

Statement for the UPR Pre-Sessions 46 – North Macedonia

Name of the panelist: Kristina Doda

Organisation: Institute for Human Rights-Skopje

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 the country. IHR is prominent organization in the country on the issues of access to justice of marginalized groups and judiciary independence.

Our focus in this statement will be the challenges pertaining to the judiciary independence and the political rights of persons with disabilities.

1. Judiciary independence

The country received several recommendations on judiciary independence in the third cycle. France recommended that the country “should implement credible and visible reforms to effectively strengthen the rule of law, including ensuring the independence of judges and the reliability of proceedings”; Mexico recommended to “continue reforming the judiciary to ensure its independence”; United States of America recommended the country to “fully implement the recommendations of the European Commission and the Council of Europe related to the reform of the judicial system”.

The reform of the judiciary is ongoing through changes of the legislative and policy framework. However, no substantial reform was introduced, which inevitably influence the protection of the citizens rights.

New law on Courts and Law on Judicial council have been made in 2019 to ensure more transparent professional and efficient judiciary. The amendments are stipulating new rules for the appointment, promotion, discipline and dismissal of judges and prosecutors. The judicial council have adopted new methodology for evaluation of judges containing more qualitative criteria. There is partial implementation in the legislative and policy framework with no significant impact in practice.

The impact of the reforms in practice is with low significance and the judicial system remains the main issue for ensuring rule of law. There is a declining public trust in the judiciary and the Judicial Council have experienced a decline in their credibility as entities dedicated to upholding judicial independence and transparency. **The low trust is a result of accumulation of many years of negative developments in the body functioning which has especially culminated after the public announcements by members of the Council for political and business pressures to the body (however without any action taken), open conflicts among Judicial council members and the discreditable change of president of the Council without respecting procedures established by the law.**

The implementation of the Law on the Judicial Budget in the part of ensuring the legally stipulated minimum of 0.8% still represents a serious problem that has direct consequences on the independence of the judiciary.

Therefore, we propose the **following 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.

2. Political rights of persons with disabilities

Going to the second issue, political participation of persons with disabilities, in the previous cycle Republic of Korea recommended that North Macedonia should “ensure that persons with disabilities, particularly blind persons and persons with intellectual impairment, have the right to vote by secret ballot”.

There were some improvements in this regard, mainly with the support of international donors and local NGOs. During the local municipal elections in 2020 blind and visually impaired people were able to independently vote. The State election commission, adopted a braille ballot, and published its decision on the State Election Commission state website. They also developed an audio guide to help visually impaired citizen use a braille ballot to vote in the future. However, the voting stations are still lacking accessible infrastructure for enabling persons with physical disability to independently exercise their right to vote.

Amendments to the Electoral Code made in September 2021 indicate that voting rights are withheld only from persons whose legal capacity is fully revoked with an enforceable court decision, or whose legal capacity is partly revoked with an enforceable court decision where the court has found that the person has no capacity to express her/his will in a legally relevant way in elections. However, this solution is still in contrary to Convention of the rights of persons with disabilities. 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 long-expecting Census which took place in 2022 was an excellent opportunity to overcome the problem of absence of relevant statistics of the number of people with disabilities however it did not contain the adequate questions. The absence of disaggregated data, has a negative impact on the creation of appropriate policies and the allocation of appropriate budgets for policy implementation.

Therefore, we propose the following **recommendations**:

- Amend the Constitution and the Electoral Code in line with the CRPD 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).