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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Actions of security forces and effective investigations

The Public Prosecution Law of 2008 obliged public prosecutors to take procedural steps within 30 days after an ill-treatment complaint is filed and the 2010 Code of Criminal Proceedings obliged them to take a decision on a criminal complaint within three months. According to a binding resolution of the Courts of Appeal, compensation for ill-treatment should be increased to the level of amounts awarded by the European Court.

In April 2016, an external oversight mechanism (specialised unit within the Public Prosecution Service) and a new civil review body, comprised of independent external members without any affiliation with the police or other law-enforcement agencies, were created. In 2018, the role of criminal courts in prosecuting ill-treatment by law enforcement agents was enhanced and these cases were allocated to the Department for organised crime and corruption within the Skopje Criminal Court.

Jašar (69908//01+)
Final Resolution CM/ResDH(2018)72

Selami and Others (78241/13)
Final Resolution CM/ResDH(2019)65

El-Masri (39630/09)
Final Resolution CM/ResDH(2019)369

Functioning of justice

➢ Fairness of proceedings

Overall consistency of judicial practice was enhanced through the creation of a special department for case-law within the Supreme Court. According to the new Courts Act of 2008, a court cannot reject any request related to the exercise of a particular right on the sole ground of a legal gap and shall thus be obliged to decide on the merits. Pursuant to amendments of the Civil Procedure Code in 2015, domestic courts are now under an obligation to communicate to a party a copy of even belated observations of the opposing party. In line with the 2021 conclusion of the Criminal Division of the Supreme Court, the public prosecutor's submission in reply to an appeal on points of law shall be communicated to the defence, with the possibility to submit observations in reply.

Atanasovski (36815/03+)
Final Resolution CM/ResDH(2015)152

Petrovski and Others (27736/03)
Final Resolution CM/ResDH(2018)55

Naumoski (25248/05)
Final Resolution CM/ResDH(2018)56

Bajić (2833/13)
Final resolution CM/ResDH(2023)380

➢ *Remedies against excessive length of proceedings*

In 2006, administrative proceedings were accelerated following the adoption of new laws on Courts and on General Administrative Procedure and the setting-up of a specialised Administrative Court with jurisdiction for administrative disputes previously decided by the Supreme Court. Furthermore, any request made to administrative authorities will be considered as accepted if the administration fails to respond within a certain deadline (the concept of "tacit authorisation"). Rules on serving documents were simplified and their service in electronic format was introduced. Furthermore, the second-instance authority may decide on the merits under certain circumstances. The new General Administrative Proceedings Act of 2016 established the principle of efficiency in the administrative proceedings and prescribed a time limit of 30 days for the adoption of decisions by the administrative authorities. In 2019, the principle of oral hearing was established as one of the core administrative law principles.

Dumanovski, Docevski and Blage Ilievski (13898/02+)
Final Resolution CM/ResDH(2011)81

Mitkova (48386/09)
Final Resolution CM/ResDH(2019)195

The excessive length of civil and criminal proceedings was addressed by a series of legislative reforms as of 2008. As regards civil proceedings, procedural deadlines

Petrović (30721/15)
Final Resolution CM/ResDH(2019)315

were tightened, and a mediation procedure was introduced in order to alleviate the workload of the civil courts.

As regards criminal proceedings, in 2010, the rule to restart hearings in case of a trial judge's change within a single set of proceedings was abolished and multiple remittals were eliminated. Available capacities for interpretation in criminal proceedings were reinforced and the public prosecutor was entrusted a major role in investigations.

Atanasovic and Others (13886/02+)
Final Resolution CM/ResDH(2016)35

- Execution of final judicial decisions

The Enforcement Act was amended in 2010 and 2012, with a view to streamlining the enforcement proceedings and increasing their efficiency. The responsibility for enforcement was transferred to private bailiffs.

Atanasovic and Others (13886/02+)
Final Resolution CM/ResDH(2016)35

Protection of private and family life

- Personal data protection

In 2013, the Code of Criminal Procedure provided for the public prosecutors' supervision of police access to personal data. In 2020, a Personal Data Protection Act implemented respective EU regulations. The Personal Data Protection Agency adopted Rules on data protection impact assessments. A Law on the protection of personal data for the purposes of prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties is under way.

J.M. and A.T. (79783/13)
Final Resolution CM/ResDH(2021)123

Freedom of expression

The criminal offence of defamation was abolished by the 2012 legislative amendment. The Law on Civil Liability for Insult and Defamation was adopted, providing that any restriction imposed for violation of honour and reputation of physical and legal persons through insults or defamation, must be justified in the light of the European Court's jurisprudence.

Makraduli (64659/11)
Final Resolution CM/ResDH(2019)190

Freedom of association

The new Law on Associations and Foundations of 2010 facilitated registration procedures. The registration authority is competent to examine only procedural requirements. Dissolution of an association requires a well-reasoned court decision. 200 associations representing national minorities have been registered since 2010.

Association of citizens Radko and Paunkovski (74651/01)
Final Resolution CM/ResDH(2017)293

Domestic case-law concerning registration of religious associations that share identical or similar doctrinal sources was modified. As a result, three other churches, two religious communities and three religious groups were registered following the leading judgment of this group.

Orthodox Ohrid Archdiocese group (3532/07+)
Final Resolution CM/ResDH(2024)310

Protection of property rights

Confiscation of objects acquired in good faith is only possible when it can be established that the third person knew or should have known that they would be used for the transportation or distribution of smuggled goods. In 2018, the Criminal Code was amended to abolish the automatic confiscation of means of transport used for smuggling of migrants in the context of criminal proceedings.

Vasilevski (22653/08)
Final Resolution CM/ResDH(2017)145

Andonovski (16225/08)
Final Resolution CM/ResDH(2019)301

In 2021, the Criminal Code was further amended to abolish the provision imposing the automatic mandatory confiscation of any object used in the commission of a crime, or which was the product thereof, irrespective of the nature and severity of the crime, the sentence imposed and the personal circumstances of the party concerned.

***Anastasov* group**
(46082/14)
Final Resolution CM/ResDH(2023)188

Right to liberty of movement

The reasons previously invoked to justify restrictions on the freedom to leave the country are no longer applied. In November 2016, the Minister of Interior issued instructions to the border police aimed at preventing any discrimination at the border. In 2020 a new Law on Prevention and Protection against Discrimination was adopted. In addition, the Academy for Judges and Public Prosecutors organised a number of trainings on the application of the new antidiscrimination legislation.

Memedova and Others
(42429/16)
Final Resolution CM/ResDH(2024)258

II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Actions of security forces and effective investigations

Ill-treatment at the hands of the police and **lack of an effective investigation** in this respect.	***Kitanovski* group** (15191/12) Judgment final on 22/04/2015 Enhanced supervision **Status of execution**
Ill-treatment of four sex workers on account of the failure of the authorities to provide them with **access to water, food or toilet facilities** for about 20 hours during their detention. **Taking of their photographs**, in which their identities were not concealed, while they were in police custody and subsequent publication on the Ministry of Interior's website.	***D.H. and Others*** (44033/17) Judgment final on 18/10/2023 Standard supervision **Status of execution**

Protection of private and family life

Lack of legislation governing the conditions and procedures for changing on birth certificates the registered sex of transgender people.	***X.*** (29683/16) Judgment final on 17/04/2019 Enhanced supervision **Status of execution**
Non-enforcement of the social care centres' decisions on contacts with the applicants' children and granddaughter and **lack of an effective remedy** in this respect.	***Mitovi* group** (53565/13) Judgment final on 16/07/2015 Standard supervision **Status of execution**
Indefinite retention of DNA samples taken in the context of criminal proceedings.	***Trajkovski and Chipovski*** (53205/13) Judgment final on 13/06/2020 Standard supervision **Status of execution**

Right to liberty and security

Violations of right to liberty on account of the lack of concrete and sufficient grounds for their detention, non-observance of the principle of equality of arms, and the lack of a speedy review of the applicants' detention.	***Vasilkoski and Others group*** (28169/08) Judgment final on 28/01/2011 Standard supervision **Status of execution**

Prohibition of discrimination

Discrimination of Roma pupils on account of their segregation in two State-run primary schools attended predominantly by Roma children and with Roma-only classes respectively.	***Elmazova and Others*** (11811/20) Judgment final on 23/03/2023 Enhanced supervision **Status of execution**

Right to property

Non-enforcement of judgments and decisions ordering a State-owned company and a State-run student residence to pay the applicant companies various amounts of money.	***AD Osiguritelna Polisa Skopje and Others*** (62544/19) Judgment final on 18/11/2025 Enhanced supervision **Status of execution**

Expulsion of aliens

Inability of the applicant to challenge evidence relied on by the domestic authorities in proceedings for her expulsion.

***S.B.* (64163/19)**
Judgment final on 30/11/2023
Standard supervision
Status of execution

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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