

## Memorandum on the human rights of Roma and on issues related to the right to a clean and healthy environment in North Macedonia

### Introduction

1. The Commissioner for Human Rights Michael O'Flaherty (hereinafter the Commissioner) carried out a visit to North Macedonia from 22 to 25 April 2025. The visit was part of a series of country visits taking place in the context of the Commissioner's priority work on the human rights of Roma and Travellers<sup>1</sup> across the Council of Europe area. It also provided the Commissioner with an opportunity to discuss issues related to the protection of human rights related to environmental issues in the country.<sup>2</sup>
2. The Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the Convention; identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.<sup>3</sup>
3. This memorandum contains the Commissioner's findings and recommendations from the visit in relation to both issues examined, namely the human rights of Roma and the interplay between human rights and the environment, drawing on his engagement with the authorities, national human rights structures, international organisations, civil society, members of the Roma communities and others.
4. These recommendations are not exhaustive and should be considered in conjunction with recommendations by other Council of Europe and international human rights bodies, as well as with the relevant guidance provided by national human rights structures.
5. During the visit, the Commissioner visited the municipality of Šuto Orizari in the city of Skopje, where he met the mayor, Kurto Dudush. The Commissioner visited a settlement in the municipality where people live in substandard conditions and face environmental risks. The Commissioner also visited a daycare centre for children in street situations<sup>4</sup> managed by the Ministry of Social Policy, Demography and Youth in the municipality of Kisela Voda.
6. While in Skopje, the Commissioner met with the Deputy Prime Minister and Minister of Environment and Physical Planning, Izet Medziti; the Minister of Foreign Affairs, Timčo Mucunski; the Minister of Justice Igor Filkov; the Minister of Education, Vesna Janevska; the Deputy Minister of Social Policy, Demography and Youth, Gjoko Velkovski, and the Director of the State Environment Inspectorate, Ivana Ginovska. The Commissioner also met with the Ombudsperson of North Macedonia, Naser Ziberi, and members of the Commission for the Prevention and Protection against Discrimination. He held discussions with representatives of

<sup>1</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish and the populations designated under the administrative term "Gens du Voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

<sup>2</sup> See Council of Europe Commissioner for Human Rights, [End-of-visit statement](#): North Macedonia: maintain commitment to human rights of Roma and take urgent action for a healthy environment for all, 29 April 2025.

<sup>3</sup> [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

<sup>4</sup> UN Committee on the Rights of the Child, [General Comment No 21 on Children in Street Situations](#), 20 June 2017.

the United Nations and of the European Union (EU) delegation. He also consulted civil society organisations and human rights defenders working on the issues covered during the visit.

7. The Commissioner thanks the authorities of North Macedonia in Strasbourg and in Skopje for their assistance in organising this visit. He is also grateful to the members of the Roma communities, civil society and other interlocutors who shared their insights.
8. Section I of this Memorandum focuses on the protection of the human rights of Roma. Section II of the Memorandum is dedicated to the interplay of human rights and environmental degradation affecting everyone in North Macedonia.<sup>5</sup>
9. The Commissioner looks forward to continuing his dialogue with the authorities of North Macedonia on the issues addressed in this memorandum.

## **I. Protection of the human rights of Roma**

### **1.1 General overview**

10. The Commissioner acknowledges North Macedonia's significant efforts and political will to address human rights challenges faced by Roma. Among others, he notes the National Strategy for Roma Inclusion (2022-2030)<sup>6</sup>, which guides and co-ordinates state action in this field and which is the third such national strategy adopted over the past two decades.<sup>7</sup> The strategy identifies objectives in the fields of employment, housing, education, health, culture, combating antigypsyism, civil registration and poverty. It is complemented by Action Plans in each of these areas. The Commissioner also acknowledges the range of government structures entrusted with the implementation of the Strategy, including the National Contact Point for Roma, the Ministry of Social Policy, Demography and Youth (Ministry of Social Policy), and the National Co-ordination body for the implementation of the strategy.
11. The Commissioner was impressed during his visit by the emphasis on empowering Roma women and the representation and participation of Roma women in ministries, national human rights structures and civil society. North Macedonia has had several editions of a National Action Plan for the protection, promotion and fulfilment of the human rights of Roma women and girls (the latest plan ended in 2024). The Commissioner was informed by the Ministry of Social Policy that the authorities had conducted an assessment of the implementation of the Council of Europe Committee of Ministers Recommendation CM/Rec(2024)1 on equality of Roma and Traveller women and girls at domestic level.<sup>8</sup>
12. The Commissioner notes that civil society organisations play a crucial role in improving the human rights situation of Roma communities, including the most marginalised among Roma, across all areas of their lives. He also acknowledges the work of the national human rights structures – the Ombudsman institution and the Commission for the Prevention and Protection against Discrimination (CPPD) – which handle complaints by Roma, document their situation through various thematic reports, and have made recommendations to the authorities on improving Roma's human rights situation, across several fields.

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<sup>5</sup> This memorandum was finalised on 9 July 2025. All online documents quoted in the memorandum were last accessed on that date.

<sup>6</sup> Government of North Macedonia, [National Strategy for Roma Inclusion \(2022-2030\)](#), 2020.

<sup>7</sup> The strategy broadly aligns with the [EU Roma Strategic Framework 2020-2030](#) and with the objectives of the [2019 Declaration of Western Balkan Partners on Roma integration within the EU Enlargement process](#) (also known as the Poznan declaration).

<sup>8</sup> Council of Europe Committee of Ministers [Recommendation CM/Rec\(2024\)1](#) on equality of Roma and Traveller Women and Girls, 5 April 2024.

13. Notwithstanding these positive steps, the Commissioner observed during the visit that there is a gap between the policy framework and its implementation. He is concerned that many problems persist and Roma continue to face discrimination, poverty and social exclusion. The Commissioner was informed of obstacles that hinder effective action by the authorities. Several stakeholders observed that the restructuring of responsibilities in the government in 2024, which established a new Minister without Portfolio responsible for implementation of the National Strategy on Roma Inclusion, has led to hurdles in the coordination of relevant activities. Further, there is an ongoing discrepancy between commitments made at the national level in the strategies and local governments' actions in areas under their competence. Insufficient desegregated data to evaluate progress and the impact of policies is also reported.
14. Interlocutors also noted the insufficient long-term funding for the implementation of strategies. When funding is available for issues to be tackled by local governments, it is rarely fully spent, and not always adequately used for the benefit of Roma. Civil society organisations also expressed concern about receding funding for Roma in North Macedonia, from international donors such as the EU, but also due to reductions in the state budget available for implementation of the Roma strategy in 2024 and 2025.<sup>9</sup> In this regard, the Commissioner notes that the new EU Growth Plan for the Western Balkans<sup>10</sup> offers an important opportunity for new funding to advance on Roma inclusion, in line with commitments made at the 5<sup>th</sup> Ministerial meeting on Roma Integration under the Berlin process in September 2024.<sup>11</sup>
15. Furthermore, the Commissioner received information during the visit about the prevalence of various forms of antigypsyism in society. This leads to discrimination, the spreading of stereotypes, prejudices and hate speech, notably online and in the media, and more generally a perpetuation of inequalities between Roma and the rest of the population in accessing rights.<sup>12</sup> The Commissioner welcomes some initial steps to increase awareness and understanding of antigypsyism, including the revision of the anti-discrimination law textbook used by law students and professors in 2023.<sup>13</sup> The current national strategy lists combating antigypsyism as one of its priority areas.

## **1.2 Remaining challenges to Roma children's access to quality and inclusive education**

16. The Commissioner acknowledges that North Macedonia has achieved considerable progress in ensuring Roma children's access to education. He welcomes the array of measures implemented by the authorities to enrol Roma children and to prevent dropouts. He commends the authorities for having institutionalised several measures which had started as short-term projects and were found to be particularly effective.
17. By way of examples, positive measures include free transportation for children who live far from school and free meals for pupils in grades 1-4. The Ministry of Education also employs on a yearly contract 44 Roma educational mediators, including 28 Roma women, across 26 municipalities for the school year 2024/2025. Their role is to increase awareness about the importance of educational opportunities in the Roma communities, facilitate attendance of children and mediate contacts between the families and the schools.<sup>14</sup> Measures focused on encouraging attendance at secondary school include scholarships and the permission to register with a 10% lower mark than usually required. The Commissioner also welcomes the

<sup>9</sup> Romalítico, [Shadow report on the implementation of Roma policies in North Macedonia](#), 15 May 2025.

<sup>10</sup> European Commission, [Growth Plan for the Western Balkans](#), adopted on 8 November 2023.

<sup>11</sup> See [Conclusions](#) adopted on 18 September 2024.

<sup>12</sup> See for example, EU Fundamental Rights Agency, [Roma in 10 European countries, main results](#), 2021.

<sup>13</sup> Council of Europe, [Promotion of the "Anti-Discrimination Law" textbook - an important step towards raising awareness of equality and combating antigypsyism](#), November 2024.

<sup>14</sup> Government of North Macedonia, [National Strategy for Roma Inclusion \(2022-2030\)](#).

revised Law on Secondary Education, which was adopted by the Parliament on 8 April 2025, and extends the Roma educational mediators to secondary education.

18. The Commissioner notes the positive results of these measures. The Ministry of Education shared that the enrolment rate of Roma children in primary education was 46% in 2008 while it reaches over 90% today. Completion rates for children who stay in education are also high. The Ministry provided information indicating that the numbers of Roma girls attending each level of education show an upward trend, with enrolment rates fairly equivalent to those of boys in both primary and secondary education. 250 Roma youth were enrolled in higher education in 2024<sup>15</sup> and the Commissioner received information that several Roma women have completed postgraduate studies.
19. Further, the Commissioner received information that a general reform of the special schools for children with “mild disabilities” has partially addressed the problem of the segregation of Roma children resulting from their placement in such schools. Civil society organisations however pointed out an ongoing overrepresentation of Roma children in the resource centre of Idena in Skopje.
20. The Commissioner further notes the views of Roma communities’ representatives, civil society and national human rights structures that Roma children continue to lag behind in their educational outcomes and that they still experience exclusion, racism and significant inequalities in education.

#### *Pre-school*

21. In his meetings with the Minister of Education and the Deputy Minister of Social Policy, the Commissioner’s interlocutors recognised that access to pre-school for Roma children is a priority concern. Participation in pre-school is crucial to enhance the inclusion and performance of Roma children in primary school. It is particularly important to ensure that they gain a good command of the official language, when it is not spoken in the family. The Commissioner notes positively that the authorities are enabling about 150 Roma children to attend pre-school free of charge in accordance with the law on vulnerable families (i.e. about a third of all Roma children attending pre-school).<sup>16</sup> Yet, reportedly only 14% of Roma children in the relevant age group attend pre-school,<sup>17</sup> in a general context where pre-school is not mandatory and places are lacking for all children.<sup>18</sup>

#### *Dropouts from school*

22. Despite the high-level of enrolment, Roma children continue to leave school prematurely and there are dropouts in each year of education. A particularly sensitive moment is the transition from primary to secondary school. The Minister of Education informed the Commissioner that it has developed a new methodology for measuring dropouts, which partially enables them to better track the pupils and the causes of such dropouts. The Commissioner observes that this can be a valuable tool to enable the authorities to design targeted responses.
23. The Minister indicated that many Roma children who leave their school do so to follow their parents who move to look for work, notably abroad. The Commissioner received information about the difficulties encountered by returnee children to continue their education, particularly when they cannot afford the translation of documents attesting the academic levels reached abroad. In addition, the Commissioner received information from several interlocutors about the

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<sup>15</sup> European Commission, [North Macedonia Report 2024](#), p. 77.

<sup>16</sup> Romalítico, [Shadow report on the implementation of Roma policies in North Macedonia](#), 15 May 2025.

<sup>17</sup> National Strategy for Roma Inclusion 2022-2030.

<sup>18</sup> BIRN, [“North Macedonia’s Kindergarten Crisis leaves Parents Juggling Options”](#), February 2025.

persistence of early marriages of Roma girls belonging to marginalised communities which cause them to leave secondary school before completion.

### Segregation

24. Many Roma children in North Macedonia continue to attend school separated from other children. The Commissioner notes that the Law against Discrimination adopted in 2020 includes a definition of segregation, which must be taken into consideration in the context of education. As shown over the years by the findings of the Ombudsperson institution,<sup>19</sup> the CPPD<sup>20</sup>, international human rights bodies,<sup>21</sup> and the basic civil court in Skopje,<sup>22</sup> the phenomenon of segregation of Roma children in schools persists and takes various forms.
25. Some schools concentrate a majority of Roma pupils or are almost completely attended by Roma children, even though there are other schools in their vicinity. This is due to a misapplication of rules concerning catchment areas, the avoidance by parents of non-Roma children of schools attended by Roma children, and preferences of Roma families. In other schools, which are more mixed, there are instances of Roma children being grouped in Roma-only classes. These types of segregation have been documented in opinions by the CPPD concerning schools in Bitola, Štip, Prilep, Kočani and Berovo and a complaint is pending about a further school in Veles, suggesting that the phenomenon is widespread in areas where Roma live in North Macedonia.<sup>23</sup>
26. The Commissioner acknowledges the authorities' efforts and co-operation with the Council of Europe regarding the execution of the 2022 judgment of the European Court of Human Rights (the Court) in the case *Elmazova and Others v. North Macedonia*, with a view to remedying the segregation of Roma children in schools in Bitola (school attended mostly by Roma children) and Štip (Roma-only classes). He notes the creation of a dedicated working group on the execution of the judgment and amendments to the Law on Primary Education adopted in December 2024.<sup>24</sup>
27. In his meetings with the authorities, the Commissioner discussed the negative consequences of segregation of Roma children in school. In this regard, civil society shared information that the concerned schools are in many cases negatively viewed and often offer lower quality conditions and resources, which leads to lower educational outcomes for their students. Segregation during schooling age furthermore hinders Roma children's social inclusion and tends to set them on a life path separated from the rest of society.<sup>25</sup> The Commissioner recalls the Court's finding in the above-mentioned judgment that "it is primarily for the State to take positive effective measures to correct the applicants' factual inequality and avoid the perpetuation of the discrimination [...], thereby breaking the circle of marginalisation and allowing them to live as equal citizens from the early stages of their life".<sup>26</sup> The Commissioner

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<sup>19</sup> Ombudsman institution's [Special Report](#) (only available in Macedonian), October 2015.

<sup>20</sup> For example, ERRC, [North Macedonia Equality Body finds discrimination and segregation of Roma in Prilep school](#), February 2024.

<sup>21</sup> UN Committee on the Elimination of all forms of Racial discrimination (CERD), [Concluding observations](#) on the combined 8<sup>th</sup> to 10<sup>th</sup> periodic reports of the "former Yugoslav Republic of Macedonia", 21 September 2015; ECRI, [6<sup>th</sup> Report on North Macedonia](#), 2023, para 72; AFCNM, [Fifth Opinion on North Macedonia](#), 2022, para 110.

<sup>22</sup> Helsinki Committee for Human Rights, [The basic civil court determined segregation of Roma children in education](#), August 2024.

<sup>23</sup> European Roma Centre, jointly with the Commission for the Prevention and Protection against Discrimination of North Macedonia, [Rule 9 Submission](#) with regard to the execution of *Elmazova and Others v. North Macedonia* (Applications Nos 11811/20 and 13550/20) judgment of 13 December 2022, 15 October 2024.

<sup>24</sup> See Action Plans (of [September 2023](#) and of [September 2024](#)) submitted by the government of North Macedonia to the Council of Europe Committee of Ministers as part of the review of execution of the judgment in the case of *Elmazova and Others v. North Macedonia*.

<sup>25</sup> Council of Europe Commissioner for Human Rights, [Fighting school segregation in Europe through inclusive education](#), 2017.

<sup>26</sup> European Court of Human Rights, Case of *Elmazova and Others v. North Macedonia*, Applications Nos [11811/20](#) and 13550/20, December 2022, para. 74.

furthermore notes with concern that segregation of children in schools robs children of all ethnic backgrounds of the opportunity to interact with each other and to overcome mistrust and prejudices, a process of critical importance in multi-cultural societies such as that of North Macedonia.

28. The Commissioner heard concerns from civil society and national human rights structures that the adopted amendments to the Law on Primary Education may not be sufficient to tackle segregation where it exists and to prevent it across the country. While the Commissioner welcomes that the law mandates catchment areas to be drawn to avoid “physical separation” of pupils by ethnicity, it is important to ensure that an exception for “municipalities in which the majority of the population is members of a single ethnic community” does not lead to misuse.<sup>27</sup> It is also important to ensure that the provisions of the law which allow the formation of groups for the purpose of studying the language and culture of the community, do not lead to segregation in practice.<sup>28</sup> The Commissioner’s interlocutors also noted the absence of enforcement mechanism to ensure respect in practice of rules on catchment areas. The law continues to allow registering in another school if space is available,<sup>29</sup> which has resulted in catchment areas often being circumvented. The law furthermore does not introduce a legal obligation on competent authorities to prepare desegregation plans when this is needed. In addition, further bylaws may be necessary to ensure the implementation in practice of the mandated balanced distribution of children of different ethnicity between classes,<sup>30</sup> notably to address the issue of late enrolment of some Roma children. The Minister of Education informed the Commissioner that the ministry had not yet initiated a mapping of segregation of Roma children in schools across the country.

#### *Children in street situations*

29. The Commissioner examined the situation of the most vulnerable Roma, including children in street situations. During his visit, the Commissioner visited a daycare centre with places for 12 children, which provides a safe and comforting environment, as well as basic educational activities. The Commissioner was informed that few of the children in street situations are homeless, but most belong to marginalised families who live in dire poverty and in crowded and substandard dwellings. Because of their vulnerable situation, street children do not attend school and are trapped in a cycle of social exclusion and poverty. They beg or sell small objects to contribute to the families’ earnings to survive. As documented by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), the children are vulnerable to work and sexual exploitation.<sup>31</sup> They often lack civil registration, but the Commissioner noted information by the Minister of Education that this is not an impediment to them attending school.
30. According to information provided by the Deputy Minister of Social Policy, there are about 400 children in street situations in North Macedonia, most of whom are in the cities of Skopje and Prilep. There are three daycare centres in the country with approximately 70-80 places, with the remaining children not having access to other forms of care or educational activities. The Commissioner considers that the centres can only be a temporary bridge toward the children’s full inclusion in school and that a multidimensional approach is required to tackle the socio-

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<sup>27</sup> Article 63(4).

<sup>28</sup> Article 53(9). On this, see Advisory Committee of the Framework Convention for the Protection of National Minorities, [Thematic Commentary No 1 on Education under the Framework Convention for the Protection of National Minorities](#), 31 May 2024, paras. 60 and 109.

<sup>29</sup> Article 63(3).

<sup>30</sup> Article 53(15).

<sup>31</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), [Evaluation Report North Macedonia, Third Evaluation round](#), published on 24 March 2023.

economic situation of parents and other sources that put children at risk of exploitation, as recommended by the Ombudsman institution in a 2023 special report.<sup>32</sup>

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Continue their efforts to ensure Roma children's access to pre-school education and to design measures to limit dropouts, including considering expanding the role of Roma educational mediators to help with substantive learning as tutors.
- Take all measures necessary to end school segregation, including by strengthening the relevant legislation and conducting the national mapping of all schools that may be affected by or at risk of segregation; closely engage with local governments to ensure respect for legislation, to assess the need for further by-laws, and to ensure the preparation of desegregation plans adapted to the local context, with enforceable timelines and earmarked funding; design measures to reach out to non-Roma parents, with a view to overcoming prejudices and raising awareness about the value of inclusive education; build trust with and involve affected Roma communities in the drawing up of de-segregation measures.
- Develop trainings for school personnel to ensure truly inclusive environments for Roma children in all schools, as well as the expansion of the school curriculum to include comprehensive, accurate, and respectful education about the history, culture, and contributions of Roma communities in Europe.
- Conduct regular surveys of the Roma communities to improve data collection and evaluate the impact of existing strategic documents, in education and other areas of life.

### 1.3 Treatment of Roma by law enforcement and criminal justice system authorities

31. The Commissioner welcomes the acknowledgement of police violence against Roma as a manifestation of antigypsyism and as "institutional discrimination" in the Strategy for Inclusion of Roma 2022-2030.<sup>33</sup> He acknowledges the legislative, capacity building and awareness raising measures taken by the authorities to prevent discrimination against Roma in criminal investigations, as considered by the Committee of Ministers in the supervision of the execution of the judgment of the Court in the group of cases *Kitanovski v. "the former Yugoslav Republic of Macedonia"*.<sup>34</sup> The Commissioner notes that the Roma-related judgments in this group concerned the failure by the authorities to ensure effective investigations into police violence against Roma.<sup>35</sup>
32. During his visit, the Commissioner received information indicating that discriminatory treatment of Roma by law enforcement officials persists. Civil society shared reports of ethnic profiling, including excessive and targeted policing, arbitrary arrests of Roma youth, and the use of racist slurs and excessive force during arrest and police questioning, notably to obtain confessions. The Commissioner observes that cases alleging police violence against Roma continue to be communicated to the authorities by the European Court of Human Rights.<sup>36</sup>
33. Furthermore, civil society involved in the work of the National Prevention Mechanism established under the Optional Protocol to the UN Convention against Torture, observed that Roma prisoners are consistently in the most squalid conditions of detention in a context of poor

<sup>32</sup> [Special Report](#) on the research and analysis conducted on the situation of street children in the Republic of North Macedonia (only available in Macedonian), November 2023.

<sup>33</sup> Government of North Macedonia, National Strategy for Roma Inclusion (2022-2030), pp. 54-55 and 67.

<sup>34</sup> The group of cases concerns police violence more generally in North Macedonia. See Action Plans submitted by the government and Committee of Ministers' Decision at the 1501st meeting on the supervision of the group of cases *Kitanovski v. « the former Yugoslav Republic of Macedonia »*, available at : [KITANOVSKI v. the former Yugoslav Republic of Macedonia](#).

<sup>35</sup> European Court of Human Rights, *X. and Y. vs. North Macedonia*, [Application No 173/17](#), 5 November 2020 ; *Memedov v. North Macedonia*, [Application No 31016/17](#), 24 June 2021.

<sup>36</sup> See, for example, European Court of Human Rights, *Memishoski v. North Macedonia*, [Application no 24570/22](#).

detention conditions overall. Over the past five years, there have been several reports of Roma in prisons suffering from beatings by guards and other inmates, poor healthcare, and therapeutic abandonment.<sup>37</sup>

34. The Commissioner is particularly concerned by information that impunity persists for incidents of police violence against Roma. Civil society interlocutors referred to an incident in Bitola in 2022 which reached trial before the Basic Criminal Court in Skopje: although the officer involved was initially sentenced to one year in prison, this was replaced by a suspended sentence on appeal and the officer was eventually promoted. Civil society further expressed concern that the External Oversight Mechanism (which is constituted of the Skopje Basic Public Prosecutor's Office for Organised Crime and Corruption, the Department for Internal Control and Professional Standards of the Ministry of the Interior and the Civil Control Mechanism – made up of the Ombudsperson Institution and civil society) is not functioning fully effectively and does not have sufficient influence.<sup>38</sup>
35. The Commissioner also draws attention to intersectional vulnerabilities in this field. For example, human rights organisations indicated that Roma LGBTI people are even more vulnerable to police profiling and violence. The Commissioner also received information from Roma women's rights organisations about significant obstacles when reporting domestic and gender-based violence to the police, exacerbated by a general pattern of inaction regarding domestic and gender-based violence.<sup>39</sup> Civil society brought to the attention of the Commissioner the recent femicide of 36-year-old Ramajana Asan in Šuto Orizari who was killed by her partner on 3 May 2025. Police failed to protect her despite several reports by the victim.<sup>40</sup>

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Implement a comprehensive strategy to prevent and combat police abuse and to prevent ill treatment in prisons, as recommended in the latest report of the CPT, including by ensuring prompt and effective investigations of allegations of violence, racism and discrimination against Roma with due consideration given to any possible racist motive, and ensuring such acts are brought to justice.
- Collect and publish data regarding disciplinary and criminal investigations into allegations of racial profiling, racially-motivated police violence and excessive use of force by members of law enforcement.
- Further strengthen the External Oversight Mechanism by ensuring that it has the resources, composition and independence necessary to carry out its work effectively.
- Reiterate their stance of zero-tolerance for police violence, including against Roma, throughout the police hierarchy and follow it through with action on the fight against impunity for such acts.

### 1.4 Statelessness and civil registration

36. The Commissioner commends the progress made by the authorities in eradicating statelessness of Roma.<sup>41</sup> Statelessness and lack of civil registration create serious obstacles

<sup>37</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European CPT from 2 to 12 October 2023](#), 15 May 2024, para. 75.

<sup>38</sup> CPT, [Report to the Government of North Macedonia on the visit to North Macedonia carried out by the CPT from 2 to 12 October 2023](#), 2024.

<sup>39</sup> Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline evaluation report on North Macedonia](#), 2023.

<sup>40</sup> [Femicide in North Macedonia: Romani women's network condemns state's failure to protect](#), 8 May 2025.

<sup>41</sup> Statelessness and lack of civil registration in North Macedonia originate from, in part, the dissolution of the Social Federal Republic of Yugoslavia in the 1990s, the displacement of Roma who fled the conflict in Kosovo in 1999, as well as a lack of birth registration among the most vulnerable Roma communities in the country.

to the enjoyment of political, civil, and economic and social rights, including access to health and social protection, and can be passed down through generations.

37. The Commissioner acknowledges the adoption by the authorities, between 2021 and 2023, of several legislative amendments<sup>42</sup> which facilitated naturalisation and access to citizenship, created a special registry for temporary documents, and mandated the immediate registration of all children born on the territory of North Macedonia, regardless of the status of their parents. They also facilitated registration for those who do not have an address, either because they are homeless or because they live in a settlement that has yet to be legalised.<sup>43</sup>
38. Despite these encouraging developments, the Commissioner notes that further efforts are required in North Macedonia to address statelessness and ensure effective civil registration of Roma in the long-term. While it is difficult to obtain a precise number, both the authorities and civil society estimated that there may be about 150 people (mostly Roma) at risk of statelessness in the country at this moment (this figure includes people with unregulated civil registration as well as those with undetermined nationality).<sup>44</sup> The Commissioner was informed that the legislative framework described above is yet to be fully applied in practice - notably as regards the taking over of persons recognised in a “temporary special registry” into the regular birth registry. Furthermore, it remains difficult in practice for vulnerable Roma to access the processes for birth registration and regularisation of civil status, despite the above-mentioned legal improvements. New cases of persons lacking civil registration continue to emerge. The Commissioner learned from the authorities that they are working on facilitating civil registration of newborns directly in hospitals.

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Ensure full implementation of the legal framework on civil registration by state institutions, and act preventively by designing measures to facilitate access to the process by the most vulnerable Roma communities, including by proactively reaching out to them, notably to families with regard to which the children may be born at home.

### 1.5 Impact of environmental challenges on the human rights of marginalised Roma

39. The Commissioner was informed that marginalised Roma communities experience disproportionate exposure to environmental hazards, due to poverty and their living conditions. The Commissioner visited a settlement that has not been legalised in Skopje. In such settlements, Roma often live in precarious conditions, with dwellings prone to mould and lacking access to services that are essential for living in a healthy environment, including sanitation facilities, sewage systems and clean running water.
40. The Commissioner is concerned that vulnerable Roma communities are overexposed to air pollution because of poor quality housing and because they burn wood, plastic and waste for heating, due to poverty and a lack of access to safe energy sources. This increases the risk of respiratory illnesses, chronic diseases and reduces life expectancy. In this regard, the Commissioner notes that air quality meters, designed to measure spikes in pollution levels and

<sup>42</sup> The Law on Citizenship, the Law on the Civil Registry, the Law on Registration of Residence and the Law on Identification Documents.

<sup>43</sup> European Network on Statelessness, [Written submission to inform the European Commission 2024 Enlargement package](#), April 2024.

<sup>44</sup> By way of comparison, a UNHCR survey conducted between 2008 and 2011 and covering only a part of the Roma communities in the country had identified 6514 individuals facing documentation problems. See, Council of Europe Commissioner for Human Rights, [Report](#) following the visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, para 110.

warn the inhabitants, have been installed in other parts of the city of Skopje, but not in the municipality of Šuto Orizari, which is mostly inhabited by Roma.

41. The Commissioner was also informed during his visit that areas inhabited by Roma are sometimes excluded from public garbage collection, exposing them to waste pollution and further health risks. On 29 April 2025, the CPPD found that the City of Skopje was discriminating against the inhabitants of the municipality Šuto Orizari by failing to collect waste. The CPPD noted that there were serious issues with the system of waste collection in Skopje in general, but that there was an unequal provision of waste management services.<sup>45</sup> The Commissioner further received information according to which an estimated 3000-5000 vulnerable Roma sort through informal waste looking for recycling material. Many live close to illegal landfills, and many others live in areas unsafe for health, including in the proximity of industrial complexes that emit pollution, toxic waste dumps or areas prone to flooding. Health risks induced by polluted environments are compounded by Roma's inadequate access to health services.<sup>46</sup>
42. The Commissioner was informed by the Mayor of Šuto Orizari about recent efforts to equip the local kindergarten with solar panels for heating and to increase the number of parks in the municipality. In addition, the Commissioner was impressed by the work of a social enterprise<sup>47</sup> which works for the recognition of the contribution of informal waste recyclers to environmental protection and supports them by providing formal employment and electric tricycles for the transport of waste.

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Acknowledge the environmental hazards to which vulnerable Roma communities are particularly exposed as a result of discrimination and social exclusion.
- Design and implement measures, in coordination with local governments, to ensure that Roma's right to a healthy environment, as enshrined in the Constitution, is upheld. This includes ensuring access to adequate housing<sup>48</sup>, notably as regards the requirements of adequate location and access to public services, including clean water, sanitation, and waste removal and the removal of toxic waste.

## II. Environment and human rights

43. The close link between human rights and the environment is identified in the 2018 United Nations (UN) Framework Principles on Human Rights and the Environment, as well as in the 2022 Recommendation of the Council of Europe Committee of Ministers CM/Rec(2022)20 on human rights and the protection of the environment and the 2023 Council of Europe Heads of States' Reykjavik Declaration.<sup>49</sup> A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of human rights, including the rights to life, to respect for private and family life, to the highest attainable standards of physical and mental health, to an adequate standard of living and to housing. Furthermore, the exercise of human rights such as freedoms

<sup>45</sup> European Roma Centre, [North Macedonia : Victory for Roma in Suto Orizari following mass complaint about waste pollution](#), 13 May 2025.

<sup>46</sup> ECRI, Report on North Macedonia (sixth monitoring cycle), published on 20 September 2023.

<sup>47</sup> REDI-Recycling, see [REDI Recycling - Recycling REDI NGO](#).

<sup>48</sup> UN Committee on Economic, Social and Cultural Rights, [General Comment Nr 4 on the Rights to Adequate Housing \(Article 11\(1\) of the Covenant\)](#), 2014.

<sup>49</sup> United Nations, [Framework Principles on Human Rights and the Environment](#), 2018; Council of Europe, [Recommendation CM/Rec\(2022\)20](#) of the Committee of Ministers to member states on human rights and the protection of the environment, 27 September 2022; Council of Europe, [Reykjavik Declaration – United around our values](#), Annex IV, 16-17 May 2023.

of expression, assembly and association and the right to an effective remedy are necessary for the protection of the environment.

44. The UN Human Rights Council and the UN General Assembly, in 2021 and 2022 respectively, adopted resolutions recognising the human right to a “clean, healthy and sustainable environment”.<sup>50</sup> According to the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, this right is recognised in the domestic legal systems of 164 countries around the world.<sup>51</sup> The Rapporteur further states that the right includes substantive and procedural elements. Substantively, it implies guaranteeing clean air, safe climate, safe and sufficient water, healthy and sustainable food, non-toxic environments for living, working, studying and playing in and biodiversity and healthy ecosystems for all people. Procedurally, it implies guaranteeing access to information, public participation and access to justice, in line with the Convention on Access to Information, Public participation in decision-making and Access to Justice in Environmental Matters (Aarhus Convention).<sup>52</sup>
45. The Commissioner observes that upholding human rights obligations contained in international and regional instruments in contexts related to the environment is not only a legal obligation for member states, it is necessary and urgent in order to tackle the triple planetary crisis (climate change, pollution and biodiversity loss).

## 2.1 General overview

### *Legislative and policy framework*

46. The Commissioner acknowledges that North Macedonia has ratified multiple international and regional conventions and agreements related to the protection of nature, the atmosphere, tackling climate change, and dealing with chemicals, waste, soil and industrial accidents.<sup>53</sup> Furthermore, as accession country to the European Union, it has made significant efforts to harmonise its legislation and policies with the *Acquis Communautaire*, including Chapter 27 which concerns environmental protection.<sup>54</sup> The Commissioner was further informed during his meeting with the Minister of Justice that North Macedonia intends to ratify the Council of Europe Convention on the Protection of Environment through Criminal Law.<sup>55</sup>
47. North Macedonia has a well-developed legal framework regulating environmental protection.<sup>56</sup> Article 8 of the Constitution adopted in 1991 recognises the protection of the environment as one of eleven fundamental values of the constitutional order of the country. Specific laws include the Law on Environment (2005), which states key principles of environmental protection (including the proportionality principle in weighing economic development and environmental protection and the polluter pays principle) and sets out key objectives in the field. The Criminal Code provides for 27 offences related to the environment and nature. North Macedonia is one of the few member states of the Council of Europe to have the crime of ecocide which was

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<sup>50</sup> UN HRC Resolution, The human right to a clean, healthy and sustainable environment, [A/HRC/48/13](#), 18 October 2021 ; UN General Assembly Resolution, The human right to a clean, healthy and sustainable environment, [A/RES/76/300](#), 28 July 2022.

<sup>51</sup> UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, Overview of the implementation of the human right to a clean, healthy and sustainable environment, [A/79/270](#), 2 August 2024.

<sup>52</sup> [Convention](#) on Access to Information, Public Participation in decision-making and Access to Justice in Environmental Matters, 25 June 1998, to which North Macedonia acceded in 1999.

<sup>53</sup> To name just a few of particular relevance for this Memorandum, North Macedonia ratified the UN Framework Convention on Climate Change in 1997, the Kyoto Protocol in 2004, the Paris Agreement in 2017, and the Doha Amendment to the Kyoto Protocol in 2019. North Macedonia is also party to the Council of Europe [Bern Convention](#) since 1998 and [Landscape Convention](#) since 2003.

<sup>54</sup> European Commission 2024 Report on North Macedonia.

<sup>55</sup> The Convention was adopted by the Committee of Ministers on 14 May 2025. For more information, see [Protection of the Environment through Criminal Law - European Committee on Crime Problems](#).

<sup>56</sup> Council of Europe “[Baseline study of legislation, policy and judicial practice on human rights and environment in Southeast Europe](#)”, March 2025.

introduced in the criminal code in 2023, and which is defined as an “action or omission, contrary to the law, performed with the intention of causing damage to the environment, which causes serious or widespread or long-term damage to the environment”. The Law on Ambient Air Quality (2004) establishes a comprehensive framework aimed at preventing, reducing, and controlling air pollution to protect human health and the environment. The Law on Environmental Inspection (2022) regulates the organisation of the Environmental Inspectorate as the institution responsible for monitoring respect of the legislation in place, conducting inspections and imposing sanctions on polluters. As regards individual rights related to the environment, the Constitution of North Macedonia enshrines the right to a healthy environment in Article 43. Moreover, the Law on Environment provides for access to information and public participation in environment-related processes.

48. At the policy level, the Commissioner received information about several relevant strategic frameworks. This includes the Sectoral Operational Programme for Environment and Climate Action (2024-2027), which is a strategic framework developed in collaboration with the EU to address environmental challenges and align with EU environmental standards. The Energy Development Strategy (2020-2040) tackles among other things decarbonisation of the energy system. Significantly, in 2021 North Macedonia adopted a long-term strategy on climate action (2020-2050) and action plan (2021-2030), which covers an analysis of the key drivers of greenhouse gas (GHG) emissions, adaptation measures, education and expected socio-economic effects. In 2023, the country adopted a Just Transition Roadmap, which charts a path to finding alternative employment for people working at the coal power plants in Bitola and Oslomej, and workers in coal mines, following plans to phase out coal-based energy by 2030.

#### *Ongoing challenges*

49. Despite the comprehensive legislative and policy framework, the Commissioner received consistent information during his visit about a lack of implementation of laws and strategic objectives.
50. The Commissioner is concerned about negative impacts on people’s health of high levels of air pollution in North Macedonia, with three cities in the country – Skopje, Bitola and Tetovo – regularly exceeding safe levels of polluting particles present in the air and ranking among the 10 most polluted cities in Europe, and sometimes the world. According to the European Environmental Agency, each year about 3600 people in the country die prematurely due to air pollution.<sup>57</sup> According to a UNDP report, the key causes of air pollution are the burning of wood, low quality fuel and waste by private households for heating in winter months, as well as industrial pollution - notably the coal power plant in Bitola, which is the key source of energy in the country – as well as traffic.<sup>58</sup> A five-year national strategy for dealing with air pollution expired in 2018, reportedly without being fully implemented. A subsequent “air pollution reduction programme” of three years was also reportedly not fully implemented.<sup>59</sup>
51. The Commissioner is further concerned about negative impacts for human rights and the environment posed by persistent challenges in waste management and the proliferation of illegal landfills, disproportionately affecting vulnerable communities, including Roma, as mentioned above.<sup>60</sup> There are also several notorious sites of toxic waste disposal in the country, some at industrial sites that operated at the time of the Socialist Federal Republic of Yugoslavia, and which are characterised by contaminated ground and water, such as the Lojane mine waste dump, the Organic Chemical Industry Plant of Skopje and the Jegunovce Industrial Landfill.

<sup>57</sup> European Environmental Agency report, [North Macedonia – air pollution country factsheet](#), 2024.

<sup>58</sup> United Nations Development Programme, [Tackling air pollution in North Macedonia – Innovation community platform](#).

<sup>59</sup> Balkan Insight, [No Plan: North Macedonia’s ‘Fight for Clean Air’ is More Like Capitulation](#), 8 April 2025.

<sup>60</sup> Ombudsperson institution, [Study on the state of waste disposal](#) (only available in Macedonian), 2016.

Major rivers such as the Vardar, Bregalnica, and Crna, along with Lake Ohrid are severely affected by pollution. Unregulated wastewater discharge from industrial, agricultural, and domestic sources leads to contamination, threatening aquatic ecosystems and public health. There is no register of pollutants, and illegal discharge of wastewaters is often not sanctioned.<sup>61</sup>

52. The Commissioner recognises that serious environmental problems cannot be resolved overnight. He acknowledges the information received during the meeting with the Minister of Environment and Physical Planning about measures initiated by the government, including increasing the number of electric buses, tax reduction on other electric vehicles, work toward an energy system based on gas and the phasing out of coal, as well as ongoing projects to address toxic sites and illegal landfills, including with assistance from the European Bank for Reconstruction and Development.
53. During the visit, the Commissioner received information about systemic obstacles that need to be addressed to enhance the effectiveness of public action in the field of the environment. He learned about a lack of capacity and/or resources among civil servants dealing with the issue, including at the Ministry of Environment and Physical Planning and in local governments. In his meeting with the State Environment Inspectorate, the Commissioner was informed that the inspectorate does not have sufficient resources and inspectors to carry out its work effectively.
54. The Commissioner was also informed that municipalities, which share competence in the field of the environment, are often not sufficiently proactive. Many have failed to adopt plans for the reduction of pollution and other environmental hazards. Information with relevance for the environment is not systematically published, hindering individuals' right to information and participation in decision-making.<sup>62</sup> Finally, the Commissioner's interlocutors highlighted a systematic lack of implementation of existing environment-related laws. Environmental impact assessments on infrastructure projects are not always completed. In this regard, the Commissioner received information about a major highway project underway in the country, which started before completion of the environmental impact assessment. Civil society reported having seized the Ombudsperson institution in December 2024 and the complaint was still being examined at the time of writing.

## **2.2 Lack of access to justice for human rights violations related to environmental degradation**

55. Access to an effective remedy is central to ensuring a human rights-based approach to combating environmental degradation. However, during his visit, the Commissioner learned that access to justice in cases of environmental human rights violations, including the right to a healthy environment, has been largely absent in North Macedonia.
56. While the European Convention on Human Rights does not enshrine a right to a healthy environment as such, the European Court of Human Rights (the Court) has handed down approximately 300 judgments in environment-related matters to date, finding violations of existing rights under the European Convention on Human Rights in the context of, e.g., air, water, soil and noise pollution, human-made or natural disasters, or access to environmental information. The Court has established that member states have a positive obligation under the Convention to prevent environmental harm, even when it is caused by private actors, and

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<sup>61</sup> Institute of Communications Studies, [Recording the pressures on the water resources: Who pollutes the waters in Macedonia?](#), 10 March 2021.

<sup>62</sup> Council of Europe "Baseline study of legislation, policy and judicial practice on human rights and environment in Southeast Europe, March 2025.

including through general and precautionary measures which address environmental risks in a systemic manner.<sup>63</sup>

57. The Court has consistently affirmed that individuals must have access to a tribunal capable of determining personal environmental claims within a reasonable time and that resulting decisions must be enforced, including measures to address environmental damage and compensation for victims. The Court has taken a flexible approach to determining who holds relevant rights, accepting in several cases that environmental and other associations can represent their members or local residents.
58. At the time of the visit of the Commissioner to North Macedonia, there was no caselaw in the country that would contribute to defining the elements of the right to a healthy environment that is guaranteed in the Constitution. The Commissioner observes that the Constitutional Court does not have jurisdiction over the right to a healthy environment (nor other human rights that could be invoked in environment-related cases, including the right to life and the right to health).<sup>64</sup>
59. The Commissioner noted information about several unsuccessful environmental cases brought by individuals supported by NGOs working on human rights and the environment before other courts. As an example, the Macedonian Young Lawyers Association reported having brought six cases before the basic civil courts in Skopje, Bitola, and Struga and the administrative court since 2019 concerning air pollution, waste management and water pollution, claiming violations of human rights and of the right to a healthy environment. They were dismissed, with courts arguing they do not have competence to deal with such matters. The NGOs also report that in some cases the Aarhus Convention and international law are incorrectly interpreted by domestic courts.<sup>65</sup>
60. The Commissioner notes that, on 8 October 2024, the Supreme Court issued a General Position on the right to clean air - and more broadly the right to a healthy environment -, with a view to resolving contradicting domestic decisions on the admissibility before administrative courts of an air pollution related case, *N.J. vs. the Government, the Ministry of Environment and Physical Planning and the State Environmental Inspectorate*.<sup>66</sup> The Supreme Court affirmed that the right to clean air is an individual right, which can be breached by public officials either by acts or by omissions. The Supreme Court clarified that individuals are entitled to use administrative proceedings to complain that their right to a healthy environment has been violated.<sup>67</sup> Subsequently, on 16 May 2025, the administrative court partially ruled in favour of the applicants in the case *N.J. vs. the Government, the Ministry of Environment and Physical Planning and the State Environmental Inspectorate* in finding that the authorities must prepare a national air quality plan. The case is not final yet.

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<sup>63</sup> European Court of Human Rights, Factsheet on [Environment and Human Rights](#) and "[Guide to the case-law of the European Court of Human Rights: Environment](#)", updated in August 2024.

<sup>64</sup> The Constitutional Court can examine the constitutionality of laws and other acts, including related to the environment. Under Article 110 of the Constitution, the Constitutional Court has jurisdiction over certain human rights guarantee in the constitution but not all. It is competent to examine cases related to freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation.

<sup>65</sup> *B.N. and Others and Macedonian Young Lawyers Association (MYLA) v the Government of North Macedonia* ; see Business and Human Rights Journal, Ana Dangova Hug, "[Barriers to Access to Justice in North Macedonia for Violations of Human Rights in the Context of Air Pollution](#)", 2024.

<sup>66</sup> In this case, the applicants allege a violation of the right to a healthy environment due to air pollution, caused by omissions of the designated public institutions and of the persons responsible for their functioning (failure to adopt plans, to establish an effective monitoring system, to perform effective inspection oversight etc.).

<sup>67</sup> CPIA, "[General Position of the Supreme Court of the Republic of North Macedonia on violation of the constitutional right to a healthy environment](#)", 15 October 2024.

61. The Commissioner welcomes the General Position. However, he is concerned about information he received that its effects on ensuring access to justice will be limited due to changes to the Law on Administrative Disputes, which entered into force in 2020.<sup>68</sup> The 2020 amended version of the Law no longer contains a special procedure for protecting constitutional human rights when they are violated through an act or omission and no other judicial protection is available – in other words, this may reduce the ability of individuals to bring cases alleging a violation of the right to a healthy environment or other relevant constitutionally protected human rights. In addition, only complaints which challenge specific laws and regulations adopted by public institutions are now admissible, and not those that challenge the failure to adopt such regulations.<sup>69</sup>
62. In an apparent illustration of this situation, on 2 June, the higher administrative court dismissed at final instance the case *MYLA vs. the Ministry of Environment and Physical Planning*, which challenged the failure of public institutions to adopt strategic documents on water management. This case was brought in 2022 under the new Law on Administrative Disputes. The decision stated that the administrative court does not have jurisdiction in cases that do not challenge a specific administrative act. The Commissioner would welcome further information from the authorities about these recent developments.

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Conduct an analysis of the implications of the General Position adopted by the Supreme Court on the right to clean air and ensure that the legislative framework enables individuals' effective access to justice in relation to violations of human rights related to environmental matters and of the right to a healthy environment.
- Consider expanding the jurisdiction of the Constitutional Court to cover all constitutionally protected human rights, including the right to a healthy environment, duly taking into consideration the conditions required for the Court to be able to deal with additional cases effectively.
- Introduce training of judges and prosecutors about human rights and the environment, both in the academic curriculum and in ongoing legal training, including by using the relevant Council of Europe HELP online course.<sup>70</sup>

### 2.3 Environmental human rights defenders

63. The Commissioner observes that environmental activists are generally free to carry out their work in North Macedonia. Their rights to freedom of association and freedom of assembly, notably in the context of protests, are well respected. At the same, civil society organisations he met during his visit drew his attention to several challenges that hinder their work. Several organisations noted difficulties in obtaining funding, which have been aggravated in the context of cuts in funding from the United States, with at least one organisation stating that it may have to suspend its operations. Activists observed that funding is especially difficult to secure for reporting on environmental issues and corruption, and for strategic litigation.
64. The Commissioner is concerned about a reported increase in the use of vexatious lawsuits or so-called strategic lawsuits against public participation (SLAPPs) to silence investigative journalists and activists working on the environment. For example, the Commissioner has been

<sup>68</sup> The Law on Administrative Disputes regulates how individuals and legal entities can challenge decisions and actions of public authorities and regulates the procedure before administrative courts.

<sup>69</sup> Council of Europe "Baseline study of legislation, policy and judicial practice on human rights and environment in Southeast Europe, March 2025.

<sup>70</sup> Council of Europe, HELP e-learning platform, [Environment and human rights course](#).

informed about a case against the journalistic NGO Investigative Reporting Lab Macedonia, which was ordered to pay thousands of euros of legal costs in the context of a defamation complaint about their documentary entitled “Conspiracy Against the Air”. The judgment has been appealed and proceedings are ongoing.<sup>71</sup> Threats of the use of legal defamation and smear campaigns online are also used to silence activists.<sup>72</sup>

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- Provide a safe and enabling environment for environmental human rights defenders, including access to funding and protection from smear campaigns, in line with the Committee of Ministers’ Recommendation CM(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe.<sup>73</sup>
- Build on the existing legal framework<sup>74</sup> to increase legislative and policy protections against SLAPPs, in line with Council of Europe standards, such as the Committee of Ministers’ Recommendation CM/Rec(2024)2 on countering the use of SLAPPs.

### 2.4 Climate action

65. Examples of North Macedonia being negatively affected by the consequences of climate change include extreme weather phenomena, such as the deadly flash floods of the summer of 2016, heat waves, and wildfires. In this regard, the Commissioner has examined the alignment of North Macedonia’s action on combating climate change with its human rights obligations under the European Convention on Human Rights.
66. The Commissioner notes the Court’s recent landmark Grand Chamber judgment in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*<sup>75</sup>, in which it found that states have a positive obligation to adopt, and to apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible future effects of climate change. The judgment furthermore laid out substantive and procedural benchmarks to evaluate states’ actions in relation to climate change. Substantively, states must adopt a carbon neutrality timeline and overall remaining carbon budget, set out intermediate greenhouse gas (GHG) emissions reduction targets and pathways which are regularly updated, and be able to show evidence that they are complying or in the process of complying with these targets and acting in good time with the implementation of legislation and relevant measures. The Court further stated that effective climate action must not only include mitigation efforts but also adaptation measures that reflect any relevant particular needs for protection. Procedurally, the Court noted that the availability of procedural safeguards, including access to information and the ability to effectively participate in the environmental decision-making process, are material in determining whether a state has remained within its margin of appreciation. The principles that have emerged from this Grand Chamber decision are relevant for all states parties to the European Convention on Human Rights.

<sup>71</sup> Macedonian Centre for International Co-operation, *From Silence to Strength : a regional response to SLAPPs in the Western Balkans*, [Country Report North Macedonia](#), July 2024.

<sup>72</sup> Center for Environment, [Stay safe and speak out : regional study on the position of EHRDs – Chapter on North Macedonia](#), September 2021.

<sup>73</sup> Council of Europe, Committee of Ministers’ Recommendation [CM/Rec\(2018\)11](#) to member states on the need to strengthen the protection and promotion of civil society space in Europe, 2018; see also Council of Europe Commissioner for Human Rights, [Environmental Rights Activism and Advocacy in Europe: Issues, Threats and Opportunities](#), 31 March 2021.

<sup>74</sup> Council of Europe, *Regional Baseline Assessment of Legislative and Policy Needs for Implementing Council of Europe and European Union Standards on Countering the Use of SLAPPs*, December 2024.

<sup>75</sup> European Court of Human Rights, Grand Chamber judgment, *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, [Applications No 53600/20](#), 9 April 2024.

67. The Commissioner acknowledges that North Macedonia is not a significant contributor to the emission of GHG. Its share is estimated at 0.02% of global GHG emissions.<sup>76</sup> However, he observes that the Court recognised the UN Framework Convention on Climate Change (UNFCCC)'s principle of "common but differentiated responsibilities," stressing that all states, regardless of their level of emissions, are required to take measures to tackle climate change according to their capabilities.<sup>77</sup> The Commissioner acknowledges the ambitious commitments made by North Macedonia, notably through the long-term strategy on climate action (2020-2050) and action plan (2021-2030) and the country's Enhanced Nationally Determined Contribution (NDC) under the UNFCCC, under which it aims to achieve carbon neutrality by 2050 and an 82% reduction in net GHG emissions by 2030.<sup>78</sup>
68. Applying the reasoning of the Court in the judgment *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* to the situation in North Macedonia, the Commissioner finds that there are several areas in which the country falls short. The Commissioner notes that North Macedonia lacks a binding regulatory framework at the national level that incorporates long-term and intermediate GHG targets, as required in principle by the Court.<sup>79</sup> The drafting of the Climate Law started in 2020. The Minister of Environment and Physical Planning informed the Commissioner that there have been multiple comments on the draft and the Ministry hopes to submit it to the parliament in the coming months. The Commissioner was also informed that the Ministry was in the process of seeking funds to support the process of updating the country's NDC, which is due this year and would also be important to comply with the Court's requirement that targets be regularly updated.
69. Additional issues include the absence of an operational GHG inventory system, without which North Macedonia cannot track emissions and thus cannot produce evidence of compliance with reduction targets.<sup>80</sup> The Commissioner was furthermore informed by civil society organisations about the inconsistencies between stated climate goals and other policies, such as the promotion of gas infrastructure without a proper assessment of its climate impact, and increased focus on mining. Concerns were also expressed about insufficient procedural safeguards, including inadequate public participation in legislative and policy-making processes.<sup>81</sup>

## Recommendations

The Commissioner recommends that the authorities of North Macedonia:

- In order to ensure that North Macedonia's climate governance aligns with its human rights obligations under the European Convention on Human Rights, as interpreted by the Court in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, adopt the Law on Climate as soon as possible, while ensuring effective public consultations and participation during the process.
- Establish an operational GHG inventory system and finalise the updated National Determined Contribution with updated emissions target under the UN FCCC.

<sup>76</sup> UNDP, Climate promise, [North Macedonia](#) (last updated in November 2023).

<sup>77</sup> *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (GC), para. 442.

<sup>78</sup> Ministry of Environment and Spatial Planning of North Macedonia, "[Enhanced Nationally Determined Contribution](#) (NDC)", 2021.

<sup>79</sup> *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (GC), para. 549.

<sup>80</sup> European Commission, "[Report on North Macedonia](#)", Chapter 27, October 2024; Platform 27, "[Shadow report on Chapter 27](#)", 2023.

<sup>81</sup> Platform 27, "[Shadow report on Chapter 27](#)", 2023.