

## North Macedonia

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*Ombudsman of North Macedonia*

### Accreditation status and SCA recommendations

The NHRI in North Macedonia was first accredited with B status in 2011. The SCA observed that the law did not provide for a clear, transparent and participatory selection process and that pluralism could be enhanced. Moreover, while acknowledging the NHRI's promotional activities and relationship with international human rights actors, the SCA encouraged the NHRI to advocate for a wider mandate and further engaging with European NHRIs, as well as NGOs and CSOs.

### Impact of 2020 rule of law reporting

#### Impact on the Institution's work

At the end of March 2021 the newest Annual Report of the Ombudsman Office was promoted and submitted to the Macedonian Assembly, including elements affecting the state of rule of law in North Macedonia.

In the course of 2020, the institution was mainly focused in meeting the needs of the citizens and protecting their rights in time of pandemic.

#### Follow-up initiatives by the Institution

The Ombudsman further encourages sharing the ENNHRI 2020 rule of law report with country' authorities, mainly the Assembly and the Government - if possible in Macedonian language to maximise its consideration and impact on the ground.

### Independence and effectiveness of the NHRI

#### Changes in the regulatory framework applicable to the Institution

The Ombudsman Office acts in accordance with the Constitution of the country and the law of the Ombudsman.

### *References*

- [http://ombudsman.mk/MK/nadlezhnost/zakon\\_za\\_narodniot\\_pravobranitel.aspx](http://ombudsman.mk/MK/nadlezhnost/zakon_za_narodniot_pravobranitel.aspx)
- <https://sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx>

## Enabling space

Although the authorities ensure free access of citizen to the Ombudsman office so as free access of the Ombudsman to all institutions under its authority, thus providing sufficient space for the institution to act upon complaints freely without constraints, still the general response of the Government towards the level of implementation of the measures adopted by the Assembly based on the recommendations of the Ombudsman is not satisfactory. The general impression is that the individually submitted complaints are dealt with higher success (70-80% responsiveness by the responsible authorities) while the general recommendations issued by the Institution are far less implemented.

Due to the pandemic, the Annual Report of the Ombudsman Office for 2019 was not discussed during 2020. Although on the agenda of the responsible Assembly commission the Report has not been discussed on a plenary session even in the first months of 2021. Having said that, no further measures have been adopted by the Assembly yet in relation to the Annual Report of 2019.

In March 2021 the newest Annual Report for 2020 was promoted and submitted to the Assembly.

### *References*

- Annual Report 2019: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2019/GI-2019-Ang.pdf>
- Annual Report 2020: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2020/GI-2020.pdf>

## Developments relevant for the independent and effective fulfilment of the NHRIs' mandate

Already with the new Law on the Ombudsman (2016) the institution has managed to adjust its legislation as per the requirements of the Paris Principles, thus the mandate has been broadened, embracing issues like *amicus curiae*, trafficking in human beings and illegal migration (National Rapporteur), Civil Control Mechanism, monitoring of the implementation of the UN Convention on persons with disabilities etc. The promotion, as an important pre-condition for fulfilling the Paris Principles finally found its place in the new law and was formally introduced since it was non existing in the earlier version of the law. For implementation of these activities the institution was given an appropriate budget which at the moment allow the institution to fulfil each of the additional competences.

For implementation of these activities, the institution was given an appropriate budget which at the moment allows the institution to fulfil each of the additional competence.

In the course of 2020 the Ombudsman Office of North Macedonia mainly focused on the COVID-19 crisis in the country and its impact on human rights protection. Furthermore, the end of the year was also busy preparing for the end of the mandate of Mr. Ixhet Memeti and its succession by the new Ombudsman. On 25 January, the Macedonian Assembly elected Mr. Naser Ziberi, a Lawyer and a Notary Public.

The situation with the pandemic affected the work of the Ombudsman institution, both in terms of the number of complaints received and in terms of all other activities, both domestically and internationally. In this sense, the implementation of the planned campaigns, promotions, conferences, research was missing. More information is provided in the COVID-19 section below.

### *References*

- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241639/poseben\\_izveshtaj\\_od\\_sprovede\\_noto\\_istranzhuvanje\\_za\\_nachinite\\_na\\_realizacija\\_na\\_onlajn\\_nastavata\\_vo\\_\\_\\_aspx](http://ombudsman.mk/mk/novosti_i_nastani/241639/poseben_izveshtaj_od_sprovede_noto_istranzhuvanje_za_nachinite_na_realizacija_na_onlajn_nastavata_vo___aspx)
- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241636/mislenje\\_na\\_narodniot\\_pravobra\\_nitel\\_za\\_nachinite\\_za\\_zashtita\\_na\\_pravata\\_na\\_decata\\_do\\_10\\_godini\\_kako\\_\\_\\_aspx](http://ombudsman.mk/mk/novosti_i_nastani/241636/mislenje_na_narodniot_pravobra_nitel_za_nachinite_za_zashtita_na_pravata_na_decata_do_10_godini_kako___aspx)
- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241635/mislenje\\_na\\_narodniot\\_pravobra\\_nitel\\_vo\\_vrska\\_so\\_nastavata\\_\\_vo\\_uslovi\\_na\\_delechinsko\\_uchenje.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241635/mislenje_na_narodniot_pravobra_nitel_vo_vrska_so_nastavata__vo_uslovi_na_delechinsko_uchenje.aspx)
- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241629/dostaveno\\_mislenje\\_do\\_nadlezh\\_nite\\_institucii\\_vo\\_vrska\\_so\\_pushtanjeto\\_vo\\_upotreba\\_na\\_novoizgradeniot\\_\\_\\_aspx](http://ombudsman.mk/mk/novosti_i_nastani/241629/dostaveno_mislenje_do_nadlezh_nite_institucii_vo_vrska_so_pushtanjeto_vo_upotreba_na_novoizgradeniot___aspx)

- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241627/preporaki\\_na\\_narodniot\\_pravobranitel\\_za\\_ostvaruvanjeto\\_na\\_pravata\\_na\\_deteto\\_vo\\_uslovi\\_na\\_proglasena\\_\\_\\_aspx](http://ombudsman.mk/mk/novosti_i_nastani/241627/preporaki_na_narodniot_pravobranitel_za_ostvaruvanjeto_na_pravata_na_deteto_vo_uslovi_na_proglasena___aspx)
- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241626/preporaka\\_na\\_narodniot\\_pravobranitel\\_do\\_vladata\\_na\\_republika\\_severna\\_makedonija,\\_za\\_zashtita\\_na\\_\\_\\_aspx](http://ombudsman.mk/mk/novosti_i_nastani/241626/preporaka_na_narodniot_pravobranitel_do_vladata_na_republika_severna_makedonija,_za_zashtita_na___aspx)
- [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241625/preporaki\\_za\\_postapuvanje\\_so\\_licata\\_lisheni\\_od\\_sloboda\\_vo\\_uslovi\\_na\\_pandemija\\_od\\_virusot\\_kovid-19.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241625/preporaki_za_postapuvanje_so_licata_lisheni_od_sloboda_vo_uslovi_na_pandemija_od_virusot_kovid-19.aspx)

## Human rights defenders and civil society space

In the course of the last year the Ombudsman Office has not detected any evidence or practice that negatively impacts the civil society space or the human rights defenders.

The Ombudsman Office closely cooperates with civil society organizations. The institution has signed memorandum of understanding (MoU) with some of them for joint action in the field of human rights, in particular in respect to issues related to the NPM field of work, the monitoring of the UN Convention on the persons with disabilities and Civil Control Mechanism.

In May 2020, with the support of USAID, the Ombudsman conducted a campaign to promote its competences and reach out the citizens in time of pandemic with covid-19. The campaign embraced television appearances, video spots and promotional materials (brochures). The results of the campaign proved increased public interest in the institution reflected in the number of complaints submitted in the period immediately after its end.

In occasion of the Human Rights Day, last year the Ombudsman Office and the American Embassy organized an online event with representatives of the civil society to jointly discuss the situation with human rights protection in time of pandemic.

## Checks and balances

The Ombudsman Report of 2019 has not been discussed in the Macedonian Assembly during 2020 due to more urgent matters provoked with the pandemic but also early parliamentary elections, therefore no measures in respect to the Ombudsman' recommendations have been adopted yet by the Assembly and submitted for implementation to the Government.

The Ombudsman Annual Report for 2020 was promoted at the end of March 2021 (its English version of the report will be available in the upcoming months). Most of the complaints submitted in 2020 referred to:

- the judiciary, more precisely to the work of enforcement agents in all segments - blocking accounts, confiscation of funds i.e. exempt from enforcement, order of payment, etc.;
- the area of labour relations, most complaints were submitted regarding the payment of salaries and allowances;
- consumer rights, problems regarding the delivery of electricity / disconnection of households from this system, which, in turn, affected the online learning of children;
- children's rights, problems were also noted, specifically disrespecting the right to personal contact of a parent, guardian or close relative with the child he/she does not live with, the right to alimony, a situation that must be resolved through legal amendments given the fact that this statement has been repeated in the ombudsman's annual reports for years.

### *References*

- Annual Report for 2020: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2020/GI-2020.pdf>

## **Functioning of the justice system**

The complaints in the field of Judiciary remain the most numerous even in 2020, but the Ombudsman notes a significant decrease in their number in comparison to previous years, especially the number of complaints related to the work of administrative courts, first instance courts and proceedings conducted in the second and third degree.

Most of the complaints refer to the length of the procedure, thus the Ombudsman concluded again that the Administrative Court and the Higher Administrative Court acted with delay, i.e. exceeding the legally prescribed deadlines.

The other complaints about the work of the courts referred to untimely responses received from the courts, lack of information regarding the stage of court proceedings, etc.

Having in mind that the Ombudsman 2019 Annual Report on the level of ensuring respect, promotion and protection of human rights has not been discussed in the Assembly, no measures have been determined yet. Therefore, the recommendations from 2019 remain valid, including the need to complete the reform of the administrative judiciary in order to ensure the application of legal norms in favour of the rule of law and the principle of justice and fairness and respect for human rights.

The Ombudsman highlights the need for a consistent application of the new Law on Administrative Disputes, regarding the determination of the obligations of the public bodies for submission of documents and data, i.e. compliance with the deadlines for submission of the requested data, and sanctions to be imposed in case of non-submission of documents and data.

In order to protect the rights of citizens in administrative proceedings, the Ombudsman intervened in specific cases by requesting that the data be obtained in a timely manner, the cases be handled by the courts, and the parties in the proceedings be timely notified of all measures and activities taken.

### *References*

- <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2019/GI-2019-Ang.pdf>

## **Media pluralism and freedom of expression**

In general, the Institution has not detected any evidence of laws, measures or practices that could restrict a free and pluralistic media environment.

In 2019 the Ombudsman Office signed a MoU with the Macedonian Association of Journalists for the purpose of strengthening the level of protection of journalists' rights, enhancing the quality reporting and encouraging joint actions for better promotion of citizens' rights.

### *References*

- [http://ombudsman.mk/mk/aktivnosti/241529/potpishan\\_memorandum\\_za\\_sorabotka\\_pomegju\\_narodniot\\_pravobranitel\\_i\\_zdruzhenieto\\_na\\_novinari.aspx](http://ombudsman.mk/mk/aktivnosti/241529/potpishan_memorandum_za_sorabotka_pomegju_narodniot_pravobranitel_i_zdruzhenieto_na_novinari.aspx)

## Corruption

The Ombudsman institution does not have a mandate in this respect. However, when citizens complain about corruption, the institution provides advice and direct complainants towards the responsible body for the given matter.

## Impact of measures taken in response to COVID-19 on the national rule of law environment

### Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law and human rights protection

The pandemic affected extensively the work of the institution, as it has impacted the life in general, however as a national human rights institution the Ombudsman acted timely in order to enable citizens to access their rights even in time of pandemic. With numerous public statements we urged the executive authorities to pay particular attention to human rights protection of vulnerable groups, children and persons deprived of liberty.

The Ombudsman (also National Preventive Mechanism), immediately after the declaration of the state of emergency, submitted recommendations to the competent institutions for treating persons deprived of liberty in time of pandemic, and during the year visited institutions for deprivation of liberty in order to determine the situation.

Similar recommendations for exercising the rights of vulnerable categories - children and persons with disabilities in conditions of a state of emergency were addressed to all relevant institutions in order to consistently respect the rights of this category of persons.

Indeed 2020, children's rights were the focus of many complaints submitted to the Ombudsman, e.g. regarding a number of weaknesses identified in enabling the child's right to uninterrupted education due to remote learning.

Beyond these focuses, other issues were identified in the Ombudsman Annual Report for 2020 (promoted at the end of March 2021, the English version of the report will be available in the upcoming months), regarding:

- social protection, proving that the citizens in conditions of a pandemic had difficulty exercising their rights. The main problem was the inability to exercise the right to guaranteed minimum assistance based on permanent deviations in health status, i.e.

inability to work primarily due to the non-functionality of the commission that untimely resolved citizens' cases;

- prison system - The overcrowding in the penitentiary – an issue of serious concern of the earlier years now is significantly reduced but the accommodation conditions still remain not at the required level and do not meet the international standards that should be applied in terms of respect for human rights. Access to timely and adequate health care remains a problem that significantly affects the health of convicts / detainees. The problem with the lack of medical staff of the prison ambulances, the supply with sufficient medicines and adequate equipping has not been overcome either. No regular educational process has been introduced in accordance with the Strategy for Development of the Education and Learning Process in the Penitentiary difficulties for citizens to exercise their rights to health, pension and disability insurance;
- Other more general issues such as: citizens' dissatisfaction regarding urban planning and construction, taxes, due to unequal treatment in exercising the rights on various grounds; the return of confiscated property-denationalization and the work of the Cadastre are the main weaknesses in the area of property-legal relations.

## References

- Annual Report for 2020: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2020/GI-2020.pdf>
- Special report on the manner of conducting online teaching: [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241639/poseben\\_izveshtaj\\_od\\_sprovede\\_noto\\_istranzhuvanje\\_za\\_nachinite\\_na\\_realizacija\\_na\\_onlajn\\_nastavata\\_vo\\_\\_.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241639/poseben_izveshtaj_od_sprovede_noto_istranzhuvanje_za_nachinite_na_realizacija_na_onlajn_nastavata_vo__.aspx)
- Ombudsman' opinion on the manner for protection of children under the age of 10 and their care in time of pandemic: [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241636/mislenje\\_na\\_narodniot\\_pravobranitel\\_za\\_nachinite\\_za\\_zashtita\\_na\\_pravata\\_na\\_decata\\_do\\_10\\_godini\\_kako\\_\\_.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241636/mislenje_na_narodniot_pravobranitel_za_nachinite_za_zashtita_na_pravata_na_decata_do_10_godini_kako__.aspx)
- Ombudsman recommendation for treatments of persons deprived of liberty in time of pandemic: [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241625/preporaki\\_za\\_postapuvanje\\_so\\_li\\_cata\\_lisheni\\_od\\_sloboda\\_vo\\_uslovi\\_na\\_pandemija\\_od\\_virusot\\_kovid-19.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241625/preporaki_za_postapuvanje_so_li_cata_lisheni_od_sloboda_vo_uslovi_na_pandemija_od_virusot_kovid-19.aspx)
- Ombudsman recommendation for treatment of vulnerable categories in time of pandemic: [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241626/preporaka\\_na\\_narodniot\\_pravobranitel\\_do\\_vladata\\_na\\_republika\\_severna\\_makedonija\\_za\\_zashtita\\_na\\_\\_.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241626/preporaka_na_narodniot_pravobranitel_do_vladata_na_republika_severna_makedonija_za_zashtita_na__.aspx)
- Ombudsman recommendation for treatment of children' rights in time of pandemic: [http://ombudsman.mk/mk/novosti\\_i\\_nastani/241627/preporaki\\_na\\_narodniot\\_pravobranitel\\_za\\_ostvaruvanjeto\\_na\\_pravata\\_na\\_deteto\\_vo\\_uslovi\\_na\\_proglasena\\_\\_.aspx](http://ombudsman.mk/mk/novosti_i_nastani/241627/preporaki_na_narodniot_pravobranitel_za_ostvaruvanjeto_na_pravata_na_deteto_vo_uslovi_na_proglasena__.aspx)

## Most important challenges due to COVID-19 for the NHRI's functioning

The COVID – 19 pandemic affected the life of everyone in the country and accordingly the manner of functioning of the institutions in general. The work of the Ombudsman institution was affected both in terms of the number of complaints received and in terms of all other activities, both domestically and internationally. In this sense, the implementation of the planned campaigns, promotions, conferences, research was missing.

For almost a year the institutions are working in shifts: the employees are divided in groups in order to minimize the possibility of spreading widely the virus and avoid gatherings. The physical distancing is present everywhere and the whole working process is online. The online work

imposed new requirements at least from the aspect of technical equipment required for that purpose. As the physical presence of citizens was limited and very restrictive, the institution remained open for receiving complaints on the phone and electronically via email and on the web site.

However, as an institution, the Ombudsman did not have serious obstructions in terms of fulfilling its mandate and activities. In several occasions the institution reacted with public statements and in certain cases with special reports in regard to marginalized groups of citizens and children (cf references).

In May 2020, with the support of USAID, the Ombudsman conducted a public, online campaign to promote its competences and reach out the citizens in time of pandemic with covid-19. The campaign embraced television appearances, video spots and promotional materials (brochures). The results of the campaign proved increased public interest in the institution reflected in the number of complaints submitted in the period immediately after its end.

In occasion of the Human Rights Day, last year the Ombudsman Office and the American Embassy organized an online event with representatives of the civil society for the purpose to jointly discussing the situation with human rights protection in time of pandemic.

Although in the first half of the year, when the pandemic was declared, the National Preventive Mechanism suspended its visits to places of deprivation of liberty as per the instructions of the Subcommittee for the prevention of torture (SPT), in the second half of the year the visits resumed by respecting the protocols for prevention against the virus.

