

**Joint Submission of the UN Country Team in North Macedonia
prepared for the Fourth Universal Periodic Review (UPR)
of North Macedonia**

October 2023

I. INTRODUCTION

1. This submission is a joint undertaking of the United Nations Country Team (UNCT) in North Macedonia¹, covering the 2019-2023 period. It is not an exhaustive analysis of the current human rights situation in North Macedonia, but rather highlights the main issues addressed by UN entities in discharging their mandates in the country.

II. SCOPE OF INTERNATIONAL OBLIGATIONS AND COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS AND BODIES

Acceptance of international norms

2. North Macedonia is party to most of the core international human rights treaties and accepted most of related individual complaint procedures. In January 2020, it acceded to the 1961 Convention on the Reduction of Statelessness.² In June 2023, it ratified ILO³ Convention 190 on Violence and Harassment.

Recommendations:

- Ratify the ICRMW,⁴ the ICPPED⁵, the Optional Protocol to the ICESCR⁶, and the Optional Protocol to the CRC⁷ on a communications procedure.

Cooperation with UN human rights mechanisms

3. North Macedonia cooperates with UN human rights mechanisms. Their recommendations are generally integrated in law and policies, although implementation remains a challenge. The country issued a standing invitation to UN Special Procedures in 2004 and the Special Rapporteur on counter-terrorism and human rights visited the country in July 2023. A visit request by the Special Rapporteur on extrajudicial, summary or arbitrary executions is pending.
4. The National Mechanism for Reporting and Follow-Up (NMRF) is faced with insufficient resources to ensure effective and systematic engagement with human rights mechanisms.

Recommendations:

- Increase the capacity of the NMRF, ensuring that it regularly consults with the National Human Rights Institution (NHRI), civil society, and other stakeholders in fulfilling its tasks.

III. NATIONAL HUMAN RIGHTS FRAMEWORK

5. The NHRI of North Macedonia (Ombudsman of the Republic of North Macedonia) is accredited with B-status by the Global Alliance of National Human Rights Institutions (GANHRI).⁸ During the accreditation, concerns were noted inter alia on the institution's lack of a human rights promotion mandate, as well as pluralism and diversity in appointing deputies and staff based on ethnicity.⁹
6. The NHRI has a broad mandate to address discrimination, protect human rights in the public sector, with a particular focus on the rights of children and persons with disabilities. It serves as a National Preventive Mechanism under the Optional Protocol to the CAT and as an external police oversight body. In 2022, it established an Independent Monitoring Framework, in line with the CRPD¹⁰, involving organizations of persons with disabilities.¹¹

7. Overall, the NHRI's inclusiveness and cooperation with civil society has gradually improved. Despite ongoing constraints in its financial and human resources, the institution continued to perform its activities, also addressing a significant number of individual complaints.¹² Challenges remained in the timely review of the NHRI's annual reports by the Parliament, and in the provision by the authorities of information on follow-up to NHRI recommendations.

Recommendations:

- Ensure that the NHRI has adequate financial and human resources to perform its mandate.¹³
- Strengthen the NHRI pluralism, inclusiveness and its broader representation of society, in line with the UN Paris Principles.
- Ensure the timely and systematic follow-up by the competent authorities to NHRI reports and recommendations.

IV. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Equality and non-discrimination

8. New anti-discrimination legislation (Law on Prevention and Protection against Discrimination) was adopted in October 2020. In line with previous UPR recommendations, it recognizes a wide range of discriminatory grounds, including sexual orientation and gender identity¹⁴ and applies to both the private and public sector.¹⁵ In 2022, a new National Strategy on Equality and Non-Discrimination 2022-2026 was adopted. It prioritizes the harmonization of national legislation and monitoring and coordination in anti-discrimination efforts.¹⁶
9. The new Commission for Prevention and Protection against Discrimination (CPPD), established in January 2021, functions as an independent equality body, addressing discrimination complaints alongside the judiciary and the NHRI.¹⁷ Its members were appointed by the Parliament in a transparent and competitive procedure. In 2022, there was an increase of 188.37% in complaints received by the CPPD, as compared to 2021.¹⁸ The CPPD is also playing an increasingly important role at the systemic level, issuing important policy opinions and recommendations.¹⁹ Despite its functions, the CPPD faces financial and staffing constraints that put at risk its independence, efficiency, and credibility.
10. Lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals are widely reported as experiencing discrimination in North Macedonia. Sexual orientation and gender identity are now recognized as prohibited grounds of discrimination and are covered in the definition of hate crimes. Quick, transparent and accessible legal gender recognition procedures for transgender people are not covered by national legislation²⁰ and draft amendments to the Law on Civil Registry addressing this gap have not been adopted yet. While Pride events and parades have been held since 2019, generally without major incidents, homophobic and transphobic hate speech is widespread, especially on social media.
11. The Ministry of Interior has established an email mailbox for reporting hate crimes and hate speech. There is little information available on these cases and any follow-up action in addressing and, where applicable, investigating and prosecuting them.

Recommendations:

- Ensure that the CPPD is provided with adequate financial and human resources, and that its recommendations are discussed and addressed by the competent authorities.
- Address remaining gaps in legislation, in particular with a view to protecting LGBTI persons from hate crimes and granting them access to all human rights.
- Ensure the prompt, thorough and impartial investigation and prosecution of hate crimes, bringing the perpetrators to justice and fully protecting affected groups and communities.
- Develop and implement policies and strategies to prevent and combat hate speech, ensuring that such measures are strictly in line with international standards on freedom of expression.

Corruption and good governance

12. North Macedonia is a party to the UN Convention against Corruption. A strengthened legal framework against corruption is established, with the adoption in 2019 of new legislation on the prevention of corruption and conflict of interests and the transparent and merit-based appointment of members of the State Commission for the Prevention of Corruption (SCPC).²¹ A Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption is operating, and the authorities investigated several cases, including against high-level officials / politicians, of corruption and vote-buying.
13. Anti-corruption efforts are hindered by limited interinstitutional cooperation, information sharing and follow up to SCPC initiatives and recommendations.²² Amendments to the Criminal Code were adopted in September 2023, without consultations, and reduced punishments for abuse of official position, particularly in public procurement. Corruption remains reportedly widespread in public perceptions²³ and is reported as occurring in central and local governance structures, in customs administration, education, health, public procurement, property registration and the judiciary.²⁴

Recommendations:

- Enhance interinstitutional cooperation and information sharing among relevant institutions in the fight against corruption.
- Ensure that new legislation relevant to the fight against corruption is adopted following broad consultations with civil society and anti-corruption experts, providing for sanctions which are effective, dissuasive and proportionate to the severity of corruption-related offenses.

Prohibition of torture and cruel, inhuman or degrading treatment

14. In February 2023, the Criminal Code was amended to align the definition of torture with the CAT²⁵ and the European Court of Human Rights (ECHR) jurisprudence.
15. UPR recommendations to improve conditions of detention²⁶ were partially implemented, amidst delays in the implementation of the Strategy for the Penitentiary System 2021-2025. Despite some progress, conditions are not fully in line with international standards, in particular in the pretrial detention facility and the main Idrizovo Prison in Skopje.²⁷ Prisoners and detainees lack adequate access to health services, education and reintegration programmes, and receive no information about their rights. Overcrowding and poor and

unhygienic conditions especially affect women.

16. Instances of ill-treatment and excessive use of force by the police continue to be reported. In February 2023, the Parliament amended the Criminal Code abolishing the statute of limitations for the crime of torture, as requested by the Council of Europe Committee of Ministers.²⁸ The Committee of Ministers, in June 2023, expressed regret that no further measures could be taken by the prosecuting authorities in a number of cases brought before the ECHR, because the prosecution of the applicants' ill-treatment had become prescribed before the ECHR judgments.²⁹

Recommendations:

- Improve conditions of detention, and in particular access to healthcare that is gender, age and disability sensitive in places of deprivation of liberty.
- Ensure the wide dissemination of information about the rights of persons deprived of their liberty and the prompt, thorough, independent and impartial investigation of all allegations of torture, ill-treatment and excessive use of force.
- Ensure that members of the police and prosecution services, judiciary, and prison staff are trained and sensitized on recently adopted legislation and international standards on torture and other ill-treatment.

Prohibition of slavery, trafficking

17. An Operational Team for the Identification of Trafficking Victims, tasked with recognizing potential victims and streamlining victim support coordination, was established, along with mobile teams. Moreover, a Memorandum of Cooperation between the Ministry of Interior and the State Labour Inspectorate was concluded, to enhance collaboration, combat human trafficking for labour exploitation, and ensure victims' protection.
18. Despite these positive steps, the proactive identification of victims of trafficking remains a challenge, depriving victims of access to human rights and hindering the prosecution and punishment of perpetrators. Most of the identified victims are women and girls, country nationals, most often trafficked for forced marriage, sexual exploitation, and labour exploitation. Members of the Roma community remain particularly vulnerable to trafficking. The identification of trafficking victims among migrants and refugees transiting through the country raises specific challenges³⁰ and requires targeted capacity building of law enforcement and social protection agencies.

Recommendations:

- Allocate adequate resources and build capacity to further improve proactive victim identification and protection efforts across vulnerable populations, encompassing mobile identification teams, shelters, specialized services for adult male victims, reintegration services.
- Implement rigorous screening procedures by the local police and border officials to identify trafficking indicators among migrants, and to provide them with required support and protection.

Freedom of opinion and expression, civic space

19. Civic space is diverse and vibrant in North Macedonia and civil society organizations (CSOs) are consulted and actively participate in policy- and decision-making, monitoring and implementation. Nevertheless, the frequent use of expedited and urgent legislative procedures in Parliament limits CSOs opportunities for meaningful participation in the law-making process.³¹
20. The new 2022 Law on Civil Liability for Insult and Defamation addressed shortcomings in the application of the previous law, introducing significant reductions to fines for media outlets and journalists in defamation lawsuits. Legal protections for journalists have increased with amendments to the Criminal Code, treating attacks on journalists as attacks on officials (punished by more severe sanctions). Additionally, efforts have been made to further align domestic legislation with the European Union (EU) 2018 Audiovisual Media Services Directive, which contains provisions on hate speech and discrimination, and media accessibility requirements for persons with disabilities.
21. Despite positive legal changes, journalists continue to face threats, harassment, and other obstacles to their work. The response from authorities, including internal and disciplinary investigations and reviews, has varied in effectiveness. Although instances of physical and verbal violence decreased, online threats against journalists and media workers, targeting women in particular, are reported as increasing, with up to 80% of women journalists reporting having been targeted by online harassment.³²

Recommendations:

- Ensure the safety of journalists by promptly and thoroughly investigating threats and attacks, holding perpetrators accountable, and providing protection when necessary.
- Implement measures to combat online harassment of journalists, and especially women journalists, including by providing support and resources for journalists facing online threats, and encouraging responsible online behavior.
- Invest in media literacy and integrity programs to educate the public on the importance of free media, fostering a culture of respect for journalism and journalists.

Administration of justice and fair trial

22. The judiciary's legal and institutional framework is largely aligned with international and European standards. Reforms have gradually improved the judiciary's independence, efficiency and professionalism. Almost all courts maintain a clearance rate close to 100%. The Academy for Judges and Public Prosecutors is the sole entry point in the judiciary, ensuring greater independence and professionalism of judges and prosecutors. Access by citizens to the work of the judiciary was improved through the establishment in 2022 of a Council for Open Judiciary, which brings together representatives of the judiciary and CSOs. A Law on the Payment of Monetary Compensation to Victims of Violent Crimes was adopted in 2022, providing additional avenues, including for victims of trafficking and gender-based violence (GBV), to receive compensation.
23. The Judicial Council³³ adopted a special Programme on Countering Corruption in the Judiciary 2022-2025, also to address high levels of distrust in the judiciary.³⁴ According to recent research, 59% of judges do not believe that current mechanisms are effective in

safeguarding the judicial function from external pressures or attempts to influence.³⁵

24. A new Judicial Reform Strategy 2023-2027 is under development, and criminal and civil procedure laws are under revision. Justice for children reforms made progress in introducing a nonpunitive and restorative approach for children in contact and conflict with the law.

Recommendations:

- Increase budgetary resources allocated towards the functioning of the courts, as an important safeguard of their independence.
- Fully implement the new Law on the Payment of Monetary Compensation to Victims of Violent Crimes, increasing the awareness of victims of their right to claim compensation.
- Establish and strengthen effective guarantees to combat corruption and undue influence in the judiciary.

Right to an adequate standard of living

25. Overall poverty levels have declined from 35% (2009) to 21.6% (2019) but remain high in rural areas and in multi-children households. Poverty reduction has been accompanied by improved living conditions, although access to quality public services remains at times problematic.³⁶

Recommendations:

- Continue poverty reduction efforts and ensure access to clean water and sanitation for all, with a particular focus on groups (eg the Roma) and settlements in rural areas that may lack such access.

Right to social security

26. A new Law on Social Protection was adopted in 2019, positively affecting the most disadvantaged groups in society, including people with disabilities and the Roma. Gaps remain in providing social protection services to persons with disabilities, victims of GBV and agricultural workers.³⁷

Recommendations:

- Further expand social protection for all disadvantaged and marginalized groups, including persons with disabilities and agricultural workers, both women and men, widely disseminating accessible information to persons with disabilities about their rights and entitlements.

Right to work

27. A new draft Labour Law is being finalized by the Ministry of Labour and Social Policy. It provides for the protection of pregnant women and parents from discrimination in employment based on pregnancy and on their status as a parent, and for the right of shared parental leave between mothers and fathers. If adopted, this legislation will promote better inclusion of women in the labour market, in line with previous UPR recommendations.³⁸

28. The COVID19 pandemic has had a severe negative impact on the employment of already vulnerable segments of the population of North Macedonia. These include those employed in the informal sector, the self-employed or those, mostly women, working part-time. The labour market has yet not reverted to pre-pandemic levels of activity, following the drop in active population in 2020. Despite some recent improvements, the activity rate for women remained more than 20 percentage points below the activity rate of men in 2021.³⁹

Recommendations:

- Ensure that the new Labour Law is adopted, providing for protection from discrimination in employment of pregnant women and parents, and for the right of shared parental leave between mothers and fathers.

Right to health

29. North Macedonia's public health insurance system covers most of the population, but health spending as a share of GDP and per capita is comparatively low. Health system operations in 2020 were dominated by COVID19 responses, placing healthcare delivery under significant strain. While the number of COVID19 cases declined, the health system continues to struggle due to a lack of resources and medical staff.⁴⁰
30. Out-of-pocket expenses, mainly due to high copayments for outpatient medications, reached 40% of health costs in 2019, exceeding the European average, and resulting in inadequate protection for certain groups.
31. A primary care reform was initiated in 2019, aimed at creating multidisciplinary primary care teams with nurses and midwives at the core, strengthening provider accountability, integrating public health and primary care, and adopting a community approach.⁴¹ While providers are geographically widespread, access to primary care remains limited for people in rural and remote areas.
32. A new 2019 Law on Termination of Pregnancy improved the reproductive and health rights and freedoms of women.⁴² The new provisions allow for medical abortion and recognize the inviolable right of women to decide on their own to terminate a pregnancy.
33. Limited progress has been noted in the field of cancer detection and reporting.⁴³ In an attempt to achieve greater coverage of cervical cancer screening services, and especially to reach out to underserved areas and populations, the national budget for screening services through mobile gynaecological clinics has been tripled in 2023, compared to 2022. This approach is of particular importance for women at risk of being left behind (women deprived of their liberty, drug users, sex workers).

Recommendations:

- Improve the capacities of healthcare professionals at all levels, establishing mechanisms for control and accountability.
- Ensure that the out-of-pocket health related expenses do not exclude poor and marginalized groups from access to healthcare.

- Enhance access to quality primary care for all, building on the results of the primary care reform and ensuring in particular coverage in rural and remote areas.
- Strengthen the maternal and child healthcare services addressing disparities in health and well-being indicators based on geography, socioeconomic status and ethnicity.

Right to education

34. Progress made on curricula, teachers' professional development and inclusion in primary education needs to be expanded and supported at all levels of education. North Macedonia has made efforts to participate in international student assessments and is now preparing to launch a new national student assessment model. Educational performance reproduces inequalities, with socio-economically advantaged students and girls performing better than boys and disadvantaged students. Roma children face significant obstacles to and discrimination in the enjoyment of their right to education.
35. The education system is falling short in meeting the needs for consistent and quality inclusive education for children in correctional educational facilities. Although all children with disabilities are now expected to be enrolled in mainstream schools, additional support is needed for Resource Centres that are supporting schools in this transition.
36. Despite positive developments in legislation (adoption of the Law on Primary Education in 2019 and corresponding bylaws, as well as ongoing amendments to the Law on Secondary Education), documentation requirements for enrolment in schools remain a significant barrier for many refugee and stateless children in their access to education.⁴⁴

Recommendations:

- Systematically utilize data obtained through student assessments for further analysis and to identify corrective measures to improve education at the local and national level and reduce inequalities in access to education.
- Increase public funding and investment in education at all levels, including preschool, while ensuring that the allocation of resources to municipalities and schools is efficient and equitable.
- Ensure that all children, regardless of whether they possess personal documents or an identity number, have access to education.
- Monitor the enrolment rate and ensure school attendance of refugee and asylum-seeking children in the compulsory and free education, irrespective of their intended length of stay.

Discrimination against women

37. Provisions on gender equality are included in the Law on Equal Opportunities of Women and Men, adopted in 2006 and amended in 2012. In 2022, the Ministry of Labour and Social Policy prepared a draft Law on Gender Equality, aiming to improve the current gender equality framework. The draft law has encountered opposition by conservative groups and is yet to be discussed in Parliament. A new National Strategy on Gender Equality was adopted in 2022, inter alia, including gender-responsive budgeting as a key tool for mainstreaming gender in policy-making and budgeting processes.

38. North Macedonia ranked 20th out of 146 countries in the Global Gender Gap Index (GGGI) with a score of 0.715, indicating better representation of women in parliament.⁴⁵ However, the representation of women in ministerial positions was significantly lower, with a score of 0.267, ranking 75th globally.⁴⁶ In candidate nomination lists, at least 40% of the candidates must be women.⁴⁷ In the labour market, there remain significant gender gaps in the activity rates and in the employment of women and men.⁴⁸
39. Women in rural areas, Roma women, and women with disabilities are particularly disadvantaged in their enjoyment of the right to work and other rights. Women in rural areas face significant obstacles in utilizing maternity leave, sick leave, and annual leave. They are often unable to access health services because of the distance to major health facilities and their dispersion on the territory. A lack of childcare facilities remains a key obstacle to the advancement and empowerment of rural women.

Recommendations:

- Ensure that the draft Law on Gender Equality is debated in Parliament, encompassing provisions that improve the current gender equality framework in North Macedonia.
- Actively promote women's political participation at the national and local level, aiming to achieve gender balance in high-ranking political positions.
- Enhance the legal and policy framework for the inclusion of women in the labour market and their access to social rights, including through specific measures targeting rural women, Roma women, and women with disabilities.

Gender-based violence (GBV)

40. GBV-related legislation has been broadly aligned with CEDAW⁴⁹ and the Istanbul Convention.⁵⁰ Criminal Code amendments and the 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence were significant steps in this regard. A protocol for multi-sectoral response to GBV was developed, in a highly inclusive process. Notably, new domestic violence legislation includes provisions relating to refugee, asylum-seeking and stateless women.
41. New provisions broadened the definition of domestic violence to include violence in LGBTI relationships, psychological and economic forms of violence, alongside physical and sexual abuse. The definition of rape is based on "freely given consent" and marital rape is criminalized. In addition, new crimes of female genital mutilation, stalking, sexual assault, sexual harassment were introduced. Social protection measures have broadened financial assistance and support for GBV victims, while the 2019 Law on Free Legal Aid also addresses some of the needs of GBV victims.
42. Challenges include gender discrimination and stereotyping in the judiciary and in the police, which often lack the capacities to address GBV using a rights-based and victim-centred approach. Centres for Social Work, key structures for the support of women victims of violence, are in urgent need of more financial and human resources. A shortage of shelter spaces and the unavailability of emergency barring orders leave many women victims of violence without protection. Some of these problems are more acute in rural areas, where specialized services and shelters are not easily accessible.

Recommendations:

- Ensure that training and capacity development are provided to the judiciary and the police, promoting a rights-based and victim-centred approach in tackling GBV.
- Ensure that Centres for Social Work, shelters, and other structures offering protection to victims of GBV are provided with adequate human and financial resources and training.
- In particular, ensure that women, girls and other GBV victims in rural areas have improved access to specialized services and shelters to address their needs.

Children

43. The Government adopted a National Strategy for the Prevention and Protection of Children from Violence 2020-2025, with a corresponding action plan. Insufficient resources and inadequate application of protocols for protection from violence and for multisectoral cooperation hamper their implementation. Child victims and witnesses of violence are not consistently interviewed by trained forensic interviewers in child-friendly facilities, avoiding re-victimization by repetitive interviews.
44. Children deprived of their liberty are at times placed in solitary confinement and some cases of ill-treatment of children, particularly in the Tetovo Educational Correctional Facility, have been reported. In rare cases, children have been placed with adults in pre-trial detention. In 2021, three girls were placed for several months together with adults in the women's ward in the main Idrizovo Prison, and lacked education, psychosocial support, recreative activities and appropriate food. Education is still not provided in the Ohrid Prison and the Tetovo Educational Correctional Facility and these institutions are not regularly monitored and inspected to ensure the protection of children deprived of their liberty. The provision of quality, free legal aid to children in conflict with the law throughout legal proceedings is still not guaranteed.
45. North Macedonia adopted a new disability assessment model, grounded in human rights, based on the International Classification of Functioning, Disability and Health (ICF), which is systematically used for the assessment of the needs of children with disabilities. Challenges remain in the implementation of early detection and intervention programs, as well as in the provision of specialized healthcare and age-appropriate rehabilitation.
46. Positive efforts have been made to close large institutions for children. A lack of financial and human resources hampers further advances in the deinstitutionalization of children with disabilities in residential care, primarily in smaller institutions, and their transition from Day Care Centres to schools. Immediate action is needed to separate children with disabilities from adults in Day Care Centres.
47. Systematic measures are lacking to address the issue of street children and child labour and the exploitation of children for begging.⁵¹ Early marriages predominantly occur among Roma communities in families of low economic and social standing and are linked to poverty, school dropout and early pregnancy, which can be detrimental for girls' reproductive health.⁵²
48. Unaccompanied children are placed in migrant reception centres, and asylum-seeking children who are identified as witnesses in criminal cases against smugglers are in some cases placed in detention. Gaps exist in the provision of services, such as education and healthcare, to refugee and asylum-seeking children.

Recommendations:

- Ensure that child victims and witnesses of violence are consistently interviewed by trained interviewers in child-friendly facilities, avoiding re-victimization.
- In line with the principle of best interest of the child, ensure that the detention or imprisonment of children is only used as a last resort and for the shortest appropriate period, and that children deprived of their liberty are not held together with adults and have access to education, recreation activities, appropriate food, and free legal aid at all stages of the proceedings.
- Take further steps to ensure early detection and intervention programs for children with disabilities and to invest in specialized healthcare and age-appropriate rehabilitation.
- Act immediately to ensure the separation of children with disabilities from adults in Day Care Centres and take steps to ensure the deinstitutionalization of all children with disabilities in residential care.
- Take additional measures to eradicate child marriages and raise awareness of its negative impact on children.
- Cease the practice of holding unaccompanied children in migrant reception centres and of detaining children identified as witnesses in criminal cases against smugglers.

Persons with disabilities

49. A new National Strategy for the Rights of Persons with Disabilities 2023-2030 was developed in an inclusive manner. Comprehensive data on persons with disabilities continues to be lacking. Despite lobbying by the NHRI to include Washington Group questions in the 2022 Census, allowing disaggregation by disability status, no such questions were incorporated. Overall, North Macedonia has not yet completed the transition from a medical to a rights-based model of addressing the needs of persons with disabilities.⁵³
50. Progress was made in the deinstitutionalisation of persons with disabilities and their placement in foster care or community-based housing. Notably, a significant number of children and adults with disabilities remain outside the reach of social services.⁵⁴
51. Access to justice by persons with disabilities is constrained by the inaccessibility of facilities and the deprivation of legal capacity of people with intellectual disabilities. While a free legal aid system is in place, it is not always accessible to persons with disabilities and entails burdensome procedures for them.
52. Legislation in North Macedonia allows for voting rights to be revoked based on intellectual or psychosocial disability, contradicting international standards. The authorities took some positive measures to promote the participation of persons with disabilities in the political process. The State Election Commission (SEC), in cooperation with civil society, mapped the accessibility of polling stations, improved website accessibility, introduced Braille ballots.⁵⁵ Problems remained in the accessibility of polling stations.⁵⁶ In September 2022, the Basic Civil Court in Skopje ruled that the authorities had committed direct discrimination against persons with disabilities in exercising their right to vote, as a result of a lack of accessibility

of polling stations.⁵⁷

53. Amendments to the Law on the Employment of Persons with Disabilities introduced labour assistance, although the implementation in practice of related measures is lagging.

Recommendations:

- Ensure the comprehensive and systematic collection of disaggregated data on persons with disabilities, with a view to identifying forms of intersectional exclusion and discrimination and defining and implementing human rights-based policy interventions.
- Promote access to justice for persons with disabilities by improving the accessibility of facilities and improving their access to free legal aid.
- Ensure the accessibility of polling stations to persons with disabilities and align the domestic legal and policy framework on the voting rights of persons with disabilities with international standards, ensuring that citizens are not deprived of voting and other rights on the grounds of intellectual or psychosocial disabilities.
- Ensure the full access by persons with disabilities to social services, and the full implementation of the Law on the Employment of Persons with Disabilities, including in its provisions on labour assistance.

Members of minorities

54. Many national minorities actively participate in the political life of the country and enjoy linguistic and other rights, also in line with the 2001 Ohrid Framework Agreement. However, minority women often remain excluded and affected by intersectional forms of discrimination.
55. Albanian is used as an official language, alongside Macedonian, in all central administration bodies, in Skopje, and in all municipalities where at least 20% of the population speak Albanian. Members of national minorities are represented among politicians, the judiciary, the prosecution, and in other state institutions. The NHRI regularly monitors the representation of national minorities in the public sector.⁵⁸ Primary education instruction is available in five languages, while secondary and tertiary education is available in Macedonian, Albanian and Turkish.⁵⁹
56. Roma are among the most marginalized groups in society with limited participation in political life and access to education, health and social services, housing, and employment. Roma are often targets of discrimination, hate speech and hate crimes. They are affected by ethnic profiling, as well as abusive behaviour by police.⁶⁰
57. A new Strategy for Roma Inclusion 2022-2030 was adopted, devoting particular attention to education. Thirty Roma educational mediators were hired to work in 17 municipalities and a special programme providing for the free enrolment of Roma children in preschools is expected to improve their learning outcomes.⁶¹ Segregation of Roma children in Roma-only groups remains a problem, especially in the primary schools in Shtip and Bitola.
58. Roma's exclusion or discrimination in access to health services, is one of the causes of poorer health-related outcomes (such as life expectancy, or infant mortality) than in the general population.⁶² The lack of access to gynaecologists and other sexual and reproductive

health services leaves Roma women in a particularly vulnerable situation.

Recommendations:

- Combat discrimination, hate speech and hate crimes against Roma and provide training and sensitization to members of the police and other state bodies on the impermissibility of ethnic profiling and of any discriminatory practices and abuse.
- Cease any form of segregation of Roma children in schools, ensuring they are included in mixed ethnicity classes and mainstream schools.
- Promote equal access to healthcare services for Roma, with a particular focus on sexual and reproductive health services for Roma women.

Migrants, refugees and asylum-seekers

59. 2015 had seen the biggest migration movements along the Western Mediterranean route, passing through North Macedonia and moving towards EU countries. Such mixed migration flows have continued in recent years, and efforts to ensure basic living conditions and services for migrants transiting through the country persisted.
60. The number of 1999 Kosovo (UNSCR 1244) refugees, mainly Roma, remaining in North Macedonia is estimated at 251.⁶³ Over 20 years since their displacement, many of them are still without a legal status and access to rights. While the authorities have been willing to find case-by-case solutions for some of these individuals, proposed amendments to the Law on Foreigners which would help regularize the situation of this group were still pending adoption.⁶⁴
61. The Citizenship Law does not provide for the simplified naturalization of persons granted subsidiary protection in North Macedonia. Beneficiaries of subsidiary protection, treated as regular foreigners, are often unable to acquire citizenship as a result.

Recommendations:

- Further improve, in line with international standards, the identification and referral of vulnerable migrants, including unaccompanied minors, with a view to ensuring their access to all human rights.
- Advance the inclusion and integration of persons in need of international protection in North Macedonia, to ensure their full enjoyment of human rights.
- By approving and implementing relevant legislation, regularize the situation of 1999 Kosovo (UNSCR 1244) refugees, recognizing their long-term presence in the country.
- Amend the Citizenship Law ensuring that persons granted subsidiary protection in North Macedonia benefit from a simplified naturalization procedure.

Stateless persons

62. The authorities in North Macedonia took a proactive approach in addressing the issue of statelessness. The Parliament of North Macedonia amended the Law on Civil Registry,

granting every child born in North Macedonia the right to immediate registration in the birth register, irrespective of the parents' citizenship or personal status.⁶⁵ As a result of these legislative changes, 510 individuals who would have been previously at risk of statelessness will be issued their first birth certificates and identity documents.⁶⁶

Recommendations:

- Continue to implement legislation on birth records, with a view to ensuring that no child born in North Macedonia risks statelessness.

ENDNOTES

- ¹ A list of contributing UN entities can be found in Annex 1
- ² UPR third cycle recommendations 104.14: Accede to the Convention on the Reduction of Statelessness.
- ³ International Labour Organization.
- ⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- ⁵ International Convention for the Protection of All Persons from Enforced Disappearance.
- ⁶ International Covenant on Economic, Social and Cultural Rights.
- ⁷ Convention on the Rights of the Child.
- ⁸ <https://ganhri.org/membership/>
- ⁹ Referring to broader representation of Macedonian society, not limited to ethnic diversity. See International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation*, Geneva, 25 – 28 October 2011, p.9.
- ¹⁰ Convention on the Rights of Persons with Disabilities.
- ¹¹ Under Article 33.2 of the CCRPD.
- ¹² Ombudsman of the Republic of North Macedonia, *Annual report on the degree of provision, respect, advancement and protection of human rights and freedoms: 2021*, Skopje, April 2022, p. 147, available at: <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2021/GI-2021-Ang.pdf>
- ¹³ See for example, UPR third cycle recommendation 104.30, to amend the Law on the Ombudsman in order to be fully in line with the Paris Principles and provide the Office of the Ombudsman with the necessary human and financial resources to ensure the effective and independent implementation of its mandate. See also recommendations 104.22, 104.23, 104.24.
- ¹⁴ UPR third cycle recommendations 104.37: Take steps to adopt the newly drafted law on the prevention of and protection against discrimination as soon as possible; 104.49: Modify the Law on the Prevention of and Protection against Discrimination with a view to expressly prohibiting discrimination on the grounds of sexual orientation and gender identity; 104.45: Take appropriate measures to prevent and combat all forms of discrimination and to align the national anti-discrimination legislation with international standards, in particular by increasing efforts to protect lesbian, gay, bisexual, transgender and intersex person.
- ¹⁵ Article 5 of this law explicitly includes the following discrimination grounds: race, skin colour, origin, nationality or ethnicity, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, citizenship, social origin, education, religion or religious belief, political conviction, other convictions, disability, age, family or marital status, property status, health condition, personal capacity, and social status and other grounds.
- ¹⁶ UPR third cycle recommendation 104.36: Adopt legislation on protection and prevention against discrimination and ensure its effective implementation and harmonization with other relevant laws.
- ¹⁷ Coordination between the NHRI and the CPPD was strengthened by the signing, in March 2023, of a memorandum of understanding between the two institutions.
- ¹⁸ The most common reported grounds of discrimination are ethnicity, social status, sex, gender identity and sexual orientation. See also CPPD, *Годишен извештај за работата на Комисијата за спречување и заштита од дискриминација за 2022 година* (Annual Report of the Work of the Commission for Prevention and Protection against Discrimination for the Year 2022), available at: <https://kszd.mk/wp-content/uploads/2023/05/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD-%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98-2022.pdf>
- ¹⁹ For example on the segregation of Romani children in education, which were cited in a recent European Court of Human Rights (ECHR) Judgement. See ECHR, *Case of Elmazova and Others v. North Macedonia, Judgement (Applications nos. 11811/20 and 13550/20)*, Strasbourg, 13 December 2022.
- ²⁰ In 2019 the ECHR found North Macedonia in violation of Article 8 of the European Convention on Human Rights, protecting the right to private and family life, due to a lack of avenues for the legal recognition of gender identity for transgender people. See ECHR, *Case of X v. The Former Yugoslav Republic of Macedonia, Judgement (Application no. 29683/16)*, Strasbourg, 17 January 2019.
- ²¹ The SPCP is a specialized anti-corruption body. UPR third cycle recommendation 104.33, to take the necessary measures to effectively eliminate and combat corruption, including by appointing a new anti-corruption commission that is free from political pressure or influence; 104.34, to adopt and implement measures to strengthen the institutions in charge of preventing and fighting corruption and encourage, from the highest political level, a more proactive attitude to all actors engaged.
- ²² See also, European Commission, *North Macedonia 2022 Report*, Brussels, 12 October 2022.
- ²³ Center for Insights in Survey Research, *National Survey of North Macedonia*, April - May 2023, available at: <https://www.iri.org/resources/national-survey-of-north-macedonia-april-may-2023/>
- ²⁴ See for example, SCPC, *Annual report on the implementation of the measures of the National Strategy for Prevention of Corruption and Conflict of Interest envisaged for implementation in 2021*, Skopje, March 2022, available at: <https://dksk.mk/wp-content/uploads/2023/02/Annual-report-on-implementation-of-2021-2025-National-strategy-on-prevention-of-corruption-and-conflict-of-interest.pdf>
- ²⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ²⁶ UPR third cycle recommendations 104.81: Take immediate steps to improve prison conditions, directed in particular at reducing overcrowding and ensuring the safety of prisoners; 104.82: Carry out further work to reduce overcrowding in prisons and to improve the detention conditions of convicted persons, including access to quality medical services; 104.83: Improve the conditions in detention by fighting against corruption and mistreatment, as well as through improving the health care provided.
- ²⁷ Where, due to a lack of penitentiary staff, a state of crisis was declared in June 2023 to allow for the temporary deployment of the army to contribute to guarding outside the facility.
- ²⁸ In its supervision of the implementation of ECHR judgments ECHR, *Case of Kitanovski v. the former Yugoslav Republic of Macedonia, Judgement (Application No. 15191/12)*, Strasbourg, 22 January 2015.
- ²⁹ Council of Europe Committee of Ministers, *Resolution CM/ResDH(2023)141. Execution of the judgments of the European Court of Human Rights. Four cases against North Macedonia*, 7 June 2023.
- ³⁰ Due to the short duration of their stay in North Macedonia.

- ³¹ EU Agency for Fundamental Rights, *Legal environment and space of civil society organisations in supporting fundamental rights*, Skopje, January 2021, available at: https://fra.europa.eu/sites/default/files/fra_uploads/franet_north_macedonia_civic_space_2021.pdf
- ³² Platform for Investigative Journalism and Analysis, *PINA: Over 81% of 103 surveyed women journalists in N. Macedonia have faced online harassment*, 2 November 2022, available at: <https://pina.mk/6341-pina-over-81-of-103-female-journalists-surveyed-have-faced-online-harassment/>
- ³³ An independent body responsible for appointing, dismissing, promoting, and disciplining judges.
- ³⁴ Among institutions and organizations included in a 2023 survey, the Judiciary and Public Prosecution ranked comparatively low in the level of trust towards them. Less than 20% of the respondents in North Macedonia stated that they trusted these two institutions “a great deal” or “somewhat”. See Center for Insights in Survey Research, *National Survey of North Macedonia*, April - May 2023, available at: <https://www.iri.org/resources/national-survey-of-north-macedonia-april-may-2023/>
- ³⁵ OSCE Mission to North Macedonia, *Corruption Risk Assessment of the Judiciary in North Macedonia*, Skopje, June 2023.
- ³⁶ Republic of North Macedonia, UN North Macedonia, *2021–2025 UN Sustainable Development Cooperation Framework*, 26 October 2020, p. 10, available at: https://northmacedonia.un.org/sites/default/files/2021-12/UNSDCF_21-25_ENG_print%28v2%29.pdf
- ³⁷ UPR third cycle recommendation 104.117: Take measures to ensure that the most disadvantaged and marginalized persons are fully protected under the social security system.
- ³⁸ For example, UPR third cycle recommendation 104.55: Enhance efforts to eliminate all forms of discrimination, including by strengthening the legislation to ensure gender equality in the fields of labour and social rights.
- ³⁹ UN North Macedonia, *North Macedonia Common Country Analysis 2022 Update*, p. 16, available at: <https://northmacedonia.un.org/sites/default/files/2022-11/MK%20CCA%202022%20update.pdf>
- ⁴⁰ UN North Macedonia, *North Macedonia Common Country Analysis 2022 Update*, p. 3, available at: <https://northmacedonia.un.org/sites/default/files/2022-11/MK%20CCA%202022%20update.pdf>
- ⁴¹ UPR third cycle recommendations 104.120: Make all efforts to ensure that primary health-care services are available and accessible to all; 104.121 Intensify efforts to ensure that primary health-care services are available and accessible to all citizens, regardless of geographical location.
- ⁴² UPR third cycle recommendation 104.118: Make medical abortion available and accessible throughout the country, in line with the World Health Organization safe abortion guidelines, and urgently remove waiting periods, biased counselling and unnecessary administrative burdens.
- ⁴³ European Commission, *North Macedonia 2022 Report*, Brussels, 12 October 2022, p. 76, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>
- ⁴⁴ On this issue, see UPR third cycle recommendations 104.128: Take all necessary measures to promote inclusive education, making sure that minority groups are not neglected and that persons from vulnerable groups are fully integrated in the educational system; 104.130: Step up efforts to promote inclusive education, especially for Roma children and children of other minority groups and children without personal documents; 104.136: Promote inclusive education, notably by improving the enrolment and retention of students from minority groups and of Roma students in particular, including in preschool education, and by ensuring access to education for all children, specifically those without identity documentation.
- ⁴⁵ GGGI data is available at: <https://www.weforum.org/reports/global-gender-gap-report-2023/>
- ⁴⁶ For example, there are three women ministers out of sixteen, two women deputy ministers out of sixteen and five state secretaries out of sixteen. The situation is similar at the local level, where out of 81 municipalities, only two have women mayors. See UN Women, *Country Gender Equality Profile of North Macedonia*, Skopje, 2023, p. 32, available at: https://eca.unwomen.org/sites/default/files/2023-09/unw_cgpep_nmk_eng_web.pdf
- ⁴⁷ See <https://genderquota.org/quota-analysis>
- ⁴⁸ Regional Cooperation Council, *Women Employment Study for North Macedonia*, Sarajevo, May 2022. The report notes large gender gap in the activity rates of women and men in the labour market (in the third quarter of 2021, 53.6% of women as compared to 77.4% of men), and a gender employment gap (in the third quarter of 2021, 64.6% of active men as compared to 45.7% of active women).
- ⁴⁹ Convention on the Elimination of all Forms of Discrimination against Women.
- ⁵⁰ UPR third cycle recommendations 104.69: Take appropriate measures to prevent and combat all forms of discrimination and violence against women, including domestic violence, in particular by implementing the Istanbul Convention.
- ⁵¹ UPR third cycle recommendation 104.140: Strengthen the measures aimed at the eradication of forced marriage of girls and women, and take the necessary measures to punish cases of forced marriage. In 2019, at the International Conference on Population and Development Nairobi Summit, North Macedonia committed to eliminate child marriages by 2030.
- ⁵² In Roma settlements, 45.1% of women aged 20 to 24 years old were married before the age of 18, compared to 7.5% in the general population. See State Statistical Office and UNICEF, *Multiple Indicator Cluster Survey 2018-2019*, August 2020, available at: <https://www.unicef.org/northmacedonia/reports/multiple-indicator-cluster-survey-2018-2019>
- ⁵³ For an overall analysis of the enjoyment of rights of persons with disabilities in North Macedonia, see UN North Macedonia, *Situational Analysis of the Rights of Persons with Disabilities in the Republic of North Macedonia -2021, 2022*, available at: <https://www.unicef.org/northmacedonia/media/11706/file/mkd-unprpd-sitan-2022.pdf>
- ⁵⁴ Approximately 10% of children with disabilities and between one third and half of the of adults with disabilities. See Ministry of Labour and Social Policy of the Republic of Macedonia, *Национална стратегија за деинституционализација во Република Македонија 2018–2027 “Тимјаник”* (National strategy for the deinstitutionalization in the Republic of Macedonia 2018-2027 “Timianik”), Skopje, September 2018, available at: https://www.mtsp.gov.mk/content/pdf/strategii/Strategii%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf
- ⁵⁵ UPR third cycle recommendation : 104.163 Ensure that persons with disabilities, particularly blind persons and persons with intellectual impairment, have the right to vote by secret ballot.
- ⁵⁶ 76% of which were reported in 2020 as having stairs, with almost half of them without access ramps. See *Inklusiva, Правото на глас на лицата со попреченост мониторинг на парламентарни избори 2020 г.* (The Right to Vote of Persons with Disabilities: Monitoring of the Parliamentary Elections 2020), Skopje, January 2021, available at: <https://www.wfd.org/sites/default/files/2022-02/WFD%20broshura%20->

%20Monitoring%20na%20izbori%20%D0%9C%D0%9A%20-%20Odobrena%20%281%29.pdf

⁵⁷ Following litigation by the local NGO Helsinki Committee for Human Rights.

⁵⁸ Such regular reports are available at:

https://ombudsman.mk/%D0%9F%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0/%D0%9F%D0%BE%D1%81%D0%B5%D0%B1%D0%BD%D0%B8_%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D0%B8/%D0%9F%D0%BE%D1%81%D0%B5%D0%B1%D0%BD%D0%B8_%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D0%B8-%D0%9D%D0%B5%D0%B4%D0%B8%D1%81%D0%BA%D1%80%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%86%D0%B8%D1%98%D0%B0.aspx

⁵⁹ Smaller communities, like Serbs, Vlachs and Roma, face challenges in exercising the right to education in their native language, also due to the limited availability of teaching staff and textbooks.

⁶⁰ See also European Roma Rights Centre, *Justice Denied: Roma in the Criminal Justice System of North Macedonia*, Brussels, February 2023, available at: http://www.errc.org/uploads/upload_en/file/5459_file1_justice-denied-roma-in-the-criminal-justice-system-of-north-macedonia.pdf.

⁶¹ See for example (among numerous recommendations focusing on improving the situation of Roma communities), UPR third cycle recommendation 104.146: Take further steps to improve the education, housing and social protection of Roma, particularly Roma women, including by promoting inclusion of Roma in the education system and decreasing the number of Roma children placed in special education.

⁶² UN North Macedonia, *North Macedonia Common Country Analysis for the 2021-2025 United Nations Sustainable Development Cooperation Framework*, November 2020, p. 63, available at:

https://northmacedonia.un.org/sites/default/files/2020-11/MKD%20final%20CCA%20Report%202020_20201120.pdf

⁶³ European Commission, North Macedonia 2022 Report, Brussels, 12 October 2022, p. 45, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>

⁶⁴ Such amendments foresee that Kosovo refugees would be granted permanent residence, regardless of their current status.

⁶⁵ <https://mia.mk/en/story/unregistered-persons-a-step-away-from-legal-identity>

⁶⁶ The amendments to the Law on Identity Documents (IDs) adopted on 3 October 2023 ensured all stateless people to obtain IDs and be able to access rights. <https://www.refworld.org/docid/6290d4114.html>