and voting system was not in operation for a period of time following the unlawful dismissal of the former president.

²³ OSCE Mission to Skopje (2023), Corruption Risk Assessment of the Judiciary in North Macedonia. 72% of the judges interviewed either fully disagree (27%) or partially disagree (45%) that the Judicial Council effectively safeguards judicial independence, with only 26% agreeing.

²⁴ The Judicial Council took this decision based on a public notice issued by the State Commission for the Prevention of Corruption, who refers to a provision in the electoral code that refers to halting appointment decisions for public officials. The law does not specify that this would include judicial appointments. The Judicial Council was not obliged to follow this request, and the suspension of these activities raises questions about its independence. The Council of Public Prosecutors continues its work as normal during the elections period. Delaying these procedures until after the parliamentary elections were held, not only bolster questions about the Council's independence, but may also negatively impact delays within the courts.

²⁵ Controversial decisions included, for example, the initiation of disciplinary proceedings against the president of the Supreme Court, and a failure to appoint a judge which will likely lead to the expiry of the statute of limitation in a high-level corruption case. See also: Citizen Association Institute for Human Rights, Skopje 2023, Monitoring report on the work of the Judicial Council January-July 2023; VOA News 17.01.2024. See also, information received in the context of the country visit to North Macedonia from stakeholders from the justice system.

²⁶ OSCE Mission to Skopje (2023), Corruption Risk Assessment of the Judiciary in North Macedonia, p. 19. A majority of interviewed judges (57%) do not believe that disciplinary procedures initiated by the Judicial Council are conducted objectively. See also: Citizen Association Institute for Human Rights, Skopje 2023, Monitoring report on the work of the judicial council August – December 2023.

²⁷ Ibidem. The report referred to high sanctions for minor mistakes, and a very low sanction for purposefully delaying a high-level, high profile corruption cases, leading to expiry of statutes of limitations.

²⁸ While the law on the Judicial Council provides that the final decisions on disciplinary proceedings lie with the Council, the Supreme Court has argued that the right to judicial review is not sufficiently ensured, notably for instances where the Judicial Council would not effectively implement the appeals' court decision. To remedy this situation, the Supreme Court issued a principled stance for direct application of the Constitution and the European Convention on Human Rights (ECHR), in particular concerning provisions guaranteeing the right to an appeal, which would allow court decisions on a second appeal. The Judicial Council on the other hand criticises that the Supreme Court oversteps its competencies limited to the legal review of the proceedings and takes substantive decisions in disciplinary proceedings against judges. This was a finding by the peer review mission.

²⁹ In September 2023, a team of European experts conducted a peer review mission focused on strengthening the functioning and independence of the Judicial Council through the EU's TAIEX programme.

amendments to the law on the Judicial Council in May 2024³⁰. The Judicial Council adopted an Action Plan to address the recommendations of the peer review mission, notably to increase its transparency, and advanced on its implementation, including by amending its rules of procedures³¹. In May 2024 the Judicial Council took swift action in an alleged bribery case³², and in June 2024, the Judicial Council reached again its full composition³³. Further implementation of the peer review mission's recommendations would strengthen the integrity of the Council and improve its functioning. Announcements by the incoming government of its intention to 'dissolve' the Judicial and Prosecution Councils³⁴ raise serious concerns, as it would undermine the independence of the judiciary.

Appointment decisions for public prosecutors by the Council for Public Prosecutors and judges by the Judicial Council have been criticised by civil society for not being comprehensively motivated or based on objective criteria. The Council for Public Prosecutors elects public prosecutors based on ranking lists that are not publicly available, and no reasoned decisions for the final selection of the prosecutors are provided³⁵. For the appointments and promotions of judges, while the candidates' ranking lists and their criteria are publicly available, stakeholders have criticised that the Judicial Council has taken decisions to select lower-ranked candidates over higher-ranked candidates, without providing a comprehensive reasoning³⁶, raising concerns among stakeholders about these appointments and promotions not being merit-based³⁷. The Judicial Council has included measures in its

³⁰ This working group was formed in November 2023, consisting of members from the judiciary, academia, and civil society organisations. Written contribution from North Macedonia in the context of the country visit, p. 2. The group held 23 meetings adopted a proposal with draft amendments until June 2024. See press release from the Ministry of Justice from 11.06.2024.

³¹ The Action Plan was adopted in February 2024 includes 16 measures and detailed timelines. Amendments to the rules of procedure were adopted in May 2024, in advance of the deadline stipulated in the Action Plan for implementation of the peer review recommendations by the Council. The amendments to the rules of procedures notably established legal foundations aimed at improving the average time required to resolve complaints against judicial officials.

³² In May 2024, a Supreme Court Judge was arrested on suspicion of accepting a reward for unlawful influence. In response to the arrest, the Judicial Council held an urgent session at midnight, where it decided to lift the immunity of the concerned judge. A member of the Council of Public Prosecutor was also under suspicion to be involved. Investigations are still ongoing.

³³ A vacancy was published to replace a Judicial Council member whose mandate expires in autumn.

³⁴ Proposed program for the work of the government (2024-2028)

³⁵ Information received in the context of the country visit to North Macedonia from stakeholders from the justice system and civil society. See also: Coalition of citizens' associations 'All for a fair trial' – Skopje, (2024), Report from the Monitoring of the Judicial Council and the Council of Public Prosecutors in the year 2023. The selection of public prosecutors falls solely within the purview of the Council for Public Prosecutors. As outlined in the Law on Public Prosecution, the Council is tasked with overseeing the performance of public prosecutors. Additionally, it decides in second-instance disciplinary actions against public prosecutors and is responsible for determining the cessation or termination of a public prosecutor's tenure. A working group was established to draft a new law on the Public Prosecution Office and on the law on the Council for Public Prosecutors.

³⁶ ENCJ (2012), Dublin Declaration on Standards for the Recruitment and appointment of members of the Judiciary, I. 10. Information received during the country visit by stakeholders from the justice system and civil society. See also: Citizen Association Institute for Human Rights, Skopje 2023, Monitoring report on the work of the judicial council January-July 2023.

³⁷ Information received in the context of the country visit to North Macedonia from stakeholders from the justice system and civil society. According to the OSCE Mission to Skopje (2023), Corruption Risk Assessment of the Judiciary in North Macedonia, 73% of interviewed judges disagree with the notion that the promotion of judges is carried out in a manner that adheres to objective, measurable, and equitable criteria. Similarly, a significant proportion of judges (65%) express scepticism regarding the transparency

Action Plan to provide comprehensive reasoned decisions for appointments³⁸. In May 2024, the Judicial Council amended its rules of procedures and the Rulebook on ranking of candidates for promotions in higher courts, implementing a part of the recommendation of the 2023 peer review mission.

Measures to improve transparency have been undertaken, notably under the auspices of the President of the Supreme Court and the Judicial Council. The Council for Open Judiciary was established in March 2022 and gathers under the auspices of the President of the Supreme Court³⁹. In February 2024, an Action Plan for Open Judiciary (2024-2026) was adopted⁴⁰. The Action Plan envisages to improve public relations between courts and the public, to unify the structure of court reports, to increase the quality and availability of data and information, and to strengthen the supervisory function of the Judicial Council on the transparency of courts. Most courts are following guidance by the Supreme Court to publish their rulings, whether they are final or not, on their respective websites⁴¹. In line with its Action Plan for the implementation of the 2023 peer review recommendations, the Judicial Council undertook further measures to improve its transparency, including by holding public sessions, and publishing its records and adopted decisions⁴². Notably, in June 2024 the Judicial Council has adopted its Communication Strategy (2024-2028)⁴³. The Council of Public Prosecutors also improved its transparency with more systematic media engagement,

and objectivity of the election process (pp. 20-21). For public prosecutor, more than half (54%) do not agree that appointments are conducted in an objective and transparent manner (p. 34). See also: Coalition of citizens' associations 'All for a fair trial' – Skopje (2024), Report from the Monitoring of the Judicial Council and the Council of Public Prosecutors in the year 2023. Citizen Association Institute for Human Rights, Skopje (2023), Monitoring report on the work of the judicial council January-July 2023. Balkan Insight, (2023), 'Party Games? In North Macedonia, judges' promotions depend on 'connections'', Freedom House (2024), Nations in Transit 2024, Country Report North Macedonia.

³⁸ Judicial Council (2024), Action Plan for the implementing the EU recommendations addressed to the Judicial Council. The Judicial Council's Action Plan includes measure concerning the elections and appointments of judges, notably, by December 2024, appointment and promotion decisions should be explained in an individual, consistent and comparative manner based on objective standards, particularly also providing explanation for the non-election of higher-ranked candidates.

³⁹ The Council for Open Judiciary was established as part of the Open Government Partnership programme and should encourage the openness of the work of the courts and judicial institutions and the participation of civil society in the implementation and monitoring of the Open Judiciary initiative. It is composed of representatives from all judicial instances across the country: the Judicial Council, the Academy of Judges and Public Prosecutors, five CSOs and members of relevant professional associations. Seven work-sessions were held between March 2022 and January 2024.

⁴⁰ Input from North Macedonia for the 2024 Justice, Freedom and Security Subcommittee and the Rule of Law Report, p. 7.

⁴¹ Information received from stakeholders from the justice system and civil society in the context of the country visit to North Macedonia. The Supreme Court, following a proposal by its President, has taken a principled stance in December 2022 that all courts should publish their rulings, whether they are final or not, on their respective websites. 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 20.

⁴² CSOs noted that the Judicial Council has also undertaken some steps to increase the transparency of its work, by publishing on its website information on scheduled sessions, meeting minutes, issued decisions, compiled reports, and other pertinent documents. Citizen Association Institute for Human Rights, Skopje, 2023, Monitoring report on the work of the judicial council, August – December 2023.

⁴³ Judicial Council (2024). Communication strategy of the Judicial Council and the courts of the Republic of North Macedonia (2024-2028).

regular press statements, and making sessions available on social media platforms, however it stills needs to provide reasoning for its decisions⁴⁴.

Codes of ethics are in place for both prosecutors and judges. A revised Code of Ethics for Public Prosecutors was introduced. The Association of Public Prosecutors amended in November 2023 the Code of Ethics for Public Prosecutors, addressing GRECO recommendations⁴⁵. The Judicial Council has in place a Code of Ethics for its members since 2022 and the Advisory Body for Judicial Ethics⁴⁶ at the Association of Judges provides advisory opinion on issues of ethics in exercising judicial duties, or on avoiding conflict of interest. It has thus far provided four opinions, last issued in 2022.

Quality

Limited financial resources allocated to the judiciary may affect its financial autonomy. The 2024 state budget adopted by the Parliament allocates funding amounting to 0.29% of GDP to the judicial system⁴⁷. This continues to fall considerably short of the legally prescribed 0.8% of GDP⁴⁸. Furthermore, the obligation to seek formal approval from the Ministry of Finance for internal budget allocation by the courts, including on resource and staffing decisions, was criticised by judicial stakeholders as inefficient and contradicted the need for decisions on resource allocation in the judicial system to be autonomous⁴⁹. Additionally, adequate salaries in the judiciary remain a challenge⁵⁰ in particular since amendments of February 2024 to the laws on salaries of judges and prosecutors which reduced previous increase of their remuneration⁵¹. The Supreme Court, the Judicial Council, the Association of Judges and the Council of Public Prosecutors have made public statements criticising the amendments and have challenged the law before the Constitutional Court⁵², which dismissed the action in May 2024.

The deficit in human resources could impact the quality and efficiency of justice. According to European standards, a sufficient number of judges and appropriately qualified

⁴⁴ Information received in the context of the country visit to North Macedonia from stakeholders from the justice system and civil society. See also Coalition of citizens' associations 'All for a fair trial' – Skopje (2024), Report from the Monitoring of the Judicial Council and the Council of Public Prosecutors in the year 2023.

⁴⁵ GRECO (2024), Fourth Evaluation Round – Corruption prevention in respect of members of parliament, judges and prosecutors, Second Addendum to the Second Compliance Report, recommendation xiv, xv.

⁴⁶ The Advisory Body for Judicial Ethics, composed of a President and six members, can provide opinions on ethics and performance of judicial office upon request of a judge or association of judges. The members of the Advisory Body for Judicial Ethics are elected by the Managing Board of the Association of Judges from among judges and lay-judges and upon a proposal of the local offices of the Association of Judges.

⁴⁷ Written contribution from North Macedonia in the context of the country visit, p. 6.

⁴⁸ 2010 Law on the Court Budget; Law on judicial budget, OG No. 60/2003, 37/2006, 103/2008 and 145/2010.

⁴⁹ Written contribution from North Macedonia in the context of the country visit to North Macedonia, p 6, and from the "EU Support for Rule of Law" Project, p. 1. Information received in the context of the country visit to North Macedonia from stakeholders from the justice system.

⁵⁰ Written contribution from the "EU Support for Rule of Law" Project in the context of the country visit to North Macedonia, pp. 1-2.

⁵¹ 2023 Communication on EU Enlargement policy, North Macedonia Report, p.21The amendments decreased the coefficients for calculation of salaries.

⁵² Press release from the Association of Judges 07.03.2024 and press release from the Judicial Council 06.03.2024.

support staff should be allocated to courts⁵³. However, the current appointment rate of new judges and prosecutors is insufficient to cover current needs and fill vacancies created by judges who have retired, resigned or been dismissed⁵⁴. Strategies for human resources in the Courts and in Public Prosecutor's Office were adopted in 2020⁵⁵, but their implementation remains delayed, and the specified target and timelines in the action plans have not been met⁵⁶. The court administration works with only 40% of the assessed human resources needed⁵⁷. Two-thirds of all courts in the country were assessed as "inefficient" by the Judicial Council in 2023⁵⁸. In December 2023, the Council of Public Prosecutors estimated that with the current 179 public prosecutors, there is an estimated shortfall of 82 public prosecutors in the country⁵⁹. To address the shortages of judges and prosecutors, the Academy for Judges and Prosecutors is undertaking a selection procedure for the largest intake ever of 130 students for 2024⁶⁰.

The new law on the Academy for Judges and Prosecutors has been in place since June 2023. The revised law confirms the Academy as the sole entry point to employment in the judiciary and prosecution service and followed the European Commission's recommendation not to shorten initial training⁶¹. Due to problems with providing the testing software, the entrance examination process for the 2024 intake of a new group encountered delays⁶². To overcome this problem, the law was amended again in February 2024 allowing qualification

⁵³ See Council of Europe (2010), Recommendation CM/Rec(2010)12 of the Committee of Ministers to member States on judges: independence, efficiency and responsibilities, para. 35. Moreover, since a proper functioning of the judiciary is strongly dependent on the quality of judges, prosecutors and staff, human resources and the status of the judiciary form an important area of the quality model. See CEPEJ (2008), Checklist for promoting the quality of justice and the courts, p. 4.

⁵⁴ On 1 July 2022, the Judicial Council adopted a Conclusion for the termination of the judicial office of 42 judges due to a new condition for age retirement, 64 years, as a new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labor Relation law. This has so far led to the termination of the judicial office of 42 judges, thus exacerbating the judge shortage.

⁵⁵ Judicial Council (2020), Human Resources Management Strategy for the Judicial Network, 2020. Public Prosecutor's Office (2020), Human Resources Management Strategy for the Public Prosecution Network, 2020.

⁵⁶ See also: 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, p. 39; 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 21.

⁵⁷ Written contribution from the "EU Support for Rule of Law" Project in the context of the country visit to North Macedonia, p 2-3.

⁵⁸ Ibidem.

⁵⁹ Written contribution from North Macedonia in the context of the country visit to North Macedonia, p. 9: According to a decision by the Council of Public Prosecutors the total number of prosecutors is envisaged at 261.

⁶⁰ In 2024, 130 candidates will be selected to proceed with the training program by mid-July. Input from North Macedonia for the 2024 Justice, Freedom and Security Subcommittee and the Rule of Law Report, p. 2

⁶¹ Official Gazette No.129/23; Several by-laws are under preparation for the implementation of the new Law on the Academy: new Statute of the Academy of Judges and Public Prosecutors (published in the Official Gazette No 172/23; new Rulebook for taking the entrance exam (at the meeting of the Management Board on September 18, 2023); new Rulebook for continuous training (at the meeting of the Management Board on 27.11.2023); new Regulations for theoretical teaching (at the session of the Management Board on 27.11.2023); new Regulations for fees (at the session of the Management Board on 21.12.2023); new Rulebook for practical teaching; new Rulebook for exercising the function of judge/public prosecutor; new Regulations for the final exam; Code of Ethics.

⁶² The authorities indicated that the entrance exam was blocked due to problems related to public procurement for the maintenance of the software for taking exams for state institutions. Input from North Macedonia for the 2024 Rule of Law Report, p. 2.

tests in paper form and changing the scoring system⁶³. The delays and the amendments have been criticised by stakeholders, and the revised scoring system was challenged before the Constitutional Court, among others, by the Academy itself. The Constitutional Court dismissed the action. Moreover, the Academy has continued to face challenges with regard to insufficient staffing, technical equipment, and inadequate premises⁶⁴.

Digital tools for case management, court statistics and online accessibility of court decisions are being developed but shortcomings remain. The process of digitisation of the judiciary is carried out through the Council for Digitalisation in the Judiciary established by the Ministry of Justice⁶⁵. A functional automated court case management information system (ACCMIS) provides for random distribution of cases to courts⁶⁶. However, the ACCMIS needs improvements to take into account the level of complexity of court cases and the method for assessing judges and presidents of courts⁶⁷. The case management system for the prosecution service is currently being revised⁶⁸. Despite the existing mechanism for the random allocation of cases there is room for discretion by the heads of public prosecution offices to allocate cases manually⁶⁹. Furthermore, there is a significant and persisting shortage of qualified IT staff, and recruitment is challenging as working conditions are not considered satisfactory⁷⁰.

Efficiency

The efficiency of the judiciary has declined for first instance civil, commercial and criminal cases, while it has been overall stable for second instance cases. In 2022, the clearance rate was below 100% for all case categories in the first and second instances, except for administrative cases. In comparison to 2021, the clearance rate for first-instance civil and commercial litigations declined from 99% to 85% in 2022, and the number of backlogs increased by 24.8%⁷¹. Conversely, the disposition time increased by 23.1% from 253 days in 2021 to 312 days in 2022. For second-instance civil and commercial cases, the clearance rate increased from 89% to 97%, while the disposition time, however, increased as well by 16.7% from 142 days in 2021 to 166 days in 2022. For first-instance criminal cases the trend is negative, with the disposition time increasing by 20,5% from 132 days in 2021 to

⁶³ Official Gazette 53 of 4 March 2024.

⁶⁴ Information received from stakeholders from the justice system in the context of the country visit to North Macedonia. See also: 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, p. 43.

⁶⁵ The Minister of Justice adopted in December 2023 the new Rulebook on the composition and the working method of the Council for coordinating information and communication technology in judicial authorities. The constituent session of this body was held on 6 February 2024.

⁶⁶ The ACCMIS system is overseen by the Ministry of Justice. In 2023, 19 supervisions were planned but carried out in only 8 courts. In 2024, out of a total of 18 courts, the Commission for Supervision has supervised six courts until mid-2024.

⁶⁷ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 18.

⁶⁸ The Public Prosecutor's Office is supported by the "EU – Support for the Rule of Law" Project to develop a new case management system, notably to account for complexities of specific cases.

⁶⁹ OSCE Mission to Skopje (2023), Corruption Risk Assessment Report, p. 30. Some public prosecutors were critical of the existing procedure for case allocation, which despite being randomized, still allows for discretion by the Chiefs of public prosecution offices. They argue that sometimes, due to varying capabilities of public prosecutors, certain cases need to be assigned to those who are more capable.

⁷⁰ Information received in the context of the country visit to North Macedonia from stakeholders from the justice system. See also: Judicial Council (2024), Annual Report on the work of the Judicial Council.

⁷¹ CEPEJ (2023), Dashboard Western Balkans – 2022 Data Collection. The incoming first instance civil and commercial litigious cases increased by 17,3% while the resolved cases only increased by 1,4%.

159 days in 2022, and the number of pending cases increasing by 17.5%. The clearance rate decreased from 103% in 2021 to 94% in 2022. In second instance criminal cases, the efficiency indicators remained stable compared to 2021⁷². It is also noted that a standardised methodology for collecting accurate and reliable statistical data in alignment with the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe has not been developed.

II. ANTI-CORRUPTION FRAMEWORK

The State Commission for Prevention of Corruption (SCPC) is the coordinating body for monitoring the implementation of the measures of the National Strategy for Prevention of Corruption, the verification of assets, conflicts of interest and incompatibilities. The SCPC prepares annual reports and submits them to the Parliament. Key institutions involved in the repression of corruption are the Specialised Unit for Organised Crime and Corruption in the Criminal Court Skopje, the Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (OCCPPO), the Specialised Police Unit under the Ministry of Interior, the Financial Police Office, the Customs Administration, and the Financial Intelligence Office. The OCCPPO is the main law enforcement authority for conducting investigations, while the Specialised Unit for Organised Crime and Corruption in the Criminal Court Skopje has competence for adjudicating corruption cases. There are seven general Public Prosecutor's Offices handling offenses punishable by imprisonment of up to five years and 15 with extended competencies handling offenses punishable by imprisonment of more than five years. One specialised basic Public Prosecutor's Office prosecutes organised crime and corruption⁷³.

The perception among experts and businesses is that the level of corruption in the public sector is high. In the 2023 Corruption Perceptions Index by Transparency International, North Macedonia, scored 42/100, and ranks 76th globally⁷⁴. This perception has improved over the past five years⁷⁵.

A comprehensive national anti-corruption strategy is in place, however its implementation lags behind. The National Strategy for Prevention of Corruption for the period 2021-2025⁷⁶ is based on an analysis of corruption risks and a consultation process with representatives of the public and private sectors, media, civil society associations and foundations, experts, and representatives of relevant international organisations. The Strategy

⁷² For second instance criminal cases the clearance rate declined from 2021 by 1,1 percent points to 99 % in 2022, and the disposition time 129 days (decrease of 4,3% from 2021).

⁷³ A Special Public Prosecutor's Office (SPO) existed to tackle high level-crime by public officials. Its mandate ended in 2019 and the OCCPPO took over cases to further prosecute crimes related to and deriving from the content of illegally intercepted communications. European Commission. 2023 Screening Report North Macedonia, Cluster 1 - Fundamentals

⁷⁴ Transparency International, Corruption Perceptions Index 2023 (2024), pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁷⁵ In 2019 the score was 35, while, in 2023, the score is 42. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁷⁶ State Commission for Prevention of Corruption (2020), National Strategy for the Prevention of Corruption and Conflict of Interest 2021-2025.

was enacted by the Parliament in April 2021. The SCPC reported in its annual report of 2024⁷⁷ that out of 166 activities planned for 2023, only 22 activities (13%) have been fully implemented, 55 activities (33%) are in the process of implementation, while 89 (54%) of the activities have not yet been implemented. This represents a very limited increase compared with the previous year when 10% of the activities planned for 2022 were implemented in full, 35% were ongoing and 55% were not implemented. The slow implementation rate of the Strategy indicates an overall lack of political commitment and ownership of the state institutions concerned⁷⁸. The report on the implementation of the strategy in 2023 has been submitted to the Parliament⁷⁹.

Recent amendments to the Criminal Code weakened the legal framework, negatively affecting the prosecution of corruption, especially in high-level corruption cases. North Macedonia has ratified the United Nations Convention against Corruption (UNCAC)⁸⁰ but it is not a signatory party to the OECD Anti-Bribery Convention. The Criminal Code has been amended frequently, with the risk of reducing legal certainty⁸¹. A Working Group under the auspices of the Ministry of Justice has been working since December 2020 on a new Criminal Code, through an inclusive process with relevant stakeholders, including CSOs⁸². However, a new set of amendments was prepared outside of the Working Group and adopted by the Parliament⁸³ in September 2023 through an expedited procedure and without prior consultations with relevant stakeholders. Some of these amendments, which are on corruption-related criminal offences, raise concern since they reduce the maximum penalties for specific corruption-related crimes such as criminal association and abuse of office, have implications on the statute of limitations and the applicable criminal procedures, and remove from the Criminal Code a specific category of offences, notably abuse of office in public procurement⁸⁴. The suppression of the offence ‘abuse of office in public procurement’⁸⁵ is considered particularly problematic and creates risks of impunity. Public prosecutors

⁷⁷ State Commission for Prevention of Corruption (2024), Annual Report on the Implementation of the National Strategy for the Prevention of Corruption and Conflict of Interests 2021-2025 for the period 01.01.2023 – 31.12.2023.

⁷⁸ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 25.

⁷⁹ Annual Report on the Implementation of the National Strategy for the Prevention of Corruption and Conflict of Interests 2021-2025 for the period 01.01.2023 – 31.12.2023.

⁸⁰ Law on Ratification of the UN Convention against Corruption (Official Gazette no. 37/2007); Law on Ratification of the Additional Protocol to the Criminal Law Convention on Corruption (Official Gazette no. 83/2005); Law on ratification of the Criminal Law Convention on Corruption of the Council of Europe (Official Gazette no. 32/1999)

⁸¹ The Criminal Code has been amended over 30 times since its adoption in 1996. The frequent changes reduced legal certainty and predictability.

⁸² A Working Group chaired by the Ministry of Justice and supported by the OSCE was established with the aim of reviewing the entire Criminal Code so that it could be amended in its integrity. The draft text of the new Criminal Code prepared by the Working Group, was posted on the national Single Electronic Registry of Regulations (ENER) on 7 July 2022. It underwent the full process of public consultation. The majority of the feedback and comments were incorporated into the text. The official working group completed its work in May 2023 and submitted the text to the Ministry of Justice. Furthermore, the authorities reported that a revised Code of criminal procedure is under preparation and will be consulted with stakeholders. Written contribution from North Macedonia.

⁸³ Official Gazette 188/2023.

⁸⁴ 2023 Communication on EU Enlargement policy, North Macedonia Report and European External Action Service, Press release from 27.04.2023: 18th meeting of the Stabilisation and Association Agreement Subcommittee with North Macedonia on Justice, Freedom and Security.

⁸⁵ Criminal Code, Article 353 para. 5.

underlined that these changes are negatively affecting the task of the prosecution, especially in complex high-level corruption cases⁸⁶, as they affect the applicable criminal procedures. Due to the structure of the Criminal Procedure Code, the reduced maximum sanctions result in shortened criminal procedures which limit the tools and scope of investigations thus hampering the authorities' ability to effectively prosecute high-level corruption cases⁸⁷. As a result of the new legal framework entering into force, a large number of ongoing cases from the former Special Public Prosecutor's Office (SPO)⁸⁸ have been terminated due to the expiration of the statute of limitations or because the crime of abuse of office in public procurement no longer exists⁸⁹. The follow-up on the high-level corruption cases proved that it has been particularly difficult for Public Prosecutors to requalify charges to ensure accountability for the former SPO cases⁹⁰. The changes to the Criminal Code were criticised by the European Commission and various stakeholders⁹¹ as leading to impunity.

Resource constraints and a lack of cooperation between national authorities hamper the effective prosecution of corruption and hinder the establishment of a robust track-record of high-level corruption cases. The Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (OCCPPO) is understaffed⁹². In 2023, there were eight investigations opened on high-level corruption cases, one indictment was formulated, and four first-instance judgments were handed down. There were no final convictions for high-level corruption cases in 2023⁹³. The investigative centres within the Public Prosecutor's Office lack the necessary human and financial resources to increase the overall quality and efficiency of the investigations and systematically undertake parallel criminal and financial investigations, followed by seizure and confiscation of criminal assets⁹⁴. Stakeholders noted that insufficient cooperation between the PPO, the SCPC and the State Audit Office hindering the establishment of a robust track-record on fighting corruption, especially as regards financial investigations⁹⁵. They underlined that the lack of coordination among state institutions and the institutional architecture are more generally the main challenges in the fight against corruption⁹⁶. To promote inter-institutional cooperation in the fight against

⁸⁶ Information received from institutions involved in the fight against corruption in the context of the country visit to North Macedonia.

⁸⁷ The shortened criminal procedure limits the timeframe for pre-trial investigations, including the use of special investigative measures (e.g., surveillance measures) and implies one judge trials.

⁸⁸ See above footnote 70.

⁸⁹ The Head of the Public Prosecution Office has announced that that they submitted an initiative to the Supreme Court for extraordinary legal remedy to challenge the practice of courts finding that abuse of office in public procurement has been decriminalized. Press conference by the Head of the PPO on 01.03.2024.

⁹⁰ 2023 Communication on EU Enlargement policy, North Macedonia Report; See also: Platform of CSOs for the Fight against Corruption; Blueprint Group; Transparency International North Macedonia (2024), Corruption Barometer.

⁹¹ *Idem* p. 22

⁹² 2023 Communication on EU Enlargement policy, North Macedonia Report.

⁹³ Written contribution from North Macedonia in the context of the country visit to North Macedonia.

⁹⁴ *Idem* p. 25.

⁹⁵ Information received from institutions involved in the fight against corruption and civil society in the context of the country visit to North Macedonia.

⁹⁶ Information received from civil society in the context of the country visit to North Macedonia.

corruption, in July 2023 the Government reactivated⁹⁷ the Inter-ministerial Body for Coordination of Anti-Corruption Activities⁹⁸.

The State Commission for Prevention of Corruption (SCPC) has continued efforts to fulfil its mandate despite limited resources. The State Commission initiated several new cases, including in relation to conflict of interests, prevention of corruption in politics, non-reporting of assets and interests, and was proactive in offering policy guidance to public institutions on corruption prevention⁹⁹. Following its appointment by the Parliament, the State Commission held its constitutive session on 16 February 2024 in its new composition, affirming its dedication to maintaining the body's independence and rejecting any external pressure or influence. Furthermore, the SCPC expressed a commitment to enhance collaboration with the Public Prosecutor's Office and other national authorities to ensure effective follow-up of its initiatives¹⁰⁰. Proceedings in assets declarations¹⁰¹ and conflicts of interest are an important part of the SCPC work. Its capacity to verify statements of interest and assets increased over time as also noted by GRECO¹⁰². However, it lacks specialised staff with investigative experience¹⁰³. The interoperability across databases from relevant institutions is not yet fully operational, hindering such verification¹⁰⁴. The effectiveness of the SCPC in carrying out oversight of political campaigns is also negatively affected by lack of resources and relevant professional expertise, as well as by the fact that data are processed

⁹⁷ Decision on the establishment of the Interdepartmental Body for Coordination of Anti-Corruption Activities (Official Gazette, No. 145/23).

⁹⁸ Chaired by the Deputy Prime Minister in charge of good governance policies and including members – representatives of the Public Prosecutor's Office, Judicial Council, Council of Public Prosecutors, State Commission for Prevention of Corruption, State Audit Office, Government of North Macedonia – Office of the Deputy Prime Minister in charge of welfare policies governance, the Ministry of the Interior, the Ministry of Justice, the Ministry of Finance, the Ministry of Information Society and Administration, the Financial Police Authority, the Customs Administration, the Financial Intelligence Authority, the Bureau of Public Procurement, the Agency for the Management of Forfeited Assets, the Secretariat for European issues and the Delegation of North Macedonia to the GRECO.

⁹⁹ According to the SCPC data: During 2023, 549 new reports on corruption cases were submitted to the SCPC, and 13 cases were opened on their own initiative, a total of 1139 cases were completed (1074 decisions and 65 conclusions). Of the completed 1139 cases, 29 initiatives for initiating criminal prosecution proceedings have been submitted to the competent primary public prosecutor's office (for 13 there is an answer, and for 16 an answer is expected), 28 initiatives for determining responsibility of managers and officials have been submitted to the competent institutions (for 10 initiatives there is a response, and for 18 a response is expected), 24 other initiatives and requests are derived from actions on cases, 22 recommendations and 10 indications have been submitted to state institutions and authorities for taking specific measures based on ascertained situations.

¹⁰⁰ Public statement as reported in media from 8 February 2024.

¹⁰¹ In the course of 2023, a total of 1 377 Asset Declarations were submitted to the SCSC, out of which 808 for election/appointment to office, 74 for termination of office and 495 for change of asset status. The SCPC processes the newly submitted declarations and updates the data on changes in property status. Its website (www.dksk.org.mk) published for 2023 data from declarations of 10633 elected and appointed persons. Furthermore, the SCPC maintains a register of elected and appointed persons as a single database.

¹⁰² GRECO (2023), Fifth Evaluation Round – Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Second Compliance Report.

¹⁰³ According to the authorities the number of employees in the Secretariat of the SCPC will increase, so that out of the 64 jobs positions foreseen by the act of systematization, 52 jobs positions will be filled, which represents 81% occupancy and an improvement in the situation with human resources compared to the previous year when the occupancy rate was 75%.

¹⁰⁴ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 24.

manually¹⁰⁵. The SCPC tends to be reactive rather than proactive, and its reports' conclusions are often not fully addressed¹⁰⁶. Overall, the practical application of the system of sanctions in respect of violations of conflicts of interest, integrity and anti-corruption legislation and the need to ensure that these sanctions are effective, proportionate and dissuasive¹⁰⁷ still need to be addressed as noted by GRECO¹⁰⁸.

While the legal framework and lobbying registers are in place, there are no registered lobbyists yet. The Law on lobbying was adopted in June 2021¹⁰⁹ and regulates the conditions for acquiring the status of lobbyist and lobby organisation, registration as well the processes of preparing, adopting and amending public policies. It also extended the competences of the SCPC, adding the responsibility to keep a register of lobbyists and lobbying organisations¹¹⁰. However, there are no lobbyists registered so far¹¹¹.

There are several gaps as regards financing of political parties. The Law on the financing of political parties¹¹² stipulates how funding can be provided to and managed by political parties. The Electoral Code¹¹³ sets out the rules on the financing of electoral campaigns¹¹⁴. Concrete regulation on the amount of bank loans and the possibility to donate after elections, as well as of third-party financing, is to be developed. The legislation does not align donation limits with spending limits, thus leaving open the possibility that for local elections, in smaller municipalities, a single individual can entirely fund a campaign¹¹⁵. Regarding electoral campaign financing, the new Electoral Code from March 2024 narrowed the scope of interim campaign finance reporting, shortened the deadline for submitting the final financial report, and defined certain donation limits. However, it did not address long standing systemic issues, as previously recommended by ODIHR. These include regulation of third-party financing of campaigns, reporting on in-kind contributions and loans, harmonising timeframes and deadlines for the receipt and publication of reports to allow for meaningful scrutiny, as well as providing adequate authority, resources, and sanctioning

¹⁰⁵ ODIHR (2024), North Macedonia, Presidential Election, 24 April 2024: Statement of Preliminary Findings and Conclusions.

¹⁰⁶ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 24.

¹⁰⁷ The SCPC reported that it takes active part in the working group responsible for amending the Law on the Prevention of Corruption and Conflict of Interest, to ensure that the system of sanctions is addressed in line with the EU standards.

¹⁰⁸ GRECO (2023), Fifth Evaluation Round - Prevention of corruption and promotion of integrity in central governments (top executive functions) and law enforcement agencies, Second Compliance Report.

¹⁰⁹ OG 122/2021 from 03.06.2021

¹¹⁰ SCPC developed and put into operation an electronic Register of lobbyists, lobby organizations and lobbying, which can be accessed through a link published on its web portal. See: Register of lobbyists and organizations.

¹¹¹ While misdemeanour sanctions are foreseen for violation of the prescribed obligations of the lobbyist/lobbying organization and lobbied persons, they appear inefficient or not applied.

¹¹² Official Gazette, No. 76/2004, 86/2008, 161/2008, 96/2009, 148/11, 142/12, 23/13, 140/18 and 294/20

¹¹³ Official Gazette, No. 40/2006, 127/2006, 136/2008, 155/2008, 163/2008, 44/11, 51/11, 142/12, 31/13, 34/13, 14/14, 30/14, 31/15, 196/15, 35/16, 97/16, 99/16, 136/16, 142/16, 57/17, 67/17, 125/17, 35/18, 99/18, 140/18, 208/18, 27/19, 98/19, 146/19, 42/20, 74/21, 215/21 and 58/24

¹¹⁴ 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹¹⁵ 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, p. 10.

power to the oversight bodies¹¹⁶. There is no mechanism in place for electronic submission of campaign financial reports.

The Government is updating the law on the protection of whistleblowers. The law on the protection of whistleblowers¹¹⁷ entered into force in March 2016. The oversight of its implementation is done by the Ministry of Justice and the SCPC collects data, writes reports, and gives an annual assessment of the implementation. The protection of whistleblowers needs to be further aligned with European standards¹¹⁸. GRECO has recommended to North Macedonia to strengthen substantially the measures for the practical implementation of the law within the police and to make related information accessible to the public¹¹⁹. A working group was established in May 2023 to prepare a new draft law on protected disclosure and protection of whistleblowers. The working group includes representatives of State bodies, academia, and civil society¹²⁰. Moreover, expert support for the preparation of the draft law will continue through the Project against Economic Crime, within the third phase of the programme of the Horizontal Facility of the European Union and the Council of Europe¹²¹.

High risk of corruption remains prevalent in many areas, with public procurement and public sector employment being at particular risk¹²². Overall, anti-corruption measures continue to have limited impact in particularly vulnerable sectors¹²³. A systematic approach in tackling corruption to address the common denominators of the risk factors is lacking. These denominators include strong political influence in the public sector; low rate of sanctioning corruptive behaviour; inconsistent regulations; low level of enforcement of integrity measures; insufficient transparency, oversight system and control mechanisms in the public sector¹²⁴. Lack of compliance with employment laws in the public sector has been noted as a relevant area for corruption as it enables various forms of influence, such as political party influence, nepotism, cronyism and clientelism¹²⁵. Civil society organisations also indicate that party and family connections often influence appointments in the public sector¹²⁶.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The Constitution enshrines the right to freedom of expression, as well as the right of access to information of public interest¹²⁷. The tasks, organisational structure and functioning of the

¹¹⁶ OSCE/ODHIR Election Observation Mission (2024), Interim Report on the Presidential and Parliamentary Elections 2024.

¹¹⁷ Official Gazette, No. 196/15, 35/18 and 257/20.6

¹¹⁸ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 25.

¹¹⁹ GRECO (2023), Fifth Evaluation Round - Prevention of corruption and promotion of integrity in central authorities-governments (top executive functions) and law enforcement agencies, Second Compliance Report.

¹²⁰ The working group is composed of representatives of: SCPC, judiciary, Public Prosecution Office, Ombudsman Office, Inspection Council, Ministry of Interior, Ministry of Justice, academic community, civil organizations and business community and trade unions.

¹²¹ Council of Europe Economic (2024), Press release 05.12.2023, [The Council of Europe supports the whistleblower protection reform in North Macedonia](#).

¹²² *Transparency International Macedonia* (2023), National integrity system assessment North Macedonia.

¹²³ 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, p. 51.

¹²⁴ Ibidem.

¹²⁵ *Transparency International Macedonia* (2023), National integrity system assessment North Macedonia.

¹²⁶ Ibidem. Freedom House Report (2024), Nations in Transit: Country Report North Macedonia.

¹²⁷ Article 16 of the Constitution.

national audio-visual media regulatory authority, the Agency for Audio and Audiovisual Media Services, and the public broadcaster, *Macedonian Radio Television*, are prescribed in the Law on audio and audio-visual media services¹²⁸.

The Agency for Audio and Audiovisual Media Services fulfils its tasks, while its financial and institutional independence remain to be further strengthened. As part of its legal obligations, the regulator supervises broadcasters, operators of public electronic communication networks, providers of on-demand media services, as well as monitors media ownership on a regular basis, regulates illicit media concentration, ownership transparency and keeps a register of broadcasting and print media¹²⁹. In 2023, despite statutory provisions¹³⁰, the Government continued to transfer incomplete funding to the broadcasting sector, thus endangering its financial and institutional independence¹³¹. Lack of appointments by Parliament to the media regulator's Council are a source of concern as they are pending since December 2018¹³². The reason is lack of political consensus, as a two-thirds parliamentary majority is required¹³³. The independence of the media regulator should be strengthened¹³⁴. Despite these challenges, the work of the Agency for audio and audio-visual media services has been positively assessed by media associations¹³⁵. The Media Pluralism Monitor (MPM) 2024 considers the independence and effectiveness of the media authority to be an area of low risk¹³⁶.

The Council of Media Ethics continues to be put under pressure. The Council of Media Ethics is a self-regulatory body composed of different media associations representing traditional and new media outlets on a voluntary basis. It handles complaints about breaches of professional and ethical standards. In 2023, the Council of Media Ethics received 132 complaints for such breaches, 110 of which refer to violations committed by online media¹³⁷. The review of received complaints shows a quadruple increase in complaints related to hate speech compared to the previous year¹³⁸. The institution has suffered increased pressure over its work from political and economic actors, but also from media representatives¹³⁹.

¹²⁸ Law on audio and audiovisual media services. North Macedonia ranks 36th in the 2024 Reporters Without Borders World Press Freedom Index compared to 38th in 2023.

¹²⁹ Law on audio and audiovisual media services.

¹³⁰ The Law on audio and audiovisual media services specifies that the amount of public funding for the public service broadcaster, the Agency for Audio and Audiovisual Media Services and the public broadcasting enterprise is to represent 1% of the realised tax revenues determined in the last adopted final account of the Budget of North Macedonia.

¹³¹ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 31.

¹³² 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 29. This also applies to the Programme Council of the Public Service Broadcaster.

¹³³ Article 108 – Appointment of members of the Programming Council of MRT; a majority of votes from the total number of deputies belonging to communities that are not a majority in the country for these appointments [double or so-called Badinter majority].

¹³⁴ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 31.

¹³⁵ Information received from civil society in the context of the country visit to North Macedonia.

¹³⁶ 2024 Media Pluralism Monitor, country report for North Macedonia, p.13.

¹³⁷ The Council of Media Ethics, Facebook, 15 January 2024.

¹³⁸ 2024 Media Pluralism Monitor, country report for North Macedonia, p.23.

¹³⁹ Sporadic incidents of pressure have been identified which include insults from senior staff of a national television, threats by media owners after disagreement with decisions of the complaints commission, reporting the Council of Media Ethics Facebook page. See also: 2023 Screening report North Macedonia, Cluster 1 – Fundamentals.

Challenges remain concerning transparency of media ownership and media concentration. Print and broadcast media have legal obligations to disclose details on their ownership to the audiovisual media regulatory body¹⁴⁰ but there is no specific media law covering ownership and financial reporting of digital national media¹⁴¹. The ownership registry for digital national media is a self-regulatory measure. The MPM 2024 points to a medium risk regarding the transparency of media ownership and the plurality of media providers¹⁴², based on its finding that there is a lack of data on horizontal and cross-media concentration variables. Notably, there is insufficient data on market and audience shares for digital native, print media, and radio stations. In contrast, North Macedonia’s policymakers and stakeholders have access to reliable data for measuring the share of the biggest players in the audiovisual media sector’s concentration¹⁴³. North Macedonia has legislation, which is currently under review as part of EU assistance, to prevent horizontal concentration of ownership of broadcast media¹⁴⁴. Stakeholders in the media sector have reported that close ties between certain media owners and political actors in North Macedonia lead to self-censorship and a reluctance to report on issues that may be unfavourable to political and business leadership¹⁴⁵.

Concerns have been raised regarding certain elements of the reintroduction of state-funded advertising. The Law on audio and audio-visual media services was amended in July 2023¹⁴⁶ to ensure alignment with the EU *acquis*¹⁴⁷. However, on 28 February 2024, Parliament adopted a new set of amendments, by using a fast-track legislative procedure¹⁴⁸. One of these amendments faced substantial criticism from the media regulator and journalists’ associations¹⁴⁹. The primary concerns centred around the threat to media pluralism posed by certain elements of the reintroduction of state-funded advertising which had previously been abolished in 2018¹⁵⁰. While the authorities carried out a consultation process on the draft legislation, the key stakeholders complained that their views were not reflected in the final version of the law¹⁵¹. Warnings were also issued concerning the

¹⁴⁰ Law on media and audiovisual services.

¹⁴¹ 2024 Media Pluralism Monitor, country report for North Macedonia, p. 15.

¹⁴² 2024 Media Pluralism Monitor, country report for North Macedonia, pp. 15-16.

¹⁴³ Ibid.

¹⁴⁴ Law on audio and audiovisual media services; 2024 Media Pluralism Monitor, country report for North Macedonia, p. 16.

¹⁴⁵ Information received from stakeholders in the media sector in the context of the country visit to North Macedonia. See also: Safejournalists.net (2023), North Macedonia: Indicators for the degree of media freedom and journalists’ safety in 2022. “Journalists and media workers say that the biggest problem is the fact that media owners have a different core business, which is not media work. Most often, other companies are behind the outlet, which, in turn, are bound by tenders with ministries and institutions and from that aspect there are taboo topics for certain media outlets.”

¹⁴⁶ Law on media and audiovisual services.

¹⁴⁷ Audiovisual Media Services Directive (EU) 2018/1808.

¹⁴⁸ The so-called ‘EU flag’ procedure, see details below, p.22.

¹⁴⁹ The head of the media regulator, the Agency for Audio and Audiovisual Media Services (AVMU) and the president of the State Commission for the Prevention of Corruption shared concerns publicly, see report from Prizma (2024), Risk of misuse of election advertising money. See also 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹⁵⁰ Information received from the **Agency for Audio and Audiovisual Media and from Association of Journalists of Macedonia** in the context of the country visit to North Macedonia. See also 2024 Media Pluralism Monitor, country report for North Macedonia, pp. 34-35, 37.

¹⁵¹ Idem.

potential for political misuse of funds, given that an *ad hoc* parliamentary body is proposed to determine the allocation for “state campaigns”, which lack a clear definition¹⁵².

The Public Service Broadcaster faces challenges. The mandate of the public service broadcaster, the *Macedonian Radio Television*, is specified in the Law on audio and audiovisual media services¹⁵³. It broadcasts via five different channels¹⁵⁴. The MPM 2024 points to a medium risk regarding the political independence of the media and editorial autonomy¹⁵⁵. The lack of appointments in the Programme Council of the public service broadcaster remains a source of concern, as they have been pending since December 2018, given Parliament’s failure to reach political consensus, as a two-third parliamentary majority is required¹⁵⁶. Reform of the public service broadcaster is required to make it more modern and competitive, and strengthen its independence, professional standards and financial sustainability¹⁵⁷. Funding for the organisation had not been stable, creating uncertainty in planning¹⁵⁸. For now, no solution has been found to the long-standing debts of the organisation towards the state which endangers the sustainability of the broadcaster¹⁵⁹.

The Agency for Protection of Free Access to Public Information ensures access to public information despite limited resources, while there are concerns regarding refusals and delays. The citizens’ right to access public information is embedded in the Constitution and secondary legislation¹⁶⁰. The Agency for Protection of Free Access to Public Information processes lodged appeals and monitors information holders, despite limited funding¹⁶¹. On average, there have been 8 500 requests for public information annually in the past three years¹⁶². Stakeholders expressed concerns that the protection of personal data is often used as a blanket reason to refuse access to documents and the delay for obtaining the information is too long, especially for journalists who work on tight deadlines¹⁶³. The MPM 2024 confirms that while the legal protection of the right to information carries a low risk, public administration is not sufficiently responsive in giving access to information in practice¹⁶⁴.

¹⁵² Media outlet founded by the Balkan Investigative Reporting Network. See: Prizma (2024), Media reforms: to the right, around and back.

¹⁵³ Law on media and audiovisual services.

¹⁵⁴ MRT 1 – Macedonian language channel; MRT 2 – Albanian language channel; MRT 3 – channel broadcasting sports and entertainment; MRT 4 – channel in other minorities languages (such as Turkish, Serbian, Romany, Vlach and Bosnian); MRT 5 – channel for children; MRT Sobraniski Kanal – broadcasts the activities of the Assembly of North Macedonia.

¹⁵⁵ 2024 Media Pluralism Monitor, country report for North Macedonia, p. 18 and 20. 2024 MPM underlines “clientelist practices between political parties in power and the largest audiovisual media, which expose vulnerabilities for a potential political control over these media”.

¹⁵⁶ Idem; The Law on audio and audiovisual media services; Article 108 – Appointment of members of the Programming Council of MRT. The Assembly of the Republic of North Macedonia appoints the members of the Programming Council of MRT with a two-thirds majority of votes from the total number of deputies, ensuring that there is a majority of votes from the total number of deputies belonging to communities that are not a majority.

¹⁵⁷ 2023 Communication on EU Enlargement policy, North Macedonia Report, pp. 6, 29 and 30.

¹⁵⁸ 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹⁵⁹ 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹⁶⁰ Articles 4, 12 and 21 of Law on Free Access to Public Information (Official Gazette No. 101/19).

¹⁶¹ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 16.

¹⁶² 2023 Screening report North Macedonia, Cluster 1 – Fundamentals.

¹⁶³ Information received from stakeholders in the media sector in the context of the country visit to North Macedonia.

¹⁶⁴ 2024 Media Pluralism Monitor, country report for North Macedonia, p. 13.

Legislative measures have enhanced the legal safeguards for the protection of journalists, however threats and acts of violence against journalists have been noted. The Council of Europe Platform to promote the protection of journalism and safety of journalists, has published 99 alerts since July 2023. With the reform of the Criminal Code in February 2023¹⁶⁵, journalists have been awarded special protection through their identification as a protected group, akin to public officials, thereby empowering the Public Prosecutor's Office to initiate proceedings on its own initiative when a journalist or media worker is attacked. A dedicated public prosecutor has been appointed¹⁶⁶. Those convicted of perpetrating physical violence or acts of intimidation against journalists are now subject to more severe penalties. To further support journalists facing digital threats, the Ministry of Interior designated a liaison officer within the Cybercrime Unit¹⁶⁷. In 2023, the authorities registered seven cases in which journalists or media workers appear as injured persons and judicial steps were taken¹⁶⁸. Furthermore, journalists and editors no longer perceive civil defamation laws as a significant risk to investigative journalism following the 2022 amendments to the Law on Civil Liability for Insult and Defamation, which significantly reduced the potential non-pecuniary damages imposed on media outlets and journalists in defamation lawsuits¹⁶⁹. These amendments limit the ability of influential individuals to initiate Strategic Lawsuits Against Public Participation (SLAPPs) against media organisations and journalists and decreased the fines applied in cases of defamation. However, a mechanism to support targets of SLAPPs is lacking¹⁷⁰. In 2023, the Association of Journalists registered six cases of SLAPP lawsuits¹⁷¹. Beyond safety¹⁷², the overall precarious labour and economic conditions of journalists and media workers are identified as a reason of concern¹⁷³. The MPM 2024 reports a medium risk for journalistic profession, standards, and protection¹⁷⁴.

¹⁶⁵ Official Gazette 188/2023.

¹⁶⁶ Input from North Macedonia for the 2024 Rule of Law Report, p. 25.

¹⁶⁷ 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹⁶⁸ According to the authorities, in 2023 in four cases the procedure has been fully implemented and a verdict has been pronounced against the perpetrators of the crimes and the remaining three cases are in the pre-investigation stage. Input from North Macedonia for the 2024 Rule of Law Report, p. 25.

¹⁶⁹ *Association of Journalists of Macedonia* (2023), *Media Freedom in North Macedonia: Fragile Progress Fact-finding press freedom mission report*, p. 10.

¹⁷⁰ 2023 Screening report North Macedonia, Cluster 1 – Fundamentals; 2024 Media Pluralism Monitor, country report for North Macedonia, p. 13.

¹⁷¹ One notable defamation judgment widely characterised as a SLAPP case was registered concerning investigative journalists of a not-for-profit media organisation. See: *Association of Journalists of Macedonia* (2023), *How to ensure more effective protection from strategic lawsuits against public participations (SLAPPS)?*, 2024 Media Pluralism Monitor, country report for North Macedonia, p. 12, 28, *Media freedom Rapid Response* (2023), Judge recommends closing the investigative media outlet Investigative Reporting Laboratory (IRL) and *Media Freedom Rapid Response* (2023), Judge Jovanka Spirovska Paneva rules against IRL in defamation case.

¹⁷² Since July 2023, the Mapping Media Freedom platform by the European Centre for Press and Media Freedom has registered six incidents involving intimidation/threatening or injury (physical assault resulting in injury). Cases of online and offline harassment and verbal attacks, especially on social media and increasing against female journalists was also noted by the European Civic Forum (2024), *Civic Space Report 2024 – Western Balkans* (Balkan Civil Society Development Network), pp. 337-338.

¹⁷³ 2023 Communication on EU Enlargement policy, North Macedonia Report; 2024 Media Pluralism Monitor, country report for North Macedonia, p. 13.

¹⁷⁴ 2024 Media Pluralism Monitor, country report for North Macedonia, p. 13.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

North Macedonia is a unicameral parliamentary democracy where the Parliament holds the legislative power and elects the Government and other high-ranking officials¹⁷⁵. The executive power¹⁷⁶ is headed by the Prime Minister. The President who is directly elected every five years, signs laws, and has suspensive veto power¹⁷⁷, which can be overridden by a parliamentary majority¹⁷⁸. Every member of Parliament, the Government, or at least 10 000 citizens have the right to propose a law for adoption. The Constitutional Court is competent to assess the constitutionality and legality of acts¹⁷⁹. The Ombudsperson, who is elected by Parliament, is tasked with the promotion and protection of human rights and fundamental freedoms and assumes the function of the National Human Rights Institution¹⁸⁰. Other independent and regulatory bodies in the field of human rights include the Commission for Prevention and Protection against Discrimination and the Data Protection Agency.

Political polarisation in Parliament has caused delays in its work and led to the excessive and sometimes inappropriate use of accelerated legislative procedures. In light of the strong polarisation, challenges remain in terms of efficiently planning in the law-making process. The blocking of parliamentary work, including for lack of dialogue, has led to delays in the parliament's legislative agenda, and in important appointments, including for judges to the Constitutional Court, and Deputy Ombudspersons¹⁸¹. At the same time, there has been a concerning increase in the use of accelerated parliamentary procedures and in particular, the so-called 'EU flag' procedure¹⁸². While the 'EU flag' procedure should only apply to legislative changes with the primary purpose to align them with the EU *acquis*, it has also been applied to legislative initiatives that did not fulfil this criterion¹⁸³. This meant that wide-ranging legislative changes were adopted within days of being tabled in Parliament, and without public consultation or impact assessment, thus restricting public and parliamentary scrutiny and undermining the quality and legitimacy of legislation. To address some of these

¹⁷⁵ Among others, the parliament appoints judges of the Constitutional Court, and the Ombudsman.

¹⁷⁶ The functioning and competences are defined in Chapter III of the Constitution, i.e. Articles 88, 89, Amendment XXIII, 90, 91, 92, 93, 94, 95, 96 and 97.

¹⁷⁷ Role and mandate of the President are defined in Articles 79, 80, and 84 of the Constitution.

¹⁷⁸ Art 75 of the Constitution.

¹⁷⁹ Articles 108, and 110 of the Constitution.

¹⁸⁰ The Ombudsperson is accredited with B status by the Global Alliance of Human Rights Institutions (2023), Chart of the status of national institutions – Accreditation status as of 2011.

¹⁸¹ The Constitutional Court is now in full composition following the appointments in February 2024. Outstanding appointments are six Deputy Ombudspersons.

¹⁸² There are different types of legislative procedures: regular, urgent, shortened, and the "EU flag procedure". Urgent procedures are intended for enactment of laws during crises, while the shortened procedure is intended for less complex draft laws, the termination of the validity of a law or its provisions, or for minor interventions for harmonisation with the EU *acquis*. The EU flag procedure is used for acts transposing the EU *acquis* into national law and are dealt with by the European Affairs Committee in Parliament instead of the otherwise competent parliamentary committee. Article 79.2, 135.5, 171-a to 171-d of the Rules of Procedure. From January 2022 to 15 June 2023, 51 laws were adopted by regular procedure and 86 under a shortened procedure, with an increase in the ratio of shortened procedures from 38% to 58%. See also: 2023 Communication on EU Enlargement policy, North Macedonia Report.

¹⁸³ The 'EU flag' procedure was inappropriately used to amend the Criminal Code, introducing lower penalties for corruption, and to amend laws on labour relations, expropriation, urban planning, construction, and highways. Notably concerning the amendments to the Criminal Code, the majority of amendments were not directed at aligning with EU *acquis*, and the amendments were strongly criticised, including by the EU Commission, as they negatively affect ongoing high-level corruption cases.

issues, new Rules of Procedure for Parliament have been adopted, which include provisions aimed at enhancing Parliamentary oversight and efficiency, and to strengthen the Parliament's role in deciding on the use of the accelerated procedures. Following the general election in May 2024, the new rules of procedure entered into force with the constitutive session of the new parliament¹⁸⁴.

Shortcomings remain in the implementation of the processes for inclusive and evidence-based policymaking. A national electronic consultation system allowing stakeholders to participate in public consultations is in place, but only a limited number of draft laws are published on the platform¹⁸⁵. Impact assessments are legally required, but their implementation remains inconsistent and of limited quality. In 2022, 54% of the draft laws submitted by the Government to Parliament had undergone an impact assessment, and of these, only 37% were published on the electronic consultation platform¹⁸⁶. Stakeholders have indicated that impact assessments are carried out as a formality rather than as a genuine evaluation of potential impacts, with efforts for improvement focused on budgetary impact¹⁸⁷. Shortcomings also remain concerning the quality of legislative drafting and consistency within the legislative framework¹⁸⁸. The high frequency of amendments to the same laws leads to legal uncertainty and hinder their implementation¹⁸⁹.

On 1 January 2024, North Macedonia had 13 leading judgments of the European Court of Human Rights pending implementation¹⁹⁰. At that time, North Macedonia's rate of leading judgments from the past ten years that remained pending was at 29%, and the average time that the judgments had been pending implementation was 3 years and 9 months¹⁹¹. The oldest leading judgment, pending implementation for more than 14 years, concerns violations of the applicant's right to liberty on account of the lack of concrete and sufficient grounds for his detention¹⁹². As regards the respect of payment deadlines, on 31 December 2023 there

¹⁸⁴ Rules of Procedures of the Parliament were adopted November 2023 (Official Gazette No.248/2023) The revisions concern issues related to the organisation of constitutive session, greater governmental oversight, public hearings, the parliamentary calendar and procedures for 'EU-flagged' laws.

¹⁸⁵ The Single National Electronic Register of Regulations (ENER) is the main tool for consultation on legislative proposals prior to their submission in Government procedure, with a deadline of 20 days for comments. North Macedonia reports that 40% of drafts were published on ENER. Both mark a sharp decrease from 2018 where the figure stood at 86%.

¹⁸⁶ 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, pp. 25-26.

¹⁸⁷ Information received from civil society in the context of the country visit to North Macedonia, see also: 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 14.

¹⁸⁸ 2023 Communication on EU Enlargement policy, North Macedonia Report, p. 15.

¹⁸⁹ In 2022, 25% of new laws adopted in 2020 had to be amended within a year. 2023 Screening report North Macedonia, Cluster 1 – Fundamentals, p. 25-26.

¹⁹⁰ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

¹⁹¹ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network on Enlargement Countries for the 2024 Rule of Law Report, p. 2.

¹⁹² Judgment of the European Court of Human Rights of 28 October 2010, *Vasilkoski and Others v. the former Yugoslav Republic of Macedonia group of cases*, 28169/08, pending implementation since 2010.

were 9 cases in total awaiting confirmation of payments (compared to 3 in 2022)¹⁹³. On 1 July 2024, the number of leading judgments pending implementation had increased to 17¹⁹⁴.

The Office of the Ombudsperson is under-resourced, and challenges for the systematic follow-up to its findings and recommendations remain. Despite its extended mandate¹⁹⁵, the Office lacks financial and human resources to function independently and effectively¹⁹⁶. The budget of the Ombudsperson Office is approved by the executive, which was indicated by the Office as having a negative impact on its independence. Only four out of the ten foreseen Deputies are in office¹⁹⁷. The Office has suffered from a lack of support staff and has been unable to fill vacancies, arguably as a consequence of the low salaries¹⁹⁸. In 2022, the Office dealt with 3 482 complaints, and it referred 120 cases to judicial bodies and was still awaiting a response for about half of these cases¹⁹⁹. Both the Parliament and the Government have seen delays on the follow up to the Ombudsperson’s recommendations²⁰⁰.

Civil society organisations operate overall in an enabling environment, but challenges remain to ensure sustainable civil society engagement in policymaking. While the civic space has been rated as “narrowed”²⁰¹, civil society is recognised by the state institutions as a key component of the democratic system²⁰², and a Strategy for Cooperation with and Development of the Civil Society and its accompanying Action Plan for 2022-2024 were adopted to strengthen the sector and to provide means to support Civil Society organisations’ (CSOs) involvement in policy making. However, shortcomings remain with regard to their

¹⁹³ Council of Europe (2024), Supervision of the execution of judgments and decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 138.

¹⁹⁴ Data according to the online database of the Council of Europe (HUDOC).

¹⁹⁵ The Ombudsperson mandate encompasses the National Preventive Mechanism, Civil Control Mechanism, National Rapporteur on human trafficking and illegal migration, and Mechanism for monitoring the United Nations Convention on the Rights of Persons with Disabilities implementation. Official Gazette no. 52/1991 (and later amendments) and Official Gazette no. 60/2003, from 10/09/2003.

¹⁹⁶ Information received from the Ombudsperson’s Office in the context of the country visit to North Macedonia. See also Annual Report Ombudsperson Office (2023). 2023 Communication on EU Enlargement policy, North Macedonia Report. P. 35.

¹⁹⁷ Following a protracted procedure by the Parliament to appoint five Deputy Ombudspersons, the Ombudsman withdrew the names proposed and a new vacancy was published in May 2023. The appointments remained pending, and the procedure was suspended during the 2024 elections period.

¹⁹⁸ Information received from the Ombudsperson’s Office in the context of the country visit to North Macedonia.

¹⁹⁹ In 2022, the Office dealt with 3 482 complaints of which 3 209 had been received in 2022 and 273 had been rolled over from the previous year. Based on these, the Office initiated 2 173 procedures. Violations were confirmed in 683 cases (31.43% of all cases). Amongst the Office’s other activities, it referred 120 cases to higher instances (17.57% of the total) and was still waiting for a response in 57 cases (8.35% of the total). 2023 Communication on EU Enlargement policy, North Macedonia Report. P. 27.

²⁰⁰ Information received from the Ombudsperson’s Office in the context of the country visit to North Macedonia. See also: Annual Report Ombudsperson Office (2023). The Ombudsman Office provides recommendations in its annual report to the parliament, which is tasked to develop measures and submit these to the government. The government in turn should provide bi-yearly reports on the follow-up. However, shortcoming with the implementation for these provisions remain, as only one government report was adopted so far. While the Ombudsman Office submits its report in due time, the process to adopt measures in the parliament is delayed which allows the government to bypass the provisions to provide a 6-monthly report.

²⁰¹ Rating by CIVICUS; on a five-category scale defined as: open, narrowed, obstructed, repressed and closed. Civicus (2023), Monitor tracking civic space- North Macedonia.

²⁰² Government of North Macedonia (2022), Strategy of cooperation with and development of civil society 2022-2024.

implementation. The Council for Cooperation between the Government and Civil Society²⁰³, which is the primary structural channel for consulting and involving civil society in policy dialogue and decision-making²⁰⁴, met four times in 2022, but its composition is still incomplete, as CSOs have been boycotting the Council's work since March 2022²⁰⁵. Their refusal to participate stems from the government decision to transfer competence over allocation of funds for CSOs from the General Secretariat to the Ministry of Political System and Relations among the Communities, which meant a reduction of funding to CSOs that fall outside the mandate of this Ministry. CSOs criticise the lack of transparency in the Government's decision and consider that it is not in line with the strategy's objective to increase the support and provide clear and objective mechanism to award public funds to CSOs²⁰⁶.

²⁰³ Council for Cooperation is an advisory body of the Government for improving the cooperation, dialogue and encouraging the development of civil society which includes 31 members: 15 civil servants 21 and 16 CSO representatives which are nominated through an election by CSOs.

²⁰⁴ Participation of CSOs in the policy-making process is provided for in the Rules of Procedure of the Government (Article 68 and Article 68-a), in the Code of good practices for participation of CSOs in policy-development process, in the Methodology for regulatory impact assessment and in Guidelines for ministries implementing the regulatory impact assessment.

²⁰⁵ European Civic Forum (2024), Civic Space Report 2024 – Western Balkans (Balkan Civil Society Development Network), pp. 342-343.

²⁰⁶ Ibidem. Information received from civil society in the context of the country visit to North Macedonia.

Annex I: List of sources in alphabetical order*

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Annex II: Country visit to North Macedonia

The Commission services held hybrid and virtual meetings in March 2024 with:

- Academy for Judges and Prosecutors
- Administrative Court
- Agency for Audio and Audiovisual Media Services
- Agency for the Protection of Free Access to Public Information
- All for Fair Trials
- Association of Journalists
- Association of Judges
- Association of on-line media; RESIS Institute
- Association of Prosecutors
- Bar Association
- Center for Civil Communication
- Center for Legal Research and Analysis / Центар за правни истражувања и анализи
- Constitutional Court
- Council of Media Ethics
- Council of Public Prosecutors
- EUROJUST liaison prosecutor
- European Policy Institute
- German Foundation for International Legal Cooperation e.V. (IRZ)
- Independent Trade Union of Journalists and Media Workers;
- Institute for Democracy “Societas Civilis”
- Institute for Human Rights
- Judicial Council
- Judicial Media Council
- Meeting with the experts of the “EU Support for Rule of Law” IPA Project
- Ministry of Interior
- Ministry of Interior, Department of Cybercrime and Digital Forensics
- Ministry of Justice
- Ombudsperson Office
- OSCE Mission to North Macedonia
- Parliament (Legislative Commission & Legislative Unit)
- Public Prosecution Office – Prosecutor who monitors the proceedings in response to attacks on journalists
- Public Prosecutor’s Offices (PPOs)
- Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (OCCPPO)
- Public Service Broadcaster (MRTV)
- State Audit Office
- State Commission for Prevention of Corruption (SCPC)
- Supreme Court
- *Transparency International – Macedonia*