



## Resolution 2304 (2019)<sup>1</sup>

# Post-monitoring dialogue with North Macedonia

Parliamentary Assembly

1. North Macedonia joined the Council of Europe in 1995. Since the year 2000, it has been engaged in a post-monitoring dialogue with the Parliamentary Assembly. In its [Resolution 1949 \(2013\)](#), the Assembly highlighted the multi-level challenges that North Macedonia had to face in order to secure its political stability and social cohesion.

2. Since the last report of the Assembly, the country has remained committed to its Euro-Atlantic integration agenda, which has been a consensual strategic objective, transcending political and ethnic differences. The Assembly welcomes the breakthrough agreement signed with Greece in Prespa on 17 June 2018, which put an end to the twenty-seven-year name dispute, changing the country's name from "the former Yugoslav Republic of Macedonia" to "the Republic of North Macedonia", which is now recognised by all United Nations member States. This was crucial in unblocking negotiations towards integration into the North Atlantic Treaty Organisation (NATO), and for the possible launch of European Union accession negotiations. On 30 September 2018, 94% of voters expressed their support for European Union and NATO membership by accepting the Prespa Agreement in a consultative referendum which, although invalid due to the low turnout (36%), gave a clear indication of the people's will. As a result, the parliament adopted the constitutional amendments on 13 December 2018. The official name of the country changed on 12 February 2019 after the ratification of the Prespa Agreement by the Greek Parliament on 26 January 2019.

3. The Assembly also welcomes the signature of the Agreement on Friendship, Good Neighbourly Relations and Co-operation with Bulgaria on 1 August 2017, which paved the way towards enhanced bilateral co-operation. At the same time, the Assembly acknowledges that North Macedonia, along with its neighbours, experienced migration inflows through the "Balkan routes" and faced, with limited resources, a major humanitarian crisis triggered by the conflicts in Syria and Iraq and which very much affected the country.

4. Since the adoption of the last Assembly resolution, the country has experienced profound political changes: in 2014, the opposition rejected the results of the 2014 presidential elections and boycotted the parliament after the 2014 early elections. The release of illegally wiretapped conversations stirred a major political crisis that lasted two years. The signing of the European Union-sponsored, cross-party and cross-ethnicity Pržino Agreements in June 2015 and July 2016 resulted in the resignation of Prime Minister Gruevski. Other developments that arose from these agreements include the establishment of a technocratic government from July 2016 to January 2017 with the participation of opposition members, amendments to the electoral legislation, the organisation of early parliamentary elections on 11 December 2016 and a change of power.

5. The Pržino Agreements also stipulated the creation of the office of the "Special Prosecutor for Crimes Related to and Arising from the Content of the Illegal Interception of Communications" which has been, for a limited period of time and under exceptional political circumstances, investigating politically sensitive allegations of crimes deriving from the illegally wiretapped conversations. The Assembly welcomes the outstanding work carried out by this office, which pressed charges in 20 high-level cases and indicted more than 100 people in at least 18 cases of serious criminal offences, most of them concerning abuse of office, abuse of position, forgery of documents, embezzlement and large-scale fraud. This office has played a crucial

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1. *Assembly debate* on 2 October 2019 (32nd Sitting) (see [Doc. 14964](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Ms Lise Christoffersen and Mr Aleksander Pocij). *Text adopted by the Assembly* on 2 October 2019 (32nd Sitting).



role in normalising the situation and ensuring the investigation of the alleged cases arising from the illegally wiretapped conversations. The Assembly expects that those responsible will be held accountable, considering that amnesty laws should not contravene fundamental rights. It also calls on the Hungarian authorities to extradite Mr Gruevski in order to allow the continuation of his trial.

6. The Assembly commends the main political parties for reaching the Pržino Agreements and solving, through negotiations, the political crisis. The Assembly was, however, appalled by the storming of the parliament on 27 April 2017 before the formation of a new government. The Assembly strongly condemns this violence and calls on the authorities to ensure that the perpetrators and those who instigated these events are duly prosecuted.

7. The release of the wiretapped conversations revealed serious dysfunctions and a concentration of power within the national security service (UBK). The Assembly therefore welcomes the recent upgrading of the legal framework including the adoption, in March 2019, of the Law on the State Security Agency, the setting up of an operational technical agency operating upon court orders and the monitoring of the activities of the intelligence service by a parliamentary oversight committee chaired by the opposition. These measures should provide safeguards and limit potential abuse.

8. The Assembly welcomes the attitude shown by the opposition parties, who participated actively in the work of the parliament and enabled the adoption of important pieces of legislation required to fulfil the country's aspirations to accede to the European Union. It also notes that the legislative procedure was marked by institutional deadlock after the President of the Republic of North Macedonia refused, for the second time, to promulgate laws adopted by the parliament. The Assembly therefore urges the authorities to prevent institutional deadlock by amending the constitution and avoiding the use of a presidential "pocket veto", and to reconsider the President's power to pardon. The Assembly also strongly encourages all political stakeholders to draw up legal solutions to situations causing systemic deadlock.

9. The Assembly commends the authorities for launching ambitious reform plans (so-called 3-6-9 Plan and Plan 18) based on the urgent priorities and recommendations identified by the European Commission Senior Expert Group (so-called Priebe Report) in four key areas: reforms of the judicial system, the security services, public administration and anti-corruption policies. The Assembly welcomes the excellent co-operation established by the authorities with the Council of Europe and its European Commission for Democracy through Law (Venice Commission) and the setting up of a Council of Europe project office in Skopje, in line with the Assembly's proposal in its [Recommendation 2022 \(2013\)](#).

10. In this context, the Assembly welcomes the steps taken to increase the independence and accountability of the justice system and restore trust in the judiciary, in particular:

10.1. the abolition of the Council for Disciplinary Liability and Evaluation of Judges, in line with the recommendations in the Venice Commission 2015 opinion;

10.2. the suspension of the lustration process and the abolition of the lustration law in 2015, the abolition of the Lustration Committee in 2017 as requested by the Assembly in its [Resolution 1949 \(2013\)](#) and the 2012 Amicus curiae brief of the Venice Commission;

10.3. the adoption of the Law on Courts, the Law on Judges and the Law on the Judicial Council which broadly comply with the opinions issued by the Venice Commission in 2018 and 2019.

11. The Assembly invites the authorities of North Macedonia to pursue legal reforms, and in particular to:

11.1. revise the Law on the Prosecutor's Office and the Law on the Council of Prosecutors, which should ensure that the Prosecutor's Office works as an independent body; to seek the expertise of the Council of Europe to ensure the compliance of these laws with Council of Europe standards;

11.2. ensure that the reform of the Prosecutor's Office enables the Special Prosecutor for Crimes Related to and Arising from the Content of the Illegal Interception of Communications to carry on its task, finalise the ongoing investigations and handle sensitive cases with the requisite autonomy and independence.

12. Corruption remains a serious problem in North Macedonia. The Assembly acknowledges the progress made in reforming the legal framework and institutions. In particular, the Assembly welcomes the adoption of the following laws in 2019: the Law on the Prevention of Corruption and Conflict of Interest, the Law on Lobbying, the Law on Free Access to Information of Public Character and the Law on the Protection of Whistle-blowers. The establishment of a new State Commission for the prevention of corruption following an

open and transparent appointment procedure is also to be welcomed. The Assembly also welcomes the setting up of internal and external oversight mechanisms over the police forces, who remain perceived as politicised.

13. However, more effort needs to be made in the fight against corruption:

13.1. concerning the prevention of the corruption of public officials, the Assembly calls on the authorities to fully implement the recommendations issued by the Group of States against Corruption (GRECO) in 2018 on corruption prevention in respect of members of parliament, judges and prosecutors;

13.2. the Assembly calls on the authorities to implement the recommendations issued by GRECO in 2019. The most relevant recommendations include: the strengthening of the operational independence of the police, the strengthening of the efficiency of internal control mechanisms, subordinated directly to the Minister of the Interior, and the strengthening of external oversight performed by the parliament, the ombudsman and the public prosecutor. This needs to be done in order to improve the public accountability of the police. North Macedonia should also heed GRECO's call for the adoption of a code of ethics for the police, addressing issues such as integrity, conflicts of interest, gifts and the prevention of corruption within the police.

14. In the light of the findings of its election observation missions of 2014 (presidential and early parliamentary elections) and 2016 (early parliamentary elections), the Assembly calls on the authorities to upgrade the electoral framework and to reform the electoral code, in co-operation with the Venice Commission and in line with its 2016 Opinion. The Assembly takes note of the announced intention of revising the electoral system and urges the authorities to ensure a public and inclusive process in order to reach a consensual solution sufficiently in advance of the next elections.

15. In the field of human rights, the Assembly calls on the authorities to implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to improve conditions in prisons and psychiatric institutions. It urges the authorities to address, as a matter of priority, the situation of Idrizovo Prison and the continued problems of ill-treatment. In this context, the Assembly welcomes the adoption, in March 2017, of a strategy for the implementation of the policy of zero tolerance for ill-treatment and a plan for the prevention of corruption among the staff at prisons and correctional education facilities. In addition, the Assembly takes note of the adoption, in 2018, of standardised operating procedures and a new code of conduct for staff at prisons and at correctional education facilities, which should establish more effective mechanisms for dealing with cases of ill-treatment of persons deprived of their freedom. Other measures that ought to be welcomed include: steps aimed at improving detention conditions; the development of a sustainable probation system and alternative measures, which should help to tackle overcrowding; the renovation of detention premises, including Idrizovo Prison, with the support of the Council of Europe Development Bank; and increased internal and external oversight of the police forces by the Ministry of the Interior, the prosecutor's office and the ombudsman.

16. In line with the recommendations of the European Commission against Racism and Intolerance (ECRI), the Assembly expects the resources of the ombudsman institution to be strengthened in order to ensure that the institution will be able to carry out its tasks as a national preventive mechanism of the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), an oversight mechanism over the police and prison police officers, an assistance provider for victims and a monitoring body for the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

17. In the media field, the Assembly notes the improvement of the working environment and safety of journalists in recent months, and the adoption of the Law on Audio and Audiovisual Media Services in 2018. It notes, however, that the financial sustainability of media remains a challenge and expects the strengthening of the regulatory bodies and the strengthening of the independence of the media. The interests of the different ethnic groups should be duly reflected in the media policy. The Assembly also expects the reinforcement of the public broadcasting company, which still needs to be reformed in order to become a high-quality and independent public medium.

18. The Assembly acknowledges the progress made in fighting discrimination: the Law on Prevention and Protection against Discrimination, adopted in March 2019, explicitly forbids discrimination based on sexual orientation and gender identity and allows courts to impose effective, proportional and dissuasive sanctions. The Assembly, however, invites the authorities to strengthen the composition and capacities of the State Commission for the Protection against Discrimination, taking into account the 2018 recommendations of the

Venice Commission and the Committee of Ministers to ensure that this State Commission can function properly as a professional, fully independent equality body. The Assembly also stresses the need to reinforce the fight against hate speech and welcomes in this respect the amendments to the criminal code.

19. Concerning interethnic relationships, the Assembly recalls the contribution of the Ohrid Framework Agreement (OFA) to securing the peaceful co-existence of ethnic communities in North Macedonia after 2001. It also notes that interethnic relationships remain fragile. It therefore welcomes the adoption of the Law on Languages in 2019, which was one of the last requirements stipulated in the OFA and invites the authorities of the country to take into account the upcoming opinion of the Venice Commission on that law. The Assembly calls on the authorities to further strengthen the building of an inclusive society, and notably to:

19.1. take all measures to build an integrated and multicultural education system, in line with the Committee of Ministers' recommendations on the implementation of the Framework Convention for the Protection of National Minorities (ETS No. 157), ratified by the country in 1997;

19.2. ensure the effective implementation of the Law on Languages and the operational functioning and monitoring of the Agency for the Implementation of the Language Spoken by at least 20% of the Citizens of North Macedonia, whilst also taking into account the opinion requested from the Venice Commission on this law and paying special attention to the needs of languages which fall below the 20% threshold;

19.3. take all measures necessary to prevent and diffuse ethnic tensions and to thoroughly investigate alleged cases of ethnically-motivated crimes;

19.4. ensure equitable representation of minorities in the public administrations;

19.5. reach the necessary political agreement to carry out a census, in line with international standards;

19.6. pursue effective decentralisation policies, including fiscal decentralisation, and the proper implementation of the Law on Equal Regional Development;

19.7. foster inclusive policies aimed at consolidating social cohesion and take resolute action to combat discrimination against the Roma community, while pursuing the efforts to identify unregistered people and ensure their access to social, health and education services.

20. The Assembly welcomes progress made in promoting gender equality in North Macedonia. It encourages the authorities to pursue their efforts to reach the objective of a 50% participation of women in election processes and decision making. The Assembly equally encourages the authorities to further develop gender budgeting measures.

21. The Assembly congratulates the country for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") in March 2018. It encourages the authorities to adopt the new Law for the Prevention of and Protection against Gender-based Violence, to increase the level of services for victims and to improve the training for those professionals dealing with violence against women and domestic violence.

22. As regards the rights of the LGBTI people, the Assembly welcomes the anti-discrimination provisions included in the Anti-discrimination Law and other pieces of legislation, as well as the holding of the first Pride Parade on 29 June 2019. It invites the country to carry out an independent and comprehensive study on all forms of discriminations against LGBTI people, as suggested by ECRI.

23. In conclusion, the Assembly commends the authorities of North Macedonia for the progress made since the adoption of the last report on the post-monitoring dialogue in 2013. It further welcomes the steps undertaken, after a two-year political transition period, to normalise the situation of the country and comply with Council of Europe standards in the fields of rule of law, democracy and human rights and the outstanding improvement of its relations with its neighbouring countries.

24. It stresses, however, that the recently adopted laws need to be fully implemented in order to strengthen the sustainability of State institutions, the independence of the judicial institutions, and the consolidation of the rule of law.

25. In this context, the Assembly resolves to pursue the post-monitoring dialogue with North Macedonia, and to assess, in its next report, the progress made in particular in the following areas:

25.1. the further consolidation of the sustainability and functioning of democratic institutions;

25.2. the independence of the judiciary, notably the strengthening of the independence and accountability of judges and prosecutors. The Assembly expects the reform of the prosecutor's office to be done in line with Council of Europe standards and to ensure that the special prosecutor's office, which has played an important role in addressing highly sensitive cases, will be in a position to operate, within the national public prosecutor's office, without undue political interference;

25.3. the fight against corruption, in line with the recommendations issued by the GRECO, in particular with respect to high-level corruption cases and non-selective implementation of laws and policies;

25.4. the consolidation of its electoral framework, in line with the recommendations of the Venice Commission and the Parliamentary Assembly election observation mission reports;

25.5. the pursuance of inclusive policies aiming at securing the rights of minorities, in the spirit of the Ohrid Framework Agreement, including for the Roma community.