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## The Universal Protection of Human Rights and Eastern Europe: Republic of North Macedonia

- **ABSTRACT:** *Macedonia, with its legal system of human rights and freedoms as well as its relevant protection regime, belongs to the category of States where continental law is applied and where the primary sources of law are the Constitution, the national laws and the international agreements concluded and ratified in accordance with the legislation. Article 9 of the Macedonian Constitution states that citizens are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law. This is very important for Macedonian society which consists of different national minorities and is compatible with the libertarian and democratic spirit of its constitutional system. In the Macedonian constitutional system, human rights and freedoms are not regulated and granted, but are confirmed and guaranteed by the Constitution. They are not brought into the constitutional system from the outside by a subjective act of State power, but they are integrated into the system as an expression of the quality and dynamics of societal relations. The Macedonian State is a member of the United Nations and of the Council of Europe and has ratified numerous international agreements and has committed itself through the Constitution to conform to the principles enshrined in these agreements. Respect for the generally accepted norms of international law is stated as one of the fundamental principles of the Macedonian constitutional order (Article 8) and the international agreements that are ratified in conformity with the Constitution are an integral part of the internal legal order and cannot be changed by law (Article 118). In addition to the brief historical review in the development of human rights and freedoms, this chapter will continue with the analysis of the relationship between Macedonia and the UN from a human rights perspective, what UN human rights conventions is Macedonia a State Party, the national implementation of the following UN conventions: the Convention relating to the Status of Refugees, the International*

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*Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. This chapter will focus on the human rights protection obligations deriving from the above-mentioned UN Conventions and on how are they reflected in the Macedonian Constitution and major legal acts of the country.*

- **KEYWORDS:** *UN, international conventions/covenants, human rights, fundamental freedoms, constitution, constitutionalism*

## **1. The historical development of human rights in Macedonia: a contextual introduction**

The Federative People's Republic of Yugoslavia was created during the revolution against the fascists. The revolutionary order was constituted during the revolution and built on the federative principle, the common struggle of all peoples of Yugoslavia. The liberation of each people conditioned the liberation of the other peoples of Yugoslavia. The right for self-determination through the socialistic revolution, Macedonian people used as their last act for the establishment of their national country as a constituent part of the Socialist Federative Republic of Yugoslavia. The Macedonian people took part in the Yugoslav revolution in such conditions in which their historical interests were connected with Communist Party of Yugoslavia, being the only political subject which had accepted the existence of the Macedonian nation and the struggles for its emancipation. The decision of the territorial integrity and the national question of the Macedonian people through the Yugoslav revolution resulted in the establishment of an independent Macedonian country within the structure of Federative Yugoslavia.<sup>1</sup> The political decision on the issue of Macedonia as a nation has got its full expression in the constitutional and political function, in the decisions of AVNOJ<sup>2</sup> and later in the decisions of ASNOM.<sup>3</sup>

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1 Kulić, 1978.

2 Anti-Fascist Assembly of the Peoples Liberation of Yugoslavia.

3 Anti-Fascist Assembly of the Macedonian Peoples Liberation.

The Socialist Republic of Macedonia, as an integral part of SFR Yugoslavia, led a centralised federal foreign policy both towards individual States and international organisations, including the UN. The federal foreign policy did not allow or tolerate dissonant tones on the outside by the six republics in the composition of the federation: Slovenia, Croatia, Macedonia, Serbia, Bosnia and Herzegovina, Montenegro as well as the two provinces of Vojvodina and Kosovo.

The first basic principle listed in the 1974 Constitution begins with the formulation ‘the nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right of secession...’ However, the application of this principle was limited by the fact that no mechanism existed in the Constitution to allow for secession. It was further limited by two important distinctions. A distinction was made between the ‘nations’ of Yugoslavia and the ‘republics’ of Yugoslavia, the former being peoples like the Croats, Macedonians, Serbs and Slovenes without any necessary geographic connection and the latter being the six geographically defined federal units without any necessary ethnic connection. A second distinction was made between ‘nations’ and ‘nationalities’ with the latter being defined as ‘members of nations whose native countries border on Yugoslavia’.<sup>4</sup>

In the period from 1946 to 1990, Macedonia did not have its own, autonomous position regarding foreign policy and international protection of human rights. All the steps taken on the external plan were coordinated, planned and organised by the federal authorities responsible for foreign policy without exception. Regarding human rights, the Federation, and within that framework, the Republic of Macedonia demonstrated a rather problematic protection regarding European standards and values. In this context, it should be emphasised that Article 175 of the SFR Constitution states that ‘human life shall be inviolable’, but that ‘exceptionally’ the death penalty may be provided for by a federal statute for the most serious forms of grave criminal offence. Nonetheless, of the 140 criminal offences defined in the federal criminal code, 45 carry a discretionary death sentence. These include 16 types of political offence if they have had as a consequence the death of a person or caused danger to human life, or were accompanied by serious violence or great destruction, or resulted in the undermining of the security or the economic and military strength of the country, or in other especially grave cases (Article 139).

Also included are a number of non-violent military offences committed in time of war or immediate danger of war, such as evasion of and refusal to undertake military service, desertion, non-fulfilment of duties during combat, activity designed to lower military morale.<sup>5</sup>

A report submitted by Yugoslavia to the Human Rights Committee in February 1978 on its implementation of the International Covenant on Civil and

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4 Rich, 1993.

5 Amnesty International, 1981.

Political Rights under Article 40 of that Covenant, stated: 'It is the intention of the Constitution and even more of legal solutions and judicial practice to encourage abolitionist policy.' Official statistics show that during the period of 10 years from 1968 to 1978, 36 death sentences were upheld by the highest Yugoslav courts.<sup>6</sup>

Referring to control and protection of constitutionality, the Constitutional Court of Yugoslavia, six republican constitutional courts and one provincial constitutional court department (2 departments) were established in the SFRY. These courts functioned according to the following principles: 1. The federative constitution is the supreme legal and social instrument of the country. All functions of authority and public authorisation, as well as the function of political parties, emanate from the Constitution and cannot be acquired by any other instrument. Similarly, each and every function of authority and public authorisation can only be effected as provided for in the Constitution. 2. The federation, the republics, the provinces and the communes are all equal communities in the light of the Constitution, and they effect their jurisdiction and functions exclusively on the basis of the Constitution. Therefore, none of them are hierarchically superior or subordinated to any other. The legal system cannot be created or regulated arbitrarily. Therefore, the federation, the republics, the provinces and the communes are, in their mutual relations, larger or smaller communities placed on an equal footing. The obligations of the smaller communities having a relationship with the larger ones, the federation and the republics, stem exclusively from the Constitution and the Laws of the Federation and/or the republics. All legal acts must be in accordance with the Yugoslav Constitution.<sup>7</sup>

The concept of human development, primarily that of the working class, was analysed in the light of that principle and the system of 'self-governance'. In practice, the elements of political freedom and human rights were missing, although in Yugoslavia the standard of living and communications with the outside world were on a much more advanced level than in other countries with 'real socialism'. The socialist reality also lacked many other elements inherent to the human development concept, such as the rejection of market economy, and

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6 Ibid. Amnesty International does not know if any of these sentences were subsequently commuted to imprisonment by presidential pardon. An article in the Yugoslav press in 1979 stated that on average about three or four death sentences were executed yearly; the Deutsche Presse Agentur, a news agency in the FRG, reported in September 1980 that 39 death sentences had been executed between 1970 and 1979. To Amnesty International's knowledge, the last death sentences passed for political offences were pronounced in 1976; all six cases were commuted by the court to terms of imprisonment.

7 Kulic, 1973. One of the first major decisions of the Constitutional Court of Yugoslavia is the one annulling the regulations passed after April 7, 1965, which, by the Law on the Nationalisation of Buildings and Land for Lease, national Constitutional Court of Yugoslavia nationalised building land, thus violating the right of private ownership guaranteed by the Yugoslav Constitution.

the inadequate concern about future generations, for instance due to excessively high expenditure of the social sector and high indebtedness, etc.<sup>8</sup>

After gaining its independence in 1991, the Republic of Macedonia has developed a liberal and democratic constitutional concept of human rights and freedoms protection based on liberal values, with an emphasis on the citizens. One third of all Macedonian constitutional provisions are committed to protect human rights and freedoms of individuals and citizens (individual rights), and the rights and freedoms of national minorities (collective rights) which classify the Macedonian Constitution in the group of liberal-democratic constitutions based on the liberal democratic values. This great and systematic bill of rights starts with basic freedoms and rights of individuals and citizens, civil and political freedoms and rights, continues with the economic, social and cultural rights, the guarantees of basic freedoms and rights, and end with the foundations for economic relations, which correspond to the citizen's evolution in legal theory and practice.

The contemporary development of human rights in Macedonia is closely related to the contemporary constitutional development in the country viewed from two aspects: the first, which follows the constitutional development of Macedonia as part of the former SFR Yugoslavia, and the second, which puts the emphasis on the period after the country gained independence from the Yugoslav federation, i.e. when the Macedonian State became an independent and sovereign country.

As part of the former SFR Yugoslavia, the human rights and constitutional development of Macedonia are viewed in close correlation with the constitutional development of the Yugoslav Federation, i.e. the federal and republican constitutions of the Federation: the Constitution of the FНРY (Federative People's Republic of Yugoslavia) of 1946<sup>9</sup>, the 1953<sup>10</sup> Constitutional Act, the 1963 Constitution of the SFR Yugoslavia, i.e. of SR Macedonia, and the 1974<sup>11</sup> Constitution of SFR Yugoslavia.

Macedonia's independence, slowly but surely, was approaching with the major changes in the social, economic and political system that took place with the constitutional changes in September 1990. These constitutional amendments

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8 United Nations Development Programme, 1996.

9 The first Constitution of the People's Republic of Macedonia of 1946 is particularly important for the Macedonian people having in mind the country's statehoodness and its unification with the other peoples of Yugoslavia as part of the new federal union, the FНРY.

10 Constitutional law for the social and political establishment and for the governing bodies of the People's Republic of Macedonia, predicated by the adoption of the Fundamental Law for Management with the State Companies and the higher commercial associations by the work collectives, also known as the Law on Workers' Self-Management of 1950.

11 This Constitution falls in the group of real-programme constitutions. The next period brings some new amendments to the constitution, the first amendments were made in 1981, and the remaining amendments were made in 1989-1990 with the aim of creating a constitutional basis for the in-depth reforms that followed two years later.

explicitly proclaimed the right of Macedonian people for self-determination, including the right to secession from the former Yugoslavia, based on the decision adopted by the National Assembly with a 2/3 majority of votes cast by the total number of MPs. This decision entered into force after it was adopted at a referendum with a majority of votes cast by the citizens with the right to vote.

The Declaration on the independent and sovereign State of Macedonia<sup>12</sup> by the National Assembly of the Republic of Macedonia was adopted on 25 January 1991. The Macedonian people directly expressed their will for an independent State at the referendum for independence held on 8 September 1991. On this day, 95.26% voted for independence from Yugoslavia, under the name of the Republic of Macedonia. The question of the referendum was formulated as follows: 'Would you be in favour of an independent Macedonia with the right to enter a future union of sovereign States of Yugoslavia?' On 25 September 1991, the Declaration of Independence was formally adopted by the Macedonian National Assembly, making the Republic of Macedonia an independent country – although in Macedonia, Independence Day is still celebrated as the day of the referendum, 8<sup>th</sup> of September.<sup>13</sup>

On 17 November 1991, the National Assembly of the Republic of Macedonia adopted the first Constitution of the independent and sovereign Republic of Macedonia. Although the 1991 Constitution falls in the group of rigid constitutions, bearing in mind the complexity for its amendment, the 36 adopted amendments in the past 33 years of independence point towards a different conclusion.

The Macedonian Constitution connects the fundamental human rights and freedoms not only with the concepts of the individual and the citizen, but also with the collective rights of ethnical minorities with highly respect of the international standards and responsibilities taken under the UN and CoE human rights treaties. The Macedonian government took over responsibility for its international relations with effect from 17 September 1991. The Republic of Macedonia was admitted as a member to the UN on 8 April 1993, eighteen months after its independence from the former Socialist Federal Republic of Yugoslavia. Within the UN, it was referred to as 'the former Yugoslav Republic of Macedonia' until the final settlement of the difference regarding the name, this being the result of the Greek objection to the membership application of the then Republic of Macedonia for fully-fledged United Nations membership under its constitutional name, as set forth in United Nations Security Council Resolution 817 (1993). In June 2018, Macedonia and Greece signed the Prespa Agreement, whereby the then ruling

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12 See: Republic of Macedonia: From a Member State of the Yugoslav Federation to a Sovereign and Independent State. History of Macedonia [Online]. Available at: <http://www.history-ofmacedonia.org/IndependentMacedonia/RepublicofMacedonia.html> (Accessed: 5 March 2024).

13 See: *Macedonian Independence Day* [Online]. Available at: <http://www.123independenceday.com/macedonian> (Accessed: 1 March 2024).

government of the Republic of Macedonia agreed to change its name to North Macedonia. Macedonia is a party to numerous international human rights conventions of the United Nations and of the Council of Europe, including the control mechanisms established for the application of the provisions. A part of them is inherited by succession from the former Yugoslavian federation pursuant to Article 5 of the Constitutional Act on the Implementation of the Constitution of the Republic of Macedonia.

## **2. Relationship between Macedonia and the UN from a human rights perspective – UN Human Rights Treaties to which Macedonia is a Party**

International human rights treaties create obligations that promote and protect human rights at national level. When these treaties become part of the domestic legal system, they generate binding legal obligations for the States. International treaties, through the establishment of committees and through their active functioning, enable international monitoring of their implementation at national level.

As a member to the United Nations, by way of succession to the former Yugoslavia, the Macedonian government took over responsibility for its international relations effective on 17 September 1991 and entry into force many UN covenants and conventions due to succession or accession process. For the purposes of this chapter, the most important UN Conventions are extracted as a subject of the research.

1. The 1966 International Covenant on Civil and Political Rights (CCPR) (competence for inter-State complaints (Article 41 was not adopted), which entered into force in Macedonia on 17 September, 1991 through the process of succession. The 1966 Optional Protocol to the CCPR, which entered into force on 12 March 1995, the UN Development Assistance Framework known as 'Partnership for Sustainable Development'– 2016-2020 addressed the key concerns identified by the UN human rights mechanisms affecting women, persons with disabilities, Roma and people on the move, as well as the authorities' failure to act and protect persons from discrimination. The National Human Rights Adviser for the UNCT works with the national partners and various stakeholders in Macedonia to identify priority areas, specifically, empowering the marginalised and socially excluded, accountability of State institutions to their gender equality commitments, and women and girls living free of discrimination and violence. In 2019, the National Human Rights Adviser supported the implementation of the joint UN project by UNFPA, UNICEF, UNDP and UN Women, deinstitutionalisation of persons with disabilities, as required by the Convention on

the Rights of Persons with Disabilities. In December 2017, relevant groups in the country led by the National Human Rights Adviser, contributed to the State's ratification of the Istanbul Convention. The NHR Adviser provided expert advice in the decision-making process related to the anti-discrimination law as well as the implementation of the international human rights standards in this area. The new anti-discrimination law in Macedonia is largely compliant with international human rights law and with the Paris Principles on national human rights institutions. In 2018, the government's National Mechanism for Reporting and Follow-up to human rights mechanisms appointed new members.

2. The 1966 International Covenant on Economic, Social and Cultural Rights (CESCR) entered into force on 17 September 1991 through the process of succession, while the Second Optional Protocol to the ICCPR of 1989 entered into force on 26 of April 1995. The implementation of this Covenant is visible in many country in the field of social policy and cohesion, education and cultural rights as well as in the field of economy.
3. The 1984 Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) (competence for inquiry procedure, individual/inter-State complaints) (adoption of Arts. 20, 21 and 22) entered into force on 17 September 1991 through the process of succession, while the Optional Protocol of the Convention against Torture of 2002 entered into force on 7 January 2009. The UN Committee against Torture raised several subjects of concern and provided recommendations in the Criminal Code and pursued a dialogue with the Macedonian government about the modernisation of many police stations equipped with holding cells and the installation of closed-circuit television (CCTV) cameras. The Committee expressed concerns about the fact that not all detained persons enjoy, in practice, all fundamental legal safeguards from the very outset of the deprivation of their liberty. In particular, the Committee was concerned about reports indicating shortcomings in the provision of effective access to a lawyer, as well as in the legal aid system. Reportedly, there were cases in which access to a lawyer was delayed during the first 24 hours of police custody and was provided only upon the person's arrival in court.<sup>14</sup> The Committee raised concerns about the overall lack of funding and understaffing of the prison system and chronic deficiencies in staffing levels, especially at the Idrizovo prison, which led to the declaration of a crisis situation at the prison facility on 6 June 2023. It asked the State Party to continue recruiting sufficient prison personnel to ensure an adequate

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14 Office of the United Nations High Commissioner for Human Rights: Universal Periodic Review – Republic of North Macedonia [Online]. Available at: <https://www.ohchr.org/en/hr-bodies/upr/mk-index> (Accessed: 5 October 2024).



prisoner-to-staff ratio, to improve security, to reduce inter-prisoner violence as well as to record and to report cases of coercion by prison police. The Committee underscored the particular need to address the crisis situation declared at the Idrizovo prison.

4. The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) entered into force on 17 September 1991, while the 1999 Optional Protocol to the CEDAW (no opting-out in case of the inquiry procedure, Article 10) on 17 January 2004. Macedonia is a signatory of the Beijing Platform for Action (BPfA) and it is also committed to the implementation of UN Security Council Resolution 1325 – Women, Peace and Security. The country's legal framework on gender equality is aligned with the international and European human rights standards, conventions and other international human rights instruments. Key legal and strategic documents on gender equality include the Act on Equal Opportunities of Women and Men (2014), the Law on Prevention and Protection against Discrimination (2020), the National Strategy for Anti-discrimination (2022-2026), the National Strategy for Gender Equality (2022-2027), the NAP on Implementation of the Istanbul Convention (2018-2023). The UNDP in Macedonia puts gender equality and the empowerment of women in the centre of its work in order to ensure that commitments on gender equality are translated into actions in all thematic areas: Inclusive Prosperity, Democratic Governance and Environment.
5. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (competence for individual complaints (Article 14 adopted) entered into force on 17 September 1991 through the process of succession. Since its independence, Macedonia has been developing an active policy of advancing the rights of persons belonging to various communities living in the country and it has also been promoting the policy of inter-ethnic and religious tolerance and understanding. This has been based upon Macedonia's historical experience of inter-ethnic coexistence and understanding and its dedication to its development as a democratic State. Guided by the traditions of good inter-ethnic relations and in the spirit of mutual understanding and tolerance, Macedonia has adopted a large number of laws, in an effort to establish a democratic political environment as a precondition for the respect for human rights and fundamental freedoms. In that framework, respecting the rights of persons belonging to communities, both for individual and for collective

rights, is viewed as an important factor for ensuring peace, stability and democracy in the country.<sup>15</sup>

6. The 1951 Convention relating to the Status of Refugees as well as the 1967 Protocol to the Convention relating to the Status of Refugees entered into force on 18 January 1994 through the process of succession.
7. The 1989 Convention on the Rights of the Child (CRC) entered into force on 17 September 1991 through the process of succession, the 2000 Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography entered into force on 17 November 2003, while the 2000 Optional Protocol to the CRC on the Involvement of Children in Armed Conflict entered into force on 12 February 2004.
8. The 2006 Convention on the Rights of Persons with Disabilities entered into force on 5 December 2011, while the 2006 Optional Protocol to the Convention on the Rights of Persons with Disabilities entered into force on 3 May 2008.
9. The 1954 Convention relating to the Status of Stateless Persons entered into force in 1994, while the 1961 Convention on Reduction of Statelessness entered into force in 2019.
10. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has not been ratified and Macedonia is not State Party.

### 3. National implementation of UN Conventions/Covenants

In the early 1990s, the United Nations started promoting National Human Rights Institutions (NHRIs) in Macedonia in the context of transition to a pluralist democracy. The start of the democratic transition processes in the country coincided with the international community's major efforts to strengthen the protection of human rights at the global level.<sup>16</sup> The political aspects of this process included the establishment of democratic political institutions, the rule of law, guarantees for the exercise of fundamental human rights and freedoms, as well as the provision of adequate institutional guarantees that the State would safeguard human rights in line with international standards. Independent national agencies specifically

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15 United Nations: Committee on the Elimination of Racial Discrimination. Reports Submitted by States Parties Under Article 9 of the Convention (Seventh Periodic Reports of States Parties Due in 2004) Addendum – The Former Yugoslav Republic of Macedonia, CERD/C/MKD/7 [Online]. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FMKD%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FMKD%2F7&Lang=en) (Accessed: 6 October 2024).

16 Rehn, 1996.

designed to protect and promote human rights were established in order to ‘bridge the gulf between international law and domestic practices’.<sup>17</sup>

However, these global trends did not have an immediate impact in Macedonia, having regard to the fact that most countries in the region underwent the dissolution process of former Yugoslavia, accompanied by war, violence and massive infringements of human rights. Macedonia managed to avoid the wars that followed the break-up of Yugoslavia, but experienced an inter-ethnic conflict in 2001, which had a major impact on the exercise of human rights in the country. In the meantime, the United Nations made strong efforts to encourage the set-up and strengthening of national human rights institutions (NHRIs) in the country through the establishment of the Ombudsperson, the Commission for the Protection against Discrimination, the Data Protection Directorate and the Commission for Protection of the Right to Free Access to Public Information.<sup>18</sup>

The oldest NHRI in Macedonia is the Ombudsperson. The legal ground for the establishment of the institution was set in 1991, with the adoption of the first Constitution after the country’s independence. However, due to the lack of political will, there were no developments regarding the adoption of the Law on the Ombudsperson and no setting-up preparations for several years after the adoption of the Constitution. The second NHRI is the Commission for the Protection against Discrimination established under the 2010 Law on Prevention and Protection against Discrimination. The Commission is a composite body of seven commissioners, appointed following a public call by the National Assembly, with a five-year mandate. The adoption of the Act was preceded by several years of effort by the domestic NGOs that urged the adoption of such a law, organised and coordinated a large, participatory and diverse working group and maintained a momentum for its adoption. However, a major political momentum for the adoption of this law emanated from the European Union, within the framework of the visa liberalisation process, which paved the way for the adoption of a comprehensive non-discrimination legislation as one of the benchmarks. The new version of the Law was adopted in 2020.

The third NHRI is the Data Protection Directorate established in 2005, by the Act on Protection of Private Data. As of 2008, the body received the mandate

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17 United Nations, 1995.

18 United Nations, 1995. A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights; United Nations efforts to encourage the creation and strengthening of national human rights institutions can be traced back to 1946. However, it is only over the past few years that the international community has reached an agreement as to the optimal structure and functioning of these bodies. A landmark in this process was the formulation of the ‘Principles relating to the Status of National Institutions’, which were endorsed by the General Assembly in 1993. The same year, the World Conference on Human Rights reaffirmed the important and constructive role played by national human rights institutions and called upon governments to strengthen such bodies. See also: Reif, 2020.

to act as an inspectorate for the protection of personal data, headed by a Director appointed for a period of five years by the National Assembly of Macedonia following a public call. The Director has a Deputy Director, appointed following the same procedure and for the same number of years.

The fourth human rights institution is the Commission for the Protection of the Right to Free Access to Public Information established under the 2006 Law on Free Access to Public Information. It is responsible for the protection and promotion of the right to access to information. It has five members – a president, a vice president and three members, each with a five-year mandate. They are appointed by the National Assembly, following a public call. The situation with this Commission became alarming in May 2018 when, following the resignation of one of its members, it was left with only two members who were unable to adopt any decision, and to decide upon cases. Consequently, a new Act was adopted with the same title, which entered into force on 01 December 2019. According to this Law, the Commission was transformed into the Agency on the Right to Free Access to Public Information.

A common challenge for all NHRIs established in Macedonia is to refrain from entering into hot political issues. This was best exemplified during the wire-tapping scandal in Macedonia in 2015-16<sup>19</sup>, when the Ombudsperson appeared reluctant to use his mandate fully, probably as he was balancing between not upsetting the establishment too much in relation to concrete cases and his ability to carry out investigations into less politicised cases. In times of crisis, a strong oversight by the Ombudsman is essential to the rule of law, good governance, the protection of human rights and the restoration of public trust in the state institutions. Macedonia's Ombudsperson missed to address the potential violations of human rights in many cases, although he received substantial international support. On the other hand, the Directorate for Personal Data Protection also seemed to be unwilling to carry out its mandate. Several reports and research studies have concluded that all NHRIs in the country lack human and financial resources and are subject to severe political pressure, compromising their independence.

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19 The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015 [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/43dcc4f7-4ea9-4d2c-9922-896c006d15ab\\_en?filename=20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/43dcc4f7-4ea9-4d2c-9922-896c006d15ab_en?filename=20150619_recommendations_of_the_senior_experts_group.pdf) (Accessed: 5 October 2024).

#### **4. Reflection of UN Conventions /Covenants in national law and major legislative processes in Macedonia initiated by UN Conventions**

The internationalisation of the law, the need for a better protection of human rights and freedoms, the links between the States and their membership in international organisations determined the need for common principles of international law, as well as the need for international treaties to be considered as fundamental sources of constitutional law. Despite the different treatment of international treaties in different States, they undoubtedly have an important role as sources of constitutional law, especially in the context of international conventions for the protection of human rights and freedoms.

The Constitution of the Republic of North Macedonia<sup>20</sup> is the supreme legal act in the country. Since its adoption and until the present date, the text of the Constitution was amended on eight occasions, with total of 36 constitutional amendments. The Constitution incorporates each of the most relevant international standards on human rights, and the fundamental human rights and freedoms recognised with the international law are defined in Article 8, para. 1, item 1 as a fundamental value in the Macedonian constitutional order. Besides human rights and freedoms, other fundamental values include the rule of the law, as well as the respect for the common norms of international law. Chapter 2 of the Macedonian Constitution addresses in detail the human rights and freedoms which are classified as civic and political rights, economic, social and cultural rights, and this chapter also defines the guarantees for the fundamental rights and freedoms.

The main characteristic of the concept of human rights is equality, which is defined in Article 9 of the Constitution:

The citizens of the Republic of N. Macedonia are equal in their freedoms and rights regardless of their gender, race, colour of the skin, their national or social background, their political and religious beliefs of their property or social position. The citizens are equal before the Constitution and the laws.

According to Article 118 of the Macedonian Constitution, the international agreements ratified in accordance with the Constitution are part of the domestic legal order and cannot be changed by law. In this matter, in the hierarchical position of legal norms, international agreements take precedence over domestic laws.

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20 The Constitution of the Republic of North Macedonia [Online]. Available at: [https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns\\_article-constitution-of-the-republic-of-north-macedonia.nspix](https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix) (Accessed: 30 March 2024).

International agreements are sources of law, which means that individuals or other subjects may automatically invoke the provisions of international agreements and the courts and administrative agencies are under the obligation to apply them directly. The human rights agreements/conventions have a stronger legal effect than other international agreements.

The Macedonian State belongs to the group of countries with a monistic model of positioning the international treaties (conventions, pacts, etc.), which means that in the national hierarchy of legal acts, the ratified international treaties are also included as part of the domestic legal order. The entire Macedonian law generates from and is coordinated with international law. Besides the acceptance of human rights and freedoms and international law as fundamental values in the Macedonian constitutional order, all legal areas in the country are regulated with laws and bylaws which comply with the international conventions. UN law had a serious impact and implication on the Macedonian legal system.

It should be noted that Macedonia is a signatory of all the relevant conventions, treaties and pacts on human rights and freedoms adopted by the UN, and for the purposes of this paper, we will analyse those legal solutions which are used to apply the UN Conventions, such as:

- The general application in laws of the UN International Covenant on Civil and Political Rights, as well as the UN International Covenant on Economic, Social and Cultural Rights;
- Protection from torture, inhuman and degrading treatment and punishment, primarily in the penal area;
- Non-discrimination of women, equality of all people before the Constitution and laws regardless of their gender, race, skin colour, national and social origin, political and religious belief, property and social status;
- Protection of persons with refugee status;
- Protection of disabled persons;
- Protection of people without citizenship;
- Protection of the rights of the child.

Article 21 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment<sup>21</sup>, Article 32 of the International Convention for the Protection of All Persons from Forced Disappearance<sup>22</sup> and Article 10 of the Optional Protocol to the Convention on the Rights of the Child on a Communications

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21 United Nations: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 [Online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> (Accessed: 23 March 2024).

22 United Nations: International Convention for the Protection of All Persons from Enforced Disappearance, 2006 [Online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced> (Accessed: 24 March 2024).

Procedure<sup>23</sup> have all defined a procedure which is used by the relevant committee to review the appeals from one country against another for non-application of the Convention.

This procedure is applied only for those member-countries that have submitted a declaration for the acceptance of the competences of the Committee on these matters. Articles 11 to 13 of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>24</sup> as well as Articles 41 to 43 of the International Covenant on Civil and Political Rights<sup>25</sup> define a broad procedure for the settlement of disputes among the countries regarding their obligations set forth in those instruments through the establishment of a temporary reconciliation commission.

Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination<sup>26</sup>, Article 29 of the Convention on the Elimination of All forms of Discrimination against Women<sup>27</sup>, Article 30 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>28</sup> and Article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance<sup>29</sup> foresee that the disputes on these matters among Member States should be resolved firstly through negotiations, or, if this fails, through arbitration.

One of the involved States may launch a dispute before the International Court of Justice if the two sides fail to agree on the terms of arbitration within a period of six months. Member States may exempt themselves from this procedure during the process of ratification or joining, in which case, in accordance with the reciprocity principle, they are forbidden to submit cases against other Member States.

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23 United Nations: Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, 2011 [Online]. Available at: <https://resourcecentre.savethechildren.net/document/optional-protocol-convention-rights-child-communications-procedure/> (Accessed: 24 March 2024).

24 United Nations: International Convention on the Elimination of All Forms of Racial Discrimination, 1965 [Online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> (Accessed: 22 March 2024).

25 United Nations: International Covenant on Civil and Political Rights, 1966 [Online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (Accessed: 22 March 2024).

26 United Nations: International Convention on the Elimination of All Forms of Racial Discrimination, 1965.

27 United Nations: Convention on the Elimination of All Forms of Discrimination against Women, 1979 [Online]. Available at: <https://www.un.org/womenwatch/daw/cedaw/> (Accessed: 24 March 2024).

28 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

29 United Nations: International Convention on the Protection of All persons from Enforced Disappearance, 2006.

■ **4.1. How the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are reflected in the Macedonian Constitution and in other legal acts?**

As stated above, the international treaties ratified in accordance with the Constitution of the country are part of the domestic legal order, and all State bodies and institutions are obliged to respect and apply these treaties in full. The Constitution stipulates that North Macedonia is obliged to respect the commonly accepted norms of international law and to respect the fundamental human freedoms and rights as defined in the Constitution. These two international instruments are contained in the constitutional norms for human rights and freedoms as well as in numerous legal texts that will be further analysed in this paper.

*4.1.1. Protection of the humans and citizens from torture, inhuman and degrading treatment, and sanctions in the Macedonian State*

Article 11 of the Macedonian Constitution guarantees this right as a personal right which enjoys constitutional protection through the guarantees for physical and moral integrity of the person. Article 11, para. 2 defines the prohibition for any form of torture, inhuman or degrading behaviour or punishment, while para. 3 of the same Article defines the ban for forced labour.

Article 54 of the Constitution states the following:

Restrictions to the rights and freedoms cannot refer to the right to life, ban on torture, inhuman or degrading behaviour or punishment, on the legal type of the sanctionable acts and sanctions, as well as on the freedom of belief, conscience, public expression of thought and religion.

Article 142 of the Macedonian Criminal Code<sup>30</sup> states that

1. A person who, during the performance of their duties, or the one inducted by an official person or by official person approval, applies force, threat or some other unallowed means or unallowed manner, with the intention of extorting a confession or some other statement from an accused, a witness, an expert or from any other person, or causes severe physical or mental suffering with the purpose of punishment for a crime or is suspected to have done so, or treats or forces another person to waive a right, or causes suffering as a result of discrimination, shall be punished with imprisonment from one to five years.

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30 Criminal Code of North Macedonia [Online]. Available at: [https://vlada.mk/sites/default/files/dokumenti/zakoni/criminal\\_code.pdf](https://vlada.mk/sites/default/files/dokumenti/zakoni/criminal_code.pdf) (Accessed: 4 April 2024).



2. If the crime from paragraph (1) has caused severe bodily injuries and other extremely hard consequences to the victim or the criminal act has been perpetrated due to hatred, the perpetrator shall be punished with imprisonment of a minimum of four years.<sup>31</sup>

Article 143 stipulates the following:

A person who while performing their duty mistreats another, frightens them, insults them, or in general, behaves towards them in a manner in which the human dignity or the human personality is degraded, shall be punished with imprisonment of one to five years.

Articles 403-a and 404 of the Criminal Code also foresee a ban on torture. Article 403-a states the following on crimes against humanity:

The persons that intend to systematically destroy civilians, give an order for homicides, inflict grievous bodily harm, physical extermination, enslave, deportation or forceful displacement of persons, imprisoning or other types of freedom deprivation that are against international law, torturing, rape, sexual exploitation or slavery, forceful prostitution, forced pregnancy or forced sterilization, or any other type of serious sexual violence, pursuing any group or community on the basis of their political, ethnic, national, religious, cultural or sexual grounds, abduction and disappearance or persons, discrimination and segregation based on the race, or his/her nationality, ethnicity, political affiliation, culture or other basis and other inhuman acts intentionally causing physical and psychological suffering, or a person that with the same intention carries out any of the above mentioned criminal activities, shall be given a prison sentence of no less than ten years or a life sentence.

Article 404 states:

1. A person who, by violating the rules of international law, during a war, armed conflict or occupation, orders an attack upon civil population, a settlement, certain civil persons or persons incapacitated for combat, which had as consequence death, serious body injury or serious disturbance to the health of the people; an attack without choosing the target, which

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31 North Macedonia: Consolidated Criminal Code, 1996 [Online]. Available at: <https://www.refworld.org/legal/legislation/natlegbod/1996/en/124105> (Accessed: 30 March 2024).

strikes the civil population; to commit against the civil population murder, torture, inhuman acts, biological, medical or other scientific experiments, taking issue or organs for the purpose of transplantation, inflicting grave suffering or injury to the body integrity or the health; resettlement and moving or forced denationalization or transfer to some other religion; coercion to prostitution or rape, sexual slavery or inducing unsolicited pregnancy, sterilization or other type of sexual violence; the implementation of measures of fear and terror, taking hostages, collective punishment, illegal taking to concentration camps and other illegal freedom deprivations, depriving of the right to a proper and unbiased trial or carry out punishment or execution without prior verdict passed by a court of law in a procedure in which all generally accepted legal borders are accepted; coercion for service in the armed forces of the enemy or in its intelligence service or administration enrolling and recruiting minors younger than 15 into the armed forces of the country or recruiting persons under the age of 18 in armed forces that are not armed forces of the country and using them by active participation in conflict activities contrary to the conditions determined with the rules of the international law; using civilians or other persons as live shield in specific places or regions where armed forces are present; coercion to forced labor, starving of the population, obstruction of humanitarian aid; confiscation of property, pilfering of property of the population, illegal and self-willed destruction or usurpation of a larger extent of properties which is not justified by the military needs, taking an unlawful and excessive contribution and requisition, decreasing the value of the domestic currency or unlawful issue of money; or the person who commits some of the above mentioned crimes - shall be punished with imprisonment of at least ten years, or with life imprisonment.

In Article 405, the Criminal Code foresees a ban on torture of wounded and sick persons in times of war and armed conflict, while Article 406 foresees a ban on torture of persons who are prisoners of war. Imprisonment of at least 10 years or life imprisonment is also foreseen in both of these Articles. The inhuman treatment of migrants during their smuggling is specifically regulated in Article 418-b.

These prohibitions are taken from UN international instruments that define the responsibility for war crimes, crimes against humanity and other international crimes, some of which are mentioned above. The prohibition of torture, inhuman or degrading treatment or punishment covers a wide range of actions that are defined as violations of human rights.

There are several types of acts that constitute a violation of this prohibition, as well as several persons or entities that may be considered as violating this prohibition. There are also objective and subjective tests for determining whether the prohibition has been violated covering substantive and procedural aspects of

enforcement, such as, for example, the obligation to investigate the allegations for torture, inhuman or degrading treatment or punishment. These regulations are violated when certain specific activities are taken, but also when no measure is taken to guarantee the protection from such treatment or punishment.

The prohibition determines negative obligations, such as, for example, the obligation to refrain from such conduct or punishment, and positive obligations, such as, for example, the obligation to take positive measures that will guarantee the protection of the individual from the prohibited behaviour.

It is important to point out that the prohibition of torture, inhuman or degrading treatment or punishment most often refers to the abuse of powers by the police services or other State authorities. The aforementioned sections of the Criminal Code aim to establish protection against such acts for all persons to whom the Criminal Code applies. Hence, it is very important that there are clear, appropriate and efficient mechanisms for prosecuting the perpetrators of those crimes.

The Criminal Procedure Code<sup>32</sup> contains several provisions that refer to the prohibition of torture and other types of mistreatments. Article 12 regulates the legality of evidence. It contains a clear prohibition to extort a confession or any other statement from the accused or from any other person participating in the procedure. The same Article specifies that evidence obtained by illegal means or in violation of the freedoms and rights established by the Constitution, the law and international agreements, as well as the evidence derived from them cannot be used, and a court decision cannot be based on them. The purpose of this Article is to discourage the use of illegal means in obtaining evidence by establishing that such evidence shall not be valid in criminal proceedings.

In relation to the apprehension, deprivation of liberty and detention of a person, the Criminal Procedure Code clearly determines the rights of detained/apprehended persons.

According to Articles 159 and 160 of the Criminal Procedure Code<sup>33</sup>, any person should be notified of the crime for which they are charged, has the right to inform their family, has the right to remain silent, has the right to a lawyer and the right to a medical examination. A special register is maintained for persons deprived of liberty in the information system of the Ministry of Interior. Oversight and control of this register is exercised by the competent public prosecutor, as well as by the Ombudsman.

The Criminal Procedure Code specifically regulates the procedure with detainees and establishes their rights, such as: notification to the family, respect for the person's dignity, their special rights, visits and disciplinary responsibility.

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32 North Macedonia: Law on Criminal Procedure of 2018 [Online]. Available at: <https://www.refworld.org/legal/legislation/natlegbod/2018/en/120650> (Accessed: 6 April 2024).

33 Criminal Code of North Macedonia.

It is of great importance that these rights are provided in the domestic legislation, that clear responsibility for their violation by officials or authorised persons is established.

According to the Law on the Ministry of Interior, the Department for Internal Control and Professional Standards is a separate and independent organisational unit that carries out internal control for the needs of the Ministry and carries out procedures for evaluating the legality of the actions of its employees.

Apart from the internal control mechanism at the Ministry of Interior, there is also a special preventive mechanism under the Office of the Ombudsman. The National Preventive Mechanism functions in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and functions as a national body that regularly examines the treatment of persons deprived of their liberty in order to strengthen, if necessary, their protection from torture and other cruel, inhuman or degrading treatment or punishment. This mechanism makes recommendations to the relevant authorities in order to improve the treatment and conditions for the persons deprived of their liberty, and suggests ways of preventing torture and other cruel, inhuman or degrading treatment or punishment, taking into account the relevant norms of the United Nations. It also presents proposals and opinions regarding the existing legislation.

With the Law on the Ratification of the Optional Protocol, the State declared that the Ombudsman is appointed to act as a National Preventive Mechanism. Following the recommendations of the UN Subcommittee on Prevention of Torture, the National Preventive Mechanism is tasked with preventing torture and other cruel, inhuman or degrading treatment or punishment.

The National Preventive Mechanism has access to all data related to the number of persons deprived of liberty, as well as to their locations; it has access to all information about the treatment of those persons, the conditions of their detention; as well as to all places of detention (establishments and facilities); it has the right to talk without supervision and without witnesses, to persons deprived of their liberty, either in person or with an interpreter, if this is deemed necessary, as well as to any other person for whom the National Preventive Mechanism considers is able to provide relevant information; it has the freedom to choose the places they want to visit and the people they want to talk to; as well as the right to contact the UN Subcommittee on Prevention of Torture, to which it can send information or hold meetings with.<sup>34</sup>

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34 European Commission: North Macedonia Report, 2023 [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2023_en) (Accessed: 2 April 2024).

■ **4.2. Non-discrimination of women, equality of all people before the Constitution and laws regardless of their gender, race, skin colour, national and social origin, political and religious belief, property and social status**

The relevant international anti-discrimination obligations are extensive in the country. Primarily, Article 7 of the Universal Declaration of Human Rights and Article 26. the International Covenant on Civil and Political Rights contain references to the general principles of equality and non-discrimination, including with respect to a person's 'race', colour, sex and language, among others.

Other more specific anti-discrimination Conventions ratified by Macedonia also include the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention on the Rights of Persons with Disabilities. They contain general prohibitions of and obligations to combat 'racial' and gender discrimination, and discrimination of persons with disabilities, respectively, and oblige State Parties to ensure that all public authorities and institutions act in conformity with the obligations set out in the Conventions.

The above-mentioned Conventions also contain provisions stressing the need to have non-discriminatory legislation, and the equality of all persons before the law, with no distinction, notably in the enjoyment of, among others, political rights and in the participation in public affairs. When it comes to national acts, the foundations of the system for protection against discrimination are defined in the Constitution<sup>35</sup>, where Article 9 states that: 'The citizens are equal in their freedoms and rights regardless of their gender, race, skin color, national and social origin, political and religious belief; property and social position. The citizens are equal before the Constitution and the laws.'

The country has ratified all international agreements related to the prevention and protection from discrimination, from which the national legal solutions in this sphere de facto emerge.

The first Law on Prevention and Protection from Discrimination was adopted in 2010, while the new Law on Prevention and Protection from Discrimination was adopted in 2020 and entered into force on 30 October 2020. The novelties and improvements in the Law on Prevention and Protection from Discrimination includes the definition for a precise glossary of terms, exceptions to discrimination, the method and procedure of selection of the members of the Commission, the powers of the Commission, the scope of discriminatory grounds, the possibility of *actio popularis*, judicial fees and other issues.

The new Law defines and further includes discrimination by association, discrimination by perception and intersectional discrimination. The scope of the discriminatory grounds is extremely wide. In fact, this is an open list of grounds for protection in numerous areas, to which sexual orientation and gender identity

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35 The Constitution of the Republic of North Macedonia.

are also added. The measures and actions that are not considered to constitute discrimination are defined differently than in the previous Act, and the definition of marriage as a union between a man and a woman does not constitute an exception to discrimination.

The Commission for the Protection from Discrimination has a more precise scope of duties and responsibilities, where, for example, it makes general recommendations on specific issues in the area of equality and non-discrimination; monitors their implementation; initiates an *ex officio* procedure for protection against discrimination; provides training to advisory bodies of experts on specific issues related to the promotion, prevention and protection from discrimination; at the request of the party or on its own initiative, it may ask the court to allow the Commission to act as a ‘friend of the court’ (*amicus curiae*), etc.

Another improvement in the new Law is that persons who initiate court proceedings for the protection against discrimination are exempted from paying court costs. These costs are paid from the State budget.

The equality of a person and citizen is also guaranteed in the Criminal Code of the RSM. It contains a separate section where all criminal acts related to discrimination are divided into chapters.

For example in the chapter entitled ‘Crimes against life and body’, the criminal act described as ‘Torture and other cruel, inhuman or degrading treatment and punishment’ stipulates that whoever causes suffering (severe physical or mental suffering to punish a person for a crime he/she has committed or for which he/she or another person is suspected, or to intimidate or force a person to give up any of his/her rights, or will cause suffering due to any form of discrimination), shall be punished with imprisonment from three to eight years.

In the chapter entitled ‘Criminal offenses against the state’, the criminal offense ‘Inciting hatred, discord or intolerance on national, racial, religious or any other discriminatory grounds’, in Article 319 it is envisaged that:

1. A person who by force, mistreatment, endangering the security, ridicule of the national, ethnic or religious symbols, by igniting or in another manner destroying a flag of the Republic of Macedonia or flags of other countries, damaging other people’s objects, by desecration of monuments, graves, or in some other manner causes or excites discord and intolerance based on sex, race, skin, color, gender, membership in a marginalized group, ethnicity, language, citizenship, social origin, religion or religious persuasion or other kinds of persuasions, education, political affiliation, family, or marital condition, property status, health condition or any other basis envisaged by law or by a ratified international agreement, shall be punished with imprisonment of one to five years.
2. A person, who commits the crime from paragraph 1 from the present Article by misusing their position or authorization, or if because of these crimes, riots and violence were caused among people, or property damage

with a large extent was caused, shall be punished with imprisonment of one to ten years.

Another criminal act related to discrimination is dissemination of racist and xenophobic material through an information system, in the chapter entitled 'Crimes against public order and peace' is provided for in Article 394-d:

1. The person who through a computer system spreads resist and xenophobic written material, images or other representation of an idea or theory that assists, promotes or encourages hatred, discrimination or violence against any person or group based on their sex, race, skin color, gender, membership in a marginalized group, ethnicity, language, citizenship, social origins, religion or religious persuasion, other types of persuasion, education, political affiliation, personal or social status, mental or physical disability, age, family or marital condition, property status, health condition or any other base envisaged with the law or ratifies international agreement, shall be punished with imprisonment of one to five years.

In the Chapter entitled 'Crimes against humanity and international law, the criminal act of Racial or other discrimination' in Article 417 stipulates that

1. A person who based on the difference in race, color of skin, nationality or ethnicity belonging to a marginalized group, language, citizenship, social origin, religion or religious persuasion, other types of persuasions, education, political affiliation, personal or social status, mental or bodily disability, age, family or marital status, property condition, health condition or any other basis envisaged by law or a ratified international agreement, violates the basic human rights and freedoms, acknowledged by the international community, shall be punished with imprisonment of six months to five years.

The punishment from paragraph 1 shall apply also to a person who persecutes organizations or individuals because of their efforts for equality of the people. A person who spreads ideas about the superiority of one race above some other, or who advocates racial hate, or instigates to racial discrimination, shall be punished with imprisonment of six months to three years.

The Macedonian legal system includes other laws that incorporate provisions on the prevention of and the protection against discrimination. The provisions regarding the prohibition of discrimination are different in different laws, depending on the area regulated by those specific laws.

Certain laws are aligned with the new Law on Prevention and Protection from Discrimination as *lex specialis*, and have unified provisions on the prohibition

of discrimination. For example, the Law on Social Protection<sup>36</sup> prescribes equal treatment and non-discrimination, with the prohibition of discrimination and the inclusion of discriminatory grounds as provided for by the Law on Prevention and Protection from Discrimination which is considered *lex specialis*. The Law on Elementary Education<sup>37</sup>, which is in line with the Law on Prevention and Protection from Discrimination, includes provisions for preventing discrimination and promoting the principle of equality within education, as well as certain affirmative measures.

The Law on Job Relations<sup>38</sup> also prohibits discrimination. Although it does not include all discriminatory grounds, it defines direct and indirect discrimination differently than the separate law.

The Law on Health Protection prohibits discrimination in healthcare services on the basis of race, sex, age, nationality, social origin, religion, political or other opinion, property, culture, language, disease, mental or physical disability. Harmonisation of laws in different areas should continue with specific amendments and bylaws to the existing laws, by incorporating anti-discriminatory provisions, where appropriate.

There are several mechanisms for protection against discrimination in the country:

- The Commission for Prevention and Protection from Discrimination, which was established by the Law on Prevention and Protection from Discrimination.
- Civil courts as competent courts to decide on anti-discrimination cases, in accordance with the Law on Prevention and Protection from Discrimination.
- The Ombudsman, who has the authority to undertake actions and measures for protection against discrimination when they are committed by the State administration and other bodies and organisations with public powers.
- The Constitutional Court, which protects the rights and freedoms of all persons and citizens from discrimination based on gender, race, religion, nationality, social and political affiliation.

The Commission found discrimination in 49 cases in 2021, in 62 cases in 2022, in 59 cases in 2023 and during the first three months of 2024, 11 cases were reported.<sup>39</sup> Since 2011, when the first Anti-Discrimination Law entered into force, the courts have been considered as the most effective mechanism for protection against

<sup>36</sup> Finance Think, no date.

<sup>37</sup> Eurydice: *Legislation and Official Policy Documents – North Macedonia*. Available at: <https://eurydice.eacea.ec.europa.eu/national-education-systems/republic-north-macedonia/legislation-and-official-policy-documents> (Accessed: 11 April 2024).

<sup>38</sup> North Macedonia: Consolidated labor relations law, 2005 [Online]. Available at: <https://www.refworld.org/legal/legislation/natlegbod/2005/en/124109> (Accessed: 12 April 2024).

<sup>39</sup> KSZD: Commission for the Protection against Discrimination: *Decisions and Opinions*. Available at: <https://kszd.mk/odluki-i-mislenja/> (Accessed: 12 April 2024).



discrimination, taking into account the legally binding force of court decisions and the possibility for their execution. There have been many court cases for discrimination based on various grounds. The procedure before the courts takes longer than the procedure before other competent authorities, and is more expensive.

#### ■ 4.3. *Protection of persons with refugee status in North Macedonia*

The Macedonian State is situated on one of the main transit routes for migratory movements in Europe. The country plays an active role in the management of mixed migration flows. There have been continuous efforts to ensure the basic living conditions and services for all migrants in the country. There is, however, a need to enhance institutional and administrative capacities for all aspects of migration management. More staff and additional material and technical resources are required to increase capacity at a satisfactory level.

Systematic registration of migrants is needed, and protection-sensitive profiling needs to be improved. The country should establish a proper system for managing irregular movement and stop the practice of returning migrants outside a legal framework. A contingency plan to manage large migratory flows needs to be finalised and adopted. The Status Agreement for operational cooperation in border management with the European Border and Coast Guard Agency (Frontex) entered into force on 1 April 2023, allowing the launch of a joint operation with the deployment of officers from EU Member States to provide support with border control and the management of irregular migration and cross-border crime.<sup>40</sup>

Since the end of 2014, North Macedonia has faced continuous inflow of refugees transiting through its territory on their way to EU Member States. In just six months, from June to December of 2015, a total of 388,233 refugees transited through the country. In just three months of 2016, from January to March, a total of 89,623 refugees transited through Macedonia.

Considering that the registration process in the country started in June 2015, and before that date, a large number of refugees were let through unregistered, and many also entered at one of the numerous illegal border crossing points, the actual number of refugees and migrants who arrived in Europe between 2014 and 2016 is much higher than the officially declared one, i.e. it exceeds the number of 1 million refugees and migrants. Going through a turbulent period, the refugee crisis in the country also saw more controversial ways of addressing it. On 19 August 2015, the government adopted a decision to declare a state of crisis at the southern and northern borders of the country, due to the greater influx of refugees into the country. By decision of the Parliament, the crisis state was extended until June 2016, then until 31 December 2016, and then until the end of June 2017.

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40 European Commission: North Macedonia Report, 2023.

The Law on Asylum and Temporary Protection<sup>41</sup> was the basic legal framework for the treatment of refugees and asylum seekers in Macedonia. This law underwent its first major changes in 2012, which aimed to bring the national legislation closer to relevant international standards and key provisions of the 1951 Convention Relating to the Status of Refugees by the term 'refugee' according to the Convention, illegal stay in the country of escape, the principle of non-repatriation, etc.). This Law guarantees certain rights for recognised refugees. In essence, these rights are the same that every citizen of the country enjoys, with the exception of the right to vote, the right to establish an employment relationship, the right to establish associations of citizens and political parties when citizenship is required (Arts. 57-50 of the Law on Asylum).

The 2015 and 2016 amendments of the Law on Asylum brought improvements in the area of access to the territory and to asylum procedures, as well as in the conditions of detention of persons seeking international protection, but also limitations in family reunification and definition of the term 'safe third country' in a way that causes serious violations of the rights of refugees and asylum seekers.

On 18 April 2018 the Parliament adopted the Law on International and Temporary Protection<sup>42</sup> which provided alignment with UN Conventions and European Directives in the area of asylum, i.e. international protection.

The right to asylum in the country is granted under the conditions and procedure provided by the law to: (1) a person with refugee status (refugee within the meaning of the Geneva Convention) and (2) to a person under subsidiary protection according to the legal provisions.

The Law on International and Temporary Protection also amended certain institutions and the way of regulating the rights and obligations of asylum seekers and persons under protection. This Law annulled the old Asylum and Temporary Protection Law, which only applied to proceedings initiated during its validity.

The new Law also regulates certain categories of significance for this area, including the principle of family reunification of asylum seekers, the reasons for terminating and cancelling the right to asylum, as well as the possibility of limiting the freedom of movement of asylum seekers in exceptional cases. According to this Law, each applicant has the right to access the labour market, but only if the Asylum Department does not take a decision within nine months from the submission of the application. This legal solution further complicates the implementation of this right. An asylum seeker is a foreigner seeking international protection from the Republic of North Macedonia, who has expressed an intention or submitted a request for recognition of the right to asylum, for which a final decision has not been taken in the procedure for recognition of the right to asylum. A request for

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41 RSM Official Journal, no. 49/2003, 66/2007, 142/2008, 146/2009, 166/2012, 101/2015, 152/2015, 55/2016, 71/2016.

42 Law on International and Temporary Protection (Закон за меѓународна и привремена заштита), Official Gazette of North Macedonia.

recognition of the right to asylum is a request submitted by a foreigner, which can be understood as a request for international protection. In 2019, several by-laws were adopted based on this Law. In March 2019, the Ministry of Interior adopted the list of safe countries of origin.<sup>43</sup>

Two rulebooks were also adopted: Rulebook on standards for accepting asylum seekers<sup>44</sup> and the Rulebook on the method of care and accommodation of unaccompanied children and vulnerable categories of persons with recognised international protection.<sup>45</sup>

In 2018, a new Law on Foreigners was adopted<sup>46</sup>, (which entered into force in May 2019), which provides for the possibility of obtaining a temporary residence permit for anybody who has been granted the right to asylum in the Republic of North Macedonia for a period of five years.<sup>47</sup>

In 2019, the new Law on Free Legal Aid was adopted, which regulates legal aid for asylum seekers in a better and more precise way. Applicants have the opportunity to submit a request for legal aid to the Department, which is obliged to send it to the Ministry of Justice immediately, and no later than within five days from the day of receipt of the request. In cases of limited freedom of movement, the Department itself assigns a lawyer from the list of lawyers compiled by the Ministry of Justice.

The adoption of the new Law on Elementary Education is also of great importance<sup>48</sup>, which regulates the implementation of the process of formal primary education through the inclusion of: refugee children, asylum seekers, children with recognised refugee status, children under subsidiary protection and children under temporary protection. With that, the right to education of these children is legally provided and the State is obliged to provide them with the same conditions as the children who are citizens of North Macedonia.

Despite limited progress achieved at the level of legislation, the inadequate implementation of legal provisions is still problematic. The decision-making process in asylum procedures is often considered non-transparent, as the decisions rarely provide clear explanations, and State security is often invoked as a ground for rejecting applications for international protection. In practice, there is also concern about the effective access to legal remedies, access to information and translation into a language that the asylum seekers understand. The country's experience from previous refugee crises has shown that the integration of asylum seekers into everyday life is difficult.

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43 RSM Official Journal, No. 56/2019.

44 RSM Official Journal, No. 195/2019.

45 RSM Official Journal, No. 195/2019.

46 RSM Official Journal, No. 6p. 97/18, 108/18.

47 Article 129, paragraph 2 of the Law on Foreigners; Official Gazette of the Republic of Macedonia, No. 97, 28 of May 2018.

48 RSM Official Journal, No. 161/19.

According to Article 25 of the Law on Foreigners, a foreigner who intends to submit an application for asylum, who has already submitted an application for asylum or to whom the State has already recognised the right to asylum, cannot be denied entry in the country. As of 19 June 2015, asylum seekers can submit a Declaration of Intent to Seek Asylum at border crossing points or at any police station, after which the applicant is issued a 72-hour residence permit, within which deadline the applicant must formally submit an application for asylum. If an asylum seeker is already in the country, he or she can submit the request to the nearest police station, or directly to the Asylum Department of the Ministry of Interior. After the initial registration of the request, the police is responsible for referring the asylum seeker to the Asylum Department of the Ministry of Interior, which is the primary institution responsible for the implementation of asylum procedures.

The Ministry of Labour and Social Policy is responsible for the reception and integration of the asylum seekers and the persons who have been granted the right to asylum. In practice, most problems are reported during the implementation of internationally accepted procedures for identification, profiling, referral and forwarding of applicants with special needs (victims of human trafficking, victims of sexual and gender-based violence, elderly persons or persons with disabilities).

With the involvement of the Asylum Department, trainings are organised for police officers deployed at border crossing points and for those in police stations, but these trainings are focused mainly on asylum procedures and not on identification, profiling and referral procedures. As there are no translators at the police stations, the applications usually contain only the basic biographical data but no other information that is relevant for the refugee status or for granting special protection. This calls into question the capacities of police officers and the functioning of mechanisms necessary for the timely identification of persons in need of international protection, including refugees and victims of human trafficking.

According to this Law, asylum seekers are entitled to freedom of movement within the territory of the State and to protection from arbitrary deprivation of liberty or detention. According to Article 21 of the Law on Foreigners, as illegal entry into the country is considered any entry where the foreigner crosses or tries to cross the State border outside of the place, time or method determined for crossing the State border; if he/she evades or attempts to evade the border control; uses forged, foreign or invalid travel documents or other documents upon entry; enters or tries to enter without a valid and recognised travel or other document; or, if he/she gives false information to the Ministry of Interior.

Irregular migrants who do not fall into the category of 'asylum seekers' are handed over to the Inspectorate for Irregular Migration for further handling and treatment in the Reception Centre for Foreigners as a closed institution. According

to Article 153 of the Law on Foreigners, illegal entry into the country is a misdemeanour for which a fine can be imposed, as well as a misdemeanour sanction: expulsion of a foreigner from the country.

#### ■ **4.4. Protection of stateless persons**

In 2011, the UNHCR evidenced a high number of persons affected by statelessness in the country. The Macedonian government has taken some partial steps towards reducing statelessness in recent years.

In 2019, the government introduced a regulation route under the Law on Foreigners for citizens of former Yugoslavia, who continued to live in North Macedonia after 1991 without acquiring any nationality (and their children under five) to acquire permanent residence. In January 2020, North Macedonia acceded to the Convention on the Reduction of Statelessness and in 2020, a new Law on Undocumented Persons in Birth Registry Book came into force, enabling some people at risk of statelessness without personal documentation to apply for a 'special registration' to enable them to access social, health and employment rights, although this new Law has significant gaps in scope and protection.

Finally, in July 2021, amendments were made to the Macedonian Law on Citizenship, which provide possibilities for nationals of former Yugoslavia to obtain Macedonian citizenship. Although it is proclaimed that this will address issues of statelessness, statelessness is not mentioned in the amendments, and Article 7a of the Law on Citizenship which pertains to statelessness, has remained unchanged. The Republic of North Macedonia has acceded to the most relevant human rights treaties, and it has therefore clear obligations to protect the rights of stateless persons on its territory. However, it must be noted that the country has not yet acceded to two international legal instruments that safeguard the rights of stateless persons, namely the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession and the International Convention on the Rights of Migrant Workers and Members of their Families.

#### ■ **4.5. Protection of persons with disabilities**

The Macedonian State signed the Convention on the Rights of Persons with Disabilities on 30 March 2007, and ratified it on 5 December 2011. Despite the application of the Convention, there is still no single terminology used for persons with different types of disabilities, neither in individual use nor in official documents, including the laws, strategies, regulations, etc. Different and outdated terminology is often used, mainly based on the medical model.<sup>49</sup>

It has already been mentioned that Article 9 of the Macedonian Constitution guarantees and protects the right to equality and non-discrimination, although disability among persons is not yet included as a separate ground for discrimination.

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49 UNICEF, 2022.

Additionally, terminology such as ‘invalids’, ‘persons with invalidities’ used in the Constitution is outdated and inconsistent with the Convention.

The Law on Prevention and Protection from Discrimination establishes disability as a ground for discrimination, including the definition of persons with disabilities as persons with long-term physical, intellectual, mental or sensory impairments which, in combination with various social obstacles, may prevent their full and effective representation in society on an equal basis with the other citizens.

This Law prohibits all types and forms of discrimination, including direct and indirect discrimination, incitement or urging discrimination, harassment, victimisation and segregation, while more serious forms of discrimination under this Law mean multiple discrimination, cross discrimination, repeated discrimination and continuous discrimination.

This Law also makes reference to discrimination by association, such as a distinguishing, excluding or restricting act against a person based on that person’s relationship to another person or group, on any discriminatory grounds, which includes persons affected by the condition of persons with disabilities. This Law emphasises that the prohibition of discrimination also means ensuring adequate access to infrastructure, goods and services through the application of the principle of reasonable adjustment, and that the denial of reasonable adjustment constitutes discrimination. However, the principle of reasonable adjustment is still not clear enough and has various interpretations. It is often equated with accessibility, which leads to its selective application. The principle of reasonable adjustment is not recognised even by the institutions due to the lack of guidelines for reasonable adjustment, which every institution is obliged to prepare and apply in its work.

National legislation and policies mention the accessibility only as a concept. For example, the Construction Law<sup>50</sup> regulates the right of physical access and accessibility to public facilities and public areas, as well as the design and construction of footpaths for the movement of persons with physical disabilities and persons with visual impairment. At local level, urban planning and the issuance of building permits are regulated by the Law on Local Self-Government<sup>51</sup>, which does not include the principle of non-discrimination or the principle of accessibility.

At the local level, it is not clear which authority is responsible for implementing the provisions of the Construction Law, and problems arise as a result of the different interpretations of this Law.<sup>52</sup>

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50 Construction Law, Official Gazette No. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13.

51 Law on Local Self-Government, Official Gazette No. 5/02 [Online]. Available at: [https://mls.gov.mk/images/laws/EN/Law\\_LSG.pdf](https://mls.gov.mk/images/laws/EN/Law_LSG.pdf) (Accessed: 17 April 2024).

52 Polio Plus, 2018, p. 77.

The obligation to ensure physical accessibility is further regulated in the Rulebook on the method of ensuring unhindered access, movement, stay and work of persons with disabilities to and inside facilities.<sup>53</sup> This Rulebook establishes the minimum standards for the way of ensuring unhindered access, movement, residence and work of persons with disabilities to and inside the facilities for public, business, residential and business-residential use. The Rulebook on standards and norms in urban planning,<sup>54</sup> also regulates the right to parking spaces. The accessibility of catering facilities is regulated in the Rulebook on the categorisation of catering facilities. Although the legal framework and policies adopted in this area are clear, problems still arise as a result of their inadequate implementation. There are many public institutions and even new buildings that are not physically prepared for the implementation of these regulations.

It should be mentioned that in our country there are different definitions and categorisations for the different types of disabilities. However, the definitions for persons with disabilities used in different documents are not unified. Also, persons with psychosocial disabilities are not recognised in the laws at all, which means that an entire community is not covered by the system of social compensation on the basis of disability.<sup>55</sup> The legislation itself is inconsistent with the model of disability in the context of human rights and freedoms.

In 2018, a Macedonian National Coordinating Body was established for the implementation of the Convention on the Rights of Persons with Disabilities. This body aims to unify the activities of the different competent ministries, government representatives, civil society organizations and the Resource Centre, as well as to ensure coordination with independent civil society organisations that support persons with disabilities, since they are not involved in its work.

The Ministry of Labour and Social Policy of North Macedonia is considered as the main body providing rights for persons with disabilities. Most of the bodies dealing with the provision of care to persons with disabilities work under the direct supervision of this Ministry.

Also, in 2019, a team for monitoring the implementation of the Convention was set up within the Department for the Protection of the Rights of Children and Persons with Disabilities within the Office of the National Ombudsman. The team deals with cases related to the violation of the rights of persons with disabilities and their discrimination, analyses the legislation, and proposes legal reforms for the rights of persons with disabilities.

In the Macedonian Assembly, there is an Inter-Party Parliamentary Group for the Rights of Persons with Disabilities. This informal group has been active

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53 Government of North Macedonia: *Rulebook on the method of ensuring unhindered access, movement, stay and work of persons with disabilities to and in the facilities* [Online]. Available at: <https://av.gov.mk/rulebooks.nsp> (Accessed: 16 April 2024).

54 UNICEF, 2022.

55 Ibid.

since 2003 and it currently consists of 50 members representing different political parties. The technical coordination is ensured by the Polio Plus non-governmental organisation<sup>56</sup> on a voluntary basis. Although the MPs advocate for the improvement of the legislation, coordination with the rest of the government bodies is still weak.

In Macedonian society, there is considerable diversity in the understanding of disability within the disability movement. There is a National Council of Disability Organisations as an umbrella organisation comprised of seven trade unions, structured on the basis of the type of condition or affinity/interest of persons with disabilities. There is also a National Council of the Deaf and Hard of Hearing, a National Federation for Sports and Recreation of Persons with Disabilities, etc.

The National Council has a highly centralised structure based on the traditional understanding of disability, and its activities are primarily focused on providing medical access to these persons without including the organisations that protect their human and civil rights. Organisations which address their rights are a relatively new in Macedonian society. Among the organisations of persons with disabilities there are also the parents' associations and centres providing services to parents. There are also civil society organisations that implement projects and develop programmes addressing various issues concerning the rights of persons with disabilities.

Since 2011, the rights of persons with disabilities in Macedonian society have been significantly improved as a result of reforms implemented in the field of social protection and education, non-discrimination, inclusive employment services, deinstitutionalisation, access to sexual and reproductive health services, prevention of gender-based violence and the promotion of gender equality.

For example, the 2019 Law on Social Protection advanced the principle of equal treatment and non-discrimination in the exercise of social protection rights. It contained provisions on the equal and fair treatment of these persons, as well as on the recognition of disability as a ground for discrimination. The amended Law on Child Protection restructured and consolidated the system of financial assistance to children with disabilities in order to ensure increased coverage and adequacy in their protection. The reform also introduced new services for social support and care for persons with disabilities and their caregivers. With the reforms implemented in the area of education, the State insists on basic access to educational institutions for all children with disabilities in order to include them in regular primary education. The State provided 500 educational assistants for children and youth with disabilities through the Resource Centre.

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56 DevelopmentAid: *Polio Plus* [Online]. Available at: <https://www.developmentaid.org/organizations/view/22053/polio-plus> (Accessed: 16 May 2024).



On the other hand, the Law on Secondary Education, the Law on Higher Education, as well as the National Strategy for Education 2018-2025<sup>57</sup> do not have a comprehensive and inclusive approach and are not aligned with the Convention. The training of educational staff on the problem of disability usually takes place through projects and support from international institutions without any long-term strategy from the Ministry of Education.

In four regions, the country also implements the assessment system according to the International Classification of Functioning (ICF) of children and young people up to 26 years of age who have some type of disability. Protection of children without parental care is also foreseen, they are placed either in foster families or in small group homes.

The Law on transportation in Road Traffic does not provide any essential equality for persons with disabilities. This Law only contains provisions on transportation privileges for persons with disabilities, who must be members of the National Council. A similar legal solution is provided in the Law on Public Roads that allows people with disabilities not to have to pay tolls for using public roads. The use of this right is determined according to the diagnosis and degree of disability, which are listed in an act of the competent committee under the Pension and Disability Insurance Fund. This legal solution is also included in the Program for the beneficial use of public city transport by persons with disabilities, in which persons with disabilities are categorised based on their diagnosis and degree of disability and is applicable to persons of up to 26 years of age.

The Law on Road Traffic Safety does not define parking spaces for persons with disabilities. At the same time, this Law failed to fully regulate the use of vehicles by the assistants and parents of children with disabilities. The movement of persons with disabilities with a guide dog has also been left unregulated.

The Law on Free Access to Public Information does not contain provisions stipulating that public information should be provided in an accessible format. For example, the Law on the Use of Sign Language provides for the right of hearing-impaired persons to use sign language in proceedings before State authorities. Hearing-impaired persons have the right to use sign language for other needs, but only up to 30 hours a year, and thus exercise their right to an interpreter. The decision to exercise the right to sign language is left to the Social Work Centre which only further limits the use of sign language. Persons with hearing and speech disabilities point out that they face difficulties in exercising their rights due to the insufficient number of trained sign language interpreters. Notably, there are only 31 sign language interpreters in the country.

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57 Teacher Task – Force: *North Macedonia Education Strategy 2018–2025 and Action Plan*. [Online]. Available at: <https://teachertaskforce.org/knowledge-hub/north-macedonia-education-strategy-2018-2025-and-action-plan> (Accessed: 18 May 2024).

The Law on the Employment of Persons with Disabilities regulates the special conditions for the employment and work of persons with disabilities and is predominantly focused on employment in privately established companies. There are also a number of incentive measures, which are financed by the Special Disability Fund. The vocational rehabilitation system is regulated by several laws and policies, but the legal provisions are still not in line with the access to human rights and do not provide adequate access for persons with disabilities to the existing systems of training, reskilling or internships.

The existing criteria for general health condition limits the access to and inclusion of persons with disabilities in public administration. The provisions of the Law on Civil Servants, which regulate employment in the public sector, make the general health condition a prerequisite for employment. This provision, although basically neutral, has a negative impact on persons with disabilities, as they are prevented from applying for employment. It is necessary to make a distinction between the health condition and the working ability of persons with disabilities. These are two different categories and should not be considered equal.

The same provisions are also contained in the laws for courts, lawyers, police, military service, foreign affairs, etc. When viewed from the perspective of the Convention, it can be concluded that the implementation of the right to participate in political and public life for persons with disabilities is severely limited in the country, because the conditions under which these persons may exercise the right to vote and the right to run for public office are not specified. The existing legal framework does not take into account the cross-access. The legally established quota system intended for equal gender representation did not incorporate the participation of women and girls with disabilities in the lists.

The initiatives undertaken by the State Electoral Commission in the last few years have been supported exclusively by international donors, which is a serious drawback in terms of their continued implementation and sustainability. Despite the good intention to involve persons with disabilities in the observation process, the establishment of special organisations consisting exclusively of observers with disabilities and dealing exclusively with election observation was the only form of support.

The National Strategy for the Rights of Persons with Disabilities for the period 2023-2030 was adopted as a multi-sectoral strategic document drawn up on the basis of an extensive participatory process. It sets ambitious benchmarks for advancing the rights of persons with disabilities in accordance with the Convention on the Rights of Persons with Disabilities of the United Nations (UN), the Strategy for the Rights of Persons with Disabilities 2021-2030 of the European

Union<sup>58</sup>, as well as the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.<sup>59</sup>

The strategy is based on the principle of human rights and the fundamental principle ‘Leave no one behind’ from the 2030 Agenda. The goal is the promotion, protection and complete enjoyment of all human rights and freedoms of persons with disabilities, on an equal basis with all other citizens, as well as the promotion and respect for their dignity.

Although the issue of disability was part of the 2021 Census, it failed to provide a clear overview of the total number of persons with disabilities within the population of the country. According to the results of the census, there are a total of 94,412 persons with disabilities in the country<sup>60</sup>, representing almost 5% of the total population, of whom 2.5% are people over 65 years of age. The country does not have any official record for the number of persons who have been deprived of their capacity to work. According to the information from the State Election Commission<sup>61</sup>, in the last elections in 2021, about 900 people were deleted from the voters’ list, based on the data received from the court for their deprivation of capacity to work.

## 5. Protection of Children’s Rights

In 2021, a consolidated text of the Law on Child Protection was adopted<sup>62</sup>, which contained all previous amendments and additions to the 2013 Law. This Law is aligned with the UN Convention on the Rights of the Child.<sup>63</sup> It regulates the system and organisation of child protection, as seen through the prism of organised activity based on the rights of children, as well as the rights and obligations of parents for family planning and the obligations of the State and local self-government units for pursuing a human population policy.

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58 European Commission: Union of equality: Strategy for the rights of persons with disabilities 2021-2030 [Online]. Available at: <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en> (Accessed: 18 May 2024).

59 United Nations: *The 17 Sustainable Development Goals* [Online]. Available at: <https://sdgs.un.org/goals> (Accessed: 16 May 2024).

60 State Statistical Office of the Republic of North Macedonia: *Census 2021: Disability prevalence data* [Online]. Available at: [http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat\\_\\_Popisi\\_\\_Popis2021\\_\\_NaselenieVkupno\\_\\_Naselenie\\_\\_Poprecenost/T1053P21.px/table/tableViewLayout2](http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat__Popisi__Popis2021__NaselenieVkupno__Naselenie__Poprecenost/T1053P21.px/table/tableViewLayout2) (Accessed: 15 May 2024).

61 OSCE, 2023.

62 Law on the Protection of Children (Закон за заштита на децата), Official Gazette of North Macedonia.

63 UNICEF: Convention on the Rights of the Child [Online]. Available at: <https://www.unicef.org/child-rights-convention> (Accessed: 16 May 2024).

The protection of children is achieved through the provision of conditions and living standards that correspond to the physical, mental, emotional, moral and social development of children.

Despite the formal alignment, the UN Committee on the Rights of the Child reminds the State Party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasises the importance of all recommendations concerning the following areas: coordination, non-discrimination, violence against children, children with disabilities and health services. The Committee recommends that the State Party ensures the implementation of children's rights in accordance with the Convention, the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State Party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.<sup>64</sup>

The Committee is also concerned about the lack of efforts in the country for developing a comprehensive policy and strategy on children's rights covering all areas of the Convention; allocation adequate human, technical and financial resources for its implementation, ensuring that children and organisations dealing with children's rights are involved in the preparation, implementation and evaluation of policies, strategies and action plans. The Committee is concerned about the absence of a national body responsible for coordinating all policies relating to the implementation of the Convention and its Optional Protocols as well as about the non-sufficient budgetary allocations for the implementation of children's rights, paying particular attention to children in vulnerable situations. The Committee recommends that the country should identify areas of potential savings where funds could be transferred to budgets relating to children and their families, paying particular attention to children in disadvantaged situations, including children with disabilities, children living in poverty and Roma children. The Committee recommends the implementation of mechanisms to monitor and evaluate the adequacy, efficacy and equitability of budget allocations for the implementation of the Convention and involving civil society organisations working on children's rights and children themselves in budgetary decisions that affect them and duly take into account their opinions.

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64 United Nations: Convention on the Rights of the Child. Concluding Observations on the Combined Third to Sixth Periodic Reports of North Macedonia [Online]. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRD%2fC%2fMKD%2fCO%2f3-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRD%2fC%2fMKD%2fCO%2f3-6&Lang=en) (Accessed 10 May 2024).

## 6. Macedonian cases before the monitoring bodies (committees) for breaching UN Conventions/Covenants

Macedonia as a country does not have a large corpus of cases on the protection of citizens' human rights before the UN committees and bodies, although numerous reports can be noted with recommendations and observations for improving the situation in relation to the application of various UN Conventions in the national legal system. This situation refers to the activities of the UN committees and not to the International Court of Justice in the Hague where the State had several important cases related to the 'name dispute'<sup>65</sup> with Greece and cases known as the 'Hague cases' which were taken from the International Criminal Court, also known as The Hague War Criminal Tribunal<sup>66</sup>, by the Macedonian authorities for further action.

In the following, three cases will be presented that have been resolved in the UN Committee on the Elimination of Discrimination against Women. The Committee decided on three applications submitted by Macedonian citizens according to Article 14 (Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women), and three cases were closed:- CEDAW/C/75/D/110/2016, CEDAW/C/75/D/107/2016, CEDAW/C/77/143/2019.<sup>67</sup>

In the first case, the Committee noted that the applicants (authors) S.B. and M.B. (represented by counsel, Natasha Boshkova) claimed that they had suffered intersecting discrimination in North Macedonia based on both their gender and ethnicity, in violation of Article 2 (a), (c) and (e) of the Convention.

According to the facts presented in the application, the State Party failed to: ensure the practical implementation of the principle of non-discrimination as concerns access to and provision of gynaecological services; ensure through a competent national tribunal the effective protection of the authors against any act of discrimination; take all appropriate measures to eliminate discrimination against the authors by any person, organisation or enterprise and that the State

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65 International Court of Justice, Case Concerning the Application of the Interim Accord of 13 September 1995 (The Former Yugoslav Republic of Macedonia v. Greece) [Online]. Available at: <https://www.icj-cij.org/case/142> (Accessed 13 October 2024).

66 International Criminal Tribunal for the Former Yugoslavia, Prosecutor v. Ljube Bošković and Johan Tarčulovski, Case No. IT-04-82 [Online]. Available at: [https://www.icty.org/x/cases/boskoski\\_tarculovski/ind/en/bos-ii050309e.pdf](https://www.icty.org/x/cases/boskoski_tarculovski/ind/en/bos-ii050309e.pdf) (Accessed 13 October 2024).

67 United Nations Human Rights Treaty Bodies: UN Treaty Bodies Database: Reporting status for North Macedonia [Online]. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MKD&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MKD&Lang=EN) (Accessed 10 May 2024).

Party's failure had a particularly disproportionate and discriminatory effect on Roma women and girls.

The Committee observed that the authors were treated differently from other women of reproductive age not belonging to ethnic minority groups who were seeking gynaecological services at the same time. The Committee also observed that the right to be free from discrimination entails not only treating people equally when they are in similar situations but also treating them differently when they are in different situations.

The Committee noted the authors' claim, which remained unrefuted by the State Party, that the courts lacked an understanding of the phenomenon of discrimination and of the vulnerability of Roma women in society and, despite the evidence of unequal treatment, failed to establish that the gynaecologist had demonstrated a discriminatory attitude and to provide redress. It also noted the authors' argument, also unrefuted, that the court lacked an understanding of the shifting of the burden of proof in a *prima facie* discrimination case to the defendant to establish that discrimination had not occurred.

The Committee appreciated the information provided by the State Party concerning the adoption in 2019 of a new legislative framework on the prevention of and protection against discrimination, especially in the health sector, the training programme implemented by the Ministry of Labour and Social Policy and the Ministry of Health and the project on Roma health mediators as part of the implementation of the Decade of Roma Inclusion 2005–2015.

The Committee further noted the authors' claims that they had faced serious obstacles to the enjoyment of their health rights, in breach of Article 12 of the Convention. The Committee noted that it remained undisputed that the authors were refused enrolment as patients at the practice of their local gynaecologist and denied a regular gynaecological examination free of charge despite their poor financial situation, while women of reproductive age from the majority community were accepted as patients and examined on the same day. In that context, the Committee recalled that States Parties' compliance with Article 12 of the Convention was central to the health and well-being of women and that special attention should have been given to the health needs and rights of women belonging to vulnerable and disadvantaged groups. Furthermore, it noted that States Parties should have reported on measures taken to eliminate barriers faced by women in terms of access to healthcare services and to ensure that women have timely and affordable access to such services, in particular those related to reproductive health.<sup>68</sup>

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68 See: UNCHR: General Recommendation No. 24: Article 12 of the Convention (Women and health), 1999, paras. 2, 6 and 21–23 [Online]. Available at: <https://www.refworld.org/legal/general/cedaw/1999/en/11953> (Accessed 10 May 2024).

In the light of the above conclusions, the Committee made the following recommendations to the State Party.

With regard to the authors: provide them with appropriate reparation, including through the recognition of the material and moral damages that they suffered as a consequence of their inadequate access to sexual and reproductive healthcare, in particular to regular gynaecological services; provide them with access to affordable healthcare services, in particular sexual and reproductive healthcare.

In general: adopt and implement specific and effective policies, programmes and targeted measures, to combat intersecting forms of discrimination and stereotypes in relation to Roma women and girls, including in healthcare, ensuring that language is not a barrier to gaining access to health services; effectively implement new legislation relating to health, guarantee and ensure access to affordable and high-quality healthcare and sexual and reproductive healthcare services without language barriers, in particular effective access to regular gynaecological examinations free of charge, and prevent and eliminate the practice of charging women and girls, in particular Roma women and girls, unlawful fees for public healthcare services; take administrative measures to eliminate the unequal distribution of gynaecological services in the territory of the State Party and allocate financial resources to support the equitable regional distribution of gynaecological facilities, especially in rural areas and areas in which Roma women and girls live; increase the awareness of judges of non-discrimination, including the procedural aspect of shifting the burden of proof during judicial proceedings; and ensure that women have recourse to effective, affordable, accessible and timely judicial remedies, to be addressed in a fair hearing by a competent and independent court or tribunal, where appropriate, or by other public institutions, taking into consideration the Committee's general recommendation No. 33 (2015) on women's access to justice; provide training to healthcare providers on discrimination against Roma women and girls, their specific needs and the problems that they face; engage actively, including through the provision of financial support, with civil society organisations (including human rights and women's organisations) representing Roma women in order to strengthen advocacy against intersecting forms of discrimination based on sex, gender and ethnicity and promote tolerance and the equal participation of Roma women in all areas of life; develop specific poverty alleviation and social inclusion programmes, in particular for Roma women and girls, etc.

The second case in the UN Committee on the Elimination of Discrimination against Women was initiated on 21 December 2016. The authors of the communication were L.A., D.S., R.A. and L.B., nationals of North Macedonia of Roma ethnicity, born in 1990, 1999, 1996 and 1994. The Committee noted that, at the time of eviction, the authors were in a particularly vulnerable situation, given that they

were single, young women and/or minors of Roma ethnicity who were pregnant or had recently given birth, and some of them had minor children.

The Committee took note of the State Party's observations indicating that the authors were subsequently provided with accommodation in a social centre and in a container settlement, the State Party categorised the affected persons into groups depending on their needs; and pregnant women were included in the target groups (see para. 4.2 above).

The Committee observed, however, that the living conditions at the social centre and the container settlement remained inappropriate, owing to sewerage problems, insufficient toilet facilities and scarce food.

The Committee noted the claims of the authors regarding the fact that, under the State Party's compulsory insurance plan, they were still required to pay a significant portion of the medical fees, which they could not afford.

In addition, the amount charged to them depended on whether a doctor chose to register them as patients, and gynaecologists refused to register Roma women as patients. Before and after the eviction, most of the authors could not afford to see a doctor. During their pregnancies, L.A. and D.S. never visited a gynaecologist, R.A. managed to visit a gynaecologist twice and L.B. only once, for the delivery. The Committee also noted that the eviction exacerbated the difficult health conditions faced by the authors as young pregnant women in that context, given that their access to food, clean water and nutrition was further compromised. In addition, the authors claimed never to have received education on sexual and reproductive health and rights, which remained unchallenged by the State Party.

Therefore, the Committee made the following recommendations to the State Party concerning the authors of the communication:

- Provide adequate reparation, including recognition of the material and moral damages that they suffered owing to inadequate access to housing and healthcare during their pregnancies, aggravated by their eviction;
- Provide suitable accommodation, access to clean water and proper nutrition and immediate access to affordable healthcare services.
- In general:
  - Adopt and pursue specific and effective policies, programmes and targeted measures, including temporary special measures, in accordance with Article 4 (1) of the Convention and general recommendation No. 25(2004) on temporary special measures, to combat intersecting forms of discrimination against Roma women and girls;
  - Ensure effective access to adequate housing for Roma women and girls;
  - Ensure access to affordable and high-quality healthcare and reproductive health services, and prevent and eliminate the practice of charging Roma women and girls illegal fees for public health services;



- Develop specific poverty alleviation and social inclusion programmes for Roma women and girls;
- Reinforce the application of temporary special measures, in line with Article 4 (1) of the Convention and the Committee's general recommendation No. 25, in all areas covered by the Convention in which women and girls belonging to ethnic minority groups, in particular Roma women and girls, are disadvantaged;
- Engage actively, including through the provision of financial support, with civil society and human rights and women's organisations representing Roma women and girls, to strengthen advocacy against intersectional forms of discrimination on the grounds of sex, gender and ethnicity, and promote tolerance and the equal participation of Roma women in all areas of life, etc.

In the third case, the authors were S.B. and M.B., nationals of North Macedonia of Roma ethnicity, born in 1988 and 1985. Their complaint concerned denial of access to gynaecological services, notably a denial by a private healthcare facility to register them as patients based on their ethnicity, and the lack of gynaecological services in the area in which they lived, as a form of discrimination against women. They claimed that they were victims of a violation of their rights under Articles 1, 2 (a), (c) and (e) and 12 of the Convention owing to the State Party's failure to introduce positive measures in favour of the sexual and reproductive rights of Roma women, resulting in inequality in practice in the authors' enjoyment of their right to health.

They also claimed that the court had lacked an understanding of the nature, specificity and intersectionality of the discrimination, as well as its root causes and harmful effects, especially on ethnic minority women, and of the reversed burden of proof falling on the defendant.<sup>69</sup> The court neglected the defendant's discriminatory statements that she did not want to admit 'that kind of people' into her practice and that 'the patient had a pungent smell, smelled like a sewer'. It underestimated the emotional trauma and ignored the psychological suffering of the authors owing to the refusal, while other women from the majority ethnic background had received gynaecological services immediately. It also disregarded the statements of the control subjects who had experienced different, quite opposite, treatment to that reserved for the authors. The court also disregarded the poor financial situation of the authors, who needed access to gynaecological services close to their area of residence in order to reduce travel expenses. The court's

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<sup>69</sup> The authors explain that victims of discrimination have the right to seek court protection in a civil procedure, in which they can submit all the facts and evidence that justify their claim by establishing a *prima facie* case of discrimination, while the burden of proof that no discrimination has occurred falls on the defendant during the proceedings (art. 38 of the Law on Prevention of and Protection against Discrimination of 2010).

decision lacked motives and an analysis of the statements of the victims and the situation that they were facing; its reasoning was based solely on the defendant's statements.

In the light of the above conclusions, the Committee made the following recommendations to the State Party.

With regard to the authors:

- Provide them with appropriate reparation, including through the recognition of the material and moral damages that they suffered as a consequence of their inadequate access to sexual and reproductive health care, in particular to regular gynaecological services;
- Provide them with access to affordable healthcare services, in particular sexual and reproductive healthcare;

In general:

- Adopt and implement specific and effective policies, programmes and targeted measures, in accordance with Article 4 (1) of the Convention, including temporary special measures, taking into consideration general recommendation No. 25 (2004) on temporary special measures, to combat intersecting forms of discrimination and stereotypes in relation to Roma women and girls, including in healthcare, ensuring that language is not a barrier to gaining access to health services;
- Effectively implement new legislation relating to health, guarantee and ensure access to affordable and high-quality healthcare and sexual and reproductive healthcare services without language barriers, in particular effective access to regular gynaecological examinations free of charge, and prevent and eliminate the practice of charging women and girls, in particular Roma women and girls, unlawful fees for public healthcare services; take administrative measures to eliminate the unequal distribution of gynaecological services in the territory of the State Party and allocate financial resources to support the equitable regional distribution of gynaecological facilities, especially in rural areas and areas in which Roma women and girls live;
- Increase the awareness of judges of non-discrimination, including the procedural aspect of shifting the burden of proof during judicial proceedings; and ensure that women have recourse to effective, affordable, accessible and timely judicial remedies, to be addressed in a fair hearing by a competent and independent court or tribunal, where appropriate, or by other public institutions, taking into consideration the Committee's general recommendation No. 33 (2015) on women's access to justice;
- Provide training to healthcare providers on discrimination against Roma women and girls, their specific needs and the problems that they face;

- Engage actively, including through the provision of financial support, etc.

## 7. Conclusions

Republic of North Macedonia is a party to most of the key international UN human rights treaties and pursues regular dialogue with the bodies established under the UN Charter and treaties, including the Universal Periodic Review and special procedures of the UN Human Rights Council. The country submits periodic progress reports on the ratified UN core human rights instruments. Both the Ombudsman, appointed by the National Assembly, and human rights defenders play a pivotal role in monitoring, reporting and protecting human rights and the most vulnerable members of society.

As it has been already mentioned, Macedonia, with its legal system, belongs to the category of States where continental law is applied and where the main sources of law are the Constitution, the national laws and the international agreements concluded and ratified in accordance with the legislation. International law, according to the Vienna Convention on the Law of Treaties (1969), has in principle its priority with respect to national laws and is based on the fundamental principles of international law stated in Article 26 (*Pacta sunt servanda*), according to which 'every treaty in force is binding upon the parties to it and must be performed by them in good faith' and Article 27 that '[a] party may not invoke the provisions of its internal law as justification for its failure to perform a treaty'.<sup>70</sup>

The respect for the generally accepted norms of international law in the country is stated as one of the fundamental principles of the constitutional order (Article 8) and the international agreements that are ratified in conformity with the Constitution are an integral part of the internal legal order and cannot be changed by law (Article 118). In the evaluations which are made by the UN committees, the country's overall human rights record is considered as generally satisfactory, with remarks that the country must improve the situation in the field of non-discrimination, women's rights, children's rights as well as the rights of migrants and stateless persons.

It can be noted that the legislation is mostly in line with the above-mentioned UN human rights conventions, but that in general the State faces certain problems in their application. In the country, there is a will to apply international standards on the protection against discrimination, the protection of children's rights, women's rights, the rights of persons with disabilities, the protection of migrants and stateless persons, there are efforts by official institutions in the country to improve the conditions and situation of these categories of persons in accordance

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70 Karakamiseva, 2009.

with the criteria established in international instruments, however, there is a lack of complete inter-institutional coordination, insufficient budgetary support for activities aimed at improving the situation, as well as incomplete implementation of national strategies and plans for development and improvement of the situation with human rights and freedoms.

## Bibliography

- Amnesty International (1981) *Yugoslavia – Prisoners of conscience*. [Online]. Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/06/eur480311981en.pdf> (Accessed: 4 October 2024).
- Karakamiševa, T. (2009) 'Human Rights in the Republic of Macedonia', *Revus*, 2009(11), pp. 151–166; <https://doi.org/10.4000/revus.1149>.
- Kulić, D. (1973) 'The Constitutional Court of Yugoslavia in the Protection of Basic Human Rights', *Osgoode Hall Law Journal*, 11(2) pp. 275–284; <https://doi.org/10.60082/2817-5069.2260>.
- Kulić, D. (1978) 'Настајање Социјалистичке Републике Македоније У Југословенској Федерацији' [The Creation of the Socialist Republic of Macedonia in the Yugoslav Federation], *Зборник Радова Правног Факултета У Нишу [Collection of Papers, Faculty of Law, Niš]*, 1978(18), pp. 43–68. [Online]. Available at: <https://www.ceeol.com/search/article-detail?id=755443> (Accessed: 4 October 2024).
- *Law on the Protection of Children (Закон за заштита на децата)*, *Official Gazette of North Macedonia* [Online]. Available at: <https://www.mtsp.gov.mk/content/pdf/2021/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%20%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B0%20%D0%BD%D0%B0%20%D0%B4%D0%B5%D1%86%D0%B0%D1%82%D0%B0%20%D0%BA%D0%BE%D0%BD%D1%81%D0%BE%D0%BB%D0%B8%D0%B4%D0%B8%D1%80%D0%B0%BD%20%D1%84%D0%B5%D0%B2%D1%80%D1%83%D0%B0%D1%80%D0%B8%202021-converted.pdf> (Accessed: 15 May 2024).
- OSCE (2023) *The Electoral Participation of People with Disabilities and the Election Administration in North Macedonia*. OSCE-ODIHR. [Online]. Available at: <https://www.osce.org/odihr/elections/north-macedonia/539072> (Accessed: 15 May 2024).
- Polio Plus (2018) *The Lost Agenda - Demystification of the issue of disability in the field of equality and non-discrimination*. Polio Plus: Skopje. [Online]. Available at: <https://polioplus.org.mk/margina/dokumenti/izgubenata-agenda-en.pdf> (Accessed: 15 April 2024).
- Rehn, E. (1996) *Situation of human rights in the territory of the former Yugoslavia – Report*. Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1995/89. [Online]. Available at: <https://digitallibrary.un.org/record/235228?v=pdf> (Accessed: 4 October 2024).
- Reif, L. (2000) 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection', *Harvard Human Rights Journal*, 2000(13), pp. 1–69. [Online]. Available at: <https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2020/06/13HHRJ1-Reif.pdf> (Accessed: 3 October 2024).
- Rich, R. (1993) 'Recognition of States: The Collapse of Yugoslavia and the Soviet Union', *European Journal of International Law*, 4(1), pp. 36–65. [Online]. Available at: <http://www.ejil.org/pdfs/4/1/1207.pdf> (Accessed: 5 October 2024).
- UNICEF (2022) *UNPRPD Situational Analysis Report – North Macedonia*. [Online]. Available at: <https://www.unicef.org/northmacedonia/media/11711/file/mkd-unprpd-sitan-mk-2022.pdf> (Accessed: 16 April 2024).

- United Nations (1995) *A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*. [Online]. Available at: <https://www.refworld.org/reference/manuals/un/1995/en/97867> (Accessed: 5 October 2024).
- United Nations Development Programme (1996) *Yugoslavia*. [Online]. Available at: <https://hdr.undp.org/system/files/documents/yugoslavianhdr1996.pdf> (Accessed: 5 October 2024).