

BETWEEN COMMITMENTS AND COMPLIANCE: HUMAN RIGHTS DYNAMICS IN NORTH MACEDONIA'S EU ACCESSION PROCESS

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ABSTRACT

This paper comprehensively analyses human rights issues and judicial reform efforts in North Macedonia within the context of its negotiations for European Union (EU) accession. Focusing on Chapters 23 and 24 of the EU Acquis package, the paper examines the country's progress in judicial independence, fundamental rights protection, combatting organised crime and terrorism, and migration and asylum policies.

In analysing progress and challenges, the paper highlights achievements in legislative reforms, improvements in the judiciary and successes in combatting organised crime while also addressing remaining issues such as political interference in the judiciary, human rights concerns and institutional gaps.

The conclusion synthesises key findings, assesses North Macedonia's progress towards EU accession, and outlines the future outlook and potential impacts of continued reforms. Emphasising the importance of sustained commitment to European values and principles, the paper underscores the transformative potential of North Macedonia's European journey and the collective pursuit of a future anchored in democracy, prosperity and unity.

KEYWORDS

*North Macedonia
human rights
rule of law
fundamental rights
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1. Introduction

North Macedonia, formerly known as the Former Yugoslav Republic of Macedonia (FYROM), has pursued membership in the European Union (EU) for several decades. The country's EU accession process officially began when it applied for EU membership

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in 2004. The European Council granted today's North Macedonia candidate status in December 2005, recognising its progress in meeting the political and economic criteria set by the Copenhagen European Council in 1993.²

Despite being granted candidate status in 2005, accession negotiations were delayed due to a long-standing name dispute with Greece. This dispute, centred on using the name 'Macedonia,' was resolved in June 2018 by signing the Prespa Agreement, in which Macedonia agreed to change its name to North Macedonia.³ This historic agreement paved the way for the European Council to agree in March 2020 to open accession negotiations with North Macedonia.⁴

The European Commission has closely monitored North Macedonia's progress throughout this period through annual country reports. These reports assess the country's advancements and challenges in various areas, including judicial independence, anti-corruption measures, human rights, and adherence to EU standards and values.⁵

Meeting the requirements of Chapters 23 and 24 is particularly significant for North Macedonia, given the historical and ongoing challenges in these areas. Ensuring judicial independence, combatting corruption, protecting fundamental rights, and securing borders are not just EU accession criteria but are also essential for the country's socio-political stability and development.⁶

For North Macedonia, the reports on Chapters 23 and 24 are particularly critical, as these chapters are often among the most challenging and are usually opened early and closed last in the negotiation process.⁷ The rigorous monitoring and detailed evaluations provided by the country reports ensure that North Macedonia's progress in these areas is closely tracked and that necessary reforms are implemented effectively.⁸

2. Chapter 23: Judiciary and Fundamental Rights

Chapter 23 of the EU Acquis, dealing with Judiciary and Fundamental Rights, is pivotal in the accession negotiations for North Macedonia. It focuses on establishing a robust legal framework that guarantees the independence and impartiality of the judiciary, implements effective anti-corruption measures, and ensures the protection of fundamental human rights.

| 2.1. *Functioning of the Judiciary and Prosecution Service*

Judicial independence refers to the freedom of judges to make decisions based solely on the law and facts of a case, without external pressures or influence from other branches of government, political parties, or other interest groups.⁹ For North Macedonia, achieving true judicial independence has been a significant challenge, given the

2 | European Council, 2005.

3 | Prespa Agreement, 2018.

4 | European Council, 2022.

5 | Republic of North Macedonia, no date.

6 | European Commission, 2021a.

7 | European Commission, 2022a.

8 | European Commission, 2023a.

9 | European Commission, 2025.

historical context of political influence over the judiciary.¹⁰ The European Commission's reports have pointed out several areas of concern.¹¹

1. **Appointment and Promotion of Judges:** The process for appointing and promoting judges has often been criticised for lacking transparency and being susceptible to political influence. Reforms have been recommended to ensure that these processes are merit-based and insulated from political pressures.
2. **Judicial Council:** The Judicial Council, which plays a crucial role in overseeing the judiciary, must operate independently and impartially. The Commission has stressed the importance of reforming the composition and functioning of the Judicial Council to prevent political interference and ensure it acts in the best interests of judicial integrity.
3. **Tenure and Security of Judges:** Ensuring judges have secure tenure and are protected from arbitrary dismissal is vital for maintaining judicial independence. The reports have emphasised the need for legal safeguards that protect judges from undue influence and ensure their decisions are respected and upheld.

Impartiality in judicial proceedings means that judges must not have any personal interest in the outcomes of cases they adjudicate and must treat all parties fairly and without bias:¹²

1. The European Commission has noted several measures North Macedonia needs to implement to enhance judicial impartiality.¹³
2. **Training and Education:** Continuous professional development and training for judges on the principles of impartiality and judicial ethics are essential. This includes training on EU laws and human rights standards to ensure judges are well-equipped to handle cases impartially.
3. **Monitoring and Accountability:** Establishing mechanisms to monitor judicial conduct and hold judges accountable for bias or misconduct is crucial. The Commission has recommended the creation of independent bodies to investigate complaints against judges and take appropriate disciplinary action when necessary.
4. **Transparency in Proceedings:** Increasing transparency in judicial proceedings can help build public trust in the judiciary's impartiality. This includes publishing court decisions and ensuring that court processes are open and accessible to the public and media.
5. North Macedonia has undertaken several reforms to address these issues, but challenges remain.¹⁴ Key reforms include:
6. **Amendments to the Law on Courts and Judicial Council:** These amendments aim to enhance the transparency and merit-based nature of judicial appointments and promotions. However, effective implementation and continuous monitoring are required to ensure these reforms have the desired impact.

10 | Freedom House, 2021.

11 | Popovikj, 2021.

12 | Transparency International, nda.

13 | European Commission, 2018.

14 | Popovikj, 2021.

7. Strengthening the Role of the Academy for Judges and Public Prosecutors: The Academy provides training and education for judges and prosecutors, focusing on promoting judicial independence and impartiality. Enhancing the Academy's role and resources is critical for ongoing judicial reform efforts.
8. Anti-corruption measures are critical to judicial reform and the broader efforts to align North Macedonia with EU standards.¹⁵
9. North Macedonia has made significant strides in developing a comprehensive legal and institutional framework to combat corruption¹⁶. Critical components of this framework include:
10. Anti-Corruption Legislation: The country has enacted several laws to prevent and combat corruption. These include laws on preventing corruption, conflicts of interest, and the protection of whistleblowers. The legal framework aligns with international standards and provides a basis for prosecuting corruption cases.
11. State Commission for the Prevention of Corruption (SCPC): The SCPC plays a central role in the country's anti-corruption efforts. It is responsible for preventing corruption, investigating corruption-related offenses, and promoting transparency and accountability in public administration. Strengthening the SCPC's capacity and independence has been a priority in the reform process.¹⁷
12. Despite the robust legal framework, implementing anti-corruption measures faces several challenges, as highlighted in the European Commission's reports¹⁸:
13. Political Interference: One of the most significant challenges is political interference in anti-corruption bodies and the judiciary. Ensuring the independence of these institutions is crucial for their effectiveness. The reports have noted instances where political pressure has hampered investigations and prosecutions.
14. Resources and Capacity: The SCPC and other relevant institutions often need more resources and capacity to carry out their mandates effectively. This includes the need for adequate staffing, training, and financial resources to conduct thorough investigations and enforce anti-corruption laws.
15. Judicial Inefficiency: Corruption cases often face delays in the judicial process, undermining public confidence in the system. Enhancing the judiciary's efficiency and effectiveness in handling corruption cases is essential for building trust and ensuring justice is served.

Ensuring the judiciary's integrity is essential for maintaining public confidence in the legal system and upholding the rule of law.¹⁹ Implementing and enforcing codes of conduct for judges and prosecutors is a fundamental aspect of integrity measures. These codes outline the ethical principles and standards of behaviour expected from judicial officials. In North Macedonia, efforts have been made to develop comprehensive codes of conduct that align with international standards.²⁰ Key elements include:

15 | Netpress, no date.

16 | Regional Anti-Corruption Initiative, no date.

17 | State Commission for the Prevention of Corruption, no date.

18 | European Commission, 2023b.

19 | Greenstein, 2019.

20 | Transparency International, ndb.

1. **Impartiality and Independence:** Judges and prosecutors must act impartially and independently, free from external influence or personal bias.
2. **Confidentiality:** Judicial officials must maintain the confidentiality of information obtained during their duties and avoid disclosing sensitive information improperly.
3. **Conflict of Interest:** Clear guidelines are provided to identify and manage potential conflicts of interest, ensuring that judicial decisions are based solely on the law and facts of each case.

Continuous professional development and training are critical for promoting integrity within the judiciary. North Macedonia has implemented several initiatives to enhance the training of judges and prosecutors on ethical standards and integrity measures:²¹

1. **Judicial Academy:** The Academy for Judges and Public Prosecutors offers specialised training programmes on judicial ethics, anti-corruption measures, and the principles of judicial independence. These programmes are designed to equip judicial officials with the knowledge and skills to uphold integrity.²²
2. **Workshops and Seminars:** Regular workshops and seminars are conducted to raise awareness of integrity issues and provide practical guidance on adhering to ethical standards. These events often feature experts from international organisations and other EU Member States who share best practices and experiences.

The European Commission's reports highlight the need for robust systems to detect and address misconduct within the judiciary²³:

1. **Disciplinary Procedures:** Clear and transparent disciplinary procedures are in place to investigate misconduct allegations and impose appropriate sanctions. These procedures must be impartial and ensure due process for the accused.
2. **Oversight Bodies:** Independent oversight bodies, such as judicial councils or ethics commissions, play a crucial role in monitoring compliance with integrity standards. These bodies are responsible for investigating complaints, conducting audits, and providing recommendations for improving integrity measures.²⁴
3. **Whistleblower Protections:** Legal protections for whistleblowers encourage the reporting of unethical behaviour without fear of retaliation. This is vital for uncovering misconduct and promoting a culture of accountability within the judiciary.²⁵

Despite progress in implementing integrity measures, several challenges remain²⁶:

1. **Political Interference:** Ensuring the true independence of oversight bodies and disciplinary procedures from political influence is a persistent challenge. The European Commission has emphasised the need for further reforms to protect these institutions from external pressures.

21 | Academy for Judges and Public Prosecutors, no date.

22 | Najchevska et al., 2020.

23 | European Commission, 2023a.

24 | OECD, 2020.

25 | OECD, 2016; National Whistleblower Center, 2023.

26 | National Democratic Institute, no date.

2. **Resource Constraints:** Limited resources and capacity can hinder the effectiveness of training programmes and monitoring mechanisms. Ensuring adequate funding and support for these initiatives is crucial for their success.
3. **Public Perception:** Building public trust in the judiciary requires the consistent and transparent enforcement of integrity measures. Continued efforts to improve transparency and accountability are needed to address public scepticism and enhance the credibility of the judicial system.

The caseload and clearance rate of the judiciary are essential indicators of its efficiency and effectiveness in delivering justice. The caseload refers to the number of cases pending before the courts at any given time.²⁷ Factors Contributing to High Caseload:

1. **Legislative Complexity:** Complex legal frameworks and frequent changes in legislation can contribute to a high caseload. Clarity and consistency in laws and regulations can help streamline court proceedings and reduce unnecessary litigation.
2. **Resource Constraints:** Limited resources, including judicial personnel, court infrastructure, and financial support, can impact the judiciary's capacity to handle its caseload efficiently. Investing in additional resources and modernising court processes can alleviate these challenges.
3. **Procedural Delays:** Procedural delays, such as adjournments, postponements, and scheduling conflicts, can prolong the resolution of cases and contribute to backlog. Implementing measures to expedite court proceedings and reduce unnecessary delays is essential for improving caseload management.

The clearance rate measures the efficiency of the judiciary in resolving cases within a specific period. A high clearance rate indicates that courts are processing cases in a timely manner and reducing the backlog of pending cases. North Macedonia has faced challenges in achieving a satisfactory clearance rate, with many cases remaining unresolved for extended periods.²⁸ North Macedonia has implemented several reforms to improve caseload management and clearance rates:²⁹

1. **Judicial Reform Strategy:** The government has adopted a comprehensive judicial reform strategy to modernise court processes, enhance judicial efficiency, and reduce case backlog. This includes measures to digitise court records, streamline procedures, and improve access to justice.
2. **Capacity Building Initiatives:** Efforts have been made to increase the judiciary's capacity through training programmes, recruitment of additional judges and court staff, and investment in court infrastructure. These initiatives aim to address resource constraints and improve the speed and quality of case processing.
3. **Promotion of Alternative Dispute Resolution:** The government has promoted the use of alternative dispute resolution mechanisms to reduce the court's caseload. Initiatives to train judges and legal professionals in mediation and arbitration techniques aim to facilitate faster and more efficient dispute resolution.

27 | Council of Europe, no date.

28 | European Commission, 2022a.

29 | European Commission, 2023a.

| 2.2. Fundamental Rights

Fundamental rights are the cornerstone of a democratic society, ensuring the protection of individual liberties and freedoms.³⁰ Chapter 23 of the EU Acquis addresses these critical issues, emphasising the need for robust protections and adherence to international human rights standards.

The conditions within the prison system are critical to respecting human rights and ensuring the dignity of individuals deprived of their liberty.³¹

Reports from the European Commission on North Macedonia have highlighted significant issues regarding the prison system's conditions. The primary concerns are overcrowding, inadequate facilities, and limited access to healthcare and rehabilitation programmes.³² These challenges pose profound human rights implications and demand prompt action from authorities.³³

Overcrowding is prevalent in North Macedonia's prisons, with facilities often operating beyond their intended capacity.³⁴ This overcrowding leads to heightened tensions among inmates, increased risk of violence and exploitation, and undermines efforts toward rehabilitation. Mitigating overcrowding requires a multifaceted approach, including measures to reduce the prison population, improve infrastructure, and promote alternatives to incarceration.

Many of North Macedonia's prisons suffer from outdated infrastructure and inadequate facilities.³⁵ Overcrowded cells, poor sanitation, and limited access to basic amenities are common issues in prisons. Upgrading the physical conditions of prisons is crucial for ensuring inmates' safety, health, and well-being. This necessitates renovations, construction of new facilities, and adherence to modern prison design and construction standards.

Access to healthcare and rehabilitation programmes is fundamental for promoting prisoners' physical and mental well-being and aiding their reintegration into society upon release.³⁶ However, reports indicate deficiencies in healthcare services within North Macedonia's prisons, including shortages of medical staff and inadequate medical facilities.³⁷ Similarly, rehabilitation programmes such as vocational training and education are not consistently available. Improving access to healthcare and rehabilitation services is imperative for upholding prisoners' rights and reducing recidivism rates. North Macedonia has initiated reforms to address challenges within its prison system³⁸:

1. Legislative Reforms: The government has enacted legislative reforms to improve prison conditions and safeguard inmates' rights. These reforms include strengthening oversight mechanisms, expanding legal assistance, and promoting alternatives to imprisonment for non-violent offenders.

30 | European Commission, nda.

31 | Office of the High Commissioner for Human Rights (OHCHR), 1990.

32 | European Western Balkans, 2023.

33 | European Commission, 2022a.

34 | Amnesty International, 2021.

35 | European Western Balkans, 2023.

36 | Møller et al., 2007.

37 | Council of Europe – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 2024.

38 | European Western Balkans, 2023.

2. Infrastructure Investments: Efforts have been made to upgrade prison infrastructure and facilities. Renovations, construction of new prisons, and improvements in sanitation aim to enhance living conditions for inmates.
3. Healthcare and Rehabilitation Initiatives: Initiatives have been launched to enhance prison access to healthcare and rehabilitation programmes. This includes increasing medical staffing, expanding medical facilities, and providing educational and vocational opportunities for inmates.

The treatment of detainees in North Macedonia has been a subject of scrutiny, with reports highlighting instances of mistreatment, abuse, and inadequate access to legal representation. Concerns have been raised regarding the use of excessive force by law enforcement officials, arbitrary detention practices, and lack of safeguards against torture and ill-treatment.³⁹

Protecting detainees against torture and ill-treatment is a non-negotiable obligation under international law.⁴⁰ North Macedonia is party to various international treaties and conventions that prohibit torture and cruel, inhuman, or degrading treatment or punishment. However, reports suggest that instances of torture and ill-treatment continue to occur, highlighting the need for more robust safeguards and accountability mechanisms.

Access to legal representation is a fundamental right essential for safeguarding detainees' rights and ensuring fair and impartial legal proceedings.⁴¹ However, challenges exist in North Macedonia regarding detainees' access to legal counsel, particularly for vulnerable groups such as migrants, refugees, and individuals from marginalised communities. Efforts are needed to strengthen legal aid services and ensure that detainees can effectively exercise their right to legal representation.⁴²

Legislative reforms protect fundamental rights and align national laws with European Union standards. In the context of North Macedonia's EU accession process, legislative reforms are essential for strengthening the rule of law, promoting accountability, and upholding human rights.⁴³

North Macedonia has made progress in enacting legislative reforms to align with EU standards, particularly in criminal justice, human rights, and anti-corruption. However, challenges remain in fully implementing and enforcing these reforms, including institutional capacity, political will, and public awareness.⁴⁴

Harmonising national legislation with the EU *acquis* is a complex and ongoing process that requires comprehensive reforms across various sectors. North Macedonia has made significant efforts to align its legal framework with EU standards, particularly in the areas covered by Chapters 23 and 24 of the *Acquis*.⁴⁵

Combatting corruption is a priority for North Macedonia's EU accession process, requiring legislative reforms to strengthen anti-corruption mechanisms, enhance

39 | Amnesty International, 2024.

40 | United Nations, 1984.

41 | Lawson-Remer, 2013.

42 | European Union Agency for Fundamental Rights (FRA), 2023.

43 | European Commission, 2023a.

44 | European Commission, ndc.

45 | European Commission, ndc.

transparency, and promote accountability.⁴⁶ Efforts have been made to enact laws criminalising corruption, establish independent anti-corruption agencies, and promote transparency in public procurement and financial transactions.⁴⁷

Despite progress in legislative reforms, challenges persist in fully implementing and enforcing these measures:

1. **Institutional Capacity:** Building institutional capacity and ensuring effective implementation of legislative reforms remain ongoing challenges. This includes training judges, prosecutors, and law enforcement officials and strengthening the capacity of regulatory bodies and oversight institutions.
2. **Political Will:** Sustaining political will and commitment to reforms is essential for overcoming resistance to change and addressing vested interests that may hinder progress. Political stability and consensus-building are crucial for advancing legislative reforms and ensuring their effective implementation.
3. **Public Awareness:** Raising public awareness of legal rights and responsibilities is vital for promoting respect for the rule of law and fostering a culture of compliance with legal norms. Public education campaigns, legal aid services, and civic engagement initiatives can empower citizens and enhance their understanding of their rights and obligations under the law.

Observer status in the Fundamental Rights Agency (FRA) allows countries aspiring to EU membership, like North Macedonia, to engage in discussions on fundamental rights issues and benefit from the agency's expertise and resources.⁴⁸ North Macedonia obtained observer status in the FRA in 2020, granting it access to the agency's activities, reports, and expertise on fundamental rights issues. Observer status in the FRA offers several benefits for North Macedonia:

1. **Access to Expertise:** North Macedonia can access the FRA's expertise and resources on fundamental rights issues, including the rule of law, non-discrimination, and data protection. This allows the country to benefit from best practices, research findings, and policy recommendations to address human rights challenges domestically.⁴⁹
2. **Networking Opportunities:** Participation in FRA meetings and events facilitates networking and knowledge-sharing with other EU Member States and observer countries. This enables North Macedonia to build partnerships, exchange experiences, and foster cooperation on human rights issues of mutual interest.⁵⁰
3. **Capacity Building:** Engagement with the FRA can contribute to capacity building and institutional strengthening in North Macedonia, particularly in data collection and analysis, human rights monitoring, and legal reforms. By adopting international standards and best practices, North Macedonia can enhance its human rights infrastructure and promote accountability and transparency.⁵¹

46 | GRECO, 2023.

47 | Government of North Macedonia, 2021-2025.

48 | European Union Agency for Fundamental Rights (FRA), 2020.

49 | European Union Agency for Fundamental Rights (FRA), 2022.

50 | European Union Agency for Fundamental Rights (FRA), 2021.

51 | European Union Agency for Fundamental Rights (FRA), nda.

4. Policy Influence: Observer status provides North Macedonia a platform to voice its perspectives and concerns on fundamental rights issues within the EU context. By actively participating in FRA activities and consultations, North Macedonia can advocate for its interests and contribute to shaping EU policies and initiatives related to human rights.⁵²

3. Chapter 24: Justice, Freedom, and Security

In the context of North Macedonia's EU accession process, Chapter 24 of the EU Acquis focuses on strengthening legal frameworks and operational capacities to combat organised crime and terrorism effectively.⁵³

3.1. *Combating Organised Crime and Terrorism*

North Macedonia has made significant strides in developing legislative and institutional frameworks to combat organised crime and terrorism.⁵⁴ The country has enacted laws targeting various forms of criminal activity, including drug trafficking, human trafficking, and money laundering. Additionally, institutions such as the Ministry of Interior, the Public Prosecutor's Office, and specialised police units have been established to investigate and prosecute these crimes.

North Macedonia has implemented various legislative measures to address organised crime and terrorism:⁵⁵

1. Criminalisation of critical offenses: Laws have been enacted to criminalise activities such as drug trafficking, human trafficking, arms smuggling, and money laundering, providing law enforcement agencies with the legal tools to combat these crimes effectively.
2. Strengthening penalties: Penalties for organised crime and terrorism-related offenses have been enhanced to deter criminal activity and ensure that perpetrators are held accountable for their actions.
3. International cooperation: North Macedonia has ratified international conventions and agreements to combat organised crime and terrorism, facilitating collaboration with foreign law enforcement agencies and international organisations in investigating and prosecuting transnational criminal activities.

While progress has been made in developing the legal and institutional framework to combat organised crime and terrorism, challenges persist:⁵⁶

1. Capacity building: Strengthening the capacity of law enforcement agencies and judicial institutions is essential for enhancing their ability to investigate, prosecute, and adjudicate complex organised crime and terrorism cases.

52 | European Union Agency for Fundamental Rights (FRA), ndb.

53 | European Commission, ndb.

54 | European Commission, 2022a.

55 | Organised Crime Index, no date.

56 | Organised Crime Index, no date.

2. Resource allocation: Adequate resources, including funding, equipment, and personnel, are necessary to support the effective functioning of law enforcement and judicial institutions involved in combatting organised crime and terrorism.
3. Cooperation and coordination: Enhancing cooperation and coordination between domestic law enforcement agencies and international partners is critical for effectively addressing transnational organised crime and terrorism threats.

North Macedonia has established mechanisms for cooperation between judicial and police authorities to combat organised crime and terrorism.

While cooperation between judicial and police authorities is essential, challenges hinder effective collaboration:⁵⁷

1. Legal and procedural barriers: Differences in legal frameworks and procedures between judicial and police authorities can create obstacles to practical cooperation and coordination. Harmonising these frameworks and streamlining procedures can facilitate collaboration and enhance operational effectiveness.
2. Resource constraints: Limited resources, including personnel, equipment, and training, can hamper the ability of judicial and police authorities to collaborate effectively. Adequate investment in capacity building and resource allocation is necessary to overcome these challenges and strengthen cooperation.
3. Institutional culture: Developing a culture of cooperation and mutual trust between judicial and police authorities is essential for fostering effective collaboration. This requires ongoing efforts to promote communication, information sharing, and joint decision-making processes within and between agencies.

Combatting organised crime requires a multifaceted approach. North Macedonia has enacted laws targeting organised crime, providing law enforcement agencies with the legal tools to investigate, prosecute, and disrupt criminal activities.⁵⁸ These laws criminalise critical offenses associated with organised crime, including participation in criminal organisations, money laundering, and trafficking in drugs and persons. Strengthening penalties for organised crime offenses serves as a deterrent and ensures that perpetrators are held accountable for their actions.

Law enforcement agencies in North Macedonia play a crucial role in combatting organised crime through proactive investigation, intelligence gathering, and operational activities. Specialised police units, such as the Organised Crime Unit and the Anti-Terrorism Unit, are tasked with targeting criminal networks, dismantling illicit enterprises, and apprehending key offenders.⁵⁹ International cooperation with neighbouring countries and EU partners further enhances the effectiveness of law enforcement efforts by facilitating information sharing, joint operations, and suspect extradition.⁶⁰

Despite progress in combatting organised crime, challenges persist that require sustained efforts and cooperation:

1. Transnational nature: Organised crime networks operate across national borders, exploiting gaps in law enforcement and jurisdictional challenges.

57 | INTERPOL, 2023a.

58 | Organised Crime Index, no date.

59 | Organised Crime Index, no date.

60 | Ministry of Interior, North Macedonia, no date.

Enhanced international cooperation and coordination are necessary to counter-act these transnational threats effectively.⁶¹

2. Corruption and impunity: Corruption within state institutions and the judiciary undermines efforts to combat organised crime and promotes a culture of impunity. Strengthening anti-corruption measures and ensuring accountability are essential for maintaining the integrity of law enforcement and judicial institutions.⁶²
3. Evolving threats: Organised crime is dynamic and adaptable, constantly evolving to exploit new opportunities and technologies. Law enforcement agencies must remain vigilant and responsive to emerging threats, leveraging intelligence capabilities and innovative investigative techniques to stay ahead of criminal organisations.⁶³

North Macedonia faces the threat of terrorism, both from domestic and international sources, necessitating a comprehensive approach to counter-terrorism. While the country has not experienced large-scale terrorist attacks, it remains vigilant against potential threats and actively collaborates with international partners to address terrorism-related challenges.⁶⁴

North Macedonia has enacted laws and regulations to criminalise terrorism-related offenses and provide law enforcement agencies with the legal tools to investigate, prosecute, and prevent terrorist activities. These laws define terrorism offenses, establish penalties for terrorist acts, and outline procedures for counter-terrorism operations and investigations. Additionally, legal frameworks for international cooperation in counter-terrorism efforts have been established to facilitate information sharing, extradition, and mutual legal assistance.⁶⁵

Preventing radicalisation and violent extremism is a critical component of North Macedonia's counter-terrorism strategy. The government has implemented initiatives to address the root causes of radicalisation, including social and economic marginalisation, ideological indoctrination, and recruitment by extremist groups.⁶⁶ Community engagement programmes, youth outreach initiatives, and religious dialogue efforts aim to promote tolerance, resilience, and social cohesion and counter extremist narratives and ideologies.

Given the transnational nature of terrorism, international cooperation is essential for effectively combatting it. North Macedonia collaborates with regional and global partners, including EU Member States, NATO allies, and organisations such as Interpol and Europol, to share intelligence, coordinate operations, and enhance capacity-building efforts.⁶⁷ Participation in international forums and initiatives strengthens North Macedonia's ability to respond to terrorism-related challenges and contribute to global counter-terrorism efforts.

61 | Williams, 2007, pp. 201–222.

62 | Transparency International, ndc.

63 | Congressional Research Service, 2013.

64 | U.S. Department of State, 2022.

65 | UNODC, 2022.

66 | OSCE Mission to Skopje, no date.

67 | Europol, 2009; INTERPOL, 2023b.

Despite progress in countering terrorism, North Macedonia faces challenges that require sustained efforts and cooperation:

1. Radicalisation and recruitment: Preventing radicalisation and countering extremist narratives remain ongoing challenges, particularly with the proliferation of online propaganda and recruitment efforts by terrorist organisations.⁶⁸
2. Border security: Enhancing border security and preventing the movement of foreign terrorist fighters across borders require continued investment in border control infrastructure, technology, and personnel training.⁶⁹
3. Institutional capacity: Strengthening the capacity of law enforcement and security agencies, as well as judicial institutions, is necessary to investigate, prosecute, and adjudicate terrorism-related cases effectively.⁷⁰

| 3.2. Judicial and Police Cooperation

North Macedonia has established legal frameworks and mechanisms to facilitate judicial cooperation with other countries, particularly in criminal matters.⁷¹

Extradition treaties enable North Macedonia to request the extradition of individuals accused or convicted of criminal offenses from other countries and to extradite individuals to face justice in foreign jurisdictions.⁷²

Mutual legal assistance agreements facilitate the exchange of legal information, evidence, and assistance between judicial authorities in different countries. North Macedonia has entered into mutual legal assistance agreements with various countries, enabling cooperation in criminal investigations, evidence gathering, and judicial proceedings.

As a candidate country for EU membership, North Macedonia participates in European Union mechanisms for judicial cooperation, such as the European Judicial Network and Eurojust. These platforms facilitate communication and collaboration between judicial authorities in EU Member States and candidate countries, streamlining processes for information exchange, coordination of investigations, and mutual legal assistance.⁷³

While progress has been made in strengthening judicial cooperation mechanisms, challenges persist that require attention:

1. Legal harmonisation: Ensuring compatibility between North Macedonia's legal framework and international standards is essential for practical judicial cooperation. Harmonising laws and procedures, particularly in areas such as extradition and mutual legal assistance, can enhance the efficiency and effectiveness of cooperation mechanisms.⁷⁴
2. Capacity building: Strengthening the capacity of judicial authorities to handle complex international cases and requests for legal assistance is necessary for ensuring timely and practical cooperation. Training programmes, exchange initiatives, and technical assistance can support capacity-building efforts and enhance the skills of legal professionals involved in international cooperation.⁷⁵

68 | Steinbach, 2016.

69 | Ager, 2019.

70 | United Nations Network on Migration, 2023.

71 | Eurojust, no date.

72 | European Judicial Network, no date.

73 | European Commission, 2023a.

74 | European Commission, n.d.

75 | European Commission, n.d.

3. Procedural challenges: Overcoming procedural hurdles and streamlining processes for requesting and providing legal assistance can facilitate smoother cooperation between judicial authorities. Clear guidelines, standardised forms, and efficient communication channels are essential for minimising delays and maximising the effectiveness of cooperation mechanisms.⁷⁶

North Macedonia has established mechanisms for police cooperation at the national and international levels to address various forms of criminal activity, including organised crime, terrorism, and illicit trafficking.⁷⁷ Domestically, law enforcement agencies collaborate through inter-agency task forces, joint operations, and information-sharing platforms to coordinate efforts and target criminal networks. Internationally, North Macedonia engages in police cooperation initiatives with neighbouring countries, EU Member States, and international organisations to exchange intelligence, conduct joint investigations, and apprehend suspects involved in cross-border crime.⁷⁸

While progress has been made in enhancing police cooperation, challenges remain that require attention:

1. Information sharing: Improving mechanisms for sharing intelligence and operational information between law enforcement agencies domestically and internationally is essential for enhancing police cooperation and coordination.
2. Legal barriers: Overcoming legal and procedural obstacles to police cooperation, such as differences in legal frameworks and data protection regulations, can facilitate smoother collaboration between countries and agencies.
3. Resource constraints: Addressing resource constraints, including funding, equipment, and personnel shortages, is necessary for sustaining practical police cooperation and enhancing law enforcement capabilities over the long term.

| 3.3. Migration and Asylum Policies

North Macedonia has enacted laws and regulations governing the entry, stay, and rights of migrants and asylum seekers within its territory.⁷⁹ Additionally, North Macedonia is party to international conventions and treaties related to refugees and asylum, such as the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, which provide a legal framework for protecting the rights of refugees and asylum seekers.⁸⁰

North Macedonia has established procedures for processing asylum applications and determining refugee status under international standards and best practices. These procedures include the registration of asylum seekers, individual interviews to assess claims for international protection, and appeals mechanisms to review adverse decisions.⁸¹ Asylum seekers can access legal assistance and interpretation services throughout the asylum process to ensure their rights are respected, and their claims are fairly adjudicated.

76 | UNODC, no date.

77 | UNODC, 2021.

78 | UNODC, 2022.

79 | International Organization for Migration, 2022.

80 | UNHCR, 1951.

81 | UNHCR, nda.

Migrants and asylum seekers in North Macedonia are entitled to certain rights and protections under domestic and international law, including the right to non-refoulement (non-return to a country where they face persecution), access to healthcare and education, and freedom of movement within the country. Additionally, migrants and asylum seekers must comply with national laws and regulations, including registration requirements, reporting obligations, and cooperation with authorities.⁸²

While progress has been made in developing a legal framework for migrants and asylum seekers, challenges remain that require attention:

1. Capacity and resources: Strengthening the capacity of asylum authorities and refugee agencies to process asylum applications efficiently and effectively ensures timely access to protection for asylum seekers.
2. Access to services: Ensuring equal access to healthcare, education, and social services for migrants and asylum seekers, including vulnerable groups such as women, children, and persons with disabilities, requires targeted policies and programmes.
3. Integration and social cohesion: Promoting the integration of migrants and asylum seekers into society and fostering social cohesion among host communities requires comprehensive integration measures, including language training, vocational skills development, and cultural orientation programmes.

As a candidate country for EU membership, North Macedonia has committed to aligning its migration and border management policies with Schengen standards and requirements.⁸³

Enhancing border security is a critical component of implementing Schengen requirements. North Macedonia has invested in infrastructure, technology, and personnel to strengthen its borders and prevent irregular migration, smuggling, and trafficking of persons. Measures such as border controls, surveillance systems, and cooperation with neighbouring countries contribute to ensuring the integrity and security of North Macedonia's borders.⁸⁴

Aligning visa policies with Schengen standards involves harmonising visa regimes, procedures, and issuance criteria with EU standards. North Macedonia has implemented visa liberalisation measures with certain EU Member States, allowing for more accessible travel and visa-free entry for citizens. Additionally, efforts to combat document fraud, enhance consular cooperation and improve visa application processes contribute to aligning visa policies with Schengen requirements.⁸⁵

Adhering to Schengen requirements also entails implementing fair and efficient asylum procedures that comply with EU standards. North Macedonia has progressed in developing asylum procedures, enhancing reception conditions for asylum seekers, and improving access to legal assistance and interpretation services. By aligning asylum procedures with EU norms, North Macedonia aims to ensure the adequate protection of refugees and asylum seekers and promote international cooperation in asylum matters.⁸⁶

82 | UNHCR, nda.

83 | European Commission, 2022b.

84 | SchengenVisaInfo, 2022.

85 | European Commission, 2021b.

86 | UNHCR, ndb.

While progress has been made in implementing Schengen requirements, challenges require sustained efforts⁸⁷:

1. Capacity building: Enhancing the capacity of border authorities, asylum agencies, and law enforcement agencies to implement Schengen requirements effectively is essential for ensuring compliance and upholding border security.
2. Technical assistance: Accessing technical assistance and support from EU institutions and agencies can help address capacity gaps, build institutional capacity, and strengthen migration management capabilities.
3. Legal harmonisation: Harmonising national legislation and regulations with the EU acquis in the field of migration and asylum is necessary to ensure legal coherence and compliance with Schengen standards.

Effective border management and security policies are essential for safeguarding national sovereignty. North Macedonia is strategically located on migration routes connecting regions with high migration flows, prioritising border management and security.⁸⁸

North Macedonia has deployed various border control measures to regulate the entry and exit of persons and goods across its borders. These measures include physical barriers, border checkpoints, surveillance systems, and patrols conducted by border police and law enforcement agencies. Additionally, North Macedonia cooperates with neighbouring countries and EU Member States to exchange information, conduct joint patrols, and coordinate border management activities to prevent irregular migration and combat cross-border crime.⁸⁹

North Macedonia engages in bilateral and regional initiatives to enhance cross-border cooperation, information sharing, and joint operations and address common security challenges.⁹⁰ Platforms such as the Southeast European Law Enforcement Center (SELEC) and regional border management forums facilitate cooperation between law enforcement agencies and border authorities in the Western Balkans region, contributing to improved border security and stability.

North Macedonia participates in training programmes, exchange initiatives and technical assistance projects provided by international partners and organisations to strengthen border officials' skills, knowledge, and capacities in areas such as border control techniques, document verification, risk analysis and inter-agency cooperation.⁹¹

While progress has been made in border management and security, challenges that require ongoing attention and cooperation remain⁹²:

1. Transnational threats: Addressing transnational threats such as irregular migration, human trafficking, and smuggling of contraband requires comprehensive and coordinated responses involving multiple stakeholders at the national, regional, and international levels.

87 | European Commission, nde.

88 | Kingham, 2023.

89 | European Western Balkans, 2023.

90 | The European Union's Cross-Border Cooperation Programme, no date.

91 | U.S. Department of State, 2022; U.S. Department of Justice 2022.

92 | U.S. Department of State, 2022.

2. Capacity constraints: Enhancing the capacity of border authorities, including infrastructure, equipment, and personnel, is necessary for effectively managing borders and responding to evolving security threats.
3. Legal and regulatory frameworks: Ensuring alignment with international standards and best practices in border management and security requires harmonising national legislation and regulations with relevant international conventions and agreements.

4. Analysis of Progress and Challenges

Significant achievements have marked North Macedonia's journey towards EU accession and challenges in crucial reform and development areas.⁹³

| 4.1. Achievements

North Macedonia has undertaken significant reforms to align its legislative framework and institutional practices with European Union standards and requirements.

North Macedonia has enacted comprehensive legislative reforms across various sectors to harmonise its legal framework with the EU *acquis communautaire*. These reforms encompass the judiciary, anti-corruption, public administration, human rights, and fundamental freedoms. Adopting new laws, amending existing legislation and establishing regulatory bodies have enhanced legal certainty, accountability, and transparency in the country's governance.

Significant efforts have been made to reform the judiciary and improve its independence, efficiency, and integrity. Measures such as the establishment of the Judicial Council, reforms in judicial appointments and promotions, and implementation of performance evaluation mechanisms have strengthened the judiciary's independence and enhanced public trust in the judicial system. Additionally, initiatives to streamline court procedures, improve case management and enhance access to justice have contributed to the effective administration of justice.

North Macedonia has intensified its efforts to combat corruption and enhance transparency and accountability in public administration. Adopting anti-corruption laws, establishing anti-corruption institutions and implementing integrity measures in the public sector have strengthened the country's anti-corruption framework. Furthermore, initiatives to promote integrity, prevent conflicts of interest, and ensure transparency in public procurement processes have reduced corruption risks and improved governance.

Reforms in public administration aim to modernise government structures, improve service delivery, and enhance efficiency and effectiveness in public institutions. Measures such as digitalising administrative services, decentralising decision-making powers and capacity-building programmes for civil servants have promoted good governance and facilitated citizen engagement. These reforms have also aligned public administration practices with EU standards and principles.

North Macedonia has implemented measures to safeguard the independence of judges and prosecutors, including the establishment of judicial councils, clear criteria

93 | Balkan Civil Society Development Network, 2024.

for judicial appointments, and mechanisms to prevent undue influence or interference in judicial proceedings. These efforts have contributed to building a more resilient and impartial judiciary capable of upholding the rule of law.

Improvements in access to justice and legal remedies have enhanced the protection of fundamental rights and ensured effective redress for individuals whose rights have been violated. North Macedonia has taken steps to improve the accessibility, affordability, and efficiency of the judicial system, including reforms to simplify court procedures, reduce case backlogs, and enhance legal aid services. North Macedonia has reinforced its commitment to upholding fundamental rights and ensuring equal protection under the law by expanding access to justice for all citizens, particularly marginalised and vulnerable groups.

North Macedonia has intensified its efforts to combat organised crime through comprehensive strategies, law enforcement operations, and international cooperation. The country has implemented measures to disrupt criminal networks, dismantle illicit trafficking networks, and prosecute perpetrators of organised crime. Efforts to strengthen law enforcement capabilities, enhance intelligence sharing, and improve coordination between relevant agencies have resulted in successful operations targeting various forms of organised crime, including drug trafficking, human trafficking, and financial crimes.

North Macedonia has demonstrated resilience in tackling terrorism and extremism, preventing radicalisation, and countering terrorist threats. The country has implemented strategies to combat terrorism through legislative measures, law enforcement operations and cooperation with international partners. Efforts to enhance border security, monitor extremist activities, and counter-terrorist financing have contributed to mitigating the risks posed by terrorism and extremism. Additionally, initiatives to promote social cohesion, interfaith dialogue and community engagement have fostered resilience against radicalisation and violent extremism.

International cooperation has been instrumental in North Macedonia's successes in combatting organised crime and terrorism. The country has engaged in bilateral and multilateral initiatives, regional partnerships, and cooperation with international organisations to address security threats effectively. Collaboration with neighbouring countries, EU Member States, and international agencies such as Interpol and Europol has facilitated intelligence sharing, joint operations, and capacity-building efforts to enhance regional security and stability.

| 4.2. Challenges

While North Macedonia has made significant strides in enhancing judicial independence, several challenges persist that undermine the judiciary's integrity and impartiality.

One of the primary challenges facing North Macedonia's judiciary is political interference and influence in judicial processes. Despite efforts to establish mechanisms to safeguard judicial independence, political pressure on judges and prosecutors still occurs, impacting the impartiality and integrity of judicial decisions. The politicisation of the judiciary undermines public trust in the legal system and hampers the effective administration of justice.

Another challenge is the lack of effective accountability mechanisms to hold judicial officials accountable for misconduct or breaches of ethical standards. While disciplinary

bodies exist to address complaints against judges and prosecutors, their effectiveness and independence have been questioned. The absence of transparent and impartial procedures for investigating allegations of judicial misconduct undermines accountability and erodes public confidence in the judiciary.

The judiciary's institutional autonomy remains insufficient, challenging its independence from external influences. Limited financial autonomy, inadequate resources and administrative constraints restrain the judiciary's ability to function independently and efficiently. Dependence on external entities for funding and administrative support undermines the judiciary's autonomy and compromises its ability to uphold the rule of law and protect fundamental rights.

Freedom of expression and media freedom remain areas of concern in North Macedonia, with reports of limitations on media independence, censorship, and attacks on journalists. Instances of intimidation, harassment and violence against media professionals undermine freedom of expression and restrict the diversity of viewpoints in the public discourse. Ensuring a free and independent media environment fosters transparency, accountability and democratic governance.

Protection of minority rights, including ethnic minorities' rights, remains a challenge in North Macedonia. Despite legal provisions and international obligations, discrimination, marginalization and exclusion of minority groups persist, particularly in areas such as access to education, employment and public services. Efforts to promote cultural diversity, linguistic rights and equal opportunities for all minority communities are essential for building an inclusive and cohesive society.

Vulnerable groups, including women, children, and persons with disabilities, face systemic barriers and discrimination in North Macedonia. Limited access to healthcare, education, employment and social services exacerbates inequalities and undermines the enjoyment of fundamental rights and freedoms. Strengthening legal protections, raising awareness and providing support services for vulnerable groups are critical for ensuring their rights are respected and upheld.

Challenges in access to justice and the effective implementation of the rule of law persist in North Macedonia. Legal and procedural barriers, including lengthy court proceedings, lack of legal aid, and inadequate enforcement of court decisions hinder access to justice for marginalised and vulnerable populations. Enhancing judicial efficiency, improving legal aid services and ensuring equal access to justice for all citizens are essential for upholding the rule of law and protecting human rights.

North Macedonia faces challenges stemming from institutional and legislative gaps that hinder its progress toward European integration and democratic consolidation. This subsection will examine the key institutional and legislative challenges that must be addressed.

Despite efforts to combat corruption, institutional weaknesses and loopholes in anti-corruption measures remain a significant challenge in North Macedonia. More effective enforcement mechanisms, transparency in public procurement processes and accountability for corrupt practices that undermine efforts to tackle corruption effectively need to be implemented. Strengthening anti-corruption institutions, enhancing transparency and accountability mechanisms and promoting a culture of integrity are essential for combatting corruption and promoting good governance.

Public administration reform is essential for improving governance, enhancing service delivery, and strengthening institutional capacity in North Macedonia. However,

progress in this area has been slow, with persistent challenges such as political interference, lack of merit-based recruitment and insufficient resources hindering practical reform efforts. Enhancing professionalism, streamlining administrative procedures and promoting meritocracy in public service recruitment are necessary for modernising public administration and improving its effectiveness.

Alignment of national legislation with the European Union acquis remains a crucial challenge for North Macedonia's EU accession process. While significant progress has been made in adopting EU-related legislation, gaps and inconsistencies persist, particularly in the judiciary, fundamental rights and the rule of law. Strengthening legislative capacity, enhancing coordination between government institutions and prioritising legislative reforms in alignment with EU standards are crucial for advancing the accession process and ensuring compatibility with EU legal norms.

5. Conclusion

North Macedonia's pursuit of European Union accession represents a pivotal chapter in its history, a journey marked by steadfast determination, transformative reforms and enduring challenges.

The nation has traversed significant milestones on its path to European integration, demonstrating a commendable commitment to aligning its legal framework, bolstering democratic institutions and fortifying the rule of law. Progress in legislative reforms, judicial independence, and fundamental rights protection underscores North Macedonia's dedication to European values and aspirations.

However, persistent challenges linger amidst these achievements, casting a shadow over the nation's accession aspirations. Issues such as political interference in the judiciary, human rights concerns and institutional deficiencies constraints continue to pose formidable obstacles to progress.

The future outlook for North Macedonia is shaped by its ability to navigate complexities, catalyse reforms and embrace the transformative power of European integration. Continued efforts to strengthen democratic institutions, uphold the rule of law and protect fundamental rights will advance the nation's European aspirations.

By addressing the remaining challenges, implementing further reforms and upholding European values and principles, North Macedonia can propel itself closer to EU membership and realise the full potential of its European journey.

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