



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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The situation in North  
Macedonia



# North Macedonia Country Report

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## Overview

### Name of NHRI and mandate:

- Ombudsman of the Republic of Macedonia (ORM)
- NHRI, also : Ombuds-institution, equality body, NMM and NPM.

### Sources:

- NHRI: [ENNHRI State of the Rule of Law Report in Europe, North Macedonia \(2022\)](#),
- Sub-Committee on Accreditation (SCA): [SCA report October \(2011\)](#)
- CoE independent body: [ECRI Report \(Conclusions\) on North Macedonia \(2019\)](#), [CPT Report on North Macedonia \(2019\)](#)

### Good practices and improvements:

- **CM Principle 2:** the NHRI has a strong **constitutional** mandate.
- **CM Principle 9: Timely and reasoned reply to NHRI's recommendations:** besides obliging the addressees of the NHRIs recommendations to provide a timely and reasoned reply, the Law on the Ombudsman also establishes measures for the implementation of the recommendations present in the annual report of the ombudsman, and the government informs the assembly on the level of implementation every six months. Despite the legal obligations, the NHRI report limited compliance to this norm in practice.

## Key areas where improvement is needed:

- **CM Principle 1:** the Ombudsman of the Republic of Macedonia (ORM) is a **B-Status** institution. Hence, it does not comply fully with the Paris Principles.
- **CM Principle 4: selection and appointment of leadership:** the North Macedonian NHRI reports delays in the appointment of the Ombudsman, hindering the work of the institution. Moreover, the SCA (2011) emphasizes the lack of pluralism, transparency and participation with regards the appointment and selection process.
- **CM Principles 6, 7 & 10: adequate funding to carry out the full mandate and authority to recruit staff:** the NHRI budget was significantly reduced in comparison to the 2021 budget, despite an increase in the mandate, and while the NHRI was not consulted on this reduction. In addition to the NHRI, ECRI (2019) and the SCA (2019) further report challenges in ensuring adequate staffing and staff hiring process independent of government interference.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<b>Principle 1</b>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<p><i>SCA Report October 2011, p. 9</i></p> <p>The SCA recommends that the ORM be accredited B status.</p>
<b>Principle 2</b>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>

<b>Assessment of implementation by the NHRI</b>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The NHRI functions on a constitutional basis.</p> <p>Constitution article 7; Law on the Ombudsman ("Official Gazette of the Republic of Macedonia" nos. 60/2003, 114/2009, 181/2016, 189/2016 and 35/2018).</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The Ombudsman Office every year prepares its Annual Report on the level of respect, promotion and implementation of human rights and freedoms and other thematic reports as per its institutional yearly plan of action.</p> <p>The Institution also regularly reports towards the European Commission' Country Report and the USA State Department Report on Human Rights. The Ombudsman engages in reporting on quarterly basis to the Rule of Law working group on Justice and Home Affairs, as the country is obliged to report on the level of implementation of the recommendations given by the EU in the Country report.</p>

<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Alongside the regular press conferences where the public is letting know the situation with the human freedoms and rights given in the Annual Report and the Annual Report of the National Preventive Mechanism, the Ombudsman calls press conferences on certain issues whenever he decides, holds briefings. As for the trainings, due to the limited budget funds for this purpose in the last few years, the institution is not able to realize them independently, but uses funds through the projects of international organizations and bodies</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2011, p. 9</i></p> <p>The Ombudsman Law (the Law) provides the ORM with a broad protection mandate but not a mandate to promote human rights. The SCA acknowledges and commends the institution for the human rights promotional activities it carries out and encourages the NHRI to continue interpreting its mandate in a broad fashion.</p>

<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the Law, when the Ombudsman determines a violation of a right, the following instruments are at its disposal:</p> <ul style="list-style-type: none"> <li>• Indication and recommendation for exclusion of the determined injuries</li> <li>• To make an immediate inspection</li> <li>• To call an official for a conversation</li> <li>• To submit a separate report to the managing person</li> <li>• To submit a special report to the Government</li> <li>• To submit a special report on the denial of his work to the Parliament</li> <li>• To inform the public through a press conference</li> </ul>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2011, p. 9</i></p> <p>The SCA encourages the ORM to advocate for a wider mandate that includes all rights set out in international, regional and domestic instruments, covers all areas of human rights, and gives it explicit functions in the area of both protection and promotion of all human rights.</p>



<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the Articles 24 and 31 of the Law on the Ombudsman, as well as Articles 31a and 31b (which are adopted for the work of the National Preventive Mechanism), the Ombudsman has unrestricted access to all places where the persons deprived of their liberty are residing.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>CPT Report on North Macedonia 2019, p. 15 (Para.11)</i></p> <p>The legal officers performed exclusively NPM-related duties and were conducting regular and unannounced visits to places of deprivation of liberty, 9 assisted by a pool of experts on an ad hoc basis (in the field of psychiatry, forensic medicine and criminology) as well as NGO representatives. The NPM was regularly publishing its visit reports addressing specific recommendations to the national authorities.</p>

<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>As regards the Ombudsman’s involvement in law and policy making with human rights implications, [...] it is involved in all stages of legislation and policy making with human rights implications.</p>
<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p>

	<p>The Ombudsman has the mandate to contribute to access to justice for individuals, including through complaints handling, providing legal assistance to individuals, awareness-raising.</p>
<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States' compliance with them.</b></li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Ombudsman has a legal basis for participating in the aforementioned (for example, in 2009, he actively participated in the ratification of OPCAT as well as in the implementation of judgments of the European Court when he was summoned by the competent institutions</p>
<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>Delays in relevant appointments also hinder the work of the institution. For example, the Ombudsman’ deputies whose posts were vacant since June 2021 (5 posts in total), have not been appointed yet by the Assembly. Similarly, the selection of civil society representatives to the Ombudsman – Civil Control Mechanism has not been completed yet by the Assembly, even though a public call for candidatures was successfully held in June/July 2021.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2011, p. 9</i></p> <p>When appointing Deputy Ombudspersons, the provisions in the Ombudsman’s Act require “an adequate and equitable representation of citizens belonging to all the communities in the Republic of Macedonia”. While those appointed as Deputy Ombudspersons currently include ethnic Macedonians and Albanians, the SCA highlights that pluralism, in the context of Paris Principles, refers to broader representation of Macedonian society, not just ethnicity.</p> <p>The SCA notes that the Act provides that Deputy Ombudsman must be lawyers. It also provides that the Secretary General must be appointed “from among the managing civil servants’. These requirements may unduly narrow and restrict the diversity and plurality of the institution. The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the Ombudsman, for example, the SCA notes that vacancies for the position of ORM are not advertised publicly and that the selection process of candidates does not involve a broad consultation with civil society.</p>

<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>It is necessary to specify the Law on the Ombudsman in terms of creating a fair, objective process in relation to the dismissal of the management, but also of the employees of the institution</p>
<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources</b> to allow them <b>to carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>The most pressing issue in respect to safeguarding an independent functioning of the Macedonian NHRI is the need for appropriate, sufficient budget and for ensuring financial autonomy. The budget for 2022 was significantly reduced in comparison to the budget of 2021 or the previous years, despite the Ombudsman’s wide range of competences. Moreover, the Ombudsman is not granted the freedom to set and implement its budget according to its needs. In 2021, after an agreement was reached on the Ombudsman’s budget during a meeting with the Minister of Finance, the institution’s budget was rediscussed and reduced by decision of Government members, taken during a separate session to which the Ombudsman office was not invited. According to existing standards on the independent functioning of NHRIs, authorities should refrain from requiring the institution to discuss</p>

	or explain its workplan and priorities, and related budget plans and financial needs, to the Government or the Ministries.
<b>Principle 7</b>	NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b> , as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.
<b>Assessment of implementation by the NHRI</b>	<i>Information provided by the NHRI in 2023</i> Regarding this essential remark, the Ombudsman has already prepared a text for amendments and additions to the law precisely on this issue (employment, training, salaries of employees, independence in financing), but the procedure for amendments has not been started.
<b>Assessment of implementation by CoE independent bodies</b>	<i>ECRI Report on North Macedonia 2019, p. 5 (Para.1)</i> In its report on North Macedonia (fifth monitoring cycle) published on 7 June 2016, ECRI 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. [...]that while having added staff is a positive sign, there remain very significant challenges with respect to human resources.
<b>Principle 8</b>	Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b> , including timely consultations on the human rights implications of draft legislation and policy strategies.

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>As regards the Ombudsman’s involvement in law and policy making with human rights implications, the Institution has adequate access to information and to policy makers [...]</p>
<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>Existing law also obliges the addressees of the NHRI’s recommendations to provide a timely and reasoned reply to its recommendations. In particular, the Law on the Ombudsman obliges the Assembly to establish measures for implementation of the recommendations given in the Ombudsman’ Annual Report. The Assembly delivers the measures to the Government for further action and implementation. The Government informs the Assembly on the level of recommendations’ implementation every six months. However, the Ombudsman regrets that the government does not reflect, in practice, a sufficient understanding on the vital role of the Ombudsman Office and the need of a proper and efficient implementation of its recommendations. Last year the Ombudsman Office prepared an analysis on the manner of cooperation of the state authorities with the Ombudsman and the manner of implementation of its recommendations. The</p>

	<p>findings confirmed that only 1/3 of the requests submitted by the Ombudsman were granted a reply in a timely manner, around 40% of the responses were received only after 2 or 3 Ombudsman’s interventions, whereas around 10% of the Ombudsman’ requests were not followed by any reply from the state authorities. Sadly, for example, the Public Prosecutor's Office of the Republic of North Macedonia tends to not respond to the Ombudsman's requests at all. In several cases a formal Prosecutor’s response was submitted only after several reminder letters being re-submitted.</p>
<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>The Ombudsman raises serious concerns over a lack of sufficient human resources in its office, in order to perform the Ombudsman’s tasks effectively. The Ombudsman Office has limited staff members but numerous competences, such as the multiple reporting of the institution towards various bodies, mainly EU bodies/commissions. North Macedonia is a country under constant monitoring of various international bodies and has an obligation to cooperate and act upon their findings.</p>



<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<p><i>SCA Report October 2011, p. 10</i></p> <p>[...] has designated the ORM as the NPM. It notes with concern that the ORM was not provided with the necessary funding to carry out these additional responsibilities. The SCA urges the Government to provide the ORM with the necessary financial resources to enable it to properly fulfill the obligations of the NPM as is required in Article 18(3) of OPCAT which provides that “The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms”.</p>
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### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>However, despite the NHRI's strong mandate, the institution constantly struggles to strengthen its recognition in order to secure full functional and financial independence. Although the NHRI's mandate and powers are granted directly by the Constitution, the authorities' practices jeopardise the NHRI's independence and effectiveness.</p>
<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><i>No information</i></p>	

<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><i>No information</i></p>	
<p><b>Principle 14</b></p>	<p>Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b>.</p>
<p><i>No information</i></p>	

#### IV. Co-operation and support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report May 2011, p. 10</i></p> <p>The SCA emphasises the importance of the ORM engaging with the international human rights system, (in particular the Human Rights Council and its mechanisms (Special Procedures and UPR) and the United Nations Human Rights Treaty Bodies), and following up at the national level the recommendations originating from the international human rights system. In addition, the SCA</p>

	encourages the ORM to actively engage with the ICC, the European Group of NHRIs, as well as international and national NGOs and civil society organizations.
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