

## UNIVERSAL PERIODIC REVIEW ON REPUBLIC OF NORTH MACEDONIA

### About the Institute for Human Rights

Institute for Human Rights is a non-governmental organisation working on promotion, advancement and protection of human rights and freedoms. It realizes its commitments through continuous education, research and analysis, advocacy and litigation on human rights issues in North Macedonia. IHR is prominent organization in the country on the issues of access to justice of marginalized groups and judiciary independence.

### JUDICIARY INDEPENDENCE

There is a declining public trust in the judiciary. According to the Balkan Barometer Survey 78% of citizens in the country believe that the judiciary is not independent of political influence.<sup>1</sup> Despite the legal amendments the judicial system remains the main issue for ensuring the principle of rule of law. The Judicial Council and the Council of Public Prosecutors have experienced a decline in their credibility as entities dedicated to upholding judicial independence and transparency.<sup>2</sup>

### ACCESS TO ADMINISTRATIVE JUSTICE

Within the free legal aid program, the Institute for human rights has determined that citizens mostly complain on the procedural complexity and lengthy delays of administrative procedures, as well as the inequality of arms between citizens and administrative bodies, lack of independence and impartiality of the administrative bodies and courts. Additionally, from monitoring the administrative court open session Institute for Human Rights noted that both administrative officials and citizens lack knowledge about the administrative justice system and standards. Also, the administrative bodies including the administrative courts lack education and training of the relevant European Court of Human Rights practice in administrative cases.

### Recommendations for ensuring judiciary independence:

- Provide procedures that will ensure that the elected members of the Judicial council are persons with high integrity, free from any political party influence;
- Ensure transparency for appointments of lay members of the Judicial council, enable public interviews in the Parliament;
- Amend the Law on the Judicial Council of the Republic of North Macedonia to determine the minimum voter turnout needed for the election of Judicial council judges members and to determine the minimum number of votes needed to consider the candidate elected;
- Conduct mandatory training on judicial ethics for all judges according to international standards;
- Provide the legally stipulated amount of the state budget to the courts.

1 Balkan Barometer 2022, Public Opinion Analytical Report

2 More information about the work of the Judicial Council can be find in the monitoring report for the Judicial Council for the period January – July 2023, prepared by IHR

### Recommendations on administrative justice:

- Ensure equal access to administrative justice enabling easy administrative procedures without unnecessary delays;
- Guarantee the consistent application of the provisions of the Law on General Administrative Procedure;
- Ensure that state institutions respect and respectively apply the instructions given by the Administrative Court in their court decisions;
- Ensure the implementation of the European court of human rights standards in administrative procedures enabling equal access to right and respecting human rights of citizens in administrative procedures.

## POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES

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The current legal framework does not facilitate the active involvement of persons with disabilities in political parties and public life. There are no positive measures for reasonable accommodation to ensure equal active participation of persons with disabilities in the political life.

There is lack of disaggregated data on disability in order to ensure proper planning and implementation of policies for political participation and access to justice. The absence of disaggregated data, has a negative impact on the creation of appropriate policies and the allocation of appropriate budgets for policy implementation.

### Recommendations on political participation of persons with disabilities:

- Amend the Constitution and the Electoral Code to be fully in line with the Convention of the rights of persons with disabilities to ensure that voting rights are not restricted based on a person's legal capacity;
- Introduce affirmative measures, such as reasonable accommodations, to facilitate equal and active engagement in political processes;
- Ensure accessible infrastructure of all voting stations;
- Ensure the adoption of the Washington Group's set of questions in census lists to accurately capture information on persons with disabilities (which are in line with the Convention on the Rights of Persons with Disabilities and United Nations standards).

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*This factsheet was produced for the 4th cycle Universal Periodic Review Pre-session 46 on Republic of North Macedonia by Kristina Doda, Program manager at the Institute for Human Rights. For more information contact us on: [ihr@ihr.org.mk](mailto:ihr@ihr.org.mk) or [kristina.doda@ihr.org.mk](mailto:kristina.doda@ihr.org.mk) or visit our website: [ihr.org.mk](http://ihr.org.mk)*

