



Civil participation in the decision-making process Fact finding visit to North Macedonia

4-6 November 2024

REPORT

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Introduction

1. The Conference of International Non-Governmental Organisations of the Council of Europe ('CINGO') is the representative body of international non-governmental organisations with a mission of promoting participatory democracy in Europe. It enjoys participatory status with the Council of Europe.¹ As part of its mandate, the CINGO conducts fact-finding visits in the Council of Europe member states. It meets NGOs and public authorities, to introduce them to the CINGO work and discuss challenges and opportunities for promoting participatory democracy in a country.

2. Country visits have also been utilised to promote the instruments of the Council of Europe pertinent to participatory democracy, including the *Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe*;² the OSCE/ODIHR-Venice Commission *Guidelines on Freedom of Association*;³ the *Guidelines of the Committee of Ministers for civil participation in political decision making* (CM(2017)83);⁴ the *Code of Good Practice for Civil Participation in the Decision-Making Process* adopted by CINGO;⁵ the *Recommendation CM/Rec (2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life*;⁶ and the *Recommendation Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making*.⁷

3. During a fact-finding visit the CINGO strives to hear the points of view of both non-governmental organisations ('NGOs') and public authorities, in order to identify critical issues in the legal and institutional framework related to participatory democracy and its implementation; establish what use is made of the foregoing participatory instruments of the Council of Europe (CoE); and how the work of the CoE in this field can be further advanced. Following country visit, a report is prepared and submitted to relevant parties for consideration. The report is then presented and discussed at the General Assembly of the CINGO. The CINGO provides a diplomatic representative from the country involved, who is with the CoE, with a copy of the report in advance and invites he or she to participate in the discussion at the General Assembly. It subsequently publishes both the report and the government's comments on its website.⁸

4. This report was prepared following the delegation of CINGO's country visit to North Macedonia (Skopje) which took place on 4-7 November 2024. Dr. Gerhard Ermischer, President of the CINGO, led the delegation which further consisted of Ms Ece Ciftci, member of the Standing Committee of the CINGO and Dr. Dragan Golubović, member of the Expert Council on NGO Law of the CINGO. Mr. Christophe Speckbacher, Head of Civil Society Unit of the Directorate General of Democracy and Human Dignity of the CoE, accompanied the delegation. The report also takes stock of progress made since CINGO's first fact finding visit to the country in 2018. Given the inherent limits of the fact-finding visit, the situation described in the report does not necessarily entail the full account of the issues discussed.

¹ <https://www.coe.int/en/web/ingo/home/>

² <https://rm.coe.int/recommendation-of-the-committee-of-ministers-to-member-states-on-the-l/1680a1f502>

³ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)046](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)046)

⁴ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807509dd

⁵ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802eed5c>

⁶ <https://rm.coe.int/16807954c3>

⁷ <https://rm.coe.int/1680519084>

⁸ Reports of previous fact-finding visits are available at: <https://www.coe.int/en/web/ingo/countries>

Legal and institutional framework for the functioning of NGOs and its participation in policy decision-making process

Framework regulation governing NGOs.

5. An enabling legal and institutional environment for NGOs and citizen (civil) participation is recognised as one of the main pillars of a functioning democracy – and indeed, is incorporated in the political conditions set out for the accession process of the Enlargement Region to the European Union (Cluster 1 - Fundamentals).⁹

6. The *Constitution* of the Republic of North Macedonia provides that ‘citizens’ are guaranteed *freedom of association* to exercise and protect their political, economic, social, cultural, and other rights and convictions. Towards that end, “citizens may freely establish associations of citizens and political parties, join them or resign from them”. The programmes and activities of “political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance”. In addition, “military or paramilitary associations which do not belong to the Armed Forces are prohibited” (Constitution, Art. 20).¹⁰

7. The *Law on Associations and Foundations* sets out to provide detailed rules governing the establishment, operations, internal governance and dissolution of NGOs.¹¹ An association may be established by at least five natural and/or legal persons, out of which at least three need to have permanent or temporary place of residence/head office on the territory of North Macedonia. Juveniles at the age of fifteen may establish an association under the same conditions, with prior consent of their legal representatives. Informal associations operate freely, given that the Law does not levy penalties on an organisation which operates before registration. An association that seeks legal entity status must enter into the Central Register, however.

8. The Law provides that at least one legal or natural person may establish a foundation. The establishment of a foundation requires the minimum founding capital corresponding to the value of 10,000 Euro in money, securities, or other assets. A foundation may engage in statutory activities only after it enters into the Central Register i.e. obtains the legal entity status.

9. There are no specific provisions in the Law governing the nature of legitimate goals of NGOs, and thus it would seem that both associations and foundations may seek to pursue any goal deemed for public or mutual benefit. NGOs are guaranteed independence in their operations and governance, in accordance with the Constitution and law.

10. An NGO may generate income from membership fees, initial asset, charitable contributions, donations, gifts (in form of money, goods, property rights), wills, legacies, activities that generate profit, rents and leases, as well as incomes from investments, dividends, interest rates, loans and other incomes in accordance with the law or the statute. There are no conditions attached to the recipients of foreign donations. Foreign NGOs may operate through a subsidiary, office or other institutional form

⁹ DG NEAR *Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027*, pp. 3-5; European Commission, *Screening Report: North Macedonia, Cluster 1 – Fundamentals*, 20/07/2023 (hereinafter: ‘Screening Report’), pp. 17-21; *Communication on EU enlargement policy*, Brussels, 30.10.2024 COM (2024) 690 final, p. 9.

¹⁰ https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix

¹¹ This Law does not apply to churches, religious communities and religious groups, trade unions, chambers and other types of association regulated by separate laws.

of choice established in North Macedonia in accordance with this law, unless otherwise stipulated in the ratified international agreement.

11. According to the Law, an NGO may acquire the status of public benefit organisation (PBO) if it pursues activities in the designated public benefit areas¹² and meets the other criteria prescribed. The Government grants the status of a PBO following a proposal put forward by the Commission on PBOs. Since it entails additional reporting and disclosure requirements without any corresponding tax and other benefits, very few NGOs have chosen to acquire the PBOs status.

12. In 2022 Parliament adopted amendments to the Law on Associations and Foundations. Those were the result of the public protest stemming from the establishment of two Bulgarian ‘clubs’ whose respective names were perceived as controversial and insulting to North Macedonia.¹³ The amendments, which were adopted in a non-transparent process,¹⁴ sought to protect North Macedonia “anti-Fascist past and historical truths”. They prohibit the use of names, nicknames, and pseudonyms that are related to fascism, Nazism, genocide, and the Third Reich in the programs, goals, activities, and action of an NGO.

Legal framework for civil participation in policy decision-making process

13. Civil participation in policy decision making process (‘policy development’) is regulated by a number of instruments, including the *Code of good practices for participation of CSOs in policy-development process* (‘Code of good practices’), the *Methodology for regulatory impact assessment*, the *Guidelines for ministries implementing the regulatory impact*, and the *Rules of Procedure of the Government*.

14. The *Code of good practices*, which is closely patterned to the CINGO’s Code of Good Practice for Civil Participation in the Decision-Making, seeks to serve a three-fold purpose: to increase transparency of the Government and public administration; to strengthen cooperation with civil society through structured and regular communication and consultations in policy development; and to improve the quality of policy development by making use of the NGOs’ expertise.

15. The Code promotes sound principles of participation, including respect for independence of NGOs and their ability to represent the views of citizens, and recognises four distinct forms of cooperation: information, consultation, dialogue, and partnership. These apply to all stages of policy development.¹⁵ We understand that the Code, which is a soft-law instrument, is currently undergoing revision and that the feasibility of introducing binding rules governing NGOs participation in policy development across the Government is under consideration.¹⁶

¹² Development of democracy, civil society and human rights, help and protection of persons with physical and mental handicap, persons with developmental impairments and persons with special needs, protection of children and youth, protection of marginalised persons and their social inclusion, protection from drug abuse, sexually transmitted diseases, juvenile delinquency, alcoholism, prostitution and human trafficking, health, promotion of health and medical care, art, culture and protection of cultural heritage, amateur sport, protection of the environment and sustainable development, local and infrastructure development, science, education and education process training, development of ethics and moral, humanitarian and social aid, poverty reduction, environmental disasters management, protection and care for animals, customers’ protection, promotion of charity and voluntarism and other activities of public interest determined by this or another law.

¹³ <https://balkaninsight.com/2022/11/04/north-macedonia-law-change-on-associations-concerns-bulgaria/>.

¹⁴ European Commission, *Screening Report* p. 18.

¹⁵ https://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/kodeks_na_dobri_praktiki.pdf

¹⁶ European Commission, *Screening Report*, p. 18.

16. The *Guidelines* and the *Regulatory Impact Assessment Methodology* ('RIA') espouses the principle of openness and transparency in the legislative process,¹⁷ and envisages 'internal' consultations (i.e. those with the relevant line ministries and other state institutions) as well as 'external' consultations (consultations with "businesses, syndicates, NGOs, associations and foundations, civic groups as well as citizens concerned directly by the proposed regulation") at various stages of RIA preparation.¹⁸ In order to ensure timely dissemination of information to the parties concerned, a responsible line ministry shall publish a notice on the preparation of RIA no later than five days prior to the date envisaged for the preparation of the RIA to proceed. The ministry shall publish notice on its website and the Single National Electronic Register of Legislation platform - ENER and shall contain all information pertinent to the effective participation of the parties concerned.

17. A draft RIA report shall describe the external (public) consultation process, and the parties involved in it. It shall entail information related to the methods of consultation and the views expressed during the public hearing, as well as the feedback which a line ministry responsible for the RIA preparation received in writing or through the ENER portal. A draft shall entail information about the opinions, comments, and suggestions the line ministry approved of, as well as those it did not accept, along with the reasoned opinion supporting the ministry's standing. A responsible line ministry shall publish a draft RIA report on the ENER platform for additional public consultation no longer than 10 days prior to the submission of the draft to the Ministry of Information Society and Administration for its consideration.

18. Responsible institutions have produced several guidelines for the RIA consultation process, including consultations with NGOs. However, the vague wording in the guidelines describing the form of consultation rendered public authorities a great deal of discretionary power in choosing the form and scope of consultations. This resulted in inconstant and divergent approaches in the preparation of RIA among different line ministries - and occasionally within the same ministry.¹⁹

19. The *Rules of Procedure* of the Government provide that the line ministries shall publish proposals for the development of a new legislation as well as draft laws on their respective web sites and the ENER platform. If the amendments to a law exceed one fifth of its overall content, a responsible line ministry shall post an integral text of the amended law. However, an obligation to publish does not pertain to draft laws which the Government submits to Parliament under the *emergency procedure*.

20. The Rules further provide a 20-day deadline for public consultation on a draft law. Participants submit their comments on the ENER platform. Following the closure of public consultation, a responsible line ministry shall prepare a report on consultation.²⁰ All the information related to a

¹⁷ https://mioa.gov.mk/sites/default/files/pbl_files/documents/pvr/methodology_ria.pdf

¹⁸ According to the RIA Methodology, the line ministries shall ensure involvement of parties concerned throughout the RIA process. In the phase involving *the situational analysis*, the definition of the issue and the need for introducing a new regulation, external (public) consultations represent a useful method of collating information on existing problems or sharing experiences from implementation of existing regulations. In the phase involving the *definition of possible solutions* (options) and their comparison, external consultations should take place after the responsible ministry has laid down and defined the principles of possible solutions (options). The topic of consultations shall be the options, their application, cost effectiveness and potential effects. In the phase involving *assessment of potential impact* by proposed solutions (options), the purpose of external consultations shall be to assess the accuracy of assumption.

ns related to the possible impact, the risks, the benefits and the associated effects.

¹⁹ <https://eu4cr.mk/component/enabling-environment/institutional-framework-for-cooperation-with-csos/the-council-for-cooperation-with-csos/>

²⁰ Information about participants in external consultation and received comments; information as to the comments that have been accepted as well as those which have not, along with the reasons justifying the latter being rejected.

particular legislative activity (reports on RIA and public consultation, received comments and feedback) shall be posted and retained on the web site of the responsible ministry and the ENER platform for a period of one year.

21. The Government shall issue an annual call requesting NGOs' input in preparation of its annual workplan by the end of August each year. It shall publish on the ENER platform both proposals submitted by NGOs as well as responses from the respective line ministries to that effect.

22. The stakeholders have recognised a long-standing problem of the excessive use of Parliament's expeditious procedure in the legislative process, which does not require RIA and public consultations – and which the Government have often justified with the urgency to align domestic legislation with the EU *acquis*. Thus, in 2022 only 54% of draft laws approved by Government had RIA prepared and only 37% of RIAs were published on the ENER platform for consultations.²¹ According to the information provided by the *Unit for Collaboration with Civil Society*, in 2023, ca 52% of RIA reports were published on the ENER platform.

23. Furthermore, as regards public scrutiny of Government work, the annual work plan of the Government and the annual reports are not publicly available. In 2023, according to the data, the Government managed to accomplish only around 40% of activities in its annual workplan. The number of items added to the Government session agendas at the last minute is high. The agendas of Government sessions are not made public prior to the meetings, and minutes and decisions of Government sessions are not systematically published online.²² The European Commission has noted an urgent need to develop a consistent approach to involving NGOs in policymaking at national and local levels, and to rebuild trust and cooperation between stakeholders.²³

24. In 2011 North Macedonia joined the *Open Government Initiative*. The *National Action Plan for 2024-2026*²⁴ sets out to define Government's specific commitments towards strengthening public participation in creating active measures, employment policies and services;²⁵ strengthening capacity of public administration on topics related to transparency, accountability, anti-corruption and civil participation;²⁶ and improving public consultations at national level.²⁷ NGOs representatives have been included in the work of a body (Council) responsible for the monitoring and coordination of the Open Government Partnership process.

Council for Cooperation of the Government with Civil Society

25. The Council is a key intersectoral advisory body to the Government tasked with the promotion of cooperation, dialogue and civil society development,²⁸ which carries a number of specific responsibilities: monitoring and analysing policies and policy-making processes impacting on civil society; initiating amendments to regulations in effect; advancing cooperation and building partnerships between NGOs and the government; participating in creation and monitoring

²¹ European Commission, *Screening Report*, p. 25; *North Macedonia 2024 Report*, Brussels, 30.10.2024 SWD (2024) 693 final, p. 22 (hereinafter: '2024 Report').

²² European Commission, *2024 Report*, p. 24.

²³ European Commission, *2024 Report*, p. 23.

²⁴ <https://www.opengovpartnership.org/documents/north-macedonia-action-plan-2024-2026-june/>.

²⁵ National Action Plan, pp. 26-29.

²⁶ Ibid, pp. 30-33.

²⁷ Ibid, pp. 34-36.

²⁸ The **other institutional mechanisms of collaboration** with civil society include the *Unit for Cooperation with NGOs of the General Secretariat of the Government*, the *Network of civil servants for cooperation with Civil Society in state administration bodies*, participation of NGOs representatives in *IPA III Sectoral working groups* as well as other advisory and working bodies, including the *National Council for EU Integration*.

implementation of the Strategy for Cooperation between the Government and Civil Society and the Action Plan; proposing funding priorities to support activities of NGOs from the Budget of the Republic of North Macedonia (budgetary unit - fund for support and development of civil society); and considering other issues within its competences.²⁹

26. The Council is currently composed of thirty-one members: fifteen government representatives and sixteen representatives from NGOs/civil society. NGOs nominate their own representatives in the Council for each designated area of NGO activities,³⁰ which the Government appoints through an open and transparent process. Members of the Council are appointed for a period of three years, with the possibility of being re-elected to serve one more term. The work of the Council has been fraught with notable challenges,³¹ only exasperated during the COVID 19 pandemic, which resulted in significant cuts in the public funds allocation to NGOs; this restrictive funding policy has persisted ever since.

27. In 2022 the Government, without consultations with NGOs, re-allocated funds originally designated to provide support to NGOs from the General Secretariat to the newly established Ministry of Political System and Inter-Community Relations. It resulted in the reduction of funds to NGOs whose activities fell outside the scope of this ministry's responsibilities.³² This prompted NGOs members to boycott the work of the Council, which has been in place since March 2022. In the interim, the term of the current members of the Council has expired. The European Commission noted that the role of the Council "needs to be stepped up".³³

Strategy for Cooperation with and Development of Civil Society 2022-2024.

28. The Strategy is a key policy document aiming to improve the environment in which civil NGOs operate, thereby strengthening democratic governance as well as structured dialogue with civil society. The Strategy identifies three main policy areas, namely: the normative, institutional and financial framework for civil society development; democratisation, active participation of the civil society in social processes, in policy making and monitoring, with a special focus on the process of integration into the European Union; and the role of civil society in socio-economic development.

29. The Strategy envisages corresponding measures to improve the legal framework for NGOs, strengthen the institutional framework and practices of cooperation between the Government, state administration bodies and NGOs; to improve the tax framework impacting on NGOs; and to improve the framework governing public (state) financing of NGOs. As regards participation, the Strategy seeks

²⁹ The Council was established by virtue of the 2016 *Decision on Establishing the Council for Cooperation between the Government and Civil Society*. This Decision was subsequently amended in 2017, due to the pressure put forward by NGOs which raised their concern over the lack of transparency and proper consultation in the process of its enactment; the lack of expertise among elected CSO representatives; the adoption of the Decision during a political crisis and the mandate of care taker government; and the lack of a monitoring mechanism for the Council's work. <https://balkancsd.net/what-went-wrong-with-the-council-for-cooperation-of-the-government-with-civil-society-in-north-macedonia-2/>

³⁰ These include civil society development; democracy and the rule of law; promotion and protection of human rights and antidiscrimination; economic and sustainable development; science, education and lifelong learning; youth; social protection of children; protection of marginalised persons; gender equality; healthcare; agriculture and rural development; culture; media and information society; environmental protection; sports, and EU integration and policies.

³¹ <https://balkancsd.net/what-went-wrong-with-the-council-for-cooperation-of-the-government-with-civil-society-in-north-macedonia-2/>

³² European Commission, *2024 Rule of Law Report: Country Chapter on the rule of law situation in North Macedonia*, Brussels, 24.7.2024, SWD (2024) 830 final, p. 24 (hereinafter: '2024 Rule of Law Report').

³³ European Commission, *Screening Report*, p. 19.

to strengthen NGOs' involvement in all phases of policy development, as well as to improve tools for citizens direct participation in policy development.

30. The Strategy further envisages measures to support social entrepreneurship and volunteering, promote philanthropy and increase NGOs' role as service providers. The Unit for Cooperation with NGOs of the General Secretariat is the designated body responsible for monitoring the implementation of the Strategy, supported by the network of civil servants for cooperation with the civil society and the Council for Cooperation of the Government with Civil Society. The current implementation rate of measures set out in the Action Plan of the Strategy is less than 50%.

Legal framework governing the rights related to freedom of association.

31. **Freedom of peaceful assembly.** The legal framework governing freedom of peaceful assembly is broadly in line with the European standards.³⁴ The *Constitution* provides that citizens have the right to assemble peacefully and to express public protest without prior announcement or a special license. The Government may restrict the exercise of this right only during a state of emergency or war. The *Law on Public Assemblies* also allows for spontaneous (ad hoc) assemblies to take place.

32. **Freedom of expression and free access to public information.** The *Constitution* guarantees freedom of personal conviction, conscience, thought and public expression; the same guarantees extend to the freedom of speech, public address, public information, and the establishment of institutions for public information. The *Law on Associations and Foundations* further provides that NGOs may freely declare and promote their views and opinions regarding issues of their interest, raise initiatives and participate in shaping the public opinion and policy decision making process.

33. The Parliament adopted a new *Law on Civil Liability for Insult and Defamation* in November 2022. The Law significantly lowers the fines levied for non-pecuniary damage resulted from insult and defamation, in efforts to prevent the abuse of the so-called SLAPP lawsuits against journalists and investigative NGOs. The 2023 amendments to the *Criminal Code* have afforded additional legal protection of journalists akin to the one enjoyed by public officials, thereby empowering the Public Prosecutor's Office to initiate proceedings on its own initiative when a journalist or media worker is being under attack. There is a public prosecutor appointed to monitor cases of the alleged attacks on journalists. Nevertheless, in the period July 2023-July 2024 the Council of Europe Platform to promote the protection of journalism and safety of journalists published 99 alerts related to North Macedonia,³⁵ including those involving the alleged harassment of journalists by public authorities.³⁶ Additional concerning developments regarding the safety of journalists have been reported ever since.³⁷

34. The *Constitution* also guarantees free access to information and the freedom of reception and transmission of information and prohibits censorship. The *Law on Free Access to Public Information* sets out to provide detailed rules pertinent to the free access to information. The 2019 amendment to the Law sought to further strengthen the regime governing free access to information.³⁸

35. Nevertheless, the 2024 Rule of Law report of the European Commission notes challenges related to the work of the Agency for Protection of Free Access to Public Information and ensuring

³⁴ European Commission, *Screening Report*, p. 57.

³⁵ Ibid. p. 20.

³⁶ <https://ipi.media/north-macedonia-harassment-journalist-furkan-saliu/>

³⁷ Among others <https://en.nuns.rs/safejournalists-ministry-of-interior-in-north-macedonia-must-conduct-serious-investigation-regarding-destruction-of-journalists-car/>.

³⁸ <https://www.osce.org/files/f/documents/2/a/415145.pdf>

timely and unfettered access to public information.³⁹ In October 2024, the Central Registry, a key resource for journalists and investigative NGOs to access data on company ownership, addresses, investments, and other relevant information, temporarily suspended free access for journalists. Civil society and media are concerned that the new Government is generally backsliding on the free access to information, and that the information related to the work of the Government that used to be routinely published on its web site is no longer available.⁴⁰ This development may also hamper the notable progress North Macedonia has previously made with respect to the open data digital availability.⁴¹

Implementation of the decisions of the European Court of Human Rights

36. North Macedonia is considered to have satisfactory level of cooperation with the European Court of Human Rights ('ECtHR').⁴² As of October 2024, the Committee of Ministers is supervising the execution of 40 cases involving North Macedonia,⁴³ including several cases which are under the regime of enhanced supervision. The CoE expects North Macedonia to make efforts to address systemic or structural issues raised by these cases.⁴⁴

37. As regards the two long-standing cases pending execution involving violation of Article 11 of the European Court of Human Rights (refusal to register religious associations),⁴⁵ the Action Plan recently submitted by the Government indicates that the implementation of those cases has been executed and that associations concerned had been allowed entry into the Register of Religious Organisations.⁴⁶

Fact-finding Mission: NGOs' Perspective

Gender equality

38. The European Commission's *2024 Report* notes that North Macedonia is lagging in advancing gender equality, with no significant new developments in its national policy framework for integrating gender equality and aligning with the EU *acquis*, despite previous notable progress made ((pp. 37-38). In 2012 North Macedonia was the first country in the Western Balkan region to adopt a Government Strategy for Introducing *Gender Responsive Budget* - GRB, which instigated changes in the budget circular issued by the Ministry of Finance obliging pilot line ministries to develop *Gender Budget Statements* for selected sectoral programmes. To implement provisions set in the engendered budget circular (2013) and the obligations set forth in the Law on Equal Opportunities of Women and Men (2012), the Government adopted a Methodology on GRB (2014) for central budget users. Since 2014, the Methodology on GRB serves as the key instrument and a guide for integration of gender perspective in sectoral programmes and budgets of state institutions. Since 2019, the Strategic

³⁹ European Commission, *2024 Rule of Law Report*, p. 19.

⁴⁰ <https://balkaninsight.com/2024/10/25/north-macedonias-new-govt-accused-of-backsliding-on-access-to-information/>

⁴¹ <https://balkaninsight.com/open-data-and-digitalization-in-the-western-balkans-the-state-of-play/>

⁴² European Commission *2024 Report*, p. 33.

⁴³ Source: Department of the Execution of Judgments of the European Court of Human Rights

⁴⁴ European Commission, *2024 Report*, p. 33.

⁴⁵ *Orthodox Ohrid Archdiocese group (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy) v. North Macedonia*, application no. 3532/07, judgment of 9 April, 2018 (enhanced supervision); *Bektashi Community and Others v the former Yugoslav Republic of Macedonia*, application nos. 48044/10, 75722/12 and 25176/13, judgment of 12 April, 2018.

⁴⁶ Source: Department of the Execution of Judgments of the European Court of Human Rights.

Planning Methodology includes gender-specific provisions and guidelines for central level budget users.⁴⁷

39. In addition, the Ministry of Labour and Social Policy (MLSP) established the Resource Centre for Gender Responsive Policymaking and Budgeting. In March 2022, the Ministry selected a team of experts to develop and deliver e-module trainings on violence against women and domestic violence. The e-learning module covers contents on gender-based and domestic violence, tests, audio and video materials, interactive learning, electronic searching and browsing of contents aimed at the professional structures involved in the system of protecting the victims of gender-based violence and domestic violence.⁴⁸

40. During the thematic meeting with NGOs engaged in gender equality⁴⁹ NGOs suggested that the ratification of the *Istanbul Convention* in 2018 has brought about several positive legislative developments. These include the 2021 *Law on the Prevention and Protection of Women against Violence and Domestic Violence* and the 2023 amendments to the *Criminal Code*, which sought to strengthen the legal protection of women against domestic violence. The former provides legal grounds for NGOs to provide services to victims of domestic and gender-based violence.

41. There is the *National Strategy for Gender Equality 2022–2027*, as well as the *National Action Plan for Gender Equality 2022–2024*, the implementation of which is being monitored by a number of parties, including the Ministry of Labour and Social Policy, the Inter-ministerial Work Group for Gender Equality, the Parliament's Commission for Equal Opportunities for Women and Men, as well as NGOs and international organisations. Coordinators for equal opportunities for women and men have been nominated in all line ministries and all local government units.

42. However, NGOs pointed to the lack of a law on gender equality (which was the promise of the prior Government, but which is not directly related to the commitments arising from the *Istanbul Convention*), as well as the lack of law on gender recognition, which impacts adversely on the rights of transgender people. Furthermore, the implementation of the amendments to the *Criminal Code* and the *Law on Equality between Man and Women* remains problematic, due to the lack of financial resources; the lack of awareness of the responsible state bodies and public about the femicide issue; the lack of the cross-institutional protocols; and the influence of the anti-gender movement (see below). Women are most often the victims of family and partner violence.

43. NGOs were also concerned with the new amendments to the *Law on Primary Education* which have removed gender, gender identity, and sexual orientation from grounds of illegitimate discrimination. This runs afoul the provisions of the *Law on the Prevention and Protection against Discrimination* which specifically provides otherwise. The draft *Law on Secondary Education* does not provide sexual orientation and gender identity as the grounds of discrimination either, which NGOs argued to have given rise to the violation of children's rights, posing a direct threat to their mental and physical integrity.

44. There is concern that these recent developments may indicate a decline in the Government's commitment to gender equality.⁵⁰ This concern is particularly heightened by the fact that the program

⁴⁷ <https://eca.unwomen.org/en/what-we-do/national-planning-and-budgeting/transformative-financing-for-gender-equality-in-the-western-balkans/north-macedonia>

⁴⁸ <https://rm.coe.int/gvt-comments-baseline-evaluation-report-on-north-macedonia/1680ac7962>

⁴⁹ According to the register of public employees, women account for 56.8% of all public service employees; this does not include institutions such as the army and several law enforcement agencies. European Commission 2024 Report, p. 25.

⁵⁰ The previous law on primary education contained specific references to gender and gender equality as regards grounds for the protection of discrimination.

of the senior party in the ruling coalition no longer includes the terms "gender" and "gender equality," which were present in their previous program. Additionally, there are worries about the erosion of good practices related to gender equality at the local level. The outcome of the pending local elections in 2025 might further aggravate the situation with gender rights.

45. NGOs advised that the concept of a joint custody is under consideration by the Ministry of Justice.⁵¹ In this respect, there is concern that the use of this concept might be at the detriment of women, as the institutions remain poorly equipped to ensure its fair and consistent implementation. Thus, joint custody might be weaponised to force a woman to stay in a marriage in which she is suffering abuse, for the sake of children. This concern seems particularly justified, given the poor reporting rate of the violence against women (only 2%); the same applies to the attacks against LGBTQI+ community. NGOs also reported difficulties with accessing health services for victims of gender-based violence, due to limited number of shelters and lack of personnel.

46. NGOs further pointed to the pronounced lack of gender balance at both national and local level. Thus, out of twenty-five ministers in the current Government, there are only three women. Similarly, at local level, out of eighty-one majors, there are only two women.

47. The first *National Action Plan* (NAP) for the implementation of the *Istanbul Convention* (2018-2023) lacked transparency, and the responsible institutions did not disclose annual operative plans to the public. Furthermore, the Government adopted NAP without any financial implication from the national budget, instead relying on donor funds only. As a result, only ca 20% of the NAP activities – those funded by foreign donors – were implemented, whereas no activity which did not envisage donor support was implemented. Similarly, the implementation of the *Action Plan 2022-2024* of the *National Strategy for Gender Equality* (2022-2027), which sets out to define priority policy measures arising from the commitments to the *Istanbul Convention*, has also been suboptimal due to the insufficient funding and ineffective monitoring mechanism, among others.⁵²

48. NGOs also reported that anti-gender movement at both national and local level has been strong.⁵³ They identified major religions, certain political parties and segments of businesses, media, as well as academia as the main culprits in this endeavour. There is concern that the national anti-gender movement is part of a larger, well organised, and sourced movement in Europe and beyond.

49. The influence of anti-gender movement has had an increasingly adverse impact on policy development. Thus, following the decision of the European Court of Human Rights *in X. versus Macedonia*⁵⁴, in 2022, the Government prepared the amendments to the *Law on Civil Registry*. As part of the compliance effort, the Government also prepared a draft *Gender Equality Law*. However, the well-organised grassroots movements, fuelled by a fake news campaign, eventually compelled the Government to abandon these legislative initiatives.

50. As already noted, NGOs argued that the influence of anti-gender movement has impacted adversely on the implementation of the amendments to the *Criminal Code* and the *Law Against the Violence of Women*. This has been evident in the emerging practices within the judiciary and social protection centres, where the blame is placed on, and punishment is directed at the victims of domestic violence, rather than the perpetrators. Additionally, they are concerned with the lack of

⁵¹ The Ministry is responsible for the preparation of a draft Civil Code, which shall also entail rules governing family law.

⁵² The Parliament is currently reviewing progress under the second NAP and working on the third NAP 2025-2027.

⁵³ See also the European Commission, *2024 Report*, p. 37.

⁵⁴ Application no. 29683/16, judgment of 17 January, 2019.

prosecution in cases involving hate speech against human rights defenders, particularly women (with only five verdicts against hate speech). In contrast, prompt prosecutorial protection has been afforded to politicians in similar cases.

51. In respect of NGOs participation in *policy development related to gender equality*, NGOs have been active in providing inputs to the legislative process as well as reaching out to public institutions with their recommendations. However, there have been very few instances of state institutions engaging NGOs in a genuine debate on this policy matter. Rather, NGOs are often used as a décor, to give a pretext of democratic and transparent process. The latest example includes public discussion on the amendments to the *Law on Primary Education* which exclude the terms gender and gender equality from the Law despite NGOs voicing sound opposition to it. There have been some attempts by the new Government to reach out to NGOs (e.g. signing memorandum of cooperation with NGOs on sectoral policies), however, NGOs have not seen any tangible progress in this cooperation thus far.

52. In 2023, the baseline evaluation study of the Group of Experts on Action against Violence against Women and Domestic Violence - GREVIO identified a number of issues that require urgent action by the authorities, to ensure full compliance with the commitments from the *Istanbul Convention*.⁵⁵ Among others, it has encouraged the authorities to ensure the application of the Convention into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with NGOs active in the field; and raise the awareness of victims belonging to particularly vulnerable groups of women about their rights to protection and support services.⁵⁶ In its response to the finding of the study, the Government detailed efforts that had already been taken and has committed to taking additional measures deemed necessary to ensure the full implementation of the Convention.⁵⁷ It remains to be seen whether the new Government will honour those commitments.

Non-Discrimination

53. As noted in the European Commission 2024 *Report*, the legal and institutional framework for non-discrimination remains partially aligned with EU *acquis*. The 2021-2026 *Strategy for Equality and Non-Discrimination* has not produced meaningful results. The *Law on Protection and Prevention against Discrimination* recognises non-formal groups as distinct entities and affords them the right to file an *actio popularis*. At the end of 2023, the Parliament elected new members of the Commission for the Prevention and Protection against Discrimination and filled the vacant posts. The legal framework and interinstitutional capacity to combat hate speech and hate crime needs further improvement, notably, to include sexual orientation and gender identity as grounds of hate speech. The authorities do not yet collect data on hate speech and hate crime in a systematic manner, but rather this responsibility has fallen on NGOs shoulders. In 2023, NGOs recorded 1 171 cases of hate speech, the most prevalent ones related to ethnicity, sexual orientation, gender identity and nationality.⁵⁸

54. During the thematic meeting with NGOs engaged in anti-discrimination, additional problems related to anti-discrimination, which the European Commission detailed in its 2024 *Report*, were the topic of discussion. Thus, there has not been progress on improving the legal and policy framework protecting the rights of LGBTQI+ persons, and the current legal framework does not recognise same-sex partnership. On 22 June 2024, a LGBTQI+ pride was successfully organised, however, hate speech against the community persists on social media. As an observer to the work of the European Union

⁵⁵ <https://rm.coe.int/baseline-evaluation-report-on-north-macedonia/1680ac76ab>

⁵⁶ For the full list of recommendations see Appendix A of the Baseline study.

⁵⁷ <https://rm.coe.int/gvt-comments-baseline-evaluation-report-on-north-macedonia/1680ac7962>

⁵⁸ European Commission, 2024 *Report*, p. 27.

Agency for Fundamental Rights, North Macedonia was covered by the III LGBTQI+ Trust Survey, which found that in 2022 overall 39% of the surveyed felt discriminated in at least one of the designated areas of life covered by the survey (for the EU-27 the average was 37%).⁵⁹ NGOs documented 298 cases of hate speech on the grounds of sexual orientation and gender identity, and 27 cases of hate-motivated violence against the LGBTQI+ people.

55. In March 2024, a first instance court issued a suspended prison sentence to a person perpetrating hate speech against members of the LGBTQI+ community, marking it the first ruling on this ground. There is no progress in investigating the attack on the LGBTQI+ support centre that occurred more than a decade ago and death threats against LGBTQI+ activists.⁶⁰

56. NGOs also expressed concern with the ongoing practice of reduction of public funds for NGOs which has already impacted on their work. The financial situation of NGOs working with Roma, persons with special needs, and LGBTQI+ population is particularly dire. The Government has been steadily reducing budget for HIV protection, despite positive results accomplished through the Global Fund. In addition, the Prime Minister has announced the Government's plan to redirect funds originally intended for NGOs to prioritise economic development.

57. Blind and people with impaired vision as well as other people with special needs face particular challenges in policy development participation due to the lack of appropriate digital tools facilitating this participation as well as the lack of access to public spaces.

Rule of Law

58. The thematic meeting with NGOs on the rule of law focused on the experience and challenges NGOs have been facing in monitoring the implementation of the rule of law requirements set out by the European Commission in the EU accession process, as well as in providing legal protection to those whose rights have been violated by the action or lack thereof by public authorities. Towards that end, while the CIVICUS has rated civic space in North Macedonia as 'narrowed',⁶¹ civil society is nevertheless recognised by the state institutions as a key component of the democratic system.⁶²

59. There is an NGO mechanism in place for monitoring the court trials and compliance with standards set out in Article 6 of the ECHR, as well as the sessions of the Judiciary and the Prosecutor Council, respectively. The mechanism publishes an annual monitoring report, along with recommendations for the necessary improvements in the work of those councils. Courts have been open for cooperation with NGOs and accepting recommendations. There have not been reports on problems with access to courts and public information.

60. In addition, NGOs prepare a shadow report on Chapter 23, based on consultation with stakeholders. While there is no institutional collaboration at present (memorandum of understanding, etc), collaboration with the Judiciary Council has nevertheless improved since its inception almost 10 years ago. The Council was initially reluctant to cooperate with NGOs and allow their presence at its meetings. However, over times, NGOs have become accepted by the Council as valuable partners, providing inputs to its work and more broadly judiciary reforms. Recently, the Council has launched a disciplinary procedure against a judge for the alleged abuse of power in the proceedings against an

⁵⁹ <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii>

⁶⁰ European Commission, *2024 Report*, p. 34.

⁶¹ Rating by CIVICUS; on a five-category scale defined as: open, narrowed, obstructed, repressed and closed. Civicus (2023), *Monitor tracking civic space- North Macedonia*.

⁶² *Strategy of cooperation with and development of civil society 2022-2024*, European Commission, *2024 Rule of Law Report*, pp. 23-24.

investigative journalist probing the affairs of the former deputy prime minister and one of the most affluent persons in the country. The Council of Public Prosecutors, on the other hand, seems less willing to cooperate with NGOs in the monitoring process.

61. NGOs also noted good cooperation with the Delegation of the EU (EUD) in preparation of the European Commission's progress and rule of law reports. NGOs representatives participate in the cross-sectoral body established to monitor the development of the *Sector Strategy on Judiciary Reforms*. They have also been active in monitoring of the administrative courts and providing counselling to parties involved in the proceedings regarding the alleged violation of their social rights. NGOs have also played a significant role in representing the victims of the alleged human rights violation before the ECtHR.⁶³

62. The Government is working on the revisions in the *Law on Access to Public Information*, which NGOs otherwise find to be quite progressive; the revisions have to do with ensuring further compliance of the Law with international standards. However, access to information at times presents a challenge, depending on an institution in question. NGOs noted problems with the quality of the statistical data, which they attribute to the imperfect methodology, which is having an impact on both monitoring and policy development in general.

63. NGOs also noted the need for the culture change in the *Ombudsman Office*, as they perceive themselves more as public service than an independent institution. They described cooperation with the Ombudsman as limited and reactive. NGOs participate in the *Ombudsman plus* – an external monitoring body for the control of 'closed' institutions (prisons and other closed institutions). However, this mechanism has proved entirely non-operational. There is also concern that the Ombudsman's mandate is overly broad—encompassing powers such as *amicus curiae* roles, addressing discrimination, and preventing torture—relative to the available budget and staff resources. Finally, NGOs noted that, thus far, the Office's leadership comes from the ranks of politicians, rather than experts, which has an impact on its overall functioning.

Anti-Corruption

64. During the thematic meeting with representatives of NGOs engaged in anti-corruption efforts, it was noted that the comprehensive *National Strategy for the Prevention of Corruption 2021–2025* was developed in participatory process, involving public and private sectors, media, civil society, experts, and representatives of relevant international organisations. NGOs are providing expert support to the state *Commission for the Prevention of Corruption* in monitoring the implementation of the Strategy. The implementation of the Strategy is lagging, however,⁶⁴ as less than one-third of the Action Plan has been implemented thus far. This was largely because the sectoral strategies and action plans have not honoured commitments arising from the Strategy. The European Commission's 2024 Report notes that the "track-record in the fight against corruption has worsened" (p. 31).

65. The Parliament adopted a new *Law on Confiscation of Property in Civil Procedure* at the beginning of 2024 and the Law came into power in September 2024. NGO representatives were members of the working group commissioned with the preparation of this law. However, they eventually left the working group over concerns that the law was ill-conceived and runs afoul the European standards protecting the right to peaceful enjoyment of property.

⁶³ Cases *S.B. v. North Macedonia*; *Memedova and Others v. North Macedonia*; *Ljativi v. "The Former Yugoslav Republic of Macedonia"*; *Mitrovska v. North Macedonia*; *Jasar v. "The Former Yugoslav Republic of Macedonia"*; *Petrovska and others v. North Macedonia*.

⁶⁴ European Commission, *2024 Rule of Law Report*, pp. 1, 11.

66. On the other hand, NGOs noted positive experience with participation in the development of a draft *Law on Whistleblowers*, which seeks to strengthen the protection of whistle blowers and is currently pending before Parliament. Representatives of NGOs participated in the working group and their comments in the drafting process were duly recognised.

67. As regards the implementation of the MONEYVAL recommendations on the prevention of money laundering and financing terrorism, NGOs collaborated with the Financial Intelligence Unit of the Ministry of Finance in the implementation of the FATF Recommendation 8, to ensure evidence-based approach in identifying categories of NGOs that may be particularly vulnerable to money laundering and terrorism financing. As a result of this cooperation, the risk assessment approach in developing money laundering measures against NGOs is strengthened, and they are no longer considered to be exposed to a high-risk of abuse for illicit purposes.⁶⁵

68. There is a *Platform of NGOs for Fight Against Corruption* which among others publishes reports and press releases about specific cases of alleged corruption. Members of the Platform have also been involved in working groups commissioned with preparation of laws related to anti-corruption.⁶⁶ Within a month after it came into power, the Government took down the public tender portal citing technical problems. However, the Platform reacted to that development and as a result the Government re-launched the portal.

69. NGOs feel that there is enough space for them to reach out to public authorities and point to cases of corruption. NGOs do not fear backlash from public authority and cuts in their funding, as there are not much public funds available in any case. However, there is a lack of response on the side of public prosecutors. They blame it on the deeply rotted culture of clientelism and partisanship in the public sector which is the largest employer in the country, and which has created in an environment conducive to corruption.

Public funding for NGOs

70. The overriding concern in the foregoing meetings with NGOs, which also featured in the CINGOs 2018 Fact Finding Report,⁶⁷ was problems related to the transparency and decline in public funding for NGOs. The latter has made it difficult for NGOs to retain qualified staff and keep the organisation up and running. This is especially significant given that other sources of income, such as foreign grants and donations, are difficult to secure.⁶⁸

71. The *Law on Associations and Foundations* provides that NGOs may receive public funds from the budgets of the State, municipalities, or City of Skopje, based on the annual plans and programs for distribution of these funds to NGOs, and observing the principle of transparency. The *Code of Good Practice in Distribution of Public Funds to Associations and Foundations* sets out to define key principles underpinning the distribution of public funds to NGOs, including provisions on independence of NGOs

⁶⁵ See also TACSO 3, *DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region: 2023 Assessment, Annex 5, Country Analysis: North Macedonia*, Belgrade, 2023, p. 9. (hereinafter: 'TACSO 3 Assessment Report').

⁶⁶ <https://idscs.org.mk/en/platforma/>.

⁶⁷ CINGOs, *Civil participation in the decision-making process Fact finding visit to "the former Yugoslav Republic of Macedonia"* 26-27 MARCH 2018, pp. 9-10.

⁶⁸ According to the TACSO 3 survey, the proportion of NGOs which had a diversified donor income base in 2022 was 49%. The *major* source of funding was *public funds* from local and national Government (48%), followed by the EU (41%), and the United Nations, Council of Europe and OSCE funds (21%). TACSO 3, *Assessment Report*, p. 27. According to the 2024 *World Giving Index* report by the Charities Aid Foundation, the North Macedonia giving index was 34 out of 100; 45% of the surveyed claimed to have donated money, however, there is no data as to the break-down of the designated purpose of those donations (Report, p. 18).

in the implementation of their activities, as well as transparency and openness of the procedure for allocation of the funds and fair and impartial decision-making.⁶⁹ However, the distribution of public funds to NGOs from the designated budgetary unit has been stalled due to the deadlock in the work of the Council for Cooperation of the Government with Civil Society.

72. The Unit for Cooperation with Civil Society publishes data related to public funding for NGOs on its web site. However, NGOs noted difficulties in tracking down the overall annual amount of public funds distributed to NGOs, as certain categories of NGOs also receive funds via the *Law on Games of Chance and Amusement Games*, while sport federations and clubs also receive funding from the organisation of special games of chance. In 2022, the total amount of public funds disbursed to NGOs from all sources amounted to EUR 16,170,000.⁷⁰ The actual distribution of those funds to different categories of NGOs seems unclear, however, although it is a fair assumption that a significant portion of those funds might have been allocated to support the work of sport federations and clubs (budgetary items 462, 472, and 425, rather than 463). In 2023, the Government granted approximately ten million Euros to NGOs from the state budget, representing 9,89% of their overall annual income.⁷¹

73. Concerning public funding, the European Commission noted the need for the ambitious objectives set out in the *Strategy for Cooperation with and Development of Civil Society 2022-2024* to be implemented.⁷² The Commission also noted that budgetary allocations to the annual programme for cooperation with civil society had not been re-instated in the supplement to the 2022 budget, which goes against the policy aims of the Strategy.⁷³

74. Problems with public funds need also to be viewed in light of the long-standing challenges presented by the general lack of transparency in public expenditure and the implementation of the *Law on Sponsorship and Donations*, which were also noted in the CINGOs 2018 Fact Finding Mission Report.⁷⁴ As for the former, according to the 2023 survey carried by the International Budget Partnership - IBP, the transparency ranking of North Macedonia remains “insufficient” (35 out of 100).⁷⁵ As for the latter, the Law sets out to impose a number of cumbersome administrative and reporting requirements on both donor and the recipient of donations, thus hampering efforts to promote philanthropic giving.⁷⁶

⁶⁹ https://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/kodeks_finansiranje_130_2007.pdf.

⁷⁰ European Commission, *Screening Report*, p. 19.

⁷¹ https://www.nvosorabotka.gov.mk/sites/default/files/1072024_Izvestaj%20za%20finansiranje%202023.pdf

⁷² The *Strategy* envisages a gradual increase of public funding in the overall income of NGOs revenues: 20% in 2022; 25% in 2023; and 30% in 2024 (equivalent to 30 million EUR).

⁷³ European Commission, *Screening Report*, p. 20

⁷⁴ CINGOs, Civil participation in the decision-making process: Fact finding visit to “the former Yugoslav Republic of Macedonia”, 26-27 MARCH 2018, pp. 7-8, 10.

⁷⁵ <https://internationalbudget.org/sites/default/files/country-surveys-pdfs/2023/open-budget-survey-north-macedonia-2023-en.pdf> According to TACSO 3 survey, in 2021, only 5% of the respondents found the process of public funds distribution to NGOs to have been fair. TACSO 3, *Assessment Report*, p. 14.

⁷⁶ *Conclusions of the Committee of Culture of the Parliament of Macedonia*, following the public hearing on implementation of the Law on Donation and Sponsorship of Public Benefit Activities, which was held from June 1 to 4, 2010, <http://www.konekt.org.mk/web/en/philanthropy/legal-frame.html>. Конект: Анализа на спроведувањето на Законот за донации и спонзорства во јавните делатности 2007-2011, Скопје, март 2012.

Meetings with representatives of the Government and the City of Skopje

Office of the Deputy Prime Minister in Charge of Good Governance Policies

75. At the meeting with the Deputy Prime Minister and his staff, plans under consideration by the Office to strengthen the regime of good governance were discussed. The Deputy Prime Minister first noted challenges which the new Government inherited, which needed swift action, including the lack of budgetary resources (there was only 25% budget left to spend when the Government took over) as well as the abundance of temporary employment contracts which had been concluded before general elections, and which needed to be sorted out and terminated. This has impacted adversely on the ability of the Office to immediately focus on the policy priorities at hand.

Within the Government four strategic priorities, the Office has several specific responsibilities, including those related to the implementation and mid-review of the *National Strategy for the Prevention of Corruption 2021 – 2025*, and chairing the inter-ministerial body for anti-corruption and asset confiscation. There have been notable problems with both the implementation of the Strategy and the work of the inter-ministerial body for anti-corruption.

As regards cooperation with civil society, the expectation is that the new Council for Cooperation of the Government with Civil Society (Council) will be up and running by the end of this or the beginning of the next year. There are plans to link the work of the Council to anti-corruption efforts. Towards that end, the Office is considering the feasibility of incorporating several NGOs representatives seating on the Council into the work of the inter-ministerial body for anti-corruption, with voting rights. The Office is also working with UNDP on improving the framework for public funding of NGOs.

The Office also informed that the General Secretariat of the Government is currently working to improve the framework and practice of the Regulatory Impact Assessment (RIA). The CINGOs 2018 Fact Finding Mission Report noted problems with RIA in terms of both non-consistent implementation and the lack of proper involvement of NGOs and other stakeholders.⁷⁷

Ministry of Justice

76. Representatives of the Ministry noted that it maintains routine contacts and has productive collaboration with NGOs, including collaboration on the Open Government Partnership initiative. The Ministry recognises NGOs as a valuable source of expertise and information. Towards that end, the Ministry includes NGO and their informal networks in all working groups it commissions with preparation of specific legislation and strategic documents. For example, the composition of the working group commissioned with preparation of the amendments to the *Law on Access to Public Information* includes 70% of NGOs representatives.

77. There are no specific rules governing the appointment of NGOs in the working groups. Rather, the Ministry relies on the established good practice in collaboration. For example, as regards the Ministry's anti-corruption efforts, they reached out to the Platform for Anti- Corruption, which then appointed their representatives according to the Platform's internal procedures.

78. Challenges in the implementation of the *Law on Donations and Sponsorship* have hindered philanthropic giving, and the implementation of the Law has incurred significant administrative costs on the Ministry. While there is not official data available, on a year average, the Ministry issues three thousand decisions confirming public benefit purpose of donations. The Ministry has established a

⁷⁷ CINGOs, Civil participation in the decision-making process: Fact finding visit to "the former Yugoslav Republic of Macedonia", 26-27 MARCH 2018, p. 12.

working group commissioned with preparation of amendments to the Law. Those will seek to reduce the administrative burden imposed by the Law on both a donor and a recipient of donation. NGOs are key partner to the Ministry in this endeavour.

79. There is also a plan for the Ministry to proceed with amendments to the *Law on Associations and Foundations*, in order to address the rules on state financing of NGOs and simplify the requirements for the public benefit status, as well as define specific corresponding benefits arising from this status.

Ministry of Social Policy Demographics and Youth

80. North Macedonia ratified the *European Social Charter* in 2005 as well as the *Revised European Social Charter* in 2012, accepting sixty-three of the Charter's 98 paragraphs.⁷⁸ Representatives of the Ministry informed that they routinely include NGOs in legislative and social policy efforts within its preview. As regards, social service provision, the legal framework allows NGOs to engage in both licenced as well as secondary social provision. There are currently 130 licenced NGOs—social service provides, out of which local and state budgets fund sixty-one of them. The system of monitoring and evaluation of service provides is being prepared, which will consider utilisation of various IT tools. Currently, there are few mechanisms of monitoring and control of service providers. One of the mechanisms in place is a centre for social service which is the oversight body. The law obliges social providers to submit a monthly activity report to the centre before they get reimbursed for the services provided. In addition, a designated body (Завод за социјални дејности) is responsible for checking on qualifications of persons engaged in social service provision. This body has also developed a training program for social provides to marginalised and high-risks groups, such as the LGBTQI+ population.⁷⁹

81. The Ministry is also responsible for the *youth policy*. Prior to this government, the Agency of Youth and Sport was responsible for the youth policy development. This institutional elevation of youth policy development seeks to provide additional leverage in policy decision making, in order to address the issues of poor youth participation, including participation of marginalised groups, such as Roma and LGBTQI+, poor data collection and policy monitoring mechanism, as well as youth economic emigration.⁸⁰ As regards the latter, according to the data, one out of two youngsters surveyed expressed desire to leave the country.

82. The Ministry is in the process of establishing a new youth sector, and planning measures to encourage youth participation in policy development. The legal framework governing youth policies is provided in the *Law on Youth and Youth Participation*.⁸¹ The Law envisages the development of a strategic framework governing youth policy and the establishment of the National Youth Policy Advisory Body as a body for cooperation between the youth representatives and representatives of the state administration. This body was established in 2021 and plays an advisory and supervisory role in the implementation of youth policies and youth activities. The Law also mandates local authorities

⁷⁸ <https://www.coe.int/en/web/european-social-charter/-the-former-yugoslav-republic-of-macedonia-and-the-european-social-charter>

⁷⁹ <https://www.facebook.com/safehousesk/posts/>

⁸⁰ According to the recently published comparative study, North Macedonia ranks fifth globally in youth unemployment at 47.2%, more than double the overall unemployment rate of 22.3%. Recent studies also indicate a high underemployment rate of 57.1%, suggesting that many employed youths work fewer hours than desired, hold insecure positions, are overqualified, underpaid, or on temporary contracts. RYDE, *Joint Comparative Analysis of Youth Policies in the Western Balkans*, September 2024, pp. 30-31 with further references. <https://iksweb.org/en/joint-comparative-analysis-of-youth-policies-in-the-western-balkans/>

⁸¹ <https://api.ams.gov.mk/wp-content/uploads/2021/12/law-on-youth-participation-and-youth-policies.pdf>
North Macedonia is among few countries in the region which provide legal guarantees for the youth's right to participation. *Joint Comparative Analysis of Youth Policies in the Western Balkans*, p. 31.

to establish local youth councils. Only twenty-five municipalities have established councils thus far, however.

83. The 2023–2027 *Strategy on the Youth Policies* provides the strategic framework for youth policy.⁸² Thus far, only 10% of the activities envisaged by the Action Plan have been implemented.

84. The Ministry plans to establish six regional youth centres, where youth can gather, socialise, search for jobs, and engage in other activities. There is a programme: *Youth Currency/Youth Guarantee* – first of its kind in the Western Balkan (WB) region, which provides a comprehensive support to the youth in getting skills that will make them competitive on the labour market; North Macedonia is the most successful country in the region when it comes to the implementation of this programme.⁸³ There are also specific services and counselling support provided for the vulnerable groups, including children without parents, elderly, victims of domestic and sex-oriented violence, persons with special needs, and addicts. The Ministry plans to expend those services and providing corresponding financial support.

85. North Macedonia is a member of the Regional Youth Cooperation Office (RYCO) – an independently functioning institutional mechanism founded by the six WB countries, aiming to promote the spirit of reconciliation and cooperation between the youth in the region through youth exchange programs.⁸⁴ The Ministry intends to issue an open call, to select most qualified youth representative on the Board of RICO.

Unit for Cooperation with Civil Society, General Secretariat of the Government

86. The Government established Unit for Cooperation with Civil Society in 2004. It has eight employees and is a focal point of the Government on issues related to cooperation with NGOs. Among others, the Unit is responsible for monitoring the implementation of the *Strategy for Cooperation with and Development of Civil Society 2022-2024* and the Action plan; this has been the fifth strategy on cooperation which allowed the Unit to generally strengthen its capacity in monitoring and reporting on public policies impacting on NGOs.⁸⁵ In addition, the Unit prepares a quarterly report on the implementation of the Action Plan for consideration of the currently non-operational Council for Collaboration of the Government with Civil Society;⁸⁶ an annual report on the distribution of the state and local funds to NGOs;⁸⁷ and a report on public consultation. The latter provides information as to the number of public consultations conducted, the use of the ENER platform in publishing RIA and reports on public consultations, and the overall assessment of quality of the consultation process.⁸⁸

87. The Unit also provides technical and administrative support to the Commission for Public Benefit Status and the Council for Collaboration of the Government with Civil Society (Council). As to the former, the Government has granted a PBO status to less than 10 NGOs, due to the lack of corresponding benefits. As for the latter, the Head of the Unit advised that in September 2024, in collaboration with the NGO Resource Centre, the Unit organised a discussion on the way to resolve the impasse and proceed with the establishment of a new Council. It issued a public call for NGOs to provide their feedback on issues pertinent to the work of the new Council and organised three in-

⁸² <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/republic-of-north-macedonia/13-national-youth-strategy>

⁸³ *Joint Comparative Analysis of Youth Policies in the Western Balkans*, p. 32.

⁸⁴ <https://www.rycowb.org/>

⁸⁵ In 2022 the Government adopted *methodology and guideline on the preparation, monitoring and evaluation of the sectoral and cross-sectoral strategies*.

⁸⁶ <https://www.nvosorabotka.gov.mk/?q=node/250>

⁸⁷ <https://www.nvosorabotka.gov.mk/?q=node/22>

⁸⁸ <https://www.nvosorabotka.gov.mk/?q=mk/node/276>

persons public consultation meetings. Preparation of the amendments to the decision on the establishment of the Council, which will incorporate the feedback received during consultations, is under way. The amendments envisage that NGOs shall be able to propose not only a member, but also a deputy member of the Council. In addition, they envisage that NGOs shall be eligible to vote for more than one candidate if that corresponds with their statutory goals. The amendments also envisage a decrease in the overall number of the Council's members to twenty-three, while retaining the same ratio between the government and NGOs representatives.

City of Skopje

88. In the meeting with the Secretary of the City of Skopje it was pointed out that there is a separate sector responsible for collaboration with NGOs in the government of the city.⁸⁹ As a matter of good policy, NGOs are included in working groups commissioned with policy development, based on open calls.

89. In addition, there is a Youth Cultural Centre with a long tradition of providing support to youth NGOs in their cultural endeavours. The Centre is also open to the activities of other NGOs, based on the open call and ongoing applications.⁹⁰ The City has also established a Youth Council as an advisory body on youth related policies.

90. A regulation on public funding of NGOs is in place, as well as a specific budget item for the support of NGOs. The amount of annual budget allocation to NGOs depends on the overall budget situation. This is the first year in which the City has initiated *participatory budgeting* process in the fields of culture, education, social affairs, sport and urban planning.

91. The need to allocate additional human resources and engage in capacity building, for the City administration to better understand the added value of collaboration with NGOs, was noted. The administration of the City is also open to the idea of providing support to the capacity building training for NGOs, for them to better understand the functioning of the local administration and how NGOs can best support its work.

Meetings with independent bodies

Ombudsman

92. The Ombudsman is an independent body for the protection of the Constitution and citizens' rights, which is appointed by Parliament. The 2024 Report of the European Commission notes that the Parliament failed to adopt the long-awaited amendment to the Law on the Ombudsman's Office, needed to upgrade its 'B' accreditation status, based on the Paris Principles, and failed to elect six out of ten Deputy Ombudsman. In November 2023, the Parliament appointed the Macedonian Association of Young Lawyers (MYLA) and the Helsinki Committee for Human Rights (HCHR) to serve as the civil control mechanism within the Ombudsman Office. (Report, p. 34).⁹¹

93. Representatives of the Office noted challenges in its work, including the insufficient budget and the lack of proper follow-up by the Government and Parliament to its findings.⁹² The former has also prevented the proper functioning of the civil control mechanism. The executive branch approves

⁸⁹ *Sector for international cooperation and support to associations of citizens*, Unit for cooperation and support to associations and foundations. <https://skopje.gov.mk/mk/skopje/administracija/>

⁹⁰ <https://skopje.gov.mk/mk/skopje/kulturni-ustanovi/>.

⁹¹ <https://ombudsman.mk/Homepage.aspx>

⁹² That said, according to the data referenced in the meeting, on average 70-80% of recommendations have been accepted.

the budget of the Office, which impacts adversely on its independence. In addition, the Office is under-staffed and has been unable to fill in vacancies, arguably, because of the low salaries. In 2022, the Office dealt with 3,482 complaints and referred 120 cases to judicial bodies; it is still awaiting feedback on about half of those cases.⁹³

94. In addition to *the Ombudsman Plus*—a monitoring mechanism for prisons and other closed institutions, and the civil control mechanism, the Office has engaged in other forms of institutional cooperation with NGOs, including signing memorandums of cooperation with NGOs active in specific areas of activities corresponding to the Office’s responsibilities. The Office views cooperation with NGOs as generally productive.

Commission for Prevention and Protection against Discrimination

95. The Commission is an independent body which became operational in 2011, and which covers nineteen defined grounds for discrimination.⁹⁴ At the end of 2023, the Parliament elected new anti-discrimination commissioners and filled vacant positions, which enabled the Commission in the current mandate to be fully operational. The Commission has both preventive and protective role and has the power to issue non-binding opinions and recommendations to the government, to improve its policy and practice of anti-discrimination.⁹⁵

96. During the meeting with members of the Commission, the lack of financial independence (it relies heavily on donor support) and insufficient administrative support were singled out by the Commission as the main challenges hampering its work.⁹⁶ The latter has rendered collaboration with NGOs providing support to the Commission even more critical. In addition, cooperation with courts and public prosecutors remains an issue. Collaboration with the public prosecutors and courts have been challenging at times: public prosecutors have not taken into consideration several cases referred to them by the Commission, and in several others the court’s proceedings had been stalled, including cases related to hate speech. The Commission lacks power to track referred cases, which creates problems of its own, and thus there is a case for bolstering the Commission’s power in this respect.

97. Cooperation with public authorities poses a challenge at times. A case in point were the amendments to *the Law on Primary Education*, when the Commission intervened in vain with the Ministry of Education and Parliament, to prevent the amendments from being tabled and allow more time for the Government to reconsider the abandonment of the concept of gender, gender equality and sexual orientation as grounds for illegitimate discrimination. Members of the Commission participated in the working group commissioned with the preparation of those amendments and at no point of time members of the working group discussed the abandonment of this concept. Rather, it was the result of the Government’s *ex-post* intervention.

98. In 2023 the Commission issued 117 legal opinions and identified discrimination and provided recommendations in fifty-nine cases. Instances of discrimination were most prevalent in the areas of employment, public information, and media, as well as access to goods and services. In addition, the situation of the Roma population has been particularly dire. It has often been subject to forced re-allocation, due to the untransparent and dubious changes in the local urban planning.

⁹³ European Commission, *2024 Report*, pp. 33-34.

⁹⁴ Sex, race, colour, gender, belonging to a marginalised group, ethnicity, language, citizenship, social origin, religion or belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health and other grounds.

⁹⁵ <https://kszd.mk/?lang=en>

⁹⁶ European Commission, *2024 Report*, p. 34.

State Commission for the Prevention of Corruption

99. Pursuant to the *Law on Prevention of Corruption and Conflict of Interest*,⁹⁷ the State Commission is an autonomous and independent body composed of seven members appointed by Parliament. It has the capacity of a legal entity and broadly defined responsibilities. These include *inter alia* preparation of a five year *national strategy for preventing of corruption and conflict of interests* and the action plan thereto; conducting corruption proofing of laws, by-laws and other general acts, in accordance with the methodology it adopts; acting upon reports from individuals and legal entities about suspicions for corruption and conflict of interest; instigating initiatives before the competent authorities for procedure for determining liability of officials; instigating initiatives for criminal prosecution in the cases in which it acts; monitoring the legality of the financing of the political parties; and the election campaigns; instigating initiatives before the competent authorities on the basis of reports from the State Audit Office; acting in cases of conflict of interest; prescribes a form of declarations of assets and interests; checks the data from the declarations of assets and interests; cooperates with other state authorities in providing the necessary information; operates with national bodies of other countries, as well as with international organisations in the field of prevention of corruption; exchanges information with competent bodies of other states and international organisations, on the basis of obligations undertaken with international agreements ratified in accordance with the Constitution; prepares analyses of the risks of corruption in different sectors; undertakes activities in the direction of strengthening personal and institutional integrity; and undertakes activities in the field of education and awareness raising on corruption and conflict of interest.

100. The Commission coordinates and monitors the implementation of the *National Strategy for the Prevention of Corruption 2021 – 2025* and is responsible for the preparation of an annual progress report on its implementation, which it submits to Parliament. The Law specifically provides that a national strategy shall be prepared with the participation of representatives of state bodies, institutions, associations, foundations, private sector, and media, and that the Commission cooperates with NGOs, scientific institutions, and the private sector in relation to the prevention of corruption and conflicts of interest. Sessions of the Commission are public and open to media. The term of the current members of the Commission begun in February 2024.⁹⁸

101. During the meeting, the President of the Commission noted a significant role of NGOs, media, scientific institutions, and donors in its activities, including information gathering, preparing policy recommendations, raising awareness and education efforts. The Commission deems this cooperation critical, given that it is under-funded and understaffed. A particularly productive cooperation has been established with the NGO platform for fighting corruption.

102. As to the allegations that the 2022 decision of the Government to entrust distribution of funds designated for NGOs to the Ministry of Political System and Inter-Community Relations resulted in those funds being misused and distributed to 'shell NGOs', it was pointed that the Commission cannot act unless they receive a specific complain. Thus far, the Commission has not received any complain to that effect. That said, in its efforts to raise public awareness about corruption, the Commission always makes a general point of the need to improve the transparency of budget expenditures. It also encourages the staff in public institutions to alert the Commission about cases of suspicious budget transfers. The Commission does have the power to act upon information received, and therefore it is

⁹⁷ <https://dksk.mk/wp-content/uploads/2021/04/LAW-ON-PREVENTION-OF-CORRUPTION-AND-CONFLICT-OF-INTERESTS.pdf>

⁹⁸ <https://dksk.mk/en/>

imperative for the public and NGOs to take a more active role in raising alert and bringing the suspicious cases of corruption and conflict of interests to the attention of the Commission.

Recommendations

103. Given that the European Commission closely monitors and guides policy development in North Macedonia related to the EU accession process, including the requirements set out for an enabling environment for civil society and civil participation, the recommendations which we respectfully submit below do not seek to impose an additional burden on the Government and other stakeholders. Rather, they are hoped to compliment the accession efforts as well as further underscore issues NGOs are particularly concerned with.

Enabling environment for civil society

- We encourage the **Ministry of Justice** to consider utilising the process of preparation of amendments to the *Law on Association and Foundations* to engage in informed consultations with NGOs and experts as to the overall utility of the concept of *public benefit organisations* (PBOs) in the Law. At present, NGOs find the concept confusing, cumbersome, and lacking any tangible benefits. However, introducing additional benefits for PBOs would merit consideration only if the projected *social impact* of the PBOs is likely to offset costs associated with additional tax and other benefits.
- In addition, we encourage the **Ministry** to consider utilising the process of preparation of amendments to the *Law on Sponsorship and Donations* to engage in informed consultations with NGOs and experts, to determine whether there are compelling policy reasons to address issues related to sponsorship and donations in a separate law. The European best practice suggests that those are primarily address in corporate and personal income tax laws as well as general rules governing accounting and auditing of NGOs.

Public funding for NGOs

- We encourage the **Office of Good Governance Policies**, the **Ministry of Finance**, the **Ministry of Justice**, the **General Secretariat** and the **Council for Cooperation of the Government with Civil Society** (Council) to coordinate and promote efforts ensuring that the legal framework and practice governing the distribution of public funding of NGOs duly observes the sound principles of *budget planning and expenditures* i.e. is aligned with the government's programme, annual work plan and budget programming.⁹⁹ This would contribute to the NGOs funding being perceived an *integral part* of the government's overall efforts in the implementation and monitoring of its policies, rather than a 'social transfer', or an 'expense' which does not bring any added value to policy implementation. Careful consideration should be given as to the pros and cons of the *centralised* system of public funds distribution (through the Council) versus the *decentralised system* of distribution (through the respective line ministry i.e. distribution at the level where policies are primarily being developed and implemented).
- We encourage the **foregoing institutions** to also consider initiating the development of *uniformed rules governing NGOs funding, monitoring, and reporting* which should – consistent with the foregoing recommendation – promote multi-year planning of funds distribution. Having uniformed rules in place would strengthen the openness and transparency of the process as well as trust between the Government and NGOs – and would reduce the risk of corruption.

⁹⁹ European Commission, *Screening Report*, p. 34.

Civil participation in policy development

- We encourage the **General Secretariat** of the Government to consider utilising current efforts to improve the legal framework governing *Regulatory Impact Assessment - RIA* to further strengthen participation of NGOs and other stakeholders in the early stages of policy planning and development, in particular as regards legislation which is likely to have a *significant impact* on citizens and businesses. The broader use of quantitative methods (such as polling) as well as qualitative methods of data collection which the current Methodology does not specifically envisage (such as focus groups), merits consideration, observing the principle of *proportionality*. This would be consistent with the requirement of the European Commission for more inclusive and evidence-based policy.¹⁰⁰
- In addition, we encourage the **General Secretariat** to consider revising the deadline for publishing the notice on the preparation of RIA for the legislation which is likely to have significant impact on citizens and business so that a notice must be published at least 10 days before a day the preparation of RIA is envisaged to proceed. This would allow stakeholders more time for planning their meaningful participation in this process.
- Furthermore, we encourage the **General Secretariat** to consider the feasibility of developing a *Code of good practice in NGOs and other stakeholders participation in the workings groups commissioned with preparation of legislation and strategic documents*, which would provide uniformed rules governing this participation, consistent with the requirements for openness, transparency, equal opportunities and gender balance in policy development.¹⁰¹ Alternatively, it should consider incorporating those rules in the *Code of good practices for participation of CSOs in policy-development process*, if this instrument remains in place. The development of this code would complement the Government's efforts to address the European Commission's requirement for more inclusive policy development and would be consistent with the principles underpinning the *Guidelines of the Committee of Ministers for civil participation in political decision making*.¹⁰²
- We also encourage the **General Secretariat** to consider extending the deadline for *public consultation* on legislation which will *have significant impact on citizens or businesses* to 30 days, to allow stakeholders and other interested parties more time for preparation of their comments and recommendations. This would also contribute to building trust between Government and stakeholders.¹⁰³
- In addition, we encourage the **General Secretariat** to consider revising the *Rules of Procedure* of the Government so that the obligation to publish draft laws also pertains to those which the Government introduces to Parliament under the fast track/expeditious procedure. This would strengthen the transparency and trust in the overall process of policy development.
- Finally, we encourage the **General Secretariat** to consider additional measures to improve the functionality of the *ENER platform for consultations*. This may entail introducing a tool which would enable blind and persons with impaired vision to submit their comments in writing, as well as other tools which would otherwise facilitate and encourage pro-active

¹⁰⁰ European Commission, *Screening Report*, p. 25; OECD (2020), *Regulatory Impact Assessment, OECD Best Practice Principles for Regulatory Policy*, OECD Publishing, Paris, pp. 15-16, 18,20.
<https://doi.org/10.1787/7a9638cb-en> Expert Council on NGO Law, *European Practices Related to Participation of NGOs in Policy Development*, CONF/EXP(2021)2 Strasbourg 25 February 2021, par. 62,
<https://rm.coe.int/expert-council-conf-exp-2021-2-ngo-participation-in-policy-development/1680a18deb>

¹⁰¹ *Recommendation Rec (2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making*.

¹⁰² European Commission, *2024 Report*, p. 23.; *Guidelines of the Committee of Ministers for civil participation in political decision making* (CM (2017)83, par. 28.

¹⁰³ Expert Council on NGO Law, *European Practices Related to Participation of NGOs in Policy Development*, par. 53.

approach in policy development (e.g. sign in option which enables a subscriber to be directly alerted about pending consultations; uniformed template for providing comments; automatic generation of the comments received, etc).¹⁰⁴

- We encourage the **City of Skopje** to consider leading public discussion with NGOs and citizens about its experience with the first year of *participatory budgeting* and duly incorporate lessons learned moving forward. It is also encouraged to share its experience with other local municipalities which might be interested in introducing the same practice.
- We also encourage the **City of Skopje** to consider engaging in public discussion with NGOs, academia and other stakeholders as to the feasibility of conducting a pilot project introducing *deliberative democracy* in policy development (e.g. ‘citizens’ assemblies, policy lab, deliberative polling, co-design), in particular with respect to issues which are deemed complex or controversial and are likely to have significant impact on citizens and local businesses.

Gender equality

- We encourage the **Government** and **Parliament** to hear the justified concerns expressed by the Commission for Prevention and Protection against Discrimination and NGOs as regards the notable abandonment of the concept of gender, gender equality and sexual orientation as grounds for illegitimate discrimination in the *Law on Primary Education* and a *draft Law on Secondary Education* – and duly act upon them, in transparent and inclusive process.
- Furthermore, we encourage the **Government** to consider the enactment of a law on gender equality and to proceed with the amendments to the *Law on Civil Registry*, which is an obligation arising from the decision of the ECtHR in *X v. North Macedonia*.
- We also encourage the **Government** to proceed with the adoption of the already prepared by-laws on integrated data collection on gender violence, as well as consider introducing additional legislative measures in transparent and inclusive process. This may include a *Law on Labour Relations*, which was once under consideration, to address the labour-based gender discrimination and provide additional protection for mothers in pregnancy in a labour contract, and a *Law on the Prevention of Harassment at Work*, which was once also under consideration – as well as generally ensure harmonisation of pertinent legislation with the *Violence and Harassment Convention* (190) of the International Labour Organisation which North Macedonia ratified in 2023.¹⁰⁵

Anti-Corruption

- We encourage the **Commission for the Prevention of Corruption** to work with NGOs and other stakeholders on additional raising awareness measures as to the significance of a transparent framework of public funding of NGOs, as well as encouraging a proactive role of the stakeholders in reaching out to the Commission as regards cases of the alleged misuse of those funds.

Youth policy

- We encourage the **Ministry of Social Policy, Demographics and Youth** to consider specific measures to accelerate the implementation of the 2023 – 2027 *Strategy on the Youth Policies*, and if need be, proceed with its necessary revisions in transparent and inclusive process. The lack of timely implementation of the general strategic framework is likely to impact adversely on the development and implementation of the relevant sectoral and cross-sectoral policies.

¹⁰⁴ Expert Council on NGO Law, *European Practices Related to Participation of NGOs in Policy Development*, par. 56.

¹⁰⁵ <https://www.ilo.org/resource/news/north-macedonia-ratifies-labour-statistics-convention-and-violence-and>

- There is also a notable need for the **Ministry** to establish a robust system of *data collection* and *monitoring*. Reliable data on youth demographics and program outcomes are critical for the informed policymaking. Among others, it would enable the Ministry to develop and monitor specific measures targeting participation of vulnerable groups in policy development and labour market, including youth that are not in employment, education, or training (NEET individuals).
- We also encourage the **Ministry** to consider expanding and scaling up economic and social programs, like the *Youth Guarantee*, to ensure wider participation of NEET youth in the labour market, as well as introducing more comprehensive social and employment programs tailored to the specific needs of different youth subgroups.
- In the foregoing efforts, we encourage the **Ministry** to duly incorporate and promote the use of pertinent instruments of the Council of Europe (CoE) and the European Union (EU) at the national and local policy level, including the CoE revised *Social Charter* (ETS No. 163, 3 May 1996);¹⁰⁶ the CoE *Youth Sector Strategy 2030*;¹⁰⁷ the CoE *Recommendation CM/Rec(2015)3 on the access of young people from disadvantaged neighbourhoods to social rights*;¹⁰⁸ as well as the EU *European Youth Strategy (2019–2027)*¹⁰⁹ and the corresponding *guidelines on youth participation*.¹¹⁰

¹⁰⁶ <https://rm.coe.int/168007cf93>

¹⁰⁷ <https://www.coe.int/en/web/youth/youth-strategy-2030>

¹⁰⁸ <https://www.coe.int/en/web/youth/-/recommendation-on-the-access-of-young-people-from-disadvantaged-neighbourhoods-to-social-rights>

¹⁰⁹ Official Journal of the European Union, C 456, 18 December 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2018:456:FULL>

¹¹⁰ <https://eurodesk.eu/publications>