

ECRI REPORT ON NORTH MACEDONIA

(sixth monitoring cycle)



Adopted on 29 June 2023

Published on 20 September 2023

European Commission
against Racism and Intolerance

ECRI
Commission européenne
contre le racisme et l'intolérance

COUNCIL OF EUROPE



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise expressly indicated, it covers the situation up to 30 March 2023; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on North Macedonia on 18 March 2016, progress has been made and good practices have been developed in a number of fields.

Since early 2021, there has been a new equality body, the Commission on Prevention and Protection against Discrimination (CPPD), and the new Law on Prevention and Protection against Discrimination contains more safeguards to ensure the independence of the commission.

In the field of inclusive education, the Ministry of Education and Science awards grants of up to MKD 30 000 (approximately € 500) to schools which carry out activities that contribute to multiculturalism, interethnic integration and tolerance. During the academic years 2020/21 and 2021/22, grants were provided to 94 and 95 schools respectively. In this context, it is also positive to see that "multicultural integration" is included as an indicator in the evaluation of schools.

As concerns LGBTI persons, the new Law on Prevention and Protection against Discrimination now includes sexual orientation and gender identity as protected grounds. ECRI also notes that the Ministry of Labour and Social Policy provided financial support to a national LGBTI Helpline. Cooperation between the ministry and civil society also resulted in the opening of the Skopje Queer Centre in 2021, which provides free counselling, psychotherapy and social care support to LGBTI persons.

In order to combat hate crime, the authorities participated in the ODIHR training against hate crime for law enforcement (TAHCLE) of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and more than 2 000 police officers took part. Judges and prosecutors also received training organised by the Academy for Judges and Public Prosecutors and as part of ODIHR's prosecutors and hate crime training (PAHCT).

Several initiatives were taken under the 2016-2020 national Roma strategy to improve Roma inclusion in the areas of housing, health, education and employment. A certain number of social housing units were allocated to members of the Roma community and some good results in the education sector (increased enrolment in preschool and primary education) were achieved with the help of Roma education mediators. The authorities also developed and adopted a new Strategy for Inclusion of Roma 2022-2030 (SIR).

The authorities conducted an outreach activity to ascertain the number of a group of Roma that at the time of the country's independence from former Yugoslavia did not have the necessary identity documents to obtain citizenship in North Macedonia. Several hundred persons were identified and in 2018 a law was adopted in order to provide them with special Personal Identification Numbers (PINs) with which to access public services, including health and social assistance, and the formal labour market while awaiting the processing of their cases for providing them with identity documents and eventually citizenship.

ECRI welcomes these positive developments in North Macedonia. However, despite the progress achieved, some issues give rise to concern.

Only six out of seven CPPD members have so far been appointed. The commission also faces problems receiving authorisation to fill all planned staff positions and receiving an adequate budget to carry out all its functions. Moreover, the CPPD as well as the Ombudsman's Office require approval from the Ministry of Finance for every expense they wish to make from their own budgetary resources. This causes delays and a potential risk to their overall independence.

The authorities have still not carried out an independent comprehensive study on all forms of discrimination against LGBTI persons. There is also no LGBTI action plan for or platform for dialogue between the government and the LGBTI communities. There is still no legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live. Furthermore, the conditions for official recognition of a person's new sex are still not clearly regulated.

Violence against persons and organisations of citizens of North Macedonia who self-identify as Bulgarians have occurred on several occasions. At the same time, the authorities are moving towards deregistering/dissolving some existing Bulgarian cultural associations.

Attacks against an LGBTI Centre in Skopje have repeatedly occurred without any judicial follow-up. The lack of appropriate punishment for such incidents of hate crime can lead to a dangerous sense of impunity and absence of an effective deterrent to future attacks.

The school system is still largely segregated according to language-streams (Macedonian and Albanian), with pupils of both groups often being taught in separate buildings or in shift-systems, both of which reduce important interactions between children of the two language-/ethnic groups.

In spite of various efforts to improve the situation of members of the Roma community, social marginalisation and exclusion still persists. The housing situation is still difficult for many Roma. In the area of education, enrolment rates are still below those of the rest of the population, especially but not only when it comes to secondary education. The unemployment rate of Roma is significantly higher and the participation in skills-building activities is insufficient. Particularly worrying in the area of health is the infant mortality rate which is twice as high among Roma compared to non-Roma.

The several hundred identified Roma who did not have the necessary identity documents at the time of the country's independence to gain citizenship have received special PINs. However, these are apparently not recognised by the public services' IT-systems.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

ECRI recommends that the authorities grant the CPPD and the Ombudsman's Office financial autonomy to utilise their budgets without having to seek approval from the Ministry of Finance.*

ECRI recommends that the authorities clearly regulate the conditions for official recognition of a person's new sex. Such rules should be in conformity with the case-law of the European Court of Human Rights.

ECRI recommends that the authorities create a sufficient number of posts for trained police liaison officers to act as focal points for communities in a vulnerable situation and to facilitate hate crime reporting. The authorities should also continue and intensify their capacity-building assistance as concerns hate crime investigations to the police and prosecution services, as well as offer them to members of the judiciary.

ECRI recommends that the authorities take steps to phase out any de-facto segregation of children belonging to the country's main ethnic-/linguistic groups (Macedonians and Albanians) in multi-language schools. In particular, the authorities should ensure that all children are taught in the same buildings and that shift-systems are avoided in order to provide as much possibility for mutual contacts as possible.

To address the situation of Roma, ECRI recommends inter alia that the authorities address the disproportionately high infant mortality rate among Roma; build on the positive experiences made with the work of Roma health mediators and increase their numbers; and ensure that more social housing is provided for Roma. Furthermore, the government should intensify its efforts to close the educational outcome gap between Roma and non-Roma children. The authorities should also offer low-threshold vocational trainings and skills-building activities for Roma, with a focus on the specific needs of Roma women.

ECRI recommends that the authorities resolve the long-standing problems concerning identity documents and personal identification numbers for the previously identified Roma, who did not have sufficient proof of identity following the independence of North Macedonia.*

* The recommendation in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. In its fifth report on North Macedonia,² ECRI did not consider the Commission for Protection Against Discrimination existing at the time as fully independent because some of its members were employed by the Ministry of Labour and Social Affairs.³ ECRI recommended that the authorities change the status of the Commission with a view to making it fully independent.⁴ ECRI also recommended that the Commission should have the right to initiate court cases even when a specific victim was not referred to.⁵
2. From the end of the previous Commission's mandate in August 2019 until early 2021, there was no equality body in North Macedonia. On 30 October 2020, a new Law on the Prevention and Protection against Discrimination entered into force. This new anti-discrimination law provided for the establishment of a Commission on Prevention and Protection against Discrimination (CPPD), an equality body composed of seven members appointed by the Parliament with five-year mandates. The CPPD's mandate is broader than that of its predecessor and there are more safeguards to ensure its independence. According to Article 21 of the Law on Prevention and Protection against Discrimination, the CPPD can issue recommendations and conclusions (but no sanctions) on individual cases of discrimination, bring discrimination complaints on behalf of identified as well as of non-identified victims to court, intervene as *amicus curiae*, initiate *ex officio* proceedings, provide opinions on legal proposals and suggestions for legislative changes, collect and publish statistical data, and conduct research, awareness-raising and education activities.⁶
3. There are now more safeguards to ensure the independence of the new CPPD contained in the Law on Prevention and Protection against Discrimination, with regard to provisions of its budget (Article 15); election procedures (Articles 17-18) and incompatibility with other public offices and political party functions (Article 19). However, the Commission has not been equipped with the proper financial and human resources to fulfil its mandate independently and effectively. The CPPD staff-plan (based on the applicable public sector "Rulebook on the Systemisation of Jobs") foresees 26 positions, but so far approval has only been received for filling 13 of them. ECRI also notes that out of the seven CPPD members, only six have been appointed. From the Commission's budget request of MKD 45 million (approximately € 730 000) for 2022, merely one third, MKD 15 million, was approved. The authorities themselves indicated to ECRI that the CPPD was not provided with sufficient funding to carry out all its functions and that further efforts were necessary to raise awareness of state institutions about the functioning of equality bodies.
4. ECRI recommends that the authorities ensure the speedy appointment of the seventh member of the Commission on Prevention and Protection against Discrimination (CPPD), as well as enable the filling of all planned staff positions and the provision of a budget sufficient for the CPPD to carry out all its functions.

¹ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

² As of 12 February 2019, the country's name changed to North Macedonia.

³ ECRI 2016: § 12.

⁴ ECRI 2016: § 14.

⁵ ECRI 2016: § 14.

⁶ See also Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) 2022: § 39.

5. In its fifth report, ECRI also recommended that the authorities fill all the vacant positions in the Ombudsman's Office as a first step towards ensuring that the Office is adequately staffed in proportion to its workload.⁷ ECRI was informed that, in 2017, the Ombudsman's Office received consent from the Ministry of Finance to fill 10 vacant positions. In August 2018, out of a total of 142 positions that were foreseen in the Ombudsman's Office staff-plan, only 79 were filled. This proportion shows that while having added staff is a positive sign, there remained very significant challenges with respect to human resources. ECRI considered in its 2019 conclusions that the recommendation had been only partially implemented.⁸ ECRI was informed by the Ombudsman's Office that, as of 2022, this situation has not significantly improved. ECRI therefore strongly encourages the authorities to ensure that the Ombudsman's Office is fully equipped with the necessary human resources in accordance with the applicable staff-plan.
6. A problem that the CPPD and the Ombudsman's Office⁹ face concerns a particular limitation of their financial autonomy: both institutions need authorisation from the Ministry of Finance for every expense they wish to make from their own budgetary resources. Not only does this requirement cause unnecessary work and delays in the process of implementing the Commission's and the Ombudsman's activities, but it also poses a potential risk to their overall independence and should therefore be changed urgently.
7. ECRI recommends, as a matter of priority, that the authorities grant the Commission on Prevention and Protection against Discrimination and the Ombudsman's Office financial autonomy to utilise their budgets without having to seek approval from the Ministry of Finance.

B. Inclusive education

8. This part of the report deals with policies aimed at combating exclusion and marginalisation through inclusive education and fostering a society that is respectful of diversity and tolerant (sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education). The specific measures for helping children belonging to minority groups are dealt with below in sections III and IV of this report.
9. According to the authorities, human rights principles are the basis of the Law on Primary Education and they are promoted in the Concept for Primary Education and in the National Standards for Primary Education. The Convention on the Rights of the Child and the principle of non-discrimination are included in the school subjects "society", "civic education" and "life skills". It is planned to introduce the study of civic education also in secondary vocational schools, which ECRI encourages.
10. The authorities acknowledge that, in spite of government efforts to avoid this as much as possible, the Covid-19 related measures in the education sector (for example school closures, online learning) have affected the children of already socially marginalised groups disproportionately, in particular those with a very low parental income or housing situations that are not conducive to learning at home. While this affects also groups that are not included in ECRI's mandate, such as poor people in general or persons with disabilities, it also includes groups of concern to ECRI, for example members of the Roma community (see also part III below). In this regard, ECRI strongly encourages the authorities to ensure that educational shortcomings which resulted from or increased during the pandemic are adequately addressed through additional support measures for children belonging to groups in a vulnerable situation in the post-pandemic period. This is

⁷ ECRI 2019: 5.

⁸ ECRI 2019: 5.

⁹ ECRI was informed by the authorities in May 2023 that some amendments to the Law on the Ombudsman were being prepared.

important to ensure that the problems that have been caused by the interruption of educational services do not result in the compounding of learning gaps and a “lost generation”. Preventing this from happening should also be considered as a key element for providing inclusive education in the future.

11. The Ministry of Education and Science (MES) monitors incidents based on discrimination in schools in the framework of an integral evaluation of schools by the State Education Inspectorate that is carried out every three years. As concerns preventive measures, the MES can award grants of up to MKD 30 000 (approximately € 500) to schools which carry out activities that contribute to the development and promotion of multiculturalism, interethnic integration and tolerance. These activities take the form of joint activities between students who attend classes with different languages of instruction (Macedonian or Albanian – see also part III below), to reduce ethnic prejudices and improve the knowledge of the culture of students from different ethnic groups. School Integration Teams (SIT) are formed to coordinate and organise joint activities for the pupils. During the 2020/2021 and 2021/22 academic years, 94 and 95 such grants were provided respectively to different primary and secondary schools. ECRI is pleased to note that “multicultural integration” is included as an indicator in the evaluation of schools and considers this to be a **promising practice**. However, the above-described grant scheme itself or the work of the SITs have not yet been evaluated and ECRI invites the authorities to do so.
12. Since its foundation, many school groups have visited the Holocaust Memorial Center for the Jews of Macedonia in Skopje and thereby also gained a better understanding of the importance of tolerance and of countering not only antisemitism but racism in general. In 2021, North Macedonia became a member of the International Holocaust Remembrance Alliance (IHRA), which ECRI welcomes. In this context, the government pledged to make visits to the Holocaust Memorial Center an integral part of the school curriculum, which, however, has not happened so far. ECRI encourages the authorities to do this.
13. ECRI was informed that the authorities have trained 3 200 primary school teachers for grades 1 and 4 on working in a multicultural environment in recent years in line with the introduction of new curricula. Another 3 000 teachers for grades 2 and 5 are scheduled to be trained very soon, and it is planned that successively all teachers who will use the new curricula and Concept for Primary Education receive the relevant training. The authorities also provided information about 782 school teachers having been trained on intercultural education in primary education during the period 2019-2022. ECRI welcomes this.
14. The government set up a national commission, which includes educational professionals, to review textbooks to determine whether these contain negative stereotypes that could pose a barrier to inclusive education. This commission has, for example, withdrawn a textbook for fifth-grade Macedonian language teaching and a ninth-grade civic education manual due to discriminatory content regarding religion, ethnicity, sexual orientation and gender identity. The Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) also commended the authorities for their efforts to review textbooks which led to an improvement of the portrayal of the Albanian and Turkish minorities in the country.¹⁰ However, problems reportedly still exist with stereotypical portrayals of some groups, including Roma.¹¹ The commission has also developed a new concept on tolerance and inclusion for school materials. A draft Law on Textbooks was also prepared. However, because it had to be harmonized with parallel changes to the legislation covering primary and

¹⁰ ACFC 2022: §§ 101 and 105.

¹¹ ACFC 2022: § 105.

secondary education, it is currently withdrawn. ECRI strongly encourages the authorities to finalise the draft Law on Textbooks for parliamentary discussion.

C. Irregularly present migrants

15. There are no official estimates about the number of migrants irregularly present in the country. North Macedonia, being a transit country on the so-called Balkan-route for migrants to Western Europe, is considered by many interlocutors met by ECRI as having a substantial number of migrants entering the country without registering in any way with the authorities. However, their stay in the country is assumed to be usually very short, of only a few days in most cases.
16. While the authorities have developed strategies for refugees and have policies or guidance for processing asylum seekers as well as failed asylum-seekers who are scheduled for removal from the country, there is no official government policy for irregularly present migrants. However, the authorities, supported by the International Organisation for Migration (IOM), operate two transit centres, namely, the Reception and Transit Center Vinojug on the southern border and the Reception and Transit Center Tabanovce on the northern border. Both centres can provide short-term accommodation, access to food and clothing, basic healthcare and social services, as well as access to free legal aid and translators. If necessary, psychological first aid is provided within both centres. The focus of the services is on providing protection to vulnerable categories of migrants such as unaccompanied children (limited non-formal educational activities are available), the elderly and the infirm.
17. For any further aspects that might arise in the future with regard to migrants irregularly present in the country, ECRI encourages the authorities to take inspiration from its General Policy Recommendation (GPR) No. 16 on safeguarding irregularly present migrants from discrimination.

D. LGBTI equality¹²

18. ECRI notes that there is no official data on the LGBTI population in North Macedonia. In the view of ECRI, without the collection of such equality data, in accordance with appropriate safeguards, there can be no solid basis for developing and implementing policies to address intolerance and discrimination against LGBTI persons.
19. In its fifth report, ECRI recommended as a matter of priority that the authorities carry out an independent comprehensive study on all forms of discrimination against LGBT persons jointly with the LGBT community.¹³ This study was also meant to pave the way towards preparing and adopting an action plan to end such forms of discrimination. In 2019, the authorities informed ECRI that the Ministry of Labour and Social Policy, the relevant government body in charge of equal opportunities and non-discrimination policies, was working with the LGBT community. However, no independent comprehensive study on all forms of discrimination against LGBT persons, as recommended by ECRI, had been carried out then or since. In its 2019 conclusions, ECRI therefore considered that this recommendation had not been implemented.¹⁴
20. ECRI has learned in the context of its visit that a working group, which included relevant civil society organisations, was set up by the Ministry of Labour and Social Policy (MLSP) in 2019 to develop an LGBTI action plan. A draft action plan was apparently produced by 2020. Regrettably, the process (and the working group) was suddenly abandoned by the MLSP due to a political shift in the government

¹² For terminology, see the definitions set out in ECRI's Glossary.

¹³ In its fifth monitoring cycle, ECRI had not yet looked at the situation of intersex persons. This topic was added for the sixth monitoring cycle.

¹⁴ ECRI 2019: 5.

towards preferring the integration of LGBTI issues into an overall national anti-discrimination strategy instead. This seems to have negatively affected the trust in the MLSP among the NGOs involved in the process. Moreover, ECRI notes the scepticism voiced by many of its interlocutors that subsuming LGBTI-related discrimination into a much broader strategy might not, at this stage, adequately reflect the importance of the problems faced by this group of persons. There is also currently no permanent LGBTI working group for dialogue between LGBTI NGOs and the government.¹⁵

21. There is also still no possibility to register same-sex partnerships in North Macedonia. As explained in its fifth report, ECRI believes that the absence of recognition of same-sex partnerships could lead to various forms of discrimination in the field of social rights.¹⁶ ECRI therefore recommended that the authorities provide a legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.¹⁷ However, no such legal framework has been put in place so far. Moreover, the authorities have not reviewed existing legislation with a view to identifying gaps in order to assess where same-sex couples face problems in their day-to-day life (such as family law, property and contractual law, inheritance rules, as well as health-related issues).
22. ECRI recommends that the authorities: i) commission an independent comprehensive study on all forms of discrimination against LGBTI persons, in cooperation with the LGBTI communities, which includes a thorough review of the existing legislation in with the light of, in particular, the case-law of the European Court of Human Rights on the matter; ii) provide a legal framework that affords same-sex couples the possibility to have the relationship recognised and protected in order to address the practical problems related to the social reality in which they live; iii) set up a permanent working group as a platform for dialogue between relevant government ministries and LGBTI communities; and iv) develop and secure the adoption of a specific national action plan for LGBTI equality, in close consultation with relevant civil society organisations. If necessary, Council of Europe support should be sought.
23. The NGO “Network for Protection against Discrimination” points to what it sees as the government’s failure to support those who were most marginalised during the Covid-19 pandemic, including many LGBTI persons.¹⁸ The NGO ILGA-Europe reports that LGBTI persons encountered difficulties accessing various services because of their sexual orientation, gender identity or sex characteristics and that this situation was exacerbated by the pandemic. Many LGBTI persons had to move back to unsafe families and/or faced heightened risk of homelessness during the pandemic.¹⁹ In this context, ECRI notes positively that the MLSP provided the equivalent of € 6 000 to the LGBTI NGO “Subversive Front” to support its national LGBTI Helpline, which in 2021 provided support to over 130 callers. The cooperation with the Ministry also resulted in the opening of the “Skopje Queer

¹⁵ There is an interparty-parliamentary group on LGBTI issues which has been described by civil society interlocutors as helpful and supportive. Furthermore, ECRI was informed by the authorities that, based on the National Strategy for Equality and Non-Discrimination 2022-2026 and the Action Plan 2022-2024, a National Coordinating Body (NCB) was established by the government to monitor the application of the principle of non-discrimination and the implementation of laws, by-laws and strategic documents in this area. In addition to representatives of state institutions, representatives of civil society associations are also included in the composition of this coordinating body (Government decision on the formation of the NCB: Official Gazette 218 of 10 October 2022). At the first constitutive session of the NCB, among other things, the preparation of the Annex strategic goal was discussed, which is expected to refer to LGBTI persons and be an integral part of the existing National Strategy for Equality and Non-Discrimination 2022-2026. ECRI also noted that instructions for state authorities for the promotion and advancement of equality and prevention of discrimination and a Manual were being prepared.

¹⁶ ECRI 2016: § 92.

¹⁷ ECRI 2016: § 94.

¹⁸ Quoted in: ILGA Europe (2022), Annual review 2021, 3.

¹⁹ ILGA Europe (2022), Annual review 2021, 2.

Centre” in March 2021, which offers free counselling and social care support to LGBTI persons. The centre provided 287 psychotherapy sessions in its first year. ECRI encourages the authorities to continue their support, including during the post-pandemic period.

24. ECRI also notes that some progress has been made at legislative level, with the inclusion of sexual orientation and gender identity as protected grounds in the anti-discrimination law and in relevant anti-hate crime provisions in the Criminal Code.
25. As concerns gender reassignment and recognition, in its 2019 judgment in the case *X v. “the former Yugoslav Republic of Macedonia”*, the European Court of Human Rights (ECtHR) had concluded that the country’s current legal framework did not provide “quick, transparent and accessible procedures” for gender recognition.²⁰ The authorities informed ECRI that, in 2019, the Ministry of Justice set up a working group to follow up on the ECtHR judgment. In April 2021, the government proposed amendments to the Law on Personal Records in order to address, inter alia, the gaps highlighted by the ECtHR. However, in March 2022 the government withdrew the amendments from parliament for further editing. In May 2022, the Ministry of Justice tasked the same working group with drafting a new Law on Civil Registry, again aiming at regulating the procedure for legal gender recognition in line with the ECtHR judgment. ECRI was informed by the authorities that relevant NGOs are included in this process. According to the information received from the authorities, the new law should provide that no medical certificates will be required for a change of the gender/sex marker in the Civil Registry files, but that all unmarried persons²¹ over 18 years of age could request such a change through a simple statement that is certified by a public notary. The new draft Law on Civil Registry is planned to be sent to Parliament in mid-2023 for deliberations and approval.
26. ECRI recommends that the authorities clearly regulate the conditions and procedures for legal gender recognition, in full conformity with the case-law of the European Court of Human Rights.
27. According to ECRI’s information, one hospital in Skopje (the only one in North Macedonia to do so) carries out “sex-normalising” operations on intersex children, with the parents’ consent, if it is certified that they are medically necessary. In this regard, ECRI strongly encourages the authorities to take action, including at legislative level, to ensure that only medically necessary surgery is conducted on intersex children.²²

²⁰ ECtHR, case of *X v. “the Former Yugoslav Republic of Macedonia”* (Application no. 29683/16), judgment, 17 January 2019: § 70.

²¹ The Constitution of the Republic of North Macedonia defines marriage as a union between one woman and one man.

²² See for example the Council of Europe Commissioner for Human Rights 2015, Human rights and intersex people; and the Council of Europe Parliamentary Assembly 2017, Resolution 2191.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech²³

28. Most cases of hate speech in North Macedonia concern the inter-ethnic relationship between Macedonians and Albanians.²⁴ Other ethnic groups²⁵, such as Roma or Bulgarians, are also victims of hate speech. LGBTI persons are another group that is frequently targeted by hate speech, in particular online, and in social media for example.
29. ECRI's interlocutors agreed that most Macedonian-Albanian hate speech occurs in day-to-day interaction between members of the two ethnic groups: for example, among schoolchildren on public transport (see the widespread de facto segregation of schoolchildren from the two communities in section I.2 above). It seems that the majority of these incidents are not brought to the attention of the authorities. It is positive to note though that in spite of the continuing inter-ethnic tensions between these two communities, both of which are also largely characterised by religious affiliations (the majority of ethnic Macedonians are Orthodox Christians, while the majority of ethnic Albanians are Muslims²⁶), the situation has not resulted in any substantial levels of religious hatred and intolerance or anti-Christian/anti-Muslim hate speech.
30. According to members of the Roma community met by ECRI, hate speech against Roma is unfortunately still a frequent occurrence in daily public life but is rarely reported. In addition, it is widespread on the Internet and in social media.
31. Anti-Bulgarian hate speech is also a frequent occurrence in North Macedonia according to ethnic Bulgarian interlocutors met by ECRI. A typical anti-Bulgarian stereotype used is that of labelling all Bulgarians as "fascists". Another widespread insult targets Bulgarian women, portraying them as "cheap prostitutes". The second example, being a case of intersectional discrimination/hate speech in which a group of persons is targeted because of their combination of ethnic origin and gender, was also visible on signs that were held up for public display by some spectators during the football match of the national teams of North Macedonia and Bulgaria on 26 September 2022 in Skopje. ECRI also heard allegations that the second term is used on occasion on Channel 5, a public TV station.
32. Antisemitic hate speech is not usually a common occurrence in North Macedonia. However, three separate incidents give rise to concern. Firstly, in 2020, following a political controversy over comments made regarding the country's name change as a result of a compromise with neighbouring Greece, officially adopting the name "Republic of North Macedonia" (instead of "Republic of Macedonia"), the former Minister of Labour, Rashela Mizrahi, received antisemitic hate comments and threats through social media, including from political commentators and activists.²⁷
33. Secondly, ECRI was informed by members of the Jewish community that, on 16 May 2021, in the context of a renewed escalation of violence in the Israeli-Palestinian conflict, an anti-Israel protest moved beyond its designated venue in the central square of Skopje and proceeded to demonstrate in front of the *Holocaust Memorial Center for the Jews of Macedonia*²⁸ with anti-Israel slogans. The police had to protect the Memorial Center. ECRI has repeatedly emphasised, including in its revised General Policy Recommendation No. 9 on preventing and

²³ For terminology on hate speech and hate crime, see the definitions set out in ECRI's Glossary.

²⁴ Approximately 58% and 24% of the population respectively – for details on the last census of 2021 see footnote 54 below.

²⁵ See footnote 54.

²⁶ See also footnote 54 on census data.

²⁷ European Jewish Congress, "Hit by antisemitism, North Macedonia's first Jewish lawmaker broke taboos", 1 June 2021.

²⁸ <http://www.holocaustfund.org.mk/>

combating antisemitism,²⁹ that holding all Jews collectively responsible for actions carried out by governments of Israel is a form of antisemitism. In this case, it was made worse by the fact that it also desecrated the memory of the 7 144 Macedonian Jews who were murdered in the Holocaust.

34. Thirdly, ECRI was also informed by representatives of the Jewish community that, in February 2022, a Muslim cleric preached against Jews and Israel in a Mosque in Skopje.³⁰ The Jewish community brought this to the attention of the head of the Islamic community of North Macedonia and received an apology as well as the assurance that the cleric in question is no longer allowed to lead religious ceremonies in the Mosque. In this context, ECRI strongly encourages the authorities to continue supporting inter-religious cooperation and dialogue, especially – but not only – to facilitate and promote swift condemnations of and appropriate responses to incidents of hate speech.
35. Anti-LGBTI hate speech is particularly prevalent before, during and after LGBTI pride parades. In 2020, the Macedonian Helsinki Committee recorded 216 cases of anti-LGBTI hate speech (42% of all hate speech incidents it had recorded that year). The number of cases had spiked especially after LGBTI activists appeared on National Radio and TV to talk about the Skopje pride parade.³¹ While in recent years (2019 and 2022; the ones in 2020 and 2021 were cancelled due to the Covid-19 pandemic) the pride parades were free of disturbances, the accompanying hate speech had shifted largely from the traditional media to social media. LGBTI groups expressed their satisfaction with the fact that the country's President and other high-level politicians attended the events. However, there has been criticism that such public support is often only a one-off action, while at the same time deep-seated homophobic and transphobic resentments persist among large parts of the population. In this context, civil society actors met by ECRI also referred to what they see as a broad range of politicians playing on such resentments temporarily during election campaigns in order to gain votes.
36. As concerns responses to hate speech, in 2019, the Ministry of Interior together with other government agencies and civil society organisations, set up the Network on Hate Speech, which since September 2022 meets under the auspices of the OSCE Office in Skopje. In the context of this Network, the cooperation between the authorities and NGOs has deepened and became more formalised.³² As an example, the NGO Macedonian Helsinki Committee together with the Ministry of Interior conducted a training on the growing problem of online hate speech for the staff of the Ministry of Interior's cyber-crime department. The Network is also in the process of creating a task force against online hate speech. ECRI strongly encourages the authorities to support and conclude this process.
37. Furthermore, the Agency for Audio-visual Media Services (henceforth: Agency) – the state regulatory authority for radio and television broadcasting –, can receive complaints about hate speech by audio-visual media outlets as well as act ex officio. The Agency noted a strong shift of hate speech from the traditional media towards the Internet, over which it has no regulatory powers. However, it has

²⁹ ECRI 2021: II, § 11 and appendix I, § 7. See also, in this connection, the working definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA).

³⁰ In this regard see also: BIRN, *Islamist extremists in North Macedonia keep up online propaganda*, 28 December 2022.

³¹ ILGA Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in North Macedonia covering the period of January to December 2021, 2022*: 1.

³² At the end of 2022, a Memorandum of Cooperation between all institutions that are part of the network was drafted and was received positively by the Ministry of Interior. ECRI was also informed by the authorities that in the context of activities for "Strengthening the fight against hate speech and strengthening the spirit of interculturalism in the media space", several public discussions and workshops were organised, and the publication "Social connection and involvement in dealing with hate speech" was prepared, with conclusions and guidelines for promoting social cohesion in dealing with hate speech. Furthermore, the Agency for Youth and Sports in cooperation with the OSCE Mission to Skopje conducted a campaign to inform the public about the consequences of hate speech and promoting non-violence and tolerance, especially among young people.

engaged in prevention efforts such as setting up the Network for Media Literacy (NML) together with the Council of Media Ethics, which is the self-regulatory body of the media sector. The NML also carry out activities in schools, in coordination with the Ministry of Education and Science, teaching about prejudice and stereotypes and how to identify them. It appears that this initiative could be considered as a **promising practice**. The Agency also produced a *Rule Book*, based on the jurisprudence of the European Court of Human Rights, which is regarded by some media professionals and NGOs as a **good practice**.

B. Hate-motivated violence

38. North Macedonia regularly reports hate crime data to the OSCE Office for Democratic Institutions and Human Rights (ODIHR). According to this statistic, the police recorded 33 hate crime incidents in 2018, 23 in 2019, 29 in 2020 and 22 in 2021.³³ There is no integrated and comprehensive data system available that indicates the number of indictments and convictions for crimes involving a bias motivation.³⁴
39. However, ECRI received information that civil society organisations maintain an unofficial count of incidents that indicate some 800 hate-motivated attacks – of various levels of severity – over recent years. An estimated 70% of these cases are said to be between ethnic Macedonian and ethnic Albanian youngsters at a low-intensity level and are often not reported officially. Civil society representatives pointed to the inherent danger for the country’s societal cohesion and ethnic tolerance in the future, if such violent interactions remain without suitable responses, but they allege that the authorities usually consider these events as mere juvenile hooliganism, rather than expressions of inter-ethnic tensions and hate-motivated violence. According to some of ECRI’s civil society interlocutors, the police refrain from taking action in this regard also because of worries that arresting ethnic Macedonians or ethnic Albanians in this conflictual setting could amount to adding fuel to the fire. However, such a *laissez-faire* approach carries great risks in the long-run if continued, as it is likely to further entrench and cement already existing resentments and thereby prepare the ground for the next generation to get used to permanent hatred and low-intensity violence, which over time can become increasingly difficult to rein in and more likely to spin out of control. Therefore, ECRI considers it to be important that this problem receives the appropriate attention.
40. ECRI recommends that the relevant authorities take hate-motivated violence between ethnic Macedonians and ethnic Albanians seriously and respond appropriately, including by carrying out effective investigations into such incidents and by holding perpetrators accountable.
41. Anti-Bulgarian violence has become a serious concern as of late. On 4 June 2022, an arson attack was carried out against the Bulgarian Cultural Centre “Ivan Mihajlov” in Bitola.³⁵ This incident followed on from a number of threats that had been made against the centre. Apparently, the local police reacted in a very professional manner to the incident. The President and the government condemned the attack that took place during a visit of the Bulgarian Foreign Minister to Skopje.³⁶ The attacker was subsequently convicted for the crime and received a suspended sentence. However, it is deeply troubling that the municipality of Bitola later invited the attacker (who is a singer) to perform in a local

³³ OSCE-ODIHR: <https://hatecrime.osce.org/north-macedonia>.

³⁴ See also: ACFC 2022: § 63.

³⁵ Euractiv, “Sofia condemns burning of Bulgarian cultural centre in North Macedonia”, 6 June 2022.

³⁶ BNE Intellinews, “Controversial Bulgarian cultural centre in North Macedonia set on fire”, 5 June 2022. There was regrettably also an attack on 16 March 2023 against the new premises of the Cultural and Information Center of the Republic of Bulgaria in Skopje, which caused material damage. (See for example: EuroActiv, Bulgaria reacts to attack on its cultural centre in Skopje, 17 March 2023, available at <https://www.euractiv.com/section/politics/news/bulgaria-reacts-to-attack-on-its-cultural-centre-in-skopje/>)

celebration. In October 2022, the opening of the Bulgarian Cultural Club “Tsar Boris III” in Ohrid had to take place under police protection due to protests.³⁷ The following month, two attacks were carried out against the club on two consecutive days, the second one involving gunshots at the building while persons were inside. ECRI notes with satisfaction that the President and the Foreign Minister condemned the violence.³⁸ However, some of ECRI’s interlocutors consider that the punishment for the attack in Bitola (a suspended sentence) was not sufficiently severe to act as an effective deterrent to prevent such incidents in the future.³⁹

42. Yet another anti-Bulgarian attack took place on 19 January 2023, in which the Secretary of the Bulgarian Cultural Club “Tsar Boris III” in Ohrid was beaten and severely injured by three unidentified persons, leaving the victim in urgent need of hospitalisation.⁴⁰ In this regard, ECRI cannot help but notice a pattern emerging that gives rise to serious concern and necessitates urgent and effective action from the authorities, not only by condemning resort to hate speech and violence and bringing perpetrators of hate crime to justice but also by systematically and consistently countering anti-Bulgarian public discourse, in order to halt and reverse this worrying trend. ECRI is aware of the public controversy with regard to the use of the name of the historical figure Ivan Mihajlov and his political ideas, which are associated with the view that sees Macedonians as being actually of Bulgarian ethnicity. The naming of the Bulgarian Cultural Club in Ohrid after Tsar Boris III is similarly controversial and provocative, especially considering the Bulgarian role in the occupation of the country during World War II. Against this background, initiatives have been taken recently by the authorities to move towards dissolving some Bulgarian organisations by amending the Law on Foundations and Associations in order to overturn the legal registration of such organisations.⁴¹
43. In relation to recent legislative amendments to the Law on Foundations and Associations, ECRI is of the view that appropriate safeguards need to be in place to avoid it to be instrumentalised politically to stifle unwanted organisations or views that do not incite, promote, spread or justify violence, hatred or discrimination. In this regard, in the light of the relevant case-law of the European Court of Human Rights referred to in the following paragraph, ECRI notes with concern that in March 2023 the Central Registry of North Macedonia rejected the request of the Bulgarian Cultural Club “Tsar Boris III” in Ohrid to maintain its name and that, following a decision of the Minister of Justice and a negative opinion of the Commission on the Use of Names, it deleted the registration of the Bulgarian Cultural Centre “Ivan Mihajlov” in Bitola.⁴²

³⁷ Balkan Insight, “Club named after Bulgarian King stirs anger in North Macedonia”, 7 October 2022.

³⁸ Balkan Insight, “Attacks on Bulgarian Club further complicate Skopje-Sofia relations”, 25 November 2022.

³⁹ See also: Balkan Insight, 25 November 2022.

⁴⁰ Euractiv, “Sofia denounces ‘hate crime’ against Bulgarian cultural official in North Macedonia”, 20 January 2023.

⁴¹ On 2 November 2022, the Parliament of North Macedonia adopted the amendments to the Law on Associations and Foundations that, inter alia, added in Article 8 a new paragraph 4 which reads: “Names that on any basis in the past have been associated [with] and cause racial, religious, national, ethnic and other intolerance, hatred, genocide, extremism, spreading or supporting fascism, Nazism, National Socialism and the Third Reich cannot be used.” (See also: Smart Balkans, The MPs in N. Macedonia adopted new amendments to the Law on Associations and Foundations, 9 November 2022). The wording and the application of this new provision raised several questions. Firstly, questions were brought to the attention of ECRI as to whether Article 8, paragraph 4, of the Law, as amended, could apply retroactively to already registered organisations. Secondly, the Bulgarian Cultural Club “Ivan Mihajlov” in Bitola for example did not consider its name to fall within the scope of the law and insisted that it did not aim at causing any of the listed grounds. Thirdly, the amended Law provides in Article 8, paragraph 5, for a commission to be formed by the Minister of Justice, with representatives of the Ministry of Culture, the Ministry of Justice, the Institute of National History and the Macedonian Academy of Sciences and Arts. However, given the strong influence of the executive branch over this commission and its composition, it remains rather questionable as to whether such a body can be considered independent.

⁴² See for example: Media Information Agency – mia.mk, “Central Registry deletes Bulgarian culture center Ivan Mihajlov-Bitola”, 22 March 2023, available at: <https://mia.mk/en/story/central-registry-deletes-bulgarian-culture-center-ivan-mihajlov-bitola> – The authorities informed ECRI that several other Bulgarian cultural associations, which do not have controversial or provocative names, can continue to operate and that therefore, in the authorities’ view, the measures taken against the few specific associations mentioned above should in no way be seen as being anti-Bulgarian.

44. In this context, ECRI reminds the authorities of the judgment of the European Court of Human Rights (ECtHR) in the case *Association of Citizens “Radko” & Paunkovski v. “the former Yugoslav Republic of Macedonia”* of 15 January 2009. The Court had found that “the creation and registration of the Association under the pseudonym of Ivan Mihajlov ‘Radko’, generated a degree of tension given the special sensitivity of the public to his ideology, which was generally perceived by the Macedonian people not only as offensive and destructive, but as denying their right to claim their national (ethnic) identity”.⁴³ Nevertheless, it concluded that “the naming of the Association after an individual who was negatively perceived by the majority of population could not in itself be considered reprehensible or to constitute in itself a present and imminent threat to public order.”⁴⁴ The ECtHR therefore held that the dissolution of the Association “Radko” constituted a violation of Article 11 (right to freedom of association) of the European Convention on Human Rights. The ECtHR also pointed out that “sweeping measures of a preventive nature to suppress freedom of assembly and expression other than in cases of incitement to violence or rejection of democratic principles – however shocking and unacceptable certain views or words used may appear to the authorities [...] do a disservice to democracy and often even endanger it. One of the principal characteristics of democracy is the possibility it offers of resolving problems through dialogue, without recourse to violence, even when those problems are irksome.”⁴⁵ In ECRI’s view, this also applies to inter-ethnic relations and debates about ethnic identity.⁴⁶
45. Just like the ECtHR,⁴⁷ ECRI emphasises that it does not take a position on the content of the question of Macedonian ethnic identity. ECRI also notes that in November 2022 the country’s Foreign Minister suggested submitting the amended Law on Associations and Foundations to the Council of Europe’s Commission for Democracy through Law (Venice Commission) for an expert opinion.⁴⁸ ECRI considers this to be an excellent proposal.
46. ECRI recommends that the authorities continue taking a strong public stance condemning all forms of violence against persons who self-identify as ethnic Bulgarians or their organisations as well as ensuring that local-level authorities do the same. Also, in line with the case-law of the European Court of Human Rights, the authorities should refrain from cancelling the registration of, or dissolving, associations of persons self-identifying as Bulgarians in North Macedonia, if they do not incite, promote, spread or justify violence, hatred or discrimination. If necessary, a Council of Europe expert opinion on the revised Law on Associations and Foundations should be sought and the relevant provisions reviewed accordingly.
47. As concerns hate-motivated violence against members of the Roma community, ECRI notes the altercations between local Roma and ethnic Macedonians in April 2021 in the context of the Kochani project, a € 4 million EU-funded renovation activity of the Kochani Roma settlement, during which a Roma child was beaten by several people, who subsequently faced criminal charges.⁴⁹ The 10-year old

⁴³ ECtHR 2009: § 74.

⁴⁴ ECtHR 2009: § 75.

⁴⁵ ECtHR 2009: § 76.

⁴⁶ Certainly, the issue of freedom of association for historical ethnic-/national minorities is also part of the mandate of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM). However, ECRI considers it necessary to raise this issue in the present report since it is in this case closely linked to anti-Bulgarian hate speech and violence.

⁴⁷ ECtHR 2009: § 76.

⁴⁸ SlobodenPečat.mk, Osmani will propose that the Law on Associations be sent to the Venice Commission, 8 November 2022.

⁴⁹ SlobodenPečat.mk, Association of Roma Lawyers welcomes the measures taken by the Ministry of Interior regarding the beaten child in Kocani, 14 April 2021.

boy was allegedly caught by a local ethnic Macedonian resident when attempting to steal his firewood. The broader background of this violent incident includes a resentment of local ethnic Macedonians against funding for the renovation/new constructions of Roma housing in the neighbourhood (see also section III below).

48. Notwithstanding the severity of the case described in the preceding paragraph, ECRI does not intend to portray this incident as representing a widespread phenomenon. ECRI received information from various interlocutors during the visit that although anti-Roma sentiments and hate speech are common, actual violence against them occurs rarely in day-to-day public life. It should be noted though that even the incidents that do occur are usually not reported to the police, mainly due to lack of trust. This is also linked to another problem that has been observed repeatedly in recent years: the treatment of Roma by some law enforcement officials. Reference is made in this regard to section IV.B. of the present report.
49. Anti-LGBTI violence continues to be a problem and affects both individuals and LGBTI centres and support groups. The LGBTI Centre in the country's capital city Skopje has been the object of six attacks since 2013, often in the context of pride parades. For security reasons, the centre had to be relocated from the Old Town to a new venue. The organisers informed ECRI that none of the attacks has led to any court procedures, in their opinion creating an atmosphere of impunity for anti-LGBTI violence in the country. In this context, ILGA-Europe reports that, on 19 November 2021, the office of the local NGO "LGBT United Tetovo" was vandalised.⁵⁰ Several civil society organisations met by ECRI also point to increasing homo- and transphobic hate speech (see section II.A above) over the past decade, at times further fuelled by political actors, as the underlying source of such hate crime incidents.
50. The NGO "Coalition Margins" documented some hate crime incidents involving violence against LGBTI persons in 2021, two of which were reported to the police. On his way home after the pride parade, one participant was attacked because of his sexual orientation. The case was reported to the police. The attack was recognised as a hate crime, but no information was available on any subsequent prosecution. In another case, a couple reported being attacked in a city park, but alleged the police refused to register their complaint. The police wrote in the report that the victims were "two female friends", not a couple.⁵¹
51. Lack of judicial follow-up and consequences for anti-LGBTI attacks also results in the underreporting of such violence by individual victims and further fuels feelings of insecurity among the persons concerned. This problem can be further exacerbated by the inability or unwillingness of police officers to record incidents accurately, including their anti-LGBTI bias. Several LGBTI NGOs took part in a 2019 meeting with the police administration and Ministry of Interior staff members to discuss ways of addressing this issue, including the creation of specific liaison officer posts in the police as focal points for vulnerable communities to facilitate hate crime reporting. In spite of positive experiences reported by police liaison officers from another member State of the Council of Europe, who were invited to share their good practices with colleagues from North Macedonia, this suggestion was not taken any further. In addition, during the visit, representatives of civil society organisations pointed out that there is generally no adequate guidance for police officers on how to deal with groups that are vulnerable to hate crime.
52. ECRI recommends that the authorities create a sufficient number of posts for trained police liaison officers to act as focal points for vulnerable communities and to facilitate hate crime reporting. Furthermore, the authorities should provide

⁵⁰ ILGA Europe 2022, Annual review 2021, 2.

⁵¹ Coalition Margins, quoted in: US Department of State 2022, 2021 Country Reports on Human Rights Practices: North Macedonia, 42-43.

adequate general guidance for all police officers on how to deal with groups of concern to ECRI.

53. North Macedonia implemented ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE) Programme in 2014, training more than 2 000 police officers under the programme by 2018. Subsequently, a refresher training-of-trainers session for police officers was conducted by ODIHR in December 2021 with 22 participants. North Macedonia implemented ODIHR's Prosecutors and Hate Crime Training (PAHCT) programme in 2019, and in 2022 completed a training on hate crimes for the judiciary together with the OSCE Mission to Skopje. In June and December 2021, the Academy for Judges and Public Prosecutors had conducted two one-day online training sessions on hate crime attended by 14 judges and 12 prosecutors from across the country. The training sessions were delivered based on a Memorandum of Understanding signed between the Academy, the Office of the State Public Prosecutor and ODIHR in 2019.⁵² ECRI concurs with ODIHR in recognising North Macedonia's efforts to build the capacity of police officers and prosecutors to address hate crimes effectively. Nevertheless, based on the available information, it appears that law enforcement agencies have often not recorded the bias motivations behind hate crimes. In addition, ODIHR observes that North Macedonia would benefit from continuing to raise awareness among and build the capacity of criminal justice actors to address hate crime, including through the provision of comprehensive resources and tailored assistance in the area of hate crime recording and data collection, as well as further resources and tailored capacity-building assistance for police and prosecution services, as well as the judiciary.⁵³
54. ECRI recommends that the authorities continue and intensify their capacity-building assistance as concerns hate crime investigations for police and prosecution services, as well as offer them to members of the judiciary, in close collaboration with the Academy for Judges and Public Prosecutors, the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe, as appropriate.

III. INTEGRATION AND INCLUSION

A. Integrated education

55. The education sector in North Macedonia is still largely structured along the lines of the country's consociational political system, based on the Ohrid Agreement of 2001, which set the constitutional framework for power-sharing between ethnic Macedonians and ethnic Albanians.⁵⁴ Certainly, this gives each group the possibility of educational autonomy and mother-tongue schooling for their children. However, it also results in a widespread de-facto segregation of children from these ethnic groups in schools. Already in its two previous reports ECRI had highlighted the problem of ethnic divisions in the education system.⁵⁵ In 2016, ECRI recommended that the authorities revive the strategy for Integrated Education by developing a corresponding Action Plan, together with all relevant stakeholders, and provide adequate funding for its implementation.⁵⁶ This did not happen.

⁵² OSCE-ODIHR: <https://hatecrime.osce.org/north-macedonia>.

⁵³ OSCE-ODIHR: <https://hatecrime.osce.org/north-macedonia>.

⁵⁴ The 2021 census established a total resident population of 1,836,713 persons in North Macedonia. In terms of ethnic affiliation, 58.44% declared themselves as Macedonians, 24.30% as Albanians, 3.86% as Turks and 2.53% as Roma. With regard to religion, 46.14% declared themselves as Orthodox Christians, 32.17% as Muslims and 0.37% as Catholics. As concerns language, 61.38% of the enumerated population stated that their mother tongue is Macedonian, 24.34% Albanian, 3.41% Turkish and 1.73% Romani. In addition, there are also other, numerically smaller, ethnic, linguistic and religious communities in the country. (Republic of North Macedonia State Statistical Office 2022, Census of Population, Households and Dwellings in the Republic of North Macedonia, 2021 - first dataset, available at: https://www.stat.gov.mk/PrikaziSooopstenie_en.aspx?rbtxt=146)

⁵⁵ ECRI 2010: §37; ECRI 2016: §§ 50-51.

⁵⁶ ECRI 2016: § 51.

Instead, the issue of integrated education has become part of the country's overall Education Strategy for 2018-2025 and a strategic area in the intersectoral National Strategy for the development of the concept of "One Society and interculturalism". However, it clearly appeared during ECRI's visit to North Macedonia that no substantial progress has been made.

56. Ethnic divisions also persist in multi-language schools: in the 2021/2022 school year, according to the Ministry of Education and Science, 237 primary schools⁵⁷ provided education in more than one language (usually Macedonian and Albanian). Out of these, 137 schools (approximately 65%) held classes for pupils from the different language streams in physically separate buildings, and only 100 institutions (approximately 35%) organised the classes for all children irrespective of language in the same building. Moreover, less than half (42%) of the children attended classes at the same time, while 58% of pupils were organised in a two-shift system.⁵⁸ This spatial and time-based separation of children belonging to different linguistic and ethnic groups severely reduces possibilities of interaction and experience of joint activities and common interests that are important elements for forming positive mutual relations and a shared identity among the young generation in the country. The absence of such relations and the growth of parallel social structures is not conducive to building an integrated and inclusive national society and even carries the risk of increasing resentment and possibly hatred (see also section II above). In this regard, the grant scheme for school activities described in section I.B above appears insufficient to bridge the existing gap in contact between children of North Macedonia's two main ethnic-/linguistic groups. Hence, it is vital to move towards ending the widespread de-facto segregation in schools.

57. ECRI recommends that the authorities take steps to phase out any de-facto segregation of children belonging to the country's main ethnic-/linguistic groups (Macedonians and Albanians) in multi-language schools. In particular, the authorities should ensure that all children are taught in the same buildings and that shift-systems are avoided in order to provide as much possibility for interaction as possible.

B. Roma

58. In its fifth report, ECRI had described in detail the socio-economic exclusion of a large proportion of the Roma community, especially in the areas of housing, health, education and employment.⁵⁹ In spite of the different national strategies, action plans and other initiatives taken by the authorities over the years to address these problems, progress was very limited. On 15 February 2022, the authorities adopted a new Strategy for Inclusion of Roma 2022-2030 (SIR) in which this overall situation and the need for accelerated implementation of public policies and activities to improve the situation of the Roma community is acknowledged.⁶⁰ The SIR contains a multi-step methodology of how to involve Roma representatives in the process⁶¹ and the authorities conducted initial consultations with some civil society groups and an online consultation on the draft text.⁶² However, ECRI heard from a number of civil society representatives that Roma involvement in the design of the strategy was insufficient and that there should have been a more active

⁵⁷ In the country's school system, primary school goes up to and includes the 9th grade.

⁵⁸ According to the authorities' own analysis, a lack of integrated education also persists in pre-school facilities (Ministry of Education and Science 2018, Education strategy for 2018-2025: 29).

⁵⁹ ECRI 2016: §§ 59-76.

⁶⁰ Government of North Macedonia 2022, Strategy for Inclusion of Roma 2022-2030: 4.

⁶¹ The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) also noted in its Fifth Opinion on North Macedonia, 2022 (§ 123), that it was not aware of any evaluation of the Roma Strategy 2014-2020 carried out by Roma representatives.

⁶² ACFC 2022: § 123.

outreach by the authorities to Roma organisations. ECRI therefore strongly encourages the authorities to pursue a proactive approach towards involving the Roma community in the planning and implementation of the subsequent SIR-related National Action Plans.⁶³

59. In the area of housing, ECRI notes that the achieved results of the 2016-2020 National Action Plan (NAP) for Roma housing indicate that in the first year, 118 Roma received social housing (outcome 1). That said, during the subsequent four years, no further distribution of social housing to Roma occurred.⁶⁴ Moreover, related outputs (nos. 1.1 and 2.1) had been defined without the necessary and specific targeting of the Roma population. Certainly, they refer to the construction of housing units and communal infrastructure projects respectively in areas with relevant Roma populations. However, this seems to be rather vague and does not guarantee that Roma are the actual beneficiaries of such interventions just because they are implemented in the municipality they reside in. Infrastructure projects do not always include or address the needs of the most marginalised communities, especially when they live in informal and non-legalised residencies or settlements, as many Roma do.⁶⁵ The following serves as an illustration: the 2016 reporting states that 172 housing units were completed, of which 111 were distributed, but only 16 of them to Roma.⁶⁶
60. The housing situation for many Roma is still problematic. According to a UNDP survey, Roma housing has lower average quality indicators than those of the non-Roma population. Only 74% of Roma housing contains a toilet and 84% are connected to the public sewerage system, compared to 92% in both regards for the rest of the population. While it can be noted positively that access to water and to electricity in Roma households reaches 90% and 93% respectively (still lower though than the 97% for both indicators among non-Roma households), a major concern is the 61% rate of overcrowding among Roma households (compared to 27% among non-Roma).⁶⁷ This also posed a considerable problem for the education of Roma children during Covid-19 related school closures (see section I.B above).
61. An ongoing problem remains the slow legalisation process of illegally constructed buildings: about 28% of Roma have not legalised their homes due to lack of urban plans in their municipalities, lack of information about the process or inability to cover the related costs. Those who have submitted a request for the legalisation of their housing have often been waiting for more than five years for a response from the competent institutions.⁶⁸ According to the authorities, a new draft Law on Legalisation of illegally constructed buildings has been initiated, but key aspects of it still have to be discussed and agreed before adoption by Parliament. ECRI invites the authorities to complete this preparatory work as quickly as possible.
62. ECRI reiterates its recommendation that the authorities, as part of the new Roma strategy, resolve the difficult housing situation of Roma, inter alia by providing sufficient adequate social housing to members of the Roma community who are in a particularly vulnerable situation.

⁶³ In this respect, ECRI has subsequently been informed by the authorities that they, with “participation of relevant institutions and civil society representatives”, have prepared national action plans for all key areas in the framework of the Roma Inclusion Strategy for the period 2023-2025.

⁶⁴ Government of North Macedonia 2022: 40.

⁶⁵ In this context, ECRI noted during its visit to Kumanovo that care was taken there to avoid such a situation. However, this was due to the positive attitude of the local mayor and municipal council, which cannot always be taken for granted across all relevant municipalities. Relying on the good-will of municipal decision-makers also renders vulnerable Roma populations even more dependent on local politics and power relations.

⁶⁶ Government of North Macedonia 2022: 40.

⁶⁷ United Nations Development Programme (UNDP) 2017, Regional Survey for Roma 2017.

⁶⁸ Government of North Macedonia 2022: 42.

63. In its fifth report,⁶⁹ ECRI had highlighted the fact that the life expectancy of Roma was approximately 10 years shorter than the national average. According to information from the authorities, this is still the case. Such a marked difference in health outcomes is the long-term result of a combination of factors, including housing conditions, lack of education, unemployment and poverty, and unequal access to healthcare.⁷⁰ In this regard, ECRI had also mentioned in its last report the severe shortage of gynaecological and prenatal health services in the predominately Roma inhabited Suto Orizari municipality. Civil society organisations informed ECRI that this is still a problem, also in other Roma neighbourhoods, and is, in their view, at least partially due to discriminatory behaviour on the part of healthcare staff.⁷¹ In this context, it is of serious concern that the infant mortality rate among the Roma population is considerably higher than among non-Roma: in 2020 (unchanged from 2019) the rate was 10.4 per 1,000 live births,⁷² amounting to double the national average.⁷³ It is thus good to see that the reduction of infant mortality and increased coverage of Roma women with prenatal and postnatal care services is the SIR's first strategic objective in the health sector.⁷⁴
64. According to the authorities, the most positive activity in improving health care for Roma is the project of "Roma health mediators", launched in 2013 at the initiative of civil society organisations in partnership with the Ministry of Health, with the goal to improve the health status of Roma. The project is currently implemented in 10 municipalities, with 16 mediators. The authorities informed ECRI that they have also seen some good results and made positive experiences with Roma health mediators during the Covid-19 pandemic. The government foresees to increase the number of health mediators to 32.
65. ECRI recommends that the relevant authorities i) address the disproportionately high infant mortality rate among Roma and pay special attention to achieving the health-related strategic objective no. 1 of the Strategy for Inclusion of Roma 2022-2030; ii) ensure that members of the Roma community have equal access to healthcare; iii) remind, through appropriate channels, all medical practitioners that discrimination against patients due to their ethnicity is a breach of medical ethics and that any such breach would lead to appropriate sanctions, including the revoking of the practitioner's license as appropriate; and iv) build on the positive experiences made with the work of Roma health mediators and increase their number.
66. As concerns unemployment of Roma, this is to a large degree an extension of the problem of low levels of formal qualifications that many Roma have. Persons with little or no school education are generally more prone to unemployment. As of mid-2021, 92% of all unemployed individuals had only completed primary education or not even that.⁷⁵ Although it is generally difficult to have a precise number of unemployed Roma due to lack of ethnic data/voluntary self-identification, unwillingness or inability (including in some cases due to lack of documents) to register as unemployed and widespread participation in the informal economy, the results of the 2016-2020 Roma National Action Plan (NAP) on employment give some useful indications. According to the reports, the number of Roma registered

⁶⁹ ECRI 2016: §§ 68-69.

⁷⁰ See also: Government of North Macedonia 2022: 47-49.

⁷¹ Cf. ECRI 2016: § 69 and Government of North Macedonia 2022: 49.

⁷² Government of North Macedonia 2022: 46 and 48.

⁷³ UN Inter-agency Group for Child Mortality Estimation: <https://childmortality.org/data/North%20Macedonia>.

⁷⁴ Government of North Macedonia 2022: 72. – The authorities informed ECRI that 105 Roma are employed through active employment measures. In addition, 80 young Roma are included in post-secondary education support measures.

⁷⁵ Source: Employment Agency, quoted in: Government of North Macedonia 2022: 35.

as unemployed more than doubled from 6 211 in 2016 to 14 401 in 2020.⁷⁶ While during the same period the overall number of unemployed persons also increased, this was by about 50% (102 388 to 156 432). In 2016 Roma represented nearly 6% of the total number of unemployed persons. By 2020 this had risen to 9.2% – in spite of the NAP's target to reduce the share of Roma among total number of unemployed persons to 4.5% by 2020.⁷⁷

67. In general, Roma have a lower participation rate in the formal labour market than the non-Roma population. Only 23% of Roma of working age are in formal employment, compared to 44% among the overall population. The rate of Roma women in formal employment is only 8%.⁷⁸ It is estimated that some 25% of Roma work in informal employment, usually in low-paid and unskilled jobs. Moreover, about 50% of Roma families receive social welfare assistance, which however barely covers living costs.⁷⁹ ECRI was informed by Roma groups that when Roma work in formal employment, it is often in the service sector, which was especially badly affected by the Covid-19 related restrictions. As indicated above, Roma women are particularly marginalised in the labour market. They are less likely to find work in formal employment compared to women from non-Roma communities.⁸⁰ Young Roma women also have considerably lower rates of attending qualifications and skills training than young Roma men. However, a general problem for the participation of Roma in many skills-building and vocational training activities is the formal educational requirement for enrolment, usually having completed primary education. The Ministry of Education and Science informed ECRI that it is planning to support Adult Education Centres in which primary schooling can be completed. ECRI encourages the authorities to do. However, to address the immediate problem, initiatives for low-threshold and targeted vocational trainings seem to be needed to overcome the existing barriers many Roma face.⁸¹ Such initiatives must also specifically address the problems of Roma women when it comes to finding employment.

68. ECRI recommends that the authorities offer low-threshold vocational trainings and skills-building activities for which little or no formal education is required, taking into consideration the educational attainment of many Roma, to be able to include them into such programmes in order to enhance their employability. Such activities should also include a focus on the specific needs of Roma women.

69. The authorities have taken various measures to improve the situation of Roma children in the field of education. They informed ECRI that these include financial support for Roma pupils to attend preschool or school, as well as the employment of Roma education mediators, of which there are 20 across 16 municipalities. They are specifically tasked to increase the enrolment rate of Roma pupils in primary education and reduce drop-out rates. According to the information ECRI received from the government, there has indeed been an increase in the number of Roma pupils in primary education by 7% in the period from 2019 to 2022, and a long-term decrease in non-participation of Roma children in the education system from 60% to 18% since 2009. In addition, the number of Roma mediators has increased. During the school year 2019/20 there were 30 mediators, rising to 35 during

⁷⁶ Government of North Macedonia 2022: 33. This figure refers to the reporting of achievements of previous NAPs quoted in the SIR 2022-2030. The European Union Commission's North Macedonia report (2021: 35) provides a slightly different figure of 13,703 unemployed Roma for 2020. Nevertheless, in spite of this statistical discrepancy the overall trend of a continuously increasing number of unemployed Roma is evident.

⁷⁷ Government of North Macedonia 2022: 33.

⁷⁸ ACFC 2022: § 136.

⁷⁹ ACFC 2022: § 136.

⁸⁰ Government of North Macedonia 2022: 35.

⁸¹ See also: EU Commission 2021: 35.

2020/21 and 2021/22, with plans for 40 in 2022/2023. ECRI welcomes these developments.

70. It is also commendable that the authorities have, together with civil society partners such as the Roma Education Fund, implemented the Roma Children Inclusion project on preschool attendance. 19 Roma caregivers have been permanently employed and have become part of the staff in preschool institutions. In addition, a total of 29 local mediators have been selected to facilitate the enrolment.⁸² In 2017/18, a total of 514 Roma children out of the planned 628 (83% of the target) were enrolled in preschool facilities across 19 municipalities. However, reportedly only 54% of these enrolled children go to preschool regularly.⁸³ ECRI strongly encourages the authorities to scale up this type of activity, but also to evaluate why nearly half of the enrolled Roma children did not attend preschool regularly.
71. In spite of some progress made, the overall educational outcomes of Roma children are still considerably lower than among non-Roma children. Preschool enrolment in 2017, for example, was only 10% among Roma children aged 3-5, compared to 27% of the same age group among non-Roma.⁸⁴ The situation for Roma pupils was made more difficult during the Covid-19 pandemic, when group sizes in pre-schools were temporarily reduced and attendance limited to children whose parents were employed.⁸⁵ For 2020/21, the authorities reported that 24% of Roma children did not continue on to secondary school after the nine-year compulsory primary schooling period. While this is an improvement compared to the 31% four years earlier, it is still in stark contrast to the national average of only 16%.⁸⁶ Unlike for primary schools, there are not yet Roma education mediators for secondary schools,⁸⁷ which, given the positive results of the mediators in primary schools, could be a suitable approach.
72. In its fifth cycle report, ECRI had highlighted the problem of de-facto segregation of Roma children in schools. ECRI received information that the problem still persists in some schools in North Macedonia. This is especially the case with schools that have nearly only Roma pupils in catchment areas in which this cannot be explained by the overall local demographic composition. Usually, this is the result of non-Roma parents moving their children to other schools when the proportion of Roma pupils reaches certain levels. At least one school in the southern city of Bitola seems to be affected by this problem, as was also noted by the Advisory Committee on the Framework Convention for the Protection of National Minorities.⁸⁸ In this context, ECRI notes that the CPPD issued a general recommendation for the elimination of segregation of Roma pupils in primary education as a follow-up to ECRI's 2016 report.⁸⁹ The authorities indicated that they have taken positive note of the CPPD's advice and are looking at how best to implement it to address the problem.⁹⁰

⁸² Helsinki Committee for human rights in the Republic of Macedonia (MHC) 2018, Analysis of the public policies on the rights of the Roma and the Republic of Macedonia, 14.

⁸³ MHC 2018: 14. - It is positive to note that the 2021/2022 school year was the fourth consecutive year in which Roma children at social risk were exempt from preschool fees.

⁸⁴ World Bank 2018, Roma briefs-Europe and Central Asia-FYR Macedonia: 2.

⁸⁵ ACFC 2022: § 109.

⁸⁶ ACFC 2022: § 109.

⁸⁷ The authorities informed ECRI that the Ministry of Education and Science has agreed to provide funds for engaging Roma mediators in secondary education, following the example in primary education, and that they will also be introduced in the upcoming new Law on Secondary Education. ECRI welcomes this. It is also positive to note that for the school year 2022/23, 920 scholarships were awarded to Roma pupils for attending secondary school.

⁸⁸ ACFC 2022: § 110. See also: ECtHR judgment in the case of Elmazova and others v. North Macedonia (nos. 11811/20 and 13550/20), 13 December 2022.

⁸⁹ Cf. ECRI 2016: § 72.

⁹⁰ The Minister for Education and Science has set up a working group to deliberate how best to end de-facto segregation of Roma children in schools.

73. ECRI recommends that the authorities i) establish a special task force aimed at ending all forms of de-facto segregation of Roma children in schools, in particular in primary schools, and ii) intensify their efforts to close the educational outcome gap between Roma and non-Roma children, inter alia by expanding the Roma education mediators programme also to secondary schools.
74. The previous National Roma Strategy also included the important issue of identity documents for those Roma that do not have them. In recent years, the authorities, in cooperation with UNHCR and the OSCE, have identified – including through a public outreach campaign in 2018 – several hundred members of the Roma community who, at the time of the country’s independence from Yugoslavia, did not have the necessary documents to prove their identity in order to obtain citizenship. In 2018, a law was adopted to grant this group provisional personal identification numbers (PINs), which in North Macedonia are a prerequisite for accessing education, employment, public health insurance and social welfare payments.
75. The identified persons received PINs, which, however, due to the special numbering that became necessary as a result of the absence of formal identity documentation, are not recognised as equally valid numbers in the public sector’s administrative IT systems.⁹¹ Therefore, the persons concerned are still largely excluded from public services.⁹² While the ultimate goal of the government is to provide access to citizenship for this group of people, which ECRI welcomes, this process might apparently take a couple of years to be completed. In the meantime, the social inclusion of the persons concerned depends on the functionality of the PINs allocated to them.
76. ECRI recommends, as a matter of priority, that the authorities resolve the long-standing problems concerning identity documents and personal identification numbers for the previously identified Roma, who did not have sufficient proof of identity following the independence of North Macedonia.

C. Refugees and beneficiaries of subsidiary protection

77. The number of refugees and beneficiaries of subsidiary protection in North Macedonia is relatively small. This is mainly related to its geographic position as a transit country for migrants (see also section I.C above). According to the authorities, the accumulated total number of refugees residing in the country is 12, in addition to 80 beneficiaries of subsidiary protection, most of them from Kosovo*. As concerns asylum applications, these have been ranging recently between 100 and 200 applications per year.⁹³ In most cases, procedures are not completed because the applicants have left the country to continue towards EU countries. There has been no recognition of refugee status in North Macedonia since 2016. Subsidiary protection status has been granted: for example, in 2020, two persons received subsidiary protection and in 2021 four persons received this status.
78. In the first eight months following Russia’s aggression against Ukraine in February 2022, approximately 26 000 people fleeing the war in Ukraine entered North Macedonia of which, however, only some 2 000 remained in the country. They mostly have the official status of “tourist”. Until the end of October 2022, only four

⁹¹ According to the information ECRI received from a variety of interlocutors, including non-governmental ones, this problem is purely technical and is not the result of any intention.

⁹² On an individual basis some public-service providers at times reportedly make exceptions. However, this is not a reliable or sustainable solution for the persons concerned.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁹³ UNHCR estimates that in 2020, some 41,000 migrants transited through North Macedonia on their way to the European Union. This figure declined (apparently also due to Covid-19 related restrictions) to 19,000 in 2021 and increased again to 20,000 during the first eight months of 2022. The number of asylum applications during the same periods were: 200 in 2020, 100 in 2021 and 100 in 2022 up to the month of August.

of them applied for asylum. It seems that around 360 people arriving from Ukraine also received temporary residence permits, mainly due to having family members already residing in the country. North Macedonia's Law on International and Temporary Protection contains a "temporary protection" clause (Article 82⁹⁴) intended specifically to address situations of a sudden mass influx of people fleeing war and other humanitarian emergencies. However, so far this clause has not been activated by the government. ECRI strongly encourages the authorities to consider activating Article 82 of the Law on International and Temporary Protection with regard to persons fleeing the war in Ukraine.

79. Refugees and beneficiaries of subsidiary protection have access to healthcare, education, employment and skills-building activities, social assistance and housing on the same basis as nationals. The Ministry of Labour and Social Policy annually adopts an integration programme for this group of persons in order to define the services implemented by social work centres, at times in cooperation with NGOs and/or international organisations, such as UNHCR. However, according to the information received from the government, these programmes do not include a specific approach to identify and address the particular problems faced by women and girls. ECRI strongly encourages the authorities to close this gap.
80. The biggest obstacle to successful integration is the inadequate provision of Macedonian language classes. According to the Ministry of Education and Science, a teaching course for learning the Macedonian language two-hours per day is available to migrant children (irrespective of status) in primary schools. In 2022, there were two children benefiting from this measure. It is unclear as to whether there is an additional need that is not met because schools did not apply and/or because no funds were granted. ECRI strongly encourages the authorities to ensure that all migrant children that need Macedonian language courses have effective access to them. It also encourages the government to implement its plans to extend such language courses in secondary schools. In addition, it might be useful to examine, in both primary and secondary schools, whether daily two-hour courses are sufficient for the children concerned.
81. Language courses for adults are offered in the reception centre for asylum seekers, where applicants can enrol in an online language course pending their status determination. No subsequent in-person continuation courses for learning the Macedonia language are offered after having received protection status. Adult education centres also offer language courses, but again only online. This very limited language training poses problems for the integration of refugees and beneficiaries of subsidiary protection, also because they can often not participate in skills-building courses or other active employment measures due to their insufficient knowledge of Macedonian. This, in turn, can hinder them from becoming economically self-sufficient. ECRI invites the authorities to consider setting up in-person Macedonian language courses for adults in order to enhance the integration and inclusion of refugees and beneficiaries of subsidiary protection.

⁹⁴ Law on International and Temporary Protection (2018), Article 82 "Conditions for acquiring temporary protection", paragraph 1 states: "In the event of mass influx of persons arriving directly from a country where their lives, safety or freedom have been endangered by war, civil war, occupation, internal conflict characterised by violence or mass violations of human rights, the Government may grant them temporary protection."

IV. TOPICS SPECIFIC TO NORTH MACEDONIA

A. Discrimination on religious grounds

82. In both its fourth and fifth monitoring cycle reports,⁹⁵ ECRI pointed out that the authorities had still not registered the Ohrid independent Orthodox Archbishopric or the Bektashi Muslim community of Tetovo. In 2014, a total of five applications for registrations were rejected, of which four had originated from different Orthodox Christian churches.⁹⁶ It clearly appeared that the authorities insisted on not registering other Orthodox Christian groups, besides the already recognised Macedonian Orthodox Church (MOC-OA).⁹⁷ ECRI criticised that, to this end, the authorities relied on what appeared to be an excessively formalistic interpretation of the relevant legal provision, which stipulates that names and doctrines of religious organisations which wish to register must differ from those of already registered groups.
83. In its last report,⁹⁸ ECRI recommended that the authorities settle, without any further delay, the issue of registration of religious minority groups and that no excessive formalism should prevent their registration. ECRI has since been informed that the long-standing dispute between the Ohrid independent Orthodox Archbishopric (affiliated with the Serbian Orthodox Church) and the MOC-OA has moved towards a resolution due to a reconciliation process between the Serbian Orthodox and the Macedonian Orthodox churches.⁹⁹ ECRI invites the authorities to facilitate this process without interfering in the internal affairs of these religious organisations. As concerns the other religious minority groups whose requests for registration had been rejected in the past, ECRI has no information as to their status and strongly encourages the authorities to ensure that ECRI's previous recommendation in this regard is fully implemented.

B. Antigypsyism in policing

84. In a few cases, one of them involving minors, the European Court of Human Rights found a violation of Article 3 of the European Convention on Human Rights (prohibition of torture or inhuman or degrading treatment or punishment) for failure to investigate the applicant's allegation of racially motivated police brutality. In its judgment of 24 June 2021 in the case of *Memedov v. North Macedonia*, the Court ruled that North Macedonia had violated the Article 14 (prohibition of discrimination) in conjunction with Article 3 of the Convention because the authorities had failed to conduct an effective investigation into possible racist motives behind alleged physical abuse by law enforcement officials during a 2013 police intervention in a Roma neighbourhood in Skopje.¹⁰⁰
85. Between January 2015 and November 2020, the Department of Internal Control, Criminal Investigations and Professional Standards (DICCIPS) in the Ministry of the Interior received a total of 31 complaints on alleged police brutality against members of the Roma community. Out of these, two were considered well-founded and 15 were "partially well-founded". In the two cases considered well-founded, the respective officials were suspended until the end of a disciplinary procedure, which resulted in sanctions in the form of fines.¹⁰¹

⁹⁵ ECRI 2010: § 101, and ECRI 2016: §§ 85-86.

⁹⁶ The four rejected Orthodox religious groups were: The Greek Orthodox Archbishopric of the Patriarchy of Pec, the Church of Orthodox Unity, the Church of the True Orthodox Christians and the True Monastic Community.

⁹⁷ ECRI 2016: § 85.

⁹⁸ ECRI 2016: § 86.

⁹⁹ The Serbian Orthodox Church has now recognised the Macedonian Orthodox Church as autocephalic.

¹⁰⁰ European Court of Human Rights (24 June 2021), *Memedov v. North Macedonia*, no 31016/17, Judgment. In this connection, see also *X and Y v. North Macedonia*, no. 173/17.

¹⁰¹ ACFC 2022: § 69.

86. In September 2020, an NGO released a video on social media showing police officers physically abusing Roma citizens in Bitola. Disciplinary action was taken against the officers involved and criminal charges were filed.¹⁰² The Bitola Basic Court sentenced one of them to one year in prison for use of excessive force. The Minister of the Interior publicly condemned the incident. However, NGOs maintain that police ill-treatment against Roma was still not adequately investigated and prosecuted and considered that not enough was done to prevent such cases.
87. NGOs also reported incidents of use of excessive force by police officers against Roma in the context of alleged violations of curfew rules or bans on social gatherings related to Covid-19 emergency measures.¹⁰³
88. ECRI recommends that the authorities intensify their efforts to prevent and combat antigypsyism in policing. In so doing, the authorities should take determined action to encourage Roma victims and witnesses of police abuse to come forward, provide them with appropriate support and ensure better police accountability, notably by developing effective internal and external police oversight mechanisms, increase police training on issues affecting Roma populations, promote Roma recruitment to police services and ensure that Roma police officers enjoy equal opportunities for career development.

¹⁰² See also ACFC 2022: § 75.

¹⁰³ ACFC 2022: § 75.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of North Macedonia are the following:

- (§ 7) ECRI recommends that the authorities grant the Commission on Prevention and Protection against Discrimination and the Ombudsman's office financial autonomy to utilise their budgets without having to seek approval from the Ministry of Finance.
- (§ 76) ECRI recommends that the authorities resolve the long-standing problems concerning identity documents and personal identification numbers for the previously identified Roma, who did not have sufficient proof of identity following the independence of North Macedonia.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§4) ECRI recommends that the authorities ensure the speedy appointment of the seventh member of the Commission on Prevention and Protection against Discrimination (CPPD), as well as enable the filling of all planned staff positions and the provision of a budget sufficient for the CPPD to carry out all its functions.
2. (§7) ECRI recommends, as a matter of priority, that the authorities grant the Commission on Prevention and Protection against Discrimination and the Ombudsman's Office financial autonomy to utilise their budgets without having to seek approval from the Ministry of Finance.
3. (§22) ECRI recommends that the authorities: i) commission an independent comprehensive study on all forms of discrimination against LGBTI persons, in cooperation with the LGBTI communities, which includes a thorough review of the existing legislation in with the light of, in particular, the case-law of the European Court of Human Rights on the matter; ii) provide a legal framework that affords same-sex couples the possibility to have the relationship recognised and protected in order to address the practical problems related to the social reality in which they live; iii) set up a permanent working group as a platform for dialogue between relevant government ministries and LGBTI communities; and iv) develop and secure the adoption of a specific national action plan for LGBTI equality, in close consultation with relevant civil society organisations. If necessary, Council of Europe support should be sought.
4. (§26) ECRI recommends that the authorities clearly regulate the conditions and procedures for legal gender recognition, in full conformity with the case-law of the European Court of Human Rights.
5. (§40) ECRI recommends that the relevant authorities take hate-motivated violence between ethnic Macedonians and ethnic Albanians seriously and respond appropriately, including by carrying out effective investigations into such incidents and by holding perpetrators accountable.
6. (§46) ECRI recommends that the authorities continue taking a strong public stance condemning all forms of violence against persons who self-identify as ethnic Bulgarians or their organisations as well as ensuring that local-level authorities do the same. Also, in line with the case-law of the European Court of Human Rights, the authorities should refrain from cancelling the registration of, or dissolving, associations of persons self-identifying as Bulgarians in North Macedonia, if they do not incite, promote, spread or justify violence, hatred or discrimination. If necessary, a Council of Europe expert opinion on the revised Law on Associations and Foundations should be sought and the relevant provisions reviewed accordingly.
7. (§52) ECRI recommends that the authorities create a sufficient number of posts for trained police liaison officers to act as focal points for vulnerable communities and to facilitate hate crime reporting. Furthermore, the authorities should provide adequate general guidance for all police officers on how to deal with groups of concern to ECRI.
8. (§54) ECRI recommends that the authorities continue and intensify their capacity-building assistance as concerns hate crime investigations for police and prosecution services, as well as offer them to members of the judiciary, in close collaboration with the Academy for Judges and Public Prosecutors, the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe, as appropriate.
9. (§57) ECRI recommends that the authorities take steps to phase out any de-facto segregation of children belonging to the country's main ethnic-/linguistic groups (Macedonians and Albanians) in multi-language schools. In particular, the

authorities should ensure that all children are taught in the same buildings and that shift-systems are avoided in order to provide as much possibility for interaction as possible.

10. (§62) ECRI reiterates its recommendation that the authorities, as part of the new Roma strategy, resolve the difficult housing situation of Roma, inter alia by providing sufficient adequate social housing to members of the Roma community who are in a particularly vulnerable situation.
11. (§65) ECRI recommends that the relevant authorities i) address the disproportionately high infant mortality rate among Roma and pay special attention to achieving the health-related strategic objective no. 1 of the Strategy for Inclusion of Roma 2022-2030; ii) ensure that members of the Roma community have equal access to healthcare; iii) remind, through appropriate channels, all medical practitioners that discrimination against patients due to their ethnicity is a breach of medical ethics and that any such breach would lead to appropriate sanctions, including the revoking of the practitioner's license as appropriate; and iv) build on the positive experiences made with the work of Roma health mediators and increase their number.
12. (§68) ECRI recommends that the authorities offer low-threshold vocational trainings and skills-building activities for which little or no formal education is required, taking into consideration the educational attainment of many Roma, to be able to include them into such programmes in order to enhance their employability. Such activities should also include a focus on the specific needs of Roma women.
13. (§73) ECRI recommends that the authorities i) establish a special task force aimed at ending all forms of de-facto segregation of Roma children in schools, in particular in primary schools, and ii) intensify their efforts to close the educational outcome gap between Roma and non-Roma children, inter alia by expanding the Roma education mediators programme also to secondary schools.
14. (§76) ECRI recommends, as a matter of priority, that the authorities resolve the long-standing problems concerning identity documents and personal identification numbers for the previously identified Roma, who did not have sufficient proof of identity following the independence of North Macedonia.
15. (§88) ECRI recommends that the authorities intensify their efforts to prevent and combat antigypsyism in policing. In so doing, the authorities should take determined action to encourage Roma victims and witnesses of police abuse to come forward, provide them with appropriate support and ensure better police accountability, notably by developing effective internal and external police oversight mechanisms, increase police training on issues affecting Roma populations, promote Roma recruitment to police services and ensure that Roma police officers enjoy equal opportunities for career development.

BIBLIOGRAPHY

This bibliography lists the main published sources used during the examination of the situation in North Macedonia. It should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

European Commission against Racism and Intolerance (ECRI)

1. ECRI (2019), Conclusions on the implementation of the recommendations in respect of North Macedonia subject to interim follow-up, CRI(2019)26.
2. ECRI (2016a), Fifth report on "the former Yugoslav Republic of Macedonia", CRI(2016)21.
3. ECRI (2013), Conclusions on the implementation of the recommendations in respect of "the former Yugoslav Republic of Macedonia" subject to interim follow-up, CRI(2013)24.
4. ECRI (2010), Fourth report on "the former Yugoslav Republic of Macedonia", CRI(2010)19.
5. ECRI (2005), Third report on "the former Yugoslav Republic of Macedonia", CRI(2005)4.
6. ECRI (2001a), Second report on "the former Yugoslav Republic of Macedonia", CRI(2001)5.
7. ECRI (1999), Report on "the former Yugoslav Republic of Macedonia", CRI(99)31.
8. ECRI (1996), [General Policy Recommendation No. 1](#): Combating racism, xenophobia, antisemitism and intolerance, CRI(96)43.
9. ECRI (2018), [General Policy Recommendation No. 2 \(revised\)](#): Equality bodies to combat racism and intolerance at national level, CRI(2018)06.
10. ECRI (1998a), [General Policy Recommendation No. 3](#): Combating racism and intolerance against Roma/Gypsies, CRI(98)29.
11. ECRI (1998b), [General Policy Recommendation No. 4](#): National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, CRI(98)30.
12. ECRI (2022a), [General Policy Recommendation No. 5 \(revised\)](#) on preventing and combating anti-Muslim racism and discrimination, CRI(2022)6.
13. ECRI (2001b), [General Policy Recommendation No. 6](#): Combating the dissemination of racist, xenophobic and antisemitic material via the Internet, CRI(2001)1.
14. ECRI (2003), [General Policy Recommendation No. 7](#): National legislation to combat racism and racial discrimination, CRI(2003)8rev, as amended in 2017.
15. ECRI (2004b), [General Policy Recommendation No.8](#): Combating racism while fighting terrorism, CRI(2004)26.
16. ECRI (2021), [General Policy Recommendation No. 9 \(revised\)](#): Preventing and Combating Antisemitism, CRI(2021)28.
17. ECRI (2007a), [General Policy Recommendation No.10](#): Combating racism and racial discrimination in and through school education, CRI(2007)6.
18. ECRI (2007b), [General Policy Recommendation No.11](#): Combating racism and racial discrimination in policing, CRI(2007)39.
19. ECRI (2009b), [General Policy Recommendation No. 12](#): Combating racism and racial discrimination in the field of sport, CRI(2009)5.
20. ECRI (2011), [General Policy Recommendation No.13](#): Combating antigypsyism and discrimination against Roma, CRI(2011)37rev, as amended in 2020.
21. ECRI (2012), [General Policy Recommendation No. 14](#): Combating racism and racial discrimination in employment, 2012, CRI(2012)48.
22. ECRI (2016b), [General Policy Recommendation No. 15](#): Combating Hate Speech, CRI(2016)15.
23. ECRI (2016c), [General Policy Recommendation No. 16](#): Safeguarding irregularly present migrants from discrimination, CRI(2016)16.
24. ECRI (2022b), [ECRI Glossary](#).

Other sources (listed in alphabetical order)

25. Balkan Insight (BIRN) (2022, December 28) [Islamist Extremists in North Macedonia Keep Up Online Propaganda](#) Balkan Insight.
26. Balkan Insight (2022, November 25), Attacks on Bulgarian Club further complicate Skopje-Sofia relations.
27. Balkan Insight (2022, October 7), Club named after Bulgarian King stirs anger in North Macedonia.
28. BNE Intellinews (2022, June 5), Controversial Bulgarian cultural centre in North Macedonia set on fire.

29. Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2022), Fifth Opinion on North Macedonia, ACFC/OP/V(2021)10.
30. Council of Europe, Commissioner for Human Rights (2011), Discrimination on grounds of sexual orientation and gender identity in Europe, 2nd edition.
31. Euractiv (2023, January 20), Sofia denounces 'hate crime' against Bulgarian cultural official in North Macedonia.
32. Euractiv (2022, June 6), Sofia condemns burning of Bulgarian cultural centre in North Macedonia.
33. European Centre for Minority Issues (ECMI) (2020), Economic Effects of the COVID-19 Pandemic on Roma Communities in Albania, Bosnia & Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Ukraine, Craig Willis, ECMI Research Paper #122.
34. European Commission (2021), Commission staff working document, North Macedonia 2021 Report, SWD(2021)294 final.
35. European Court of Human Rights (ECtHR) (2022), case of Elmazova and Others v. North Macedonia (Applications nos. 11811/20 and 13550/20), Judgment.
36. ECtHR (2021), Memedov v. North Macedonia, no 31016/17, Judgment
37. ECtHR (2020), case of X and Y v. North Macedonia (Application no. 173/17), Judgement
38. ECtHR (2019), Case of X v. "the Former Yugoslav Republic of Macedonia" (Application no. 29683/16), Judgment.
39. ECtHR (2009), Case Association of Citizens Radko & Paunkovski v. the former Yugoslav Republic of Macedonia, (Application no. 74651/01), Judgment.
40. ECtHR (1999), Serif v. Greece (Application no. 38178/97).
41. European Roma Rights Centre (ERRC) (2022, April 11), Segregation of Romani schoolchildren is discrimination says North Macedonia's equality body, but fails to call authorities to account, <http://www.errc.org/news/segregation-of-romani-schoolchildren-is-discrimination-says-north-macedonias-equality-body-but-fails-to-call-authorities-to-account>.
42. ERRC (2021, April 27), New Gynaecologist Starts Work Today in Romani Neighbourhood after ERRC Mass Legal Complaint.
43. Government of North Macedonia (2022), Strategy for Inclusion of Roma 2022-2030.
44. Helsinki Committee for human rights in the Republic of Macedonia (MHC) (2018), Analysis of the public policies on the rights of the Roma and the Republic of Macedonia.
45. International Holocaust Remembrance Alliance (IHRA) (2016), What is antisemitism? Non-legally binding working definition of antisemitism, <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.
46. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe (2022), Annual review 2021.
47. ILGA Europe (2022), Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in North Macedonia covering the period of January to December 2021.
48. Ministry of Education and Science (2018), Education strategy for 2018-2025.
49. Organization for Security and Co-operation in Europe (OSCE)- Office for Democratic Institutions and Human Rights (ODIHR), Hate Crime Reporting, North Macedonia 2021, <https://hatecrime.osce.org/north-macedonia>.
50. SlobodenPečat.mk (2022, November 8), Osmani will propose that the Law on Associations be sent to the Venice Commission.
51. SlobodenPečat.mk (2021, April 14), Association of Roma Lawyers welcomes the measures taken by the Ministry of Interior regarding the beaten child in Kocani.
52. Smart Balkans (2022, November 9), The MPs in N. Macedonia adopted new amendments to the Law on Associations and Foundations.
53. The Jerusalem Post (2021, June 1), <https://www.jpost.com/diaspora/north-macedonias-first-jewish-lawmaker-broke-taboos-hit-by-antisemitism-669754>.
54. United Nations Development Programme (UNDP) 2017, Regional Survey for Roma 2017.
55. United Nations Inter-Agency Group for Child Mortality Estimation: <https://childmortality.org/data/North%20Macedonia>
56. United States Department of State, Bureau of Democracy, Human Rights and Labor (2022), Country Reports on Human Rights Practices for 2021 - North Macedonia 2021 Human Rights Report.
57. United States Department of State, Bureau of Democracy, Human Rights and Labor (2021), Country Reports on Human Rights Practices for 2020 - North Macedonia 2020 Human Rights Report.
58. World Bank (2018), Roma briefs - Europe and Central Asia - FYR Macedonia.

APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in North Macedonia.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of North Macedonia on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 30 March 2023, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Comments by the authorities of North Macedonia on the Sixth report of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe on North Macedonia

North Macedonia highly values the role of the international human rights monitoring mechanisms and expert bodies. We appreciate their expert advice and the constructive and open cooperation we have developed over the years of membership in various international and regional organizations. As a current OSCE Chair, an EU candidate country undergoing the screening process of the accession negotiations, as well as a proven responsible and reliable UN, NATO, CoE and other IOs member state, North Macedonia, as confirmed by various relevant international assessments, demonstrates positive developments and commitment to advancing the respect and protection of the rights and freedoms established by the European Convention of Human Rights and all other international human rights treaties to which it is a party, as well as to the principles that serve as a foundation of democracy, equality, non-discrimination and tolerance. And while there might be different challenges and imperfections in different CoE member states, including our own, what is important are the willingness and the commitment to work on further improvements on detected deficiencies and draw useful guidance from the impartial and independent expert advices, when based on solid, unbiased, substantiated and reasonable arguments and conclusions.

It is encouraging to note that in the ECRI's 6th report on North Macedonia, progress in a number of areas has been recognized. At the same time, this report, as others, is and shall be further duly considered by the authorities of North Macedonia, when developing and implementing policies and adopting adequate measures in areas that still require improvements.

Case in point for this dedication is the recent adoption (June 2023) of legislative amendments to the Law on Civil Registry paving the way for remaining unregistered people in North Macedonia to get a legal identity and access their rights, which is also pertinent to one of the two priority recommendations of the ECRI's report concerning the long-standing challenges with identity documents and personal identification numbers for the previously identified Roma, who did not have sufficient proof of identity following the independence of North Macedonia.

It is appreciated that ECRI adopted some of the comments made by the authorities of North Macedonia to the draft version of the report. However, for the sake of a greater objectivity and clarity, as well as avoiding a possibility for misuse, bilateralization and instrumentalization of this report for other political agendas, other than the noble purpose and the mandate of ECRI, it is important to reiterate some viewpoints, facts and arguments, deemed as not sufficiently or adequately represented.

Namely, there are certain aspects addressed in this report (especially in paragraphs 28 and 31, 41-46, reflected also inaccurately/inadequately in the summary) not portraying truly the reality of the situation, lacking proper and broader context, containing in some instances exaggerated, self-contradictory, unsubstantiated claims, not based on all relevant facts or valid argumentation. As a highly sensitive and politicized issue between two neighboring countries, the manner in which it is elaborated is also deemed as overly one-sided, quoting in some instances only one media outlet (eg. Euractiv Sofia) without double checking or inviting any views from other relevant sources, including the official authorities of North Macedonia, at least not during the phases of the evaluation process that envisage more substantial/verbal dialogue before the preliminary consideration of a draft report at ECRI plenary.

These particular paragraphs (41-46) of the report when disproportionately addressing or (mis)characterizing a few unfortunate, sporadic and isolated incidents, lack a context, which is important for properly assessing how much organic or inherent certain occurrences are for the country under concrete ECRI's evaluation. And this context, unfortunately includes provocations, offensive verbal attacks and identity denials, hate speech, discriminatory and at times irredentist language coming from some politicians

or even sometimes from certain state officials and MEPs from Bulgaria, against the backdrop of the complex, delicate and unique processes related to the EU accession path of North Macedonia and the imbalanced position vis-à-vis an EU member state.

However, it is noted that ECRI acknowledges and commends the reaction from the authorities in North Macedonia, despite the polarization and politicization considering the above-mentioned context. (“Apparently, the local police reacted in a very professional manner to the incident. The President and the government condemned the attack...” “ECRI notes with satisfaction that the President and the Foreign Minister condemned ...”).

Furthermore in terms of the context, it is also important to reiterate that in North Macedonia, there are close to 20 associations or NGOs established by the Bulgarian ethnic community, some of them active for over 20 years. Two of these associations, sponsored, i.a. by private persons from Bulgaria were opened in 2022, bearing names of highly controversial historical personalities with links to the Third Reich or anti-Semitic policies in the past. There was a self-feeding cycle of deteriorating climate in the relations between Bulgaria and North Macedonia linked to these two associations; accompanied by harsh inflammatory reactions from Bulgaria, augmenting the risks for physical violence against the two associations that were highly negatively perceived across the multi-ethnic spectrum of North Macedonia. The *Commission* for Prevention and Protection against *Discrimination* acting upon a complaint against one of the associations, determined a discrimination committed by it in that sense. Thus the two associations “Ivan Mihajlov” and “Tsar Boris III” were deregistered based on the amended Law on Foundations and Associations not because they were “Bulgarian cultural associations” and the remaining associations of the Bulgarian ethnic community in North Macedonia were not affected by the changes to the Law and continue to operate.

When ECRI recalls the case-law of the European Court of Human Rights in this regard, it requires more thorough analysis of the quoted judgment from 2009, its integral reasoning and the assumed similarities with the present situation, which is not completely in the ECRI mandate. It should be also mentioned, that North Macedonia implemented the said judgment, unlike the situation with the numerous judgments by the European Court of Human Rights that have found violation of article 11 of the Convention in the case of Bulgaria (concerning “the unjustified refusals of the courts to register associations the aim of which is to achieve the recognition of and protect the interests of the Macedonian minority in Bulgaria”).

As to the issue of hate speech, sadly no country is immune to this phenomenon. There are ongoing debates at international level as to how best to tackle it, considering on the other hand the need to safeguard freedom of expression and protect it from censorship, challenges related to digital technologies in this regard, nuances and confusion in some instances between insult and hate speech and the different liability (civil/criminal) that accompanies them, as well as the optimal way for addressing such occurrence, i.e. whether through preventive measures, counter-speech and others vis-à-vis excessive penalization. It is a complex issue that requires multi-stakeholder approach.

North Macedonia has developed a certain relevant legislation and policies, as well as institutional framework and self-regulatory mechanisms in this field, and is implementing various project with the support of multilateral; and bilateral partners, including one related to the this topic, within the third phase of the implementation of the joint CoE/EU programme Horizontal Facility, aimed at achieving the highest European standards and assisting reforms relevant to the EU reform processes of the countries in our region.

However, when characterizing or assessing the gravity of certain allegations of hate speech (more specifically paragraph 31), it is important also to assess properly the frequency, the abovementioned context and the timing, as well as the proportionality in comparison to other individuals or groups, but also the source of certain expression having in mind the potential impact (whether it comes from private individuals or

politicians or state officials) and the institutional reactions, which in the case of this part of report is not or at least not sufficiently done.

All in all, the public stance by officials in North Macedonia when it comes to the respect of the ethnic diversities in the Macedonian society and condemnation and institutional reaction to all forms of violence in such context is something that was nurtured over the decades with an aim at creating an environment of zero tolerance for such negative occurrences. There are some good practices developed over the years that could serve as an example to other countries in that regard.

The Government of North Macedonia remains strongly committed to continue further developing tolerant and democratic society for all of its citizens, as well as to the mutually respectful cooperation and good-neighborly relations.

III. INTEGRATION AND INCLUSION

A. Integrated education

Inclusive, integrated education has become a strategic area in the intersectoral National Strategy for the development of the concept of One Society and interculturalism. The analysis of the situation, the strategic framework and the action plan in the Education section, by the external reviewers hired by the OSCE mission in the country, was evaluated precisely in the Education section as the best written part of the Strategy. The decision to go with an intersectoral strategy was motivated precisely by the recommendation of the Council of Europe, that policies gain weight if they receive a strong stimulus from the Government. Therefore, the implementation and reporting of the strategy was realized through two operational bodies, one of which includes the Deputy Minister of education and the State advisor for strategic planning, and the other, the Minister, together with seven other Ministers and Vice Prime Ministers. The strategy, action plans and the two annual reports (for [2020](#) and [2021](#)) are published centrally on the Government's website. And the report for 2022 has been prepared. The action plan, apart from the reports of the internal body, was also evaluated by an interested informal network of citizens' associations, and secondly, by two external evaluators, hired by the Office of the High Commissioner for National Minorities at the OSCE. Their remarks have already been taken into account in the development of the Strategy in a new cycle from 2023-2026. A wide team of relevant representatives of the Ministry of Education and Science, formed by the decision of the Minister, and coordinated by the Deputy Minister of Education, worked on the preparation of the new cycle. Failure to take into account the action plan and the three annual reports, at least in the education section, as well as the provided facts about a series of activities organized by the Ministry of Education and Science and various partners, are deemed as leading to an inadequate conclusions in paragraphs 55 and 56.

A. Discrimination on religious grounds (paragraph 82)

Concerning the statement that the competent institutions interpret and apply the Law on the Legal Position of Church, Religious Community and Religious Group formalistically, on the contrary, in accordance with the principles of the rule of law, the consistent application of the Law, which has received a positive opinion from respectable international factors during its adoption and its application is significant for guaranteeing human rights and freedoms, as well as preventing abuse and obstruction of the freedoms and rights of others. The protection of registered subjects from the tendentious choice of the same name and features of an already registered subject by an applicant is a standard for protecting the legal security of citizens, and the refusal to rearrange the application vis-à-vis a constructive attitude of the competent authority - the Civil Court, leads to a conclusion very different from the statement in the report.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.