

# Franet National contribution to the Fundamental Rights Report 2022

## NORTH MACEDONIA

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## Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<b>New equality body established and started operating:</b> <a href="#">There was no equality body</a> since August 2019. A selection process of the new members of the equality body was completed in January 2021. The body started operating soon thereafter.
EU Charter of Fundamental Rights	<b>No developments in 2021.</b>
Equality and non-discrimination	<b>Legal gender recognition procedure:</b> Proposed <a href="#">draft amendments to the Law on Matricular Registration Records</a> specifying a legal gender recognition have reached the Parliament. <b>New strategic framework on LGBTI Persons:</b> The drafting of the <a href="#">National Action Plan on the Rights of LGBTI Persons</a> continued, after significant delays due to the COVID pandemic and two election cycles.
Racism, xenophobia & Roma integration	<b>New strategic framework drafting:</b> The Strategy on Equality and Non-discrimination, Strategy on Roma and National Action Plan on Roma Women all expired in 2020. The new <a href="#">Strategy on Roma</a> and <a href="#">National Action Plan on Roma Women</a> are already drafted and were subject to public discussion, whereas there is still no publicly shared information on the Strategy on Equality and Non-discrimination.
Asylum & migration	<b>Strengthening of legal and strategic framework.</b> A <a href="#">new draft law on foreigners</a> is in consultation procedure. The <a href="#">National strategy and action plan for combating trafficking in human beings and illegal migration (2021-2025)</a> was adopted.
Data protection and digital society	<b>Further alignment of national legislation European standards on data protection and privacy.</b> The <a href="#">Law on the Ratification of the Protocol for Amendment of Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data</a> was adopted.
Rights of the child	<b>Improved procedures for inter-sectoral cooperation on protection of child victims.</b> <a href="#">Protocol for manner of taking actions by the inter-sectoral team for the protection of child victims of abuse, neglect and violence</a> was adopted.
Access to justice, including victims of crime	<b>New legal framework on gender-based violence:</b> <a href="#">Law on prevention and protection from violence against women and domestic violence</a> adopted in January 2021 is the first law in the country to address gender-based violence and all forms of violence against women, regulate the concept of "consent" in rape and sexual violence, and introduce reintegration of women victims of violence.

Convention on  
the Rights of  
Persons with  
Disability

**Strengthened partnerships on CRPD monitoring at national level.** A National Monitoring Framework for strategic partnership between the Ombudsperson, as a national human rights institution, and the people with disabilities, OPDs, and civil society was formally launched by signing a [Memorandum for Cooperation](#).

# Chapter 1. Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

There were two key developments in 2021 in relation to this chapter. The first was the appointment of the members and the start of work of the national equality body – the Commission for Prevention and Protection against Discrimination (CPPD) and of the Ombudsperson, who also has an equality mandate. The second was the proposal for amendments to the national Law on Matricular Registration Records providing for a process for legal gender recognition.

Regarding the first, the new Law on Prevention and Protection against Discrimination (ADL), adopted in October 2020, foresaw the establishment of the CPPD (Chapter III of the ADL). A successor of the Commission for Protection against Discrimination, which was operating until mid-2019, the CPPD has a clear legal status and mandate to prevent and protect against discrimination based on nationality, sexual orientation and gender identity. It also has a mandate to deal with “other grounds”, thus sex characteristics can be considered to fall within its scope of work.

The appointment process was tainted by several developments. First, to much dissatisfaction of the opposition, the Parliamentary majority refused to conduct an administrative check of the applicants and to state which applicants satisfy the minimum criteria stated in the ADL. Second, as a result of the former, some of the appointed members did not satisfy the minimum criteria stated in the ADL. Third, while the opening of the appointment process via a public hearing is laudable, it happened within a very small time window, including a session for selecting the seven applicants to be proposed for appointment by the competent parliamentary body during the New Year’s holiday and which lasted less than ten minutes in total and included almost no debate at all.

The establishment of the body faced obstacles. First, less than a month after the appointment of the members, one of them resigned due to private reasons, leaving one slot in the CPPD vacant. The Parliament published the call for filling in the emptied spot a few months after this resignation. It conducted a public hearing in July 2021. Contrary to the deadlines stated in the ADL, it had not selected the seventh member by the end of 2021. Second, the initially allocated space for office for the equality body was reallocated for other purposes due to the delay of its establishment. The CPPD members worked “from home” for the first few months, until June 2021. Third, the establishing of the body as a legal person by the commissioners was done with little to no support from anyone, including financial support. Fourth, further material and human resources for the body to operate

are needed. The former are currently being secured only through donations for office equipment, whereas for the latter the process is moving slowly due to procedural obstacles on recruitment of new employees with a civil servant status and limitations as to the number of people the body can recruit in the first year. Recruitment through alternative venues, such as takeover of staff from other institutions are currently underway.<sup>1</sup> In spite of this, the CPPD submitted its first two quarterly reports to the Parliament, as prescribed by the ADL.<sup>2</sup> In terms of number of cases, the CPPD is dealing with a backlog of 78 cases and had received 52 new cases up to September 2021). Ethnicity is the most reported ground, whereas sexual orientation and gender identity are included in 7 cases. As a single ground, gender identity discrimination was claimed in two cases, and sexual orientation discrimination in one case. In one case, these two grounds were raised together. In three cases these two grounds were raised together and alongside social origin, belonging to a marginalised group and sex. Discrimination is most reported in the field of access to public goods and services, followed by "labour and labour relations" and "education, science and sports". The CPPD has also used its new competence – *amicus curiae* – in a case pertaining to discrimination on grounds of disability in access to polling places (see Chapter 8) and an *actio popularis* on Roma segregation in schools (see Chapter 3). Furthermore, it published an expert opinion on the publicly divisive debate over a proposal for entering the ethnic affiliation/origin in personal ID cards.<sup>3</sup> The CPPD also started to exercise its competence to adopt general recommendations (See chapter 8).

Apart from the CPPD, in 2021, a new Ombudsperson was appointed. The previous Ombudsperson occupied the position for several months after their mandate expired (September 2020) before the Parliament published the vacancy announcement for this position (26 November 2020). To open dismay by CSOs, this announcement was done in secret and was not published on the website of the Parliament. Only four persons applied, including the candidate announced by one of the governing political parties as their candidate. On January 11, 2021, the Commission on Elections and Appointments Issues held a session that was not

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<sup>1</sup> Consultation with an equality body member (25.12.2021).

<sup>2</sup> Commission on Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) (2021), [Report on the Activities of the Commission on Prevention and Protection against Discrimination \(CPPD\) for the period January – May 2021](#) (Извештај за работењето на Комисијата за спречување и заштита од дискриминација (КСЗД) за периодот јануари – мај 2021 година); [Report on the Activities of the Commission on Prevention and Protection against Discrimination \(CPPD\) for the period June – September 2021](#) (Извештај за работењето на Комисијата за спречување и заштита од дискриминација (КСЗД) за периодот јуни – септември 2021 година), Skopje, *Official website of the Commission on Prevention and Protection against Discrimination*.

<sup>3</sup> Commission on Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) (2021), [Report on the Activities of the Commission on Prevention and Protection against Discrimination \(CPPD\) for the period January – May 2021](#) (Извештај за работењето на Комисијата за спречување и заштита од дискриминација (КСЗД) за периодот јануари – мај 2021 година) Skopje, *Official website of the Commission on Prevention and Protection against Discrimination*.; p.10-12.

announced to the public beforehand. There was no public hearing nor publishing of the biographies of the four candidates. On the same session this commission adopted a draft-decision proposing appointment of the aforementioned candidate of one of the political parties. On January 25th, 2021, with criticism by the parliamentary opposition, the candidate was appointed as Ombudsperson.<sup>4</sup>

The second key development in 2021 was the proposal for amendments to the national Law on Matricular Registration Records providing for a process for legal gender recognition.<sup>5</sup> This was not legally regulated until now, due to which the European Court for Human Rights found North Macedonia to be in violation of Article 8 of the European Convention on Human Rights in the case X vs North Macedonia (Application no. 29683/16, 17.01.2019). The proposal provides for a process which will require two main things: for the person not to be married, and for the person to give a statement certified in front of a competent notary that they are not requesting the change in order to avoid a judicial process or serving a sentence. The proposal explicitly states that it will not require of the applicants any proof for scheduled, started or completed medical confirmation intervention. Although the amendments were put forward to the parliament in April 2021, they have still not been adopted; a high government official attributed this to the proximity of the local elections and stated the law will be adopted immediately following the local elections.<sup>6</sup> On 17 November 2021, the Interparty group on LGBTIQ persons in the national Parliament, in cooperation with the Council of Europe, hosted a round table focused on legal gender recognition. On this occasion, besides CSO representatives, three trans\* persons shared their lived experiences. This was the first time a trans\* person spoke in the Parliament.

In addition to these two developments, two processes are underway and worth noting. First, the long awaited National Action Plan on the Rights of LGBTI Persons has still not been adopted. The working group was meeting in the last two years, but no draft text has been put up for public discussion and/or passed to the Government for adoption yet.<sup>7</sup> The strategy on equality and non-discrimination expired in 2020. Up to the time of writing of this report, the text was being drafted with May/June 2022 as an expected adoption date.<sup>8</sup> Second, the harmonisation of national legislation is an obligation under Article 48 of the ADL. A process of assessment of the national legislation against the ADL for harmonization is underway. The analysis containing specific recommendations for amending a

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<sup>4</sup> The documents from the process are now accessible at: Assembly of the Republic of North Macedonia, <https://www.sobranie.mk/>.

<sup>5</sup> Assembly of the Republic of North Macedonia (Собрание на Република Северна Македонија), [\*Draft law for amendments and additions to the Law on Matricular Registration Records\*](#) (Предлог на закон за изменување и дополнување на Законот за матичната евиденција).

<sup>6</sup> [\*Speech to the Parliamentary Assembly of the Council of Europe by Nikola Dimitrov, Deputy Prime Minister for European Affairs\*](#), 30 September 2021, Official Website of the Council of Europe

<sup>7</sup> E-mail consultation with CSO representative (28.12.2021).

<sup>8</sup> E-mail consultation with a representative of the Ministry of Labour and Social Policy, (30.12.2021).

number of laws in the fields of employment, education, social protection and media was completed with support by the Council of Europe/European Union Horizontal Facility project.<sup>9</sup> This analysis should serve as basis for a series of proposals for amendments to these laws during 2022. According to the deadline stated in the abovementioned article from the ADL, this process should finish by 30 October 2022.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people**

North Macedonia progressed on the ILGA Rainbow Map. It is currently ranked 31 out of 49 countries. It has been evaluated to fulfil 27% of the criteria (i.e. rights) monitored by ILGA and its partners.<sup>10</sup> The progress can largely be attributed to the adoption and entry into force of the ADL.

A research by the Network against Discrimination, a network of CSOs providing free legal aid in discrimination cases covering all grounds from the ADL (including race, ethnicity, sexual orientation, gender identity, gender, disability, age, etc), on the impact of the COVID-19 pandemic on marginalized groups included LGBTI persons as one group (others were persons that use drugs, sex workers, to name a few). The data shows that LGBTI persons are not well informed of and/or have not used the economic measures for assistance introduced by the government (such as, for example, support for self-employed persons, extension of bank loan due dates, etc). 12% of LGBTI persons consider that the way the eligibility criteria for using these measures were set rendered them ineligible,<sup>11</sup> although the study did not collect data on the specific discriminatory aspects raised by the respondents. Apart from the financial consequences, 64% of the LGBTI respondents reported facing problems of a non-economic nature during the pandemic, such as domestic violence, childcare challenges, restrictions to freedom of movement. The survey was conducted via qualitative in-depth interviews with 127 interviewees, 19.7% out of whom were LGBTI. The sample was purposeful, whereas all interviewees belonged to one of the groups covered by the members of the Network.

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<sup>9</sup> Text of the analysis on file with author.

<sup>10</sup> ILGA, [Rainbow Europe 2021 - Report on North Macedonia](#).

<sup>11</sup> Coalition Margins, [Human Rights of Marginalised Communities during the COVID-19 pandemic: Report from the Research on the Impact of the COVID-19 Measures on the Human Rights of Marginalised Communities](#) (Човековите права на маргинализираните заедници во услови на Ковид-19: Извештај од истражувањето на влијанието што мерките за справување со Ковид-19 го имаат врз човековите права на маргинализираните заедници), (February 2021)



With regards to the ground of nationality, we note that in the national context “nationality”, as understood in EU law, is referred to as “citizenship”.<sup>12</sup> Since North Macedonia is an EU candidate country, it does not collect any data specifically on EU citizens.

## **Chapter 2. Racism, xenophobia and related intolerance**

### **2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime**

The Balkan Barometer survey includes some questions of interest to aspects covered in this chapter. When asked if they agree with the statement “the Government should do more in order to ensure better housing conditions” for persons from specific groups, a large percentage answered that they totally disagree or tend to disagree when it comes to displaced persons or refugees (38%), Roma (26%), and other minorities (30%). The results for the entire Western Balkans region, not segregated by country, show large intolerance towards Roma. For example, 39% would be uncomfortable or somewhat uncomfortable to rent housing to Roma, 33% to invite Roma to their house, and an astonishing 68% would be uncomfortable or somewhat uncomfortable to marry a Roma or to have their children marry a Roma. The results for North Macedonia are similar to the region’s average ones – 38% would be uncomfortable or somewhat uncomfortable to rent housing to Roma, while 71% would be uncomfortable or somewhat uncomfortable to marry a Roma or to have their children marry a Roma. However, overall, North Macedonia seems to exhibit the most tolerant and accepting attitudes towards Roma compared to the countries in the region, alongside Montenegro.<sup>13</sup> The Balkan Barometer is a regular annual survey conducted by the Regional Cooperation Council. Its last, 2021 edition, was published in June and it presents data gathered during the period December 2020 – February 2021. It was conducted via personal household interviews using computer-assisted personal interviewing (except for Serbia where due to the COVID-19 measures the survey was conducted via telephone). According to the

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<sup>12</sup> For a detailed explanation on the origin and content of the terms “citizenship” and/vis-a-vis “nationality” in the national context, see: Biljana Kotevska, Country Report – Non-discrimination 2021, (European Commission and European Equality Law Network) <https://www.equalitylaw.eu/downloads/5491-north-macedonia-country-report-non-discrimination-2021-1-11-mb>, p.45.

<sup>13</sup> Regional Cooperation Council (June 2021), *Balkan Barometer – Public Opinion Report 2021*, Regional Cooperation Council, p.91.

methodology note in the report, the survey “was conducted among N=1000 respondents in each economy, aged 18+ with the total of 6,000 respondents from the entire Western Balkans region”.<sup>14</sup>

With regards to hate speech, regular monitoring and informing of the public is done only by CSOs. In particular, the Macedonian Helsinki Committee does a regular and thorough reporting across all grounds of discrimination. Within the national context, hate speech is most frequent on the grounds of ethnicity that includes, but is not limited to Roma. Inter-ethnic tensions often manifest as hate speech, mainly online, but occasionally also offline. For example, a February 2021 case of incitement of hatred on grounds of nationality/ethnicity caused a public stir when the participants at a public protest related to a court case shouted hate messages on grounds of ethnicity. The court case was about a multiple murder case where five ethnic Macedonians were killed on Maundy Thursday in 2012. Five ethnic Albanians stood trial for the murders and, in 2015, for a crime qualified as “terrorism” and were sentenced to life imprisonment, a verdict later rebutted by the Supreme Court (in 2017). The protest on the 29.01.2021 was organized during the re-trial of the case. Protesters claimed that the accused were deliberately framed for the murder in order to make it look like an inter-ethnic killing. However, the protests took a violent turn<sup>15</sup> and included chanting registered by the Macedonian Helsinki Committee as inciting violence and hatred on grounds of nationality/ethnicity.<sup>16</sup>

The Macedonian Helsinki Committee noted increase in the hate speech on grounds of ethnicity on social media in relation to the legislative proposal for changes in the law on personal identification documents in the period February-March 2021. This proposal was put forward by two MPs, ethnic Albanians, and foresaw that all IDs will contain a slot which would state the ethnicity of the person. Following disagreement by human rights organisations,<sup>17</sup> and a negative opinion by the Commission on Prevention and Protection against Discrimination,<sup>18</sup> the proposal was not acted upon.

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<sup>14</sup> The survey itself has a very wide scope, and covers a number of areas, from social inclusion to transport and international cooperation.

<sup>15</sup> Deutsche Welle in Macedonian, 29 January 2021, [Protest for Monster: demonstrations, broken windows, insults for Fatime Fetaj](#) [Протест за „Монструм“: скандирања, скршени прозорци, навреди за Фатиме Фетаи]

<sup>16</sup> Macedonian Helsinki Committee (2021), [Monthly report on human rights in the Republic of North Macedonia](#) [Месечен извештај за човековите права во Република Северна Македонија] (јануари 2021 година), Skopje, Macedonian Helsinki Committee

<sup>17</sup> Macedonian Helsinki Committee (2021), [Legal assessment and opinion on the law for adding a section on ethnic belonging in the personal IDs of the citizens](#) [Правен осврт и мислење во однос на предлогот за додавање на графа за етничка припадност во личните карти на граѓаните], Skopje, Macedonian Helsinki Committee

<sup>18</sup> [The Commission on prevention and protection from discrimination with an opinion on the proposed changes of the Law on identification documents](#), [Комисијата за заштита од дискриминација со стручно мислење за предложените измени на Законот за лични карти] Akademik, April 2021

In April and May 2021, aside from hate speech on grounds of ethnicity – this time related to the announced census of the population, the Macedonian Helsinki Committee noted increased hate speech directed towards Roma.<sup>19</sup>

## 2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

Developments related to the application of the Framework Decision on Racism and Xenophobia, with a focus on hate speech and hate crime, have largely been focusing on the Roma. These are described in the next chapter. (For more details, see Chapter 3).

# Chapter 3. Roma equality and inclusion

## 3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	The process of preparation of the new <b>Strategy for Roma 2022-2030</b> is ongoing. It is led by the Government of North Macedonia through the Advisor for Roma Inclusion, as a National Contact Point for Roma, and in cooperation with the Ministry of Labour and Social Policy, with technical support from the Project "Roma Integration 2020".
Please add a hyperlink if the strategy is publicly available.	A first draft of the Strategy was made publicly available during December 2021.
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify) The draft of the New Strategy for Roma contains headings an assessment of the achievements of the previous Roma inclusion strategy in each of the sections.
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes Partially No

<sup>19</sup> Macedonian Helsinki Committee (2021), [Monthly report on human rights in the Republic of North Macedonia April-May 2021](#) [Месечен извештај за човековите права во Република Северна Македонија (април-мај 2021 година)]. Skopje, Macedonian Helsinki Committee

Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes/No In order to directly and substantially involve CSOs in the preparation, the Government opened a broad <a href="#">Consultation process</a> in May through which interested representatives were invited to be involved with their proposals for measures and activities.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes/No The Commission for Prevention and Protection against Discrimination participated in a preparatory meeting for the concept of the Strategy. All other institutions could provide comments and suggestions on the first draft of the Strategy as per the public call for consultation.
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes/No/Other (please specify)

### 3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

In addition to the ongoing work on the overall Roma strategy, the Ministry of Labour and Social Policy has been preparing the National Action Plan for Roma Women 2022-2025 in line with the Roma Strategic Framework on Equality, Inclusion, and Participation up to 2030, with the support of the Council of Europe/Roma and Travelers Team. In November 2021, the Roma and Travellers Team, Council of Europe and the Ministry of Labour and Social Policy hosted the 8<sup>th</sup> International Roma Women’s Conference “Protecting the human rights and dignity of Roma and Traveller women in time of crisis”.<sup>20</sup>

In February 2021, the Government, with the support of the EU Delegation, launched projects to support Roma under IPA 2, which include activities for legalization of houses, improvement of infrastructure and safe living conditions, repair and reconstruction of homes, employment of young Roma, support for Roma students with after-school tutoring, as well as raising awareness about equal rights and access to health care. There are four grants with a total value of about 3.2 million euros for a period of 3 years in the Roma settlements of the municipalities Prilep, Bitola, Stip, Berovo and Kicevo.<sup>21</sup>

<sup>20</sup> Council of Europe, “[8th international Roma women’s conference](#)”, *Official website of Council of Europe*

<sup>21</sup> North Macedonia, Ministry of labour and social policy (Министерство за труд и социјална политика) “[Zaev and Shahpaska: We are building systemic solutions for the most vulnerable citizens to receive housing, access to health, education and employment](#) (Заев и Шахпаска: Градиме системски решенија за најранливите граѓани да добијат домување, пристап до здравство, образование и вработување)”, *Official website of the Ministry of labour and social policy*, 03 February 2021.

In April, the Ministry of Health announced<sup>22</sup> that the problem with the lack of a gynaecologist in the Municipality of Shuto Orizari had been permanently solved as an agreement was signed with a gynaecologist whose office had previously been equipped by the Ministry, and who would serve about 20.000 women.<sup>23</sup> The medical practice was nonetheless closed at the end of 2021, leaving the women in the municipality once again without appropriate medical care.<sup>24</sup>

On June 16, the new kindergarten "8th of April", with capacity to accommodate 306 children, was officially opened in the Municipality of Shuto Orizari. An additional segment of the facility, which is yet to be completed, would be a Day Care Centre for children at risk.<sup>25</sup>

The Ministry of Health announced that as of 12 July, a new vaccination centre was set up in the Municipality of Shuto Orizari, as a measure to make sure Roma are included in the COVID-19 mass vaccination programme.<sup>26</sup>

In July, Roma MP Ljatife Shikovska submitted amendments to the Law on unregistered persons in the birth registry, which were adopted.<sup>27</sup> The amendments enabled: extension of the term of validity of the law for an additional year, i.e. until 2022; exercise of the right if the person needs to register his/her child who was born in a hospital or at home, that the parent/parents could not exercise in accordance with the law due to lack of documentation; and it stipulates that a person who is registered in the special birth register in accordance with the provisions of the law, after receiving an excerpt from the special birth register and identification document, in addition to the rights to education, health care, social protection and employment with compulsory social insurance, he/she can also exercise the right to an entry in the registry of births-deaths.<sup>28</sup>

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<sup>22</sup> North Macedonia, Ministry of Health (*Министерство за здравство*) "[The problem is permanently solved with family doctor in Shuto Orizari](#) (Трајно решен проблемот со матичен лекар во Шуто Оризари)", *Official website of the Ministry of Health*, 08 April 2021.

<sup>23</sup> Sitel TV, "[Filipce: Nearly 20,000 women received access to primary gynecological health care in Suto Orizari](#) (Филипче: Близу 20.000 жени добија пристап до примарна гинеколошка здравствена заштита во Шуто Оризари)", *Official website of Sitel TV*, 23 April 2021

<sup>24</sup> 24 news (24 Вести): "[After being once again left without a gynaecologist, the women in Shuto Orizari are desperate](#) (Откако Шуто Оризари повторно остана без гинеколог, жените во општината се очајни)", *Official website of 24 News*, 22 December 2021

<sup>25</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија) "[The new kindergarten "April 8" is a modern place for carefree childhood and education of the youngest in the municipality of Suto Orizari](#) (Новата градинка „8 Април“ претставува современо место за безгрижно детство и едукација на најмладите од општина Шуто Оризари)", *Official website of the Government of the Republic of North Macedonia*, 16 June 2021.

<sup>26</sup> North Macedonia, Ministry of Health (*Министерство за здравство*) "[Filipce visits the newly opened vaccination point in Shuto Orizari](#) (Филипче го посети новотворениот пункт за вакцинација во Шуто Оризари)", *Official website of the Ministry of health*, 12 July 2021.

<sup>27</sup> North Macedonia, Assembly of the Republic of North Macedonia (*Собрание на Република Северна Македонија*), "[Draft-law Amending the Law on Unregistered Persons in the Birth Registry, shortened procedure](#) (Предлог на закон за изменување и дополнување на Законот за неевидентирани лица во матичната книга на родени, по скратена постапка)", *Official website of the Assembly*

<sup>28</sup> "[Law on Amendments to the Law on Unregistered Persons in the Birth Registry](#) (Закон за изменување и дополнување на Законот за неевидентирани лица во матична книга на родени)", *Official Gazette of the Republic of North Macedonia* (Службен весник на Република Северна Македонија) No. 178/2021.

On July 26<sup>th</sup>, the Prime Minister marked the launching of a construction of an atmospheric sewer system in the Municipality of Shuto Orizari, undertaken in part with funds from TAV - concessionaire at the airports in North Macedonia.<sup>29</sup>

On July 30<sup>th</sup>, the Government signed two Memoranda of Cooperation. The first one in the amount of 63.800 euros was concluded within the project "COVID – Emergency Interventions in the Municipality of Shuto Orizari", financially supported by the Office for Roma Initiatives within the Open Society Foundations – Berlin, referring to a donation of an ambulance vehicle for the needs of the Polyclinic in Shuto Orizari and the employment of two medics. The second Memorandum referred to the matching Fund of the Government, the Ministry of Labour and Social Policy, the Employment Agency and the Initiative for Economic Development of Roma – REDI, worth 2.5 million euros in the form of favourable credit lines for the unemployed and registered entities in order to create conditions for new employment, to support the formalization of the grey economy, as well as to encourage entrepreneurship in the Roma community.<sup>30</sup>

On August 5<sup>th</sup>, the Ministry of Transport and Communications announced a *Public call* for the local self-government units to submit a request for use of funds for the implementation of communal infrastructure projects for Roma settlements, provided through the Programme for support of the implementation of the Strategy for Roma 2021 in the amount of 18.000.000 denars.<sup>31</sup>

At the October 2021 local elections, in addition to a Roma mayor in the municipality of Shuto Orizari, 21 Roma municipal councillors were elected, including 16 men and 5 women.<sup>32</sup>

Several court cases related to Roma were resolved in 2021. On 16 June 2021, the European Roma Rights Centre (ERRC) informed that a court in Skopje had ruled that the Ministry of Health discriminated against Romani minors with drug addiction problems by not providing them with treatment or rehabilitation. The Ministry was ordered to adopt a specific treatment programme for child drug

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<sup>29</sup> Government of the Republic of North Macedonia (*Влада на Република Северна Македонија*) "[Zaev at the start of the works on storm sewerage in Suto Orizari: We continue to support permanent projects for a better life of the citizens](#) (Заев на стартот на работите на атмосферска канализација во Шуто Оризари: Продолжуваме да поддржуваме трајни проекти за подобар живот на граѓаните)", *Official website of the Government of the Republic of North Macedonia*, 26 July 2021.

<sup>30</sup> Government of the Republic of North Macedonia (*Влада на Република Северна Македонија*) "[Promoting Matching Fund worth 2.5 million euros to encourage entrepreneurship among Roma and the project "COVID - Emergency Interventions in the Municipality of Suto Orizari](#) (Промовиран Мечинг фонд вреден 2,5 милиони евра за поттикнување на претприемништвото кај Ромите и проектот „КОВИД - Итни интервенции во општина Шуто Оризари“)", *Official website of the Government of the Republic of North Macedonia*, 30 July 2021.

<sup>31</sup> North Macedonia, Ministry of transport and communications (*Министерство за транспорт и врски*), "[Public call for submission of requests for use of funds from the budget of the Ministry of transport and communications for the year 2021 for support of the implementation of the Decade and Strategy for Roma](#) (Јавен повик за поднесување на барања за користење на средства од буџетот на Министерството за транспорт и врски за 2021 година за поддршка на имплементацијата на Декадата и Стратегијата за Ромите)", *Official website of the Ministry of transport and communications*, 05 August 2021.

<sup>32</sup> Romalítico Institute for Policy Research and Analysis, "[Infographic for elected Roma Councilors in the local elections 2021](#) (Инфографик за избрани советници Роми на локалните избори 2021)", Romalítico

users within three months of the judgment, after a case was brought on behalf of Romani children.<sup>33</sup>

In October 2021, the Basic Criminal Court in Skopje passed a first instance verdict by which the police officer employed in Bitola was found guilty and sentenced to one year in prison for harassment in the performance of duty. The verdict relates an incident that occurred one year ago, when the police, as seen in the video released at the time, used force against a group of Roma, in front of the post office.<sup>34</sup> In response, on November 13 2021, the police unions and the citizens of Bitola protested against the verdict, demanding acquittal.<sup>35</sup>

On 12 February 2021 the European Roma Rights Centre informed that the Government of North Macedonia would pay a total of €24,000 to the families of two Romani men who died under suspicious circumstances while in prison in 2017. The European Court of Human Rights (ECtHR) struck out the two cases after a settlement agreement was reached between the family members and the government.<sup>36</sup>

In December 2021, the Commission for Protection and Prevention of Discrimination submitted a Request for inclusion in a court procedure to the Basic Civil Court Skopje as a friend of the court (*amicus curiae*) in a lawsuit of public interest for protection against discrimination. The lawsuit was filed by the Helsinki Committee for Human Rights against the Government of the Republic of North Macedonia, the Ministry of Education and Science, the Ministry of Labour and Social Policy, the Ministry of Health, the State Education Inspectorate, the Municipality of Bitola and the Municipality of Shtip, in order to determine that the defendants did not take measures to prevent the segregation of Roma children in the educational process.<sup>37</sup>

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<sup>33</sup> European Roma Rights Centre, "[Health Authorities in North Macedonia ordered to provide treatment for child drug users](#)", 16 June 2021

<sup>34</sup> Telma TV, "[One year in prison for the police officer from Bitola who beat Roma in front of the post office in the town](#)" (Една година затвор за полицаецот од Битола кој тепаше Ром пред поштата во градот)", *Official website of Telma TV*, 10 November 2021

<sup>35</sup> New Macedonia (Нова Македонија), "[Protests in defense of the convicted police officer Goce Petkovski](#)" (Протести во одбрана на осудениот полицаец Гоце Петковски)", 13 November 2021

<sup>36</sup> European Roma Rights Centre, "[North Macedonia to pay settlement to families of Roma who died in prisons](#)", 12 February 2021

<sup>37</sup> Commission on Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) (2021), [The Commission Seeks Inclusion as Court Friend in Roma Segregation Lawsuit in Education Process](#) (Комисијата побара вклучување како пријател на судот во тужба за сегрегација на Роми во образовниот процес)', *Official Website of the Commission on Prevention and Protection against Discrimination*, 23 December 2021.

## Chapter 4. Asylum, visas, migration, borders and integration

### 4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
North Macedonia	0	No decisions issued	0	No decisions issued



## 4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
North Macedonia	No legal agreements	/	/	No	/	No

## Chapter 5. Information society, privacy and data protection

### 5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

The Republic of North Macedonia adopted the **Law on the Ratification of the Protocol for Amendment of Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data**. The Ratification Protocol was signed by the Republic of North Macedonia on 5 December 2019, whereas the law was adopted on 30 June 2021.<sup>38</sup>

Within the remit of Covid-19 safeguarding measures, the Government issued **Executive decision No. 40-678/25 on COVID-19 certificate verification**. The Decision 40-687/25 required all vendors to verify either vaccination record or a negative test by individuals. In light of this decision, the **Personal Data Protection Agency** issued a **Statement** clarifying that the Decision 40-687/25 “is not in violation with the personal data protection legislation since only a visual verification is performed and no personal data is retained during such a verification, meaning it does not constitute ‘processing of personal data’ and consequently, the activity is out of the scope of the Law on Personal Data Protection”.<sup>39</sup>

By September 2021, there were **12 cases at the Administrative Court and 12 cases at the Highest Administrative Court** with regards to the protection of personal data. The cases concern proceedings against different state institutions or bodies, and in particular the Personal Data Protection Agency, in terms of disputing their decisions on whether there has been a breach of the data protection law. The vast majority of the judgments have been set aside by the courts as unfounded.

The **Personal Data Protection Agency**, within the remit of EU funded project ‘Support for the implementation of the modernized legal framework for personal data protection’ with the timeframe of 1 June 2021 – 31 August 2022, in consortium

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<sup>38</sup> North Macedonia, Law on the Ratification of the Protocol for Amendment of Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (*Закон за ратификација на Протоколот за измена на Конвенцијата за заштита на лица во однос на автоматска обработка на лични податоци*), Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија), No.152/2021

<sup>39</sup> North Macedonia, Personal Data Protection Agency (*Агенција за заштита на личните податоци*), [Statement on the Decision of the Government of Republic of North Macedonia No.40-678/25](#) (Соопштение во врска со Одлуката на Владата на Република Северна Македонија бр.40-678/25) *Official Website of the Personal Data Protection Agency, 10 August 2021.*

led by the Croatian Personal Data Protection Agency and German Foundation for international cooperation, has provided an **accessible information sheet**<sup>40</sup> (freely available) with illustrations and concise description of **citizens' rights** with regard to their personal data protection as well as an accessible information sheet<sup>41</sup> (freely available) for **data controllers in the private and public sector**.

## 5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Fund for Innovation and Technological Development	Strategy Development	In September 2021, a working group has been set up, including experts within Macedonia and abroad, to establish a 'National Strategy for Artificial Intelligence'. The aim of this initiative is to create a strategy that allows the development of innovative companies in the field, and an improved education and access to adequate equipment.	No	Fund for Innovation and Technological Development website: <a href="https://fitr.mk/en/national-ai-strategy/">https://fitr.mk/en/national-ai-strategy/</a> September 2021 (last accessed 30 November 2021; in English).

<sup>40</sup> Personal Data Protection Agency (Агенција за заштита на личните податоци) '[Rights of Citizens as Data Subjects](#)' (Правата на граѓаните како субјекти на лични податоци), *Official Website of the Personal Data Protection Agency*

<sup>41</sup> Personal Data Protection Agency (Агенција за заштита на личните податоци) '[10 Fast Steps for Compliance with Data Protection Law](#)' (10 брзи чекори за усогласување со законот за заштита на лични податоци), *Official Website of the Personal Data Protection Agency*

## Chapter 6. Rights of the child

### 6.1 Measures taken during COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>Roma children The Ministry of Labour and Social Policy presented the results of the 15 year implementation of the project "Inclusion of Roma children in preschool education" which has assisted more than 5000 Roma children to attend kindergartens in the country with the support of the Roma Education Fund.<sup>42</sup> In the school year 2020-2021, the project was implemented in 20 municipalities and covered a total of 120 children, with another 400 children to be included in 2021/2022.</p> <p>UNICEF published a commissioned study "The social and economic effects of COVID-19 on children in North Macedonia – an update"<sup>43</sup>, in which it determined that more than a quarter [27%] of families eligible to take advantage of the guaranteed minimum allowance are not utilising the assistance. The research also highlights that 19,000 children are below the relative poverty line. The study also assesses that the measures to deal with the social and economic consequences of the pandemic are rarely focused on children which can be seen from the budget planning for 2021. Challenges regarding access to education during remote learning have also persisted especially for vulnerable groups, such as children at risk of poverty, Roma children.</p> <p>Having in mind that disinformation on the pandemic has severe impact on children and young people, WHO, UNICEF and the Ministry of Health have launched a Health buddy+<sup>44</sup> mobile application which aims to provide access to up to date and verified information on COVID-19.<sup>45</sup></p> <p>UNICEF also published a commissioned study measuring multidimensional child poverty in North Macedonia as a first effort of this kind in the country.<sup>46</sup> The study uses the Alkire-Foster</p>
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<sup>42</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [Minister Shahpaska: About 5,000 Roma children are involved in the project "Inclusion of Roma children in preschool education", we are building a society equal for all, a society that integrates, not segregates](#) (Министерката Шахпаска: Околу 5.000 деца Роми се вклучени со проектот „Инклузија на деца Роми во предучилишно образование“, градиме општество еднакво за сите, општество кое интегрира, а не сегрегира), *Official website of the Government of the Republic of North Macedonia*, 05 July 2021.

<sup>43</sup> Petreski, M. et al. [The social and economic effects of COVID-19 on children in North Macedonia – an update](#) UNICEF in North Macedonia, July 2021.

<sup>44</sup> <https://healthbuddy.plus/index#webchat>

<sup>45</sup> Press release: [Healthbuddy-new-partner for fighting disinformation on COVID-19](#), UNICEF in North Macedonia, July 2021.

<sup>46</sup> Srbinoski, B, Petreski, B, Petreski, M. [Multidimensional child poverty in North Macedonia](#), UNICEF in North Macedonia, December 2021.

	<p>method in developing two age-specific (0-4 years and 5-17 years) child multidimensional poverty indices. The findings of the study indicate that in urban areas, the percentage of children who are multidimensionally poor and do not have adequate education is 6.9% for the group of 5 to 17 year old. Those who are multidimensionally poor and face problems in terms of their material situation in the group of 0-4 year olds is almost 5%. The study concludes that child poverty in urban areas can be significantly reduced by tackling education and material deprivation, while in rural areas a wider approach is needed by targeting multiple dimensions.</p>
<p>Measures to protect children from violence</p>	<p>The UNICEF study mentioned highlights that in the second quarter of 2020 the number of reported cases of violence increased by 14.7%. However, the reported cases have decreased since which may also be due to relaxation of movement restrictions. 25% of teachers in secondary schools and 18% in primary schools have also noticed that the pandemic and switching to distance learning has impacted the children's wellbeing, with children demonstrating anxiety and stress.<sup>47</sup></p> <p>The Ministry of Education, in cooperation with the Ministry of Health, established a toll-free line for help and psychosocial support for parents, children and youth.<sup>48</sup> There are several CSO led toll-free lines operating for this purpose, primarily operated by the First children's embassy in the world Megjashi, the CSO Open Gate, the Crisis Centre Hope, the Macedonian Young Lawyers Association and the SOS Children's village.</p> <p>The National Coordination Body, with the support of UNICEF, collected data on children victims of violence, abuse and neglect. Specific indicators have been determined for collecting data on reported children victims of violence in all sectors: education, health, social welfare and police. A protocol for action of the multisectoral teams for protection of children victims of violence was adopted and a revision of the Action Plan and digitization of data entry for children victims of violence was announced.<sup>49</sup></p> <p>A new parenting helpline has been launched by the Ministry of Labour and Social Policy, the National Network To End Violence Against Women and Domestic Violence and UNICEF to provide support and counselling to parents and caregivers.<sup>50</sup></p>

<sup>47</sup> Petreski, M. et al. [The social and economic effects of COVID-19 on children in North Macedonia – an update](#) UNICEF in North Macedonia, July 2021.

<sup>48</sup> North Macedonia, Ministry of education and science (*Министерство за образование и наука на Република Северна Македонија*), [Helpline and psychosocial support for parents, children and young people](#) (Линија за помош и психосоцијална поддршка на родители, деца и млади), *Official website of the Ministry of education and science*, 05 October 2020

<sup>49</sup> Government of the Republic of North Macedonia (*Влада на Република Северна Македонија*), [Shahpaska: Protection of children from violence is a process that is complex and unites several ministries](#) (Шахпаска: Заштитата на децата од насилство е процес кој е комплексен и обединува повеќе ресорни министерства), *Official website of the Government of the Republic of North Macedonia*, 24 August 2021.

<sup>50</sup> Press release: [Parenting helpline launched](#), UNICEF in North Macedonia, 2021

	A new support centre for foster families has been opened by the Ministry of Labour and Social Policy to promote family based care for children without parental care and to ensure their best interest. <sup>51</sup>
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## 6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>The <b>Law on Prevention and Protection against Violence against Women and Domestic Violence</b><sup>52</sup> adopted in 2021 regulates the actions of the institutions in taking measures for prevention of gender-based violence against women and domestic violence, the actions of the institutions for protection of women against gender-based violence and domestic violence, mutual coordination of the institutions and organizations, victim protection services and data collection. (See chapter 7)</p> <p>The <b>Draft Law on Payment of Monetary Compensation for Victims of Violent Offences</b> has been prepared.<sup>53</sup> (See also chapter 7)</p> <p>Amendments of the <b>Criminal Code</b> have been prepared, containing several very relevant provisions for the protection of children, including by extending the definition of domestic violence and including a new definition regarding a victim of gender based violence. There are also proposals to include new offences: female genital mutilation, stalking, as well as to redefine the criminal offence Sexual assault on a child under 15 years of age.<sup>54</sup> (See also chapter 7)</p>
Policy developments	The National Coordination Body for Protection of Children from Abuse and Neglect, <sup>55</sup> composed of representatives of relevant institutions, civil society and international organizations has adapted the <b>Protocol on the manner of taking actions by the</b>

<sup>51</sup> North Macedonia, Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [Start of operation of the centre for foster families](#) (Започна со работа првиот центар за поддршка на згрижувачките семејства), July 2021, *Official website of the Ministry of Labour and Social Policy*.

<sup>52</sup> North Macedonia, Law on prevention and protection against violence against women and domestic violence (*Закон за спречување и заштита од насилство врз жените и семејно насилство*), Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) no. 24/2021 from 29.01.2021.

<sup>53</sup> Assembly of the Republic of North Macedonia (Собрание на Република Северна Македонија), [Draft – Law on Compensation for Victims of Crime](#) (Предлог на закон за исплата на паричен надоместок на жртви од кривични дела со насилство)

<sup>54</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [92<sup>nd</sup> Session of the Government of Republic of North Macedonia](#) (92-та седница на Владата), *Official website of the Government of the Republic of North Macedonia*, 28 July 2021.

<sup>55</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [Shahpaska: Protection of children from violence is a process that is complex and unites several ministries](#) (Шахпаска: Заштитата на децата од насилство е процес кој е комплексен и обединува повеќе ресорни министерства), *Official website of the Government of the Republic of North Macedonia*, 24 August 2021.

	<p><b>inter-sectorial team for the protection of child victims of abuse, neglect and violence.</b> The State Council for Prevention of Child Delinquency is in the process of drafting a new <b>National Strategy for Prevention of Child Delinquency</b> with the support of UNICEF Macedonia.<sup>56</sup></p> <p>The Ministry of Justice, the Ministry of Labour and social policy and the Ministry of Interior have launched the two-year initiative “Just(ice) children – EU for juvenile and child-friendly justice” funded by the delegation of European Union and co-funded by UNICEF will support Government reform efforts to ensure the justice system protects the rights of children who come in contact with the law.<sup>57</sup></p>
Other measures or initiatives	<p>As part of the initiative “Just(ice) children – EU for juvenile and child-friendly justice” 60 children and young people have joined the UNICEF initiative of Youth Advocates for Justice for Children – first of this kind in the country.</p>

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<sup>56</sup> State Council for Prevention of Juvenile Delinquency (Државен совет за превенција на детско престапништво), [The development of the new Strategy for Prevention of Juvenile Delinquency has started with the support of the UNICEF Office in Skopje](#) (Започна изработката на новата Стратегија за превенција на детско престапништво со поддршка на Канцеларијата на УНИЦЕФ во Скопје), *Official website of the State Council for Prevention of Juvenile Delinquency*.

<sup>57</sup> Press release: Joint Action Child Friendly justice launched, [UNICEF in North Macedonia](#), 2021

## Chapter 7. Access to justice

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

In line with their Strategic Plan 2019-2021, the Ministry of Justice prepared the Law on Compensation for Victims of Crime. After being available for public comments, the draft law is parliamentary procedure as of 15.09.2021.<sup>58</sup>

The Criminal Code has newly proposed amendments by the Government of North Macedonia which have been in parliamentary procedure since 15.09.2021.<sup>59</sup> The amendments broaden the definition of a "victim of a crime", including "a victim of gender-based violence, which includes every woman and girl up to 18 years of age against whom the crime was committed under those circumstances". Significant portion of the other amendments pertain to the alignment of the Criminal Code with the Istanbul Convention (see section 7.2. for more information on proposed amendments). Other amendments pertain to the crime of torture related violations determined by the ECtHR, expanding the personal scope of the provisions (such as understanding of potential perpetrators) and the scale of the punishments (increase in penalties and moving the bar for most severe penalties to minimum eight or ten years or a life imprisonment).<sup>60</sup>

Like in the last two years, the Compensation Fund for Children Victims (established in 2014) for 2021 was set to MKD 1.000.000,00.<sup>61</sup> The amendments to the Law on Justice for Children are still in preparation.<sup>62</sup>

The new Code of Criminal Procedure is still in preparation within the working group at the Ministry of Justice. The foreseen changes are related to addressing the

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<sup>58</sup> Assembly of the Republic of North Macedonia (*Собрание на Република Северна Македонија*), [Draft – Law on Compensation for Victims of Crime](#) (Предлог на закон за исплата на паричен надоместок на жртви од кривични дела со насилство), *Official website of the Assembly*

<sup>59</sup> Assembly of the Republic of North Macedonia (*Собрание на Република Северна Македонија*), [Draft Law on amendments and additions to the Criminal Code](#) (Предлог на закон за изменување и дополнување на Кривичниот законик), *Official website of the Assembly*, September 2021

<sup>60</sup> Article 142 regulating the crime torture and article 112 regulating the non-barring of the crimes of genocide and war crimes. Single National Register of Regulations of the Republic of North Macedonia (*Единствен Национален Регистар на Електронски Попис на Република Северна Македонија*), [Draft Law for amendments to the Criminal Code](#) (Предлог закон за изменување и дополнување на Кривичниот Законик).

<sup>61</sup> [Programme for Compensation of a Child Who Is a Victim or Damaged by Actions Included as a Criminal Part of Violence or Other Acts of Individual or Group Violence for 2021](#), (Програма за обештетување на дете кое е жртва или е оштетено со дејствие кое со закон е предвидено како кривично дело на насилство и на други акти на индивидуално или групно насилство за 2021 година), *Official Gazette of the Republic of North Macedonia*, (Службен весник на Република Северна Македонија) No. 31/2020

<sup>62</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [Maricic: Courts are less likely to impose institutional educational measures on children in conflict with the law](#) (Маричиќ: Судовите се помалку изрекуваат заводски воспитни мерки за децата во судир со законот), *Official website of the Government of the Republic of North Macedonia*, 20 January 2021.



victims' position and rights during the procedure of implementing the Victims' Directive.

Based on the GAP Analysis of the legislation and practice of victims' rights in the Republic of North Macedonia<sup>63</sup> with the EU Directive on victims' rights, support and protection of victims of crimes prepared by the Macedonian Young Lawyers Association, a policy paper<sup>64</sup> was also prepared including the detailed financial implications of the necessary legislation changes.

Through the Action "Preventing and Combating Human Trafficking in North Macedonia"<sup>65</sup> an expert discussion was organised within the framework of the second Human Rights Education for Legal Professionals (HELP) - anti-trafficking course in cooperation with the Academy for Training of Judges and Prosecutors. During the event, key findings and recommendations on the legal standing and rights of human trafficking victims in judicial proceedings, based on the analysis of judgments and Council of Europe standards, were presented and discussed with the participants.<sup>66</sup>

## 7.2 Measures addressing violence against women

On January 27<sup>th</sup> 2021, the Assembly of the Republic of North Macedonia adopted the Law on Prevention and Protection against Violence against Women and Domestic Violence.<sup>67</sup> The Law entered into force on 6<sup>th</sup> of May 2021, and pursuant to Article 112, the law shall be applied after three months from its entry into force. Article 108 provides for all the bylaws to be adopted within three months of its

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<sup>63</sup> Gavrilovski, Z., [Report on GAP analysis of the compliance of the legislation and practice for the rights of victims in The Republic of North Macedonia with the norms and standards of the European Union determined in the directive 2012/29/EU](#) (Извештај за изработена ГАП-анализа на усогласеноста на законодавството и практиката за правата на жртвите во Република Северна Македонија со нормите и стандардите на Европската унија утврдени во директивата 2012/29/EU ), Macedonian Young Lawyers Association (Македонско здружение на млади правници), August 2021.

<sup>64</sup> Atanasova, M., Arnaudova, S., Shapkova K. (2021), [Towards transposition of Directive 2012/29 / EU \("Victims Directive"\) into domestic law: an overview of the necessary reforms in the legal and institutional framework](#) (Кон транспонирање на директивата 2012/29/EU (директивата за жртви) во домашното законодавство: Преглед на потребните реформи во законската и институционалната рамка) Skopje, Macedonian Young Lawyers Association.

<sup>65</sup> The Action [Preventing and Combating Human Trafficking in North Macedonia](#), Official Website of Council of Europe Programme Office in Skopje

<sup>66</sup> [Expert discussion on legal standing and rights of human trafficking victims in judicial proceedings in North Macedonia](#), Official Website of Council of Europe Programme Office in Skopje, 17 March 2021

<sup>67</sup> North Macedonia, Law on prevention and protection against violence against women and domestic violence (*Закон за спречување и заштита он насилство врз жените и семејно насилство*), Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) no. 24/2021 from 29.01.2021

entry into force. By the end of November 2021, 4 bylaws were adopted by the Ministry of Labour and Social Policy<sup>68</sup> and the Ministry of Interior.<sup>69</sup>

The Law on Prevention and Protection against Violence against Women and Domestic Violence is the first legislation in the country to address all forms of violence against women as previous legislation addressed only domestic violence. Article 3 specifically defines "Violence against women" (Paragraph 1) "Gender-based violence" (Paragraph 2) "Domestic violence" (paragraph 3) and "Intimate partner violence" (Paragraph 5). The Law is based on due diligence which guarantees help and protection to the survivors and prosecution of the perpetrators. For the first time in the system of protection from violence against women, reintegration of the victims of violence is introduced in Article 99, where through a special Programme for reintegration, the women survivors of any type of violence will be provided with temporary housing, psychological counselling with mentoring, various types of financial assistance specifically intended for women victims of violence, education and training opportunities in different areas, as well as employment measures determined by law. The competent institutions will be obliged to recognize the victims of violence as a special, vulnerable category and to develop programs and measures according to their specific needs. With this type of a reintegration program, women victims who left the violent surroundings will be able to ensure stable income, provide long term and safe homes for themselves and their children, which will prevent them from returning to the

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<sup>68</sup> North Macedonia, Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [Rulebook on the Manner of Conducting a Risk Assessment of a Serious Danger to the Life and Physical and Mental Integrity of the Victim and Members of Her Family and the Risk of Recurrence of Violence, Appropriate Risk Management, Implementation and Monitoring of Measures to Protect Women Victims of Gender-Based Violence and Victims of Domestic Violence, Undertaken by the Center for Social Work and the Necessary Forms](#) (Правилник за начинот на спроведување на проценка на ризик од сериозна опасност по животот и физичкиот и психичкиот интегритет на жртвата и членови на нејзиното семејство и на ризикот од повторување на насилството, соодветното управување со ризикот, спроведување и следење на мерките за заштита на жените жртви на родово-базирано насилство и жртвите на семејно насилство, преземени од Центарот за социјална работа и потребните обрасци)', Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) No. 240/2021. [Rulebook on the Manner of Implementation and Monitoring of the Imposed Temporary Protection Measures](#) (Правилник за начинот на спроведувањето и начинот на следење на изречените привремени мерки за заштита)', Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) No. 248/2021.

<sup>69</sup> North Macedonia, Ministry of Interior (Министерство за внатрешни работи), [Rulebook on the Manner of Assessing the Risk of Serious Danger to the Life and Physical and Mental Integrity of the Victim and Her Family Members and the Risk of Recurrence of Violence, Appropriate Risk Management, the Form of the Police Report and the Proposal for Imposing an Urgent Measure- Removal of the Perpetrator from the Home and a Ban on Approaching the Home](#) (Правилник за начинот на проценка на ризик од сериозна опасност по животот и физичкиот и психичкиот интегритет на жртвата и членовите на нејзиното семејство и на ризикот од повторување на насилството, соодветно управување со ризикот, образецот на полицискиот извештај и на предлогот за изрекување на итна мерка за заштита-остранување на сторителот од домот и забрана за приближување до домот)', Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) No. 210/2021. [Rulebook on the Manner of Execution of the Imposed Urgent Protection Measure Removal of the Perpetrator from the Home and Prohibition to Approach the Home and Temporary Protection Measures](#) (Правилник за начинот на извршување на изречената итна мерка за заштита отстранување на сторителот од домот и забрана за приближување до домот и привремени мерки за заштита)', Official Gazette of the Republic of North Macedonia (Службен весник на Република Северна Македонија) No. 210/2021.

abusive partners due to economic dependence, or enter a new abusive relationship. Moreover, this protects women and children against several social risks, most importantly, poverty and homelessness.

The implementation of the National Action Plan for Implementation of the Istanbul Convention (2018-2023) is on hold. The ministries have delayed the proposed activities for two consecutive years (2020 and 2021) and most of them have not adopted the corresponding Annual Operating Plans. This includes the Ministry of Labour, the Ministry of Interior, the Ministry of Health, the Ministry of Information Society and Administration, and the Ministry of Local Self-Government.<sup>70</sup> In October and November 2021 the Ministry of Labour and Social Policy adopted the five bylaws related to the NAP for Implementation of the Istanbul Convention.<sup>71</sup>

In May 2021, the National Coordination Body for Prevention and Combating Violence against Women and Domestic Violence was established, after 6 years without such a mechanism in the system of protection of women victims.<sup>72</sup> In 2021, the Coordination Body held two meetings. The main responsibilities of the Coordination Body are coordination of the work of all the institutions included in the field of prevention and protection against gender-based violence and domestic violence, as well as preparing and monitoring the implementation of national policies in this area. The Coordination Body also proposes measures to promote the prevention and protection against violence against women and domestic violence and monitors the implementation of the Istanbul Convention. The Body consists of representatives of the ministries of labour and social policy, justice, interior, health, and education and science, but also representatives of the civil sector, the Organization of Employers, and the Federation of Trade Unions.

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<sup>70</sup> National Network to End Violence Against Women and Domestic Violence, Report on the progress of the Republic of North Macedonia in implementation of the National Action Plan for Implementation of the Istanbul Convention, November 2020 - May 2021, to be published in early 2022

<sup>71</sup> North Macedonia, Ministry of Labour and Social Policy (Министерство за труд и социјална политика), 2021 [Standard and Procedures for Women Victims of Gender-Based Violence and Domestic Violence](#) (Стандард и процедури за жени жртви на родово - базирано насилство и семејно насилство); [Standard and Procedures for the Work of Temporary Sheltering Service Providers](#) (Стандард и процедури за работа на даватели на услуга за привремен престој); [Standard and Procedures for Licensed Providers of Specialized Counseling Services - Specialized Services for Women Victims of Gender-Based Violence and Victims of Domestic Violence](#) (Стандард и процедури за работа на лиценцирани даватели на специјализираната услуга за советување- Специјализирани услуги за жени жртви на родово базирано насилство и жртви на семејно насилство); [Standard and Procedures for the Work of the Counseling Service - Counseling Center for Psycho-Social Treatment of Perpetrators of Domestic Violence](#) (Стандард и процедури за работа на услугата за советување- Советувалиште за психо-социјален третман на сторители на семејно насилство); [Standard and Procedures for Work of Licensed Providers of Specialized Services - SOS Line for Assistance to Victims of Violence against Women and Domestic Violence](#) (Стандард и процедури за работа на лиценцирани даватели на специјализирани услуги – СОС линија за помош на жртви на насилство врз жени и семејно насилство)' *Official website of the Institute for social affairs.*

<sup>72</sup> North Macedonia, Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [Minister Shahpaska at the first session of the National Coordination Body for Prevention and Combating Violence against Women and Domestic Violence: We provide a new and effective approach in dealing with gender-based violence](#) (Министерката Шахпаска на првата седница на Националното координативно тело за спречување и борба против насилство врз жените и семејното насилство: Обезбедуваме нов и ефикасен пристап во справувањето со родово базираното насилство), *Official website of the Ministry of Labour and Social Policy*, 02 July 2021

On July 27<sup>th</sup>, 2021, the Government adopted the Proposal to amend the Criminal Code to bring it in line with the Istanbul Convention, pending parliamentary approval, one of the tasks for the Ministry of Justice as per the NAP 2018-2023.<sup>73</sup> The amendments include the definition of gender-based violence, harmonization of the elements of the crime of rape with the provisions in the Convention - namely introducing the concept of "consent" as incrimination criteria, as well as criminalization of stalking, sexual harassment, forced marriage, genital mutilation and more severe punishment for honour crimes.<sup>74</sup> In December 2021 the Parliamentary Committee on Equal Opportunities between Women and Men organised a public debate on the proposed amendments of the Criminal Code. The debate conclusions point that while the amendments are highly aligned with the Istanbul Convention, this is not fully the case with the criminal acts femicide and psychological violence.

The Government did not adopt any urgent measures related to COVID-19 for women victims of violence until May 2021.<sup>75</sup>

## **Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities**

### **8.1 CRPD policy & legal developments**

Although the country ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2011, not much work has been done on its promotion. Decision-makers, as well as the general public, including the community of persons with disabilities, are not familiar with the existence of the CRPD as an international agreement.<sup>76</sup> A report of the Polio Plus Movement for Disability pending publication, determined that the Centres for social work as well as the CSOs which are providing services have not undergone any training considering

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<sup>73</sup> Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [National Action Plan for Implementation of the Istanbul Convention \(2018 -2023\)](#), Ministry of Labour and Social Policy, October 2018.

<sup>74</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [92<sup>nd</sup> Session of the Government of Republic of North Macedonia](#) (92-та седница на Владата), *Official website of the Government*, 28 July 2021.

<sup>75</sup> Balshikevska Maja, Dimueshavska Elena, Avramovska Nushkova Ana (2021), [Monitoring of the implementation of adopted measures by the Government of North Macedonia during COVID-19 aimed for victims of gender-based violence](#) (Мониторинг на имплементација на усвоените итни мерки од Владата на Северна Македонија за време на Ковид -19, а се однесуваат на жртвите на родово базирано насилство), National Network to End Violence Against Women and Domestic Violence (Национална мрежа против насилство врз жените и семејно насилство)

<sup>76</sup> Elena Kochoska, Bojana Jovanovska, Tomislav Ortakovski, Natasha Stanojkovska-Trajkovska, Sofija Georgievska, *Draft Situational Analysis on the Rights of Persons with Disabilities in the Republic of North Macedonia*, to be published early 2022.

CRPD and have no information about this Convention.<sup>77</sup> National CSO research has shown that organizations offering free legal aid do not have sufficient capacity to communicate with persons with disabilities.<sup>78</sup>

From the point of view of the CRPD, the Constitution and the existing legal framework are quite rigid, restrictive and discriminatory, burdened with derogatory terminology, which only reaffirms the medical approach to disability. The right to equality and non-discrimination is guaranteed with Article 9 of the Constitution of the Republic of North Macedonia,<sup>79</sup> where disability is not included as a separate basis for discrimination. According to the Constitution and the Electoral Code, citizens can be deprived of their voting rights by a court decision on the basis of intellectual or psychosocial disability, which is inconsistent with the international obligations and standards.<sup>80</sup> The constitution and other legislation use various terms for people with disabilities (invalid persons, invalids, persons with handicap, persons with special development needs, children with special needs, persons with mental impairments) and are not in accordance with the CRPD human rights approach.

The country has still not prepared any Disability Strategy and there is an ongoing debate as to who would initiate such a document. It has also not adopted an action plan on the implementation of the National Strategy<sup>81</sup> for Deinstitutionalization (2018-2027).<sup>82</sup>

The new Law on Prevention and Protection against Discrimination is in accordance with the CRPD. The CPPD has been engaged in court proceedings as a friend of the court at the request of the Helsinki Committee for Human Rights concerning physical disability in the area of access to polling stations by providing explanations on the European case law and the relevant international treaties and Conventions.<sup>83</sup> The CPPD has issued four general recommendations in relation to the rights of persons with disabilities, elaborated below.

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<sup>77</sup> Polio Plus report of focus groups with CSOS involved in the process of Deinstitutionalisation and/or providing legal aid to vulnerable groups to be published in early 2022.

<sup>78</sup> Petrovska Natali., Avramovski Darko (2021) [Legal, financial and physical access to justice in the primary courts in the Republic of North Macedonia](#) (Правен, финансиски и физички пристап до правда во основните судови во Република Северна Македонија), Coalition "All for fair trials" (Коалиција "Сите за правично судење")

<sup>79</sup> Official Gazette of the Republic of Macedonia, 'Constitution of the Republic of Macedonia (Устав на Република Македонија)', Official Gazette of the Republic of Macedonia No. 52/1991 (and later amendments).

<sup>80</sup> ODIHR Election Observation Mission in the Republic of North Macedonia, [Statement of Preliminary Findings and Conclusions - Local elections 17 October, 2021](#), 18 October 2021

<sup>81</sup> UNICEF, in coordination with other UN and EU agencies, participated in the development of the Strategy for Deinstitutionalization 2018-2027 "Timjanik" and the accompanying Action Plan. The process of deinstitutionalization is ongoing.

<sup>82</sup> Ministry of Labour and Social Policy (Министерство за труд и социјална политика на Република Северна Македонија), [National Strategy for Deinstitutionalization 2018 – 2027 "Timjanik"](#) (Национална стратегија за деинституционализација во Република Македонија 2018 -2027 „Тимјаник“) (September, 2018)

<sup>83</sup> Commission on Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) (2021), [Report on the Activities of the Commission on Prevention and Protection against Discrimination \(CPPD\) for the period January – May 2021](#) (Извештај за работењето на Комисијата за спречување и заштита од дискриминација (КСЗД) за периодот јануари – мај 2021 година) Skopje, June 2021, *Official website of the Commission on Prevention and Protection against Discrimination*.

The Coalition *All for fair trials* in 2021 published a study devoted to the Legal, financial and physical access to justice in the national primary courts. The study is based on regular trial monitoring of more than 1200 court hearings in 10 primary courts and in 4 appellate areas in the country. The findings indicate that half of the courts subject to research do not have adequate access to their premises and services for persons with disabilities, nor do they have adequate conditions for their independent and unimpeded movement through the facilities, the possibility to properly adjust the notifications and ways of obtaining information, as well as systematized and organized approach to working with clients with disabilities.<sup>84</sup>

In 2021 UNDP, in cooperation with the Ministry of Labour and Social Policy, promoted the first digital tool, the audio reader "Kiko" – a free application available in Macedonian, while its Albanian version is currently being developed.<sup>85</sup>

Sign language is not recognized as an official language. Media programs are inaccessible to people with disabilities. Universal design as a standard is not recognized and framed in legal obligations. There is a lack of knowledge of the concept of accessibility and reasonable accommodation by all stakeholders.<sup>86</sup>

**The access to services** and the access to community-based disability support services is based on the medical model of disability and its scope is not in accordance with CRPD. At the local level, the range of services is quite limited. Municipalities have no obligation to take measures to include disability through local statutes, strategies, policies and budgets. At the local level there are certain programmes, services for supporting people with disabilities, such as providing personal assistants, one-off financial support, scholarships, individual educational plans and etc. However, it is concerning that women and girls with disabilities are not a separate target group in any of the programmes or services.<sup>87</sup>

According to the recommendations of the European Committee on the **Prevention of Torture** and Inhuman or Degrading Treatment and Punishment (CPT) published in 2021, in addition to the need for regular open air activities and increase of rehabilitation activities, all users of the Special Institution Demir Kapija, regardless of whether their legal capacity has been taken away from them, should be given an effective right to initiate a procedure on the legality of their accommodation and stay, and to provide regular and immediate review and revision of the accommodation decisions by the courts.<sup>88</sup> With the aim of improving the process of deinstitutionalization in the psychiatric hospitals in Demir

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<sup>84</sup> Petrovska Natali., Avramovski Darko (2021) [Legal, financial and physical access to justice in the primary courts in the Republic of North Macedonia](#) (Правен, финансиски и физички пристап до правда во основните судови во Република Северна Македонија), Coalition "All for fair trials" (Коалиција "Сите за правично судење"), page 78.

<sup>85</sup> North Macedonia, Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [Blind and visually impaired people receive a free digital tool - Kiko Audio Reader, available in Macedonian, applicable without internet support](#) (Слепите лица и лицата со пречки во видот добиваат бесплатна дигитална алатка-Аудио читач "Кико", достапна на македонски јазик, применлива без интернет поддршка), *Official website of the Ministry of Labour and Social Policy*, 15 July 2021

<sup>86</sup> Polio Plus report of focus groups with stakeholders, to be published in early 2022.

<sup>87</sup> Polio Plus report of focus groups with girls with disabilities, to be published in early 2022.

<sup>88</sup> Council of Europe, [Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 2 to 10 December 2019](#), (11 May 2021)

Hisar and Negorci, the CPT indicates the lack of adequate services for support of the mental health of the community. Limitations have been determined on the possibility for movement and open air activities of persons in the hospital in Demir Hisar and there are still cases of using restraints in both hospitals.<sup>89</sup>

On the basis of a case filed by a prisoner with disability, the CPPD issued a general recommendation for the promotion and protection of the human rights and dignity of convicted persons with disabilities and respect for their physical and mental integrity whilst serving prison sentences.<sup>90</sup>

The system of assessment according to the International Classification of Functioning (ICF) for children and young people up to 26 years of age has recently begun with implementation. The state should establish an institutional framework for a common assessment system for all persons with disabilities, regardless of age, as there are currently 6 different Commissions for determining benefits by the State to people with disabilities.

The situation with **women and girls** with disabilities is highly concerning, as there are not enough services available for women and girls with disabilities who are victims of gender-based violence, women and girls with disabilities cannot decide for themselves, as well as women and girls with disabilities are not accepted in the environment in which they live.<sup>91</sup> During the crisis with COVID-19, the situation of women and girls with disabilities in relation to gender-based and domestic violence worsened.<sup>92</sup>

With the reforms undertaken in **education**, the state strives for all children with disabilities to be included in regular primary education. The state also provided financial resources for hiring educational assistants for children and youth with disabilities, through primary schools with a resource centre. The Law on Primary Education regulates the inclusion of educational assistants (EA) and personal assistants (PA). The Rulebook on EA and PA<sup>93</sup> as well as the lowering of the age limit for PA from 18 to 6 in the LPP confirms that the legislator does not have adequate knowledge of the concepts of EA and PA. A recently published UNDP study indicates that the personal assistants do not have a clear picture about their

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<sup>89</sup> Council of Europe, [Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 2 to 10 December 2019](#), (11 May 2021).

<sup>90</sup> Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација), [General recommendation for the promotion and protection of human rights and dignity of convicted persons with disabilities and respect for their physical and mental integrity while serving their sentences in penitentiaries and correctional facilities](#) (Општа препорака за унапредување и заштита на човековите права и достоинство на осудените лица со попреченост и почитување на нивниот физички и ментален интегритет за време на издржувањето на казните во казнено-поправни установи и казнено поправните домови)', 3 December 2021. *Official website of the Commission for Prevention and Protection against discrimination.*

<sup>91</sup> Polio Plus, Report of focus groups with girls with disabilities, to be published in early 2022.

<sup>92</sup> Polio Plus, Report of focus groups with girls with disabilities, to be published in early 2022.

<sup>93</sup> North Macedonia, Ministry of education and science of the Republic of North Macedonia (Министерство за образование и наука на Република Северна Македонија), [Rulebook on the manner of requesting and educational/personal assistant and the manner of selection of educational/personal assistant](#) (Правилник за начинот на побарување на образовен/личен асистент и начинот на селекција и избор на образовен/личен асистент), 15 February 2021, *Official Website of the Ministry of education and science.*

obligations and responsibilities towards the students and other professionals.<sup>94</sup> Having in mind the insufficient capacities of the Centres for Functional Assessment and Support for Children and Youth, a larger number of children with disabilities were not covered with the functional assessment yet, in order for them to receive adequate support in the education process, in line with their individual needs.<sup>95</sup>

Despite some positive reforms, the legal framework in the field of education still needs to be enhanced in line with the CRPD. The education infrastructure remains inaccessible, while stakeholder capacity is very low. The biggest number of children and young people who are deinstitutionalized, living with biological/foster families, or in a small group homes, are not part of any education schemes because the perception is that they cannot learn because they have "severe and profound disabilities" combined with "health problems".<sup>96</sup> In terms of participation and consultation, neither the OPD, nor persons with disabilities, children and young people with disabilities have been consulted at all.

The employment system does not offer opportunities for inclusion of persons with disabilities in the open labour market. The level of registration of the unemployed persons with disabilities is very low compared to the persons without disabilities. In order to be registered as unemployed, every person is obliged to appear in person at the premises of the Employment Agency, which are inaccessible for persons with disabilities. The people living in institutions, group homes and other organized forms of supported living, as well as adults with disabilities who attend day centres, are not registered in the Employment Agency.<sup>97</sup> In its ongoing programme, the Government is trying to move to implement professional rehabilitation and active employment policies.<sup>98</sup> The Government's plan is to start drafting a new Law on Employment of Persons with Disabilities in 2021 which will have a quota system and a new system for vocational rehabilitation.<sup>99</sup> The existing legal framework is discriminatory with regards to political participation and does not allow for effective participation in politics and public life. The differences within the disability community are not recognized and are not considered in the legislation, strategies, plans and budgets. The involvement of people with disabilities is exclusively noticeable in OPDs. The economic reforms and initiatives

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<sup>94</sup> Paula Federica Hant, [Publication Research "Educational and Personal Assistants. Now and Here – Open perspectives"](#), (Образовни и лични асистенти. Сега и овде – отворени перспективи UNDP

<sup>95</sup> Ombudsman of the Republic of North Macedonia (Народен правобранител на Република Северна Македонија) [Special Report on the situation with the transformation of the special elementary schools and separate classes in the elementary schools in resource centres and centres for supporting the learning of pupils with disabilities](#) (Посебен извештај за состојбата со трансформацијата на посебните основни училишта и посебните паралелки во основни училишта во ресурсни центри и центри за поддршка на учењето на учениците со попреченост), *Official website of the Ombudsman*, August 2021

<sup>96</sup> K. Panayotova, E. Kochoska (2020), *Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care*, unpublished work

<sup>97</sup> K. Panayotova, E. Kochoska (2020), *Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care*, unpublished work

<sup>98</sup> The Government with assistance from the United Nations Development Programme (UNDP) has been piloting a new model of professional rehabilitation to strengthen the open market employment of persons with disabilities. The ongoing pilot has established two rehabilitation centers, implemented in two different types of organizations, which should provide valuable insight and experience for future setup of the national rehabilitation system.

<sup>99</sup> Ministry of Labour and Social Policy (Министерство за труд и социјална политика), [Revised Employment And Social Reform Programme \(r\) ESRP2022](#), May 2021, *Official Website of the Ministry of Labour and Social Policy*



by the Government in relation to COVID-19 did not include any measures for people with disabilities.

The initiatives undertaken by the State Election Commission (SEC)<sup>100</sup> have been supported exclusively by the international community even for the ongoing local elections, which is a serious shortcoming in terms of their continuous implementation and sustainability. The general public has negative perceptions about the persons with disabilities, and women with disabilities are especially vulnerable. Perceptions conducive to multiple discrimination are plentiful and they intersect between gender and disability, especially for women with multiple disabilities for whom only 2% would vote.<sup>101</sup> The terminological apparatus is an additional obstacle. In the political programmes at the last parliamentary elections, persons with disabilities were mentioned 223 times<sup>102</sup> with different terminology. There is a tendency to create new terms, such as "Mental developmental disabilities" or "special disabilities", "disability and special needs", etc. At the October 2021 local elections, five candidates with a disability ran for the position of municipal councillors, whereas there were none among the candidates for mayors.<sup>103</sup>

In its October 2021 report on the local elections, ODIHR determines that "the last amendment of the Electoral Code does not address previous ODIHR recommendations that all restrictions on electoral rights on the basis of disability be removed and [it] remains inconsistent with international obligations and standards and no measures were introduced to facilitate access to the voter register for persons with disabilities, either online or in-person".<sup>104</sup> The ODIHR observers also reported that "some 53 per cent of polling stations were not independently accessible for persons with physical disabilities, and in 26 per cent, the layout was not suitable for such voters. Nine per cent of polling stations observed did not have a Braille ballot frame for use by voters with visual impairments."<sup>105</sup> In 2021, the CPPD determined discrimination in 2 cases related to electoral rights, on the grounds of disability and health condition. As a result, the CPPD has issued a general recommendation pointing out that SEC needs to take all necessary measures as soon as possible to ensure accessibility and

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<sup>100</sup> Kochoska Elena, Klimoska Julijana, "[Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities](#)", (Анализа на политичките програми од предвремените парламентарни избори 2020 наспроти Конвенцијата за правата на лицата со хендикеп), Polio Plus - Movement against disability (Полио Плус – Движење против хендикеп), (2020)

<sup>101</sup> Kochoska Elena, Klimoska Julijana, "[Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities](#)", (Анализа на политичките програми од предвремените парламентарни избори 2020 наспроти Конвенцијата за правата на лицата со хендикеп), Polio Plus - Movement against disability (Полио Плус – Движење против хендикеп), (2020)

<sup>102</sup> Kochoska Elena, Klimoska Julijana, "[Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities](#)", (Анализа на политичките програми од предвремените парламентарни избори 2020 наспроти Конвенцијата за правата на лицата со хендикеп), Polio Plus - Movement against disability (Полио Плус – Движење против хендикеп), (2020)

<sup>103</sup> Information gathered from the Polio Plus – Movement against disability (Полио Плус – Движење против хендикеп)

<sup>104</sup> ODIHR Election Observation Mission in the Republic of North Macedonia, [Statement of Preliminary Findings and Conclusions - Local elections 17 October, 2021](#), 18 October 2021

<sup>105</sup> ODIHR Election Observation Mission in the Republic of North Macedonia, [Statement of Preliminary Findings and Conclusions - Local elections 17 October, 2021](#), 18 October 2021

reasonable accommodation of polling stations to provide equal access to persons with disabilities to and from polling stations throughout the country.<sup>106</sup>

The 2021 census of the population and households in North Macedonia did not foresee the inclusion of any of the WG sets<sup>107</sup>, but a very limited version of the Washington Group on Disability Statistics' short set of questions (WG-SS), even though the country announced this would not be the case in its reply to the initial report of the Committee on the Rights of Persons with Disabilities in 2018.<sup>108</sup> Furthermore, none of the ministries and other institutions included or consulted the OPDs on the census questionnaire. The OPDs and the Ombudsperson had several attempts to amend the set of questions through the Monitoring Body, but without any success.<sup>109</sup>

During the COVID-19 crisis, the Government and the Ministry of Health overlooked the disability question. The practice of using sign language interpretation at the press-conferences related to the pandemic has been discontinued. Despite the reaction of OPDs and the Ombudsperson, accessibility has not improved, as information and public debates in the media are still in an inaccessible format, including the government web page and the emergency numbers opened for this purpose.<sup>110</sup> The healthcare institutions are also inaccessible, including testing and vaccination centres. The measures for mandatory wearing of masks continue to impose additional limitations on deaf and hard of hearing persons. A 2021 study of the impact of COVID-19 on persons with disabilities concluded that the greatest difficulties that people with disabilities faced during the pandemic were limitations on socialising, i.e. meeting other people, (21.5 %) and limited movement (20.9 %), while 18.3 % faced difficulties

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<sup>106</sup> Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација), [General recommendation to the State Election Commission to take all necessary actions as soon as possible in order to ensure accessibility and appropriate adjustment of the polling stations, which will enable equal access of persons with physical disabilities to and from polling stations throughout the country](#) (Општа препорака до Државната изборна комисија за во најкус можен рок да ги преземе сите потребни дејствија во насока на обезбедување на пристапност и соодветно приспособување на гласачките места, со што ќе се овозможи еднаков пристап на лицата со физичка попреченост до и во гласачките места ширум земјата), 3 December 2021, *Official website of the Commission for Prevention and Protection against discrimination*.

<sup>107</sup> State Statistical Office (Државен завод за статистика), [Questionnaires to be Used in the Census on Population, Households and Dwellings in the Republic of North Macedonia](#) (Прашалници што ќе се користат во пописот на населението, домаќинствата и становите во Република Северна Македонија), Official Gazette of the Republic of North Macedonia No. 30/2021 (Службен весник на Република Северна Македонија 30/2021), 04 February 2021

<sup>108</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities (2018), [List of issues in relation to the initial report of the former Yugoslav Republic of Macedonia, Replies of the former Yugoslav Republic of Macedonia to the list of issues](#), Reply to question 54, 27 July 2018

<sup>109</sup> Ombudsman (Народен правобранител), Opinion and recommendation sent to the State Statistical Bureau by the Ombudsperson and OPDs Available at: <http://ombudsman.mk/upload/documents/2021/Preporaka-Popis%202021.pdf> *Official website of the Ombudsman*, 19 August 2021

<sup>110</sup> Observation by OPDs and submitted initiative and complain to the Ombudsperson and the Commission for the prevention and protection against discrimination, September 2021

respecting the protection measures, i.e. maintaining physical distancing, avoiding groups and difficulties wearing a mask.<sup>111</sup>

The tragic fire at the modular COVID hospital in Tetovo raised concerns about discriminatory treatment of patients with disabilities as a victim's relative disclosed to the media that he was asked to pay separately to the hospital staff to provide care to patients with disabilities.<sup>112</sup> Following a reaction by the OPDs, the Ombudsperson and the CPCD stated they would look further into the matter.

The vaccination certificate requirement allowing access to closed places, in place as of 24.08.2021, affects persons with disabilities disproportionately since family doctors do not recommend vaccination for many of them, making it impossible to obtain a certificate, preventing them from living and moving independently.<sup>113</sup> In early December 2021, the CPPD issued a General recommendation highlighting the need for ensuring physical accessibility of the health facilities and vaccination places, and accessible information considering process of immunisation.<sup>114</sup>

## 8.2 CRPD monitoring at national level

In July 2021, the National Coordination Body for the implementation of the CRPD adopted the Action Plan for Implementation of the UN CRPD, outlining legislative, policy, infrastructure and field measures that need to be implemented by 7 ministries.<sup>115</sup> In its general recommendation for the CRPD implementation in the domestic legislative framework<sup>116</sup>, the CPPD advised the National Coordination Body to outline the obligations of all line ministries and to begin the process of

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<sup>111</sup> Jovanovska Bojana, Petkovska, Natasa, [The Influence of the crisis caused by COVID-19 on persons with disabilities in North Macedonia](#) (Влијанието на Ковид – 19 кризата врз лицата со попреченост во Северна Македонија), Westminster Foundation for Democracy - North Macedonia, (May 2021)

<sup>112</sup> Deutsche Welle in Macedonian (Дојче Веле на македонски), [Testimony: In the Tetovo Covid center I was asked for money for my brother's care](#) (Сведоштво: Во тетовскиот Ковид-центар ми бараа пари за неџа на брат ми), 13 September 2021

<sup>113</sup> Government of the Republic of North Macedonia (Влада на Република Северна Македонија), [101st session of the Government](#), *Official website of the Government*, 25 August 2021

<sup>114</sup> Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација), [General recommendation for advancing the right to protection and access to immunisation of persons with disabilities during the pandemic](#) (Општа препорака за унапредување на правото на заштита и пристапот до имунизација на лицата со попреченост во услови на пандемија), 3 Decemberr 2021, *Official website of the Commission for Prevention and Protection against discrimination*.

<sup>115</sup> National Coordinating Body for Implementation of the UN Convention on the Rights of Persons with Disabilities (Национално координативно тело за имплементација на Конвенцијата на ООН за правата на лицата со попреченост), [Action plan for 2021 – The implementation of the measures from the UN Convention on the Rights of Persons with Disabilities](#) (Акциски план за 2021 година – Имплементација на мерките од Конвенцијата на ОН за правата на лицата со попреченост), *Official website of the Government*, July 2021

<sup>116</sup> Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација), [General Recommendation for Implementation of the Provisions Contained in the Convention on the Rights of Persons with Disabilities in the Relevant Domestic Legislation](#) (Општа препорака за имплементација на одредбите содржани во Конвенцијата за правата на лицата со попреченост во соодветното домашно законодавство), 3 December 2021.

amendments to the existing legislation that will transpose the CRPD provisions in its upcoming 2022 Action Plan. The unit established in the Ombudsperson office for monitoring of the CRPD in July 2019 consists of three people, none of whom is a person with disability. Its establishment is a positive step in the UN CRPD implementation. The unit reached out to OPDs and CSOs to establish a National Monitoring Framework for strategic partnership between the Ombudsperson, as a national human rights institution, and the people with disabilities, OPDs, and civil society. The National Monitoring Framework was formally launched on 24 April 2021, with 17 organizations covering all forms of disabilities, to be joined by signing a Memorandum for Cooperation. There are no clear rules on the representativeness of OPDs and CSOs, nor procedures on how its members are appointed/dismissed. Two official meetings took place in 2021, with the support of the UN Resident Coordinator Office.

In terms of the independence of the monitoring mechanism, while the Ombudsman's National Preventive Mechanism and its Mechanism for Civic Control are established by law<sup>117</sup>, the unit for monitoring of the CRPD is not. The annual budget the monitoring mechanism receives is on par with those of the other two, but remains insufficient for fulfilment of its core role.<sup>118</sup>

As a result of the Unit's efforts, children with disabilities successfully returned to in-person school attendance within the special education system, addressing the disproportionate impact COVID-19 had on children with disabilities. In cooperation with OPDs, the Unit has initiated requests for amending discriminatory legal provisions such as the exclusion of persons older than 65 years to obtain the disability allowance, or the requirement for certain membership in order to obtain state sponsored bus tickets, and regarding the full inclusion of the Washington Group sets of questions in the 2021 census.<sup>119</sup>

In terms of status and functioning, the established monitoring mechanism cannot be seen as independent under Article 33 of the CRPD. Additionally, its capacities need strengthening with additional human resources and with human rights-based knowledge, both highly prioritized by the staff of the mechanism.

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<sup>117</sup> Official Gazette of the Republic of Macedonia, 'Law on Amending the Law on the Ombudsman (Закон за изменување и дополнување на Законот за народниот правобранител)', Official Gazette of the Republic of Macedonia, No. 181/2016, 35/2018.

<sup>118</sup> Elena Kochoska, Bojana Jovanovska, Tomislav Ortakovski, Natasha Stanojkovska-Trajkovska, Sofija Georgievska Draft Situational Analysis on the Rights of Persons with Disabilities in the Republic of North Macedonia, to be published in early 2022.

<sup>119</sup> Information obtained from the Monitoring body for the implementation of the CRPD

## Annex 1 – Promising Practices

<b>Thematic area</b>	<p style="text-align: center;"><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p style="text-align: center;"><b>Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</b></p>
<b>Title (original language)</b>	<p style="text-align: center;"><i><u>No promising practice has been identified for this thematic area.</u></i></p>

<b>Thematic area</b>	<p style="text-align: center;"><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b></p>
<b>Title (original language)</b>	<p style="text-align: center;"><u><i>No promising practice has been identified for this thematic area.</i></u></p>

Thematic area	<p style="text-align: center;"><b>ROMA EQUALITY AND INCLUSION</b></p> <p><b>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</b></p>
<b>Title (original language)</b>	„РЕДИ Рециклажа “
<b>Title (EN)</b>	“REDI Recycling”
<b>Organisation (original language)</b>	Министерство за труд и социјална политика и Иницијатива за економски развој на Ромите
<b>Organisation (EN)</b>	Ministry for labour and social affairs and Roma Entrepreneurship Development Initiative
<b>Government / Civil society</b>	Government and Civil society
<b>Funding body</b>	The project is financed by the European Commission Directorate-General Neighbourhood and Enlargement Negotiations, European Union.
<b>Reference (incl. URL, where available)</b>	<a href="https://redi-ngo.eu/recycling/">https://redi-ngo.eu/recycling/</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>Start: 06 July 2021 End: 06 July 2024</p>
<p><b>Type of initiative</b></p>	<p>Socio-economic initiative</p>
<p><b>Main target group</b></p>	<p>Roma waste collectors</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>Roughly 4.500 recycling collectors work in the grey market in North Macedonia, around 1.500 in Skopje alone, the overwhelming majority of them Roma. They pick recyclable rubbish from the streets and parks, and from the banks of the Vardar River winding through the capital city, mounds of bottles and cans often dotting its waterline. The Roma, through their collecting, clean up the city and the environment. They should not be seen as last-class citizens, but as people who work and contribute to the betterment of society. The mission and vision for REDI Recycling is to be a social enterprise led by Roma waste collectors using circular economy for recycling secondary raw materials. The aim is to formalize collectors of secondary raw materials through the establishment of a system for primary waste selection.</p>



<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>At REDI Recycling, workers receive training, protective equipment and electric tricycles to transport the waste. Collection is made from special bins placed by the team.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>Roma will be employed and by that will be able to exercise their rights on health and pension benefits. During the project their capacities will be built and technical resources will be procured and by that Roma will be enabled to run the company on their own after the project ends.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>REDI Recycling plans to open it's own Recycling Factory. When the social enterprise will have the capacity of processing the selected waste, it can obtain a higher price for the finished product and by that incomes of employed Roma will rise as well as their conditions as workers will be improved.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The existing problem is common for the Roma communities in most of the EU member states while the Project Strategy provides a clear picture of its importance in the green economy as well as the possibility of a fair transition from gray to green economy as well as the importance of preserving our environment while using secondary raw materials as resources. The fact that the practice is about establishing a social enterprise, it provides legalisation of informal activities and by that protection of the rights of the most vulnerable Roma.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	

Thematic area	<p style="text-align: center;"><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b></p>
<b>Title (original language)</b>	Советувањето за граѓански организации на тема „Законот за заштита на личните податоци и граѓанските организации - кон исполнување на обврските и остварување целосна усогласеност со законот“
<b>Title (EN)</b>	Consultations for civil society organizations on the topic "The Law on Personal Data Protection and civil society organizations - towards fulfilling the obligations and achieving full compliance with the law"
<b>Organisation (original language)</b>	Македонското здружение на млади правници (МЗМП)
<b>Organisation (EN)</b>	Macedonian Young Lawyers Association (MYLA)
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	Non-profit organisation
<b>Reference (incl. URL, where available)</b>	Myla.org.mk

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	3 September 2021
<b>Type of initiative</b>	Consultations and trainings
<b>Main target group</b>	Civil societies
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	A free training was organised by the MYLA in collaboration with the Personal Data Protection Agency which was open and available to all civil society organisations in North Macedonia. Taking into account the strict fines and the many legal obligations that the laws on data protection give rise to, as well as the fact that most civil society organisations in RNM have very limited funding, this training was a welcome development and very useful for ensuring compliance with data protection laws. The one-day training was concluded by distributing free materials as well as a follow up document with all the questions that were deemed relevant by the participants. This proved a very effective way to ensure that civil society organisations are well equipped with legal notions on data protection and be better able to take relevant actions in terms of internal organisational changes that should take place to ensure compliance with the law.

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Civil society organisations can organise free and accessible trainings for other civil organisations, especially those that face funding limitations. Such trainings can take place in collaboration with the national authorities on data protection.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>These trainings can be easily repeated and are easy to organise, no new additional costs are involved for the organising civil society organisation which is well placed to understand the specific needs that another organisation in a similar field might have.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The impact may be measured with a questionnaire, or measured with the actions the organisations take thereafter.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>This practice may already take place in other Member States. In Member States where it has not been implemented yet, it would be an effective manner to ensure compliance with data protection laws.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	

<b>Thematic area</b>	<p style="text-align: center;"><b>RIGHTS OF THE CHILD</b></p> <p style="text-align: center;"><b>Please provide a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	<p><b><u>No promising practice has been identified for this thematic area.</u></b></p>

<b>Thematic area</b>	<p style="text-align: center;"><b>ACCESS TO JUSTICE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	<p><b><u>No promising practice has been identified for this thematic area.</u></b></p>

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> <b>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</b>
<b>Title (original language)</b>	<b><u>No promising practice has been identified for this thematic area.</u></b>



## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</b>
<b>Decision date</b>	24 June 2021
<b>Reference details</b>	Case of Memedov v. North Macedonia (Application no 31016/17), Fifth session of the European Court of Human Rights, Final Judgment.
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	<p>The case concerns allegations of racially motivated police brutality in respect of the applicant of Roma origin represented before the Court by the European Roma Rights Centre (ERRC). The incident occurred in 2013, when special police units conducted a raid using force which the ERRC described at the time as “excessive and arbitrary.” Around 50 police officers used force against Roma on 5 May, indiscriminately targeting individuals, including women, in the course of the operation in order to find a single suspect. Roma from the Topana neighbourhood told the ERRC that officers forcibly entered several Romani houses and local shops without providing any explanation; harassing and pushing people, often in the presence of children. Roma reported that police officers kicked and punched them with fists and police batons. Around ten Romani individuals were beaten up, including three women. The Romani man in question was in a shop at the time when police burst in and attacked him. He was kicked and punched by a large group of police officers, who also shouted racial insults at him.</p> <p>The ERRC helped him to go directly to the public prosecutor and file a complaint. Years later, this complaint was still pending with no indication that it would ever be investigated. The ERRC brought three cases at once: two before the domestic civil court against the national police and against the public prosecutor, and one before the European Court of Human Rights.</p>

<p style="text-align: center;"><b>Main reasoning/argumentation</b> <b>on</b> <b>(max. 500 chars)</b></p>	<p>The applicant maintained that his case should be examined in view of the “general climate of institutional anti-Gypsyism within Macedonian law enforcement”. Given the absence of any evidence that he “had been involved in the riot or had represented a threat to the security of police officers”, the use of force by the police had been arbitrary. The following factors demonstrated that he had made out a prima facie case of having been a victim of discriminatory police brutality: his injury during “the unusually large-scale police raid in a well-known Roma neighbourhood”; the entire context and the “extreme nature” of the police intervention of 5 May 2013; the fact that he had been arrested in a nearby shop after the police had arrested the fugitive; the racial slurs used by the arresting officers; and the information about the alleged police abuse of Roma in the respondent State contained in the reports by intergovernmental bodies (see paragraph 28 above). In addition, the Government had failed, for their part, to submit that similar raids had occurred in non-Roma neighbourhoods or that the investigation of alleged ill-treatment of non-Roma was “similarly slow and inconclusive”. The applicant also referred to Roma-related cases before the Court against the respondent State and invited it to draw conclusions on that basis.</p>
<p style="text-align: center;"><b>Key issues (concepts, interpretations) clarified by the case</b> <b>(max. 500 chars)</b></p>	<p>The evidence in this case showed yet again that the Macedonian police, rather than protecting the rights of Romani people, are engaged in a pattern of institutional discrimination and violence against Roma. This case contains two of the most common failures of law enforcement in policing Roma across Europe: racist violence and lack of an effective investigation. These are the most visible and most common manifestations of antigypsyism throughout Europe.</p>
<p style="text-align: center;"><b>Results (sanctions) and key consequences or implications of the case</b> <b>(max. 500 chars)</b></p>	<p>The European Court of Human Rights has ruled in favour of a Romani man who was physically assaulted by police officers in a racist attack during a violent raid in Topana, a Romani neighbourhood of Skopje, North Macedonia. The Court’s judgment found that the state authorities were in violation of Article 14 read in conjunction with Article 3 of the Convention on account of their failure to investigate the applicant’s allegations of racially motivated police brutality. The Court ordered the State to pay the applicant EUR 3,000 within three months.</p>

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“The applicant claimed 24,000 euros (EUR) in respect of non-pecuniary damage for mental and physical suffering as a result of the alleged violations. The Government contested this claim as excessive and invited the Court to award the applicant a lower amount if it did not find a violation on all alleged grounds. Ruling on an equitable basis, the Court awards the applicant EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.” <a href="https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-210683%22]}">https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-210683%22]}</a></p>
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<p><b>Thematic area</b></p>	<p><b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.</p>
<p><b>Decision date</b></p>	<p><i><u>No case law has been identified for this thematic area.</u></i></p>

<p><b>Thematic area</b></p>	<p><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
<p><b>Decision date</b></p>	<p><i><u>No case law has been identified for this thematic area.</u></i></p>

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision related to the topics addressed in the chapter.
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>

<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> Please provide the most relevant high court decision related to the topics addressed in the chapter.
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>