

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and United Nations system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms; A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION NORTH MACEDONIA

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on Convention Against Torture (CAT) adopted its concluding observation on North Macedonia ([CAT/C/MKD/CO/4](#)) on 1 May 2024 and the report was published on 12 June 2024.
 - The Special Rapporteur on the promotion and protection of human rights while countering terrorism visited Germany and North Macedonia from 3 to 12 July 2023. At the end of the visit, the Special Rapporteur shared a [preliminary statement](#) and subsequently, published the official report ([A/HRC/55/48/Add.2](#)) at the 55th session of the UN Human Rights Council (26 February - 5 April 2024).
 - The UPR of North Macedonia was held at its 46th session (29 April - 10 May 2024) and the outcome report was adopted ([A/HRC/57/11](#)) 57th session of the UN Human Rights Council (9 September - 9 October 2024). See [matrix of recommendations](#).
- Forthcoming relevant information (January - May 2025):
 - The Human Rights Committee will review State party report from North Macedonia at its 143rd session (3 - 28 March 2025).
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [North Macedonia](#)
 - Universal Periodic Review – [North Macedonia](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Independence

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported recommendations on rules of law and impunity:
 - Continue reforms aimed at strengthening the rule of law and building an independent and impartial judicial system
 - Continue with the implementation of reforms aimed at strengthening the rule of law, including through reinforcing the impartiality, independence and efficiency of the judicial system and avoiding any type of discrimination based on disability or gender, as previously recommended
 - Strengthen the rule of law, including in favour of the independence of the judicial authority
- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia noted a recommendation on rules of law and impunity:
 - Create an independent body tasked with investigating allegations of police misconduct and human rights abuses that is empowered to conduct impartial investigations, hold officers accountable for misconduct and recommend disciplinary action or legal prosecution when necessary

Independence – Judicial Council

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported a recommendation on administration of justice and fair trial:
 - Take steps to increase the independence and effectiveness of the judiciary, with particular attention to increasing the transparency and accountability of the Judicial Council and the Public Prosecutors' Council

- While noting the steps taken by the State party to strengthen the independence of the judiciary, the Committee on Convention Against Torture remains concerned about reports of undue external influence over the work of the Judicial Council and the judiciary and the limited progress made in implementing the human resources strategies for the judiciary and prosecution services, which may have an impact on the efficiency of judicial institutions, including the prosecution and adjudication of cases of torture and ill-treatment (arts. 2, 12, 13 and 16). ([CAT/C/MKD/CO/4](#), para. 24)
- The State party should intensify its efforts to ensure the full independence, impartiality and effectiveness of the judiciary, in line with international standards, such as the Basic Principles on the Independence of the Judiciary, and guarantee that courts are free to operate without undue pressure or interference in order to restore trust in the justice system. It should strengthen its efforts to implement the human resources strategies for the judiciary and prosecution services. ([CAT/C/MKD/CO/4](#), para. 25)

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

Institutional framework capacity to fight against corruption

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported recommendations on good governance and corruption:
 - Strengthen efforts in the fight against corruption in public administration
 - Ensure that the institutions tasked with fighting corruption are independent and adequately resourced
 - Address corruption and promote transparent and accountable governance by fully implementing the recommendations of the Group of States against Corruption of the Council of Europe
 - Implement anti-corruption laws and continue to support the work of the Commission for Prevention of Corruption
 - Implement measures to strengthen institutions in order to prevent and fight corruption, and encourage a more proactive attitude of all engaged actors at all levels
 - Consider adopting new legislation to combat corruption
 - Improve the functioning of public corruption prevention bodies

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Framework for journalists' protection, transparency and access to documents

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported recommendations on freedom of opinion and expression (journalists):
 - Strengthen freedom of opinion and expression and take preventive and protective measures to ensure the safety of journalists and media workers, in particular measures to combat online harassment and physical and verbal violence
 - Reconsider the recent changes to media legislation that reintroduce government funding for private broadcasters in order to ensure a functioning, transparent media industry without undue political pressure
 - Continue to strengthen the protection and promotion of freedom of expression and opinion through the implementation of measures aimed at preventing, investigating and prosecuting attacks against journalists
 - Take concrete steps to foster professionalism, accurate reporting and the strengthening of the independence of the media
 - Combat hate speech and make more efforts to protect freedom of opinion and expression
 - Ensure the safety of journalists, both online and offline, by promptly and thoroughly investigating threats and attacks, holding perpetrators accountable and providing protection when necessary
 - Implement measures to combat online harassment of journalists, including by promptly and thoroughly investigating threats and attacks, holding perpetrators accountable and encouraging responsible online behaviour
 - Take effective measures to ensure the safety of journalists and media freedom

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported recommendations on national human rights institution:
 - Bring the Office of the Ombudsman fully into compliance with the Paris Principles, taking into consideration the recommendations of the Global Alliance of National Human Rights Institutions
 - Bring the Office of the Ombudsman fully into compliance with the Paris Principles
 - Strengthen the independence and mandate of the Ombudsman, as well as the capacities and human and financial resources of its services, and take the necessary measures to ensure that the Office of the Ombudsman fully respects the Paris Principles
 - Take measures to ensure that the national human rights institution has sufficient financial and human resources to carry out its mandate
 - Ensure that the national human rights institution has adequate resources to carry out its functions, in accordance with the Paris Principles
 - Ensure sufficient funding of the Office of the Ombudsman, thus increasing its independence, and include the mandate for the promotion of human rights, positioning it in line with the Paris Principles, as previously recommended
 - Further strengthen the Office of the Ombudsperson (e.g. by filling the vacant positions of deputy Ombudsman) and the Commission for Prevention of and Protection against Discrimination (e.g. through an in-depth review of obstacles in the current legal and policy frameworks and their implementation) and ensure the impartial, independent and solely merit-based selection of personnel and the allocation of adequate funding

The enabling framework for civil society – registration, transparency, dissolution

- During its Fourth Universal Periodic Review ([A/HRC/57/11](#)), North Macedonia supported a recommendation on national human rights institution:
 - Bring the Law on Associations and Foundations into conformity with established international standards in order to exclude the possibility of the retroactive deregistration of non-governmental organizations on arbitrary grounds
- While the Special Rapporteur on the promotion and protection of human rights while countering terrorism recognizes positive and inter-agency work to produce and update national action plans on counter-terrorism and countering violent extremism, including updates to the law on the prevention of money laundering and the financing of terrorism in 2022, progress is recommended on prosecution and adequate sentencing in relation to money laundering and the financing of terrorism, and beneficial ownership regulations. 24 The Special Rapporteur recognizes the positive example set by North Macedonia in the terrorist financing risk assessment of non-profit organizations for the fifth round mutual evaluation of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, which was later reflected in the strategy to prevent money laundering and the financing of terrorism, adopting a “risk-based approach” to counter the financing of terrorism. 25 The Special Rapporteur recommends adopting a similar process for any further revisions to the national action plans on counterterrorism and countering violent extremism. She highlights the lack of a definition of the term “extremism” in international law and the human rights concerns that apply to overly broad policy and practice in the counter-extremism context. Any national action plan must fully integrate and mainstream the human rights obligations of the Government and ensure that its implementation is human rights-compliant. ([A/HRC/55/48/Add.2, para 47](#))

SPECIAL THEME - Counter terrorism

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. In addition to direct impact on human rights, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. In recent years, the measures adopted by States to counter terrorism have themselves often posed serious challenges to human rights and the rule of law. The independence of the judiciary has been undermined, in some places, while the use of exceptional courts to try civilians has had an impact on the effectiveness of regular court systems. Repressive measures have been used to stifle the voices of human rights defenders, journalists, minorities, indigenous groups and civil society.

States have an obligation to conduct any transfer of individuals suspected of terrorist activity in a manner which is transparent and consistent with human rights and the rule of law, including the right to respect for a person's inherent dignity, the right of everyone to recognition before the law and the right to due process. The transfer of an individual which takes place outside the rule of law and without due process may lead to a number of human rights violations, notably infringements of the right to liberty and security of the person, the prohibition of torture and other cruel, inhuman or degrading treatment and punishment, the right to recognition everywhere as an individual before the law, the right to a fair trial, the right to private and family life, and the right to an effective remedy.

For more info:

- [Fact Sheet No. 32 Human Rights, Terrorism and Counter-terrorism](#)
- [Special Rapporteur on counter-terrorism and human rights](#)
- [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)

- The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism completed a joint thematic visit to Germany and North Macedonia to comprehensively address the repatriation, return, reintegration and prosecution of persons returning from conflict zones in which designated terrorist groups are active, primarily the Syrian Arab Republic and Iraq:
 - Citizens of North Macedonia were identified as having travelled to the Syrian Arab Republic during the early period of unrest in 2011 and the subsequent conflict in the country. Security officials identified that there were a small number of departures to other conflict zones or areas where designated terrorist groups were active before 2011, primarily to Afghanistan and Pakistan. ([A/HRC/55/48/Add.2](#), para. 40)
 - The Special Rapporteur recognizes the positive work of the Governments of Germany and North Macedonia in making substantial efforts to repatriate a significant number of their nationals from the conflict zone of the north-east of the Syrian Arab Republic. She affirms the life-changing consequences for both German and Macedonian children, as a result of the ruinous and dignity-denying realities of arbitrary and tortuous conditions in camps and prisons and the transformative possibilities that are facilitated by returning to the country of nationality. The return of children is an integral part of a State party's obligations under the Convention on the Rights of the Child. It affirms the potential of the children and armed conflict agenda through meaningful practice and practical implementation. The Special Rapporteur particularly commends the Government of North Macedonia for its positive practice of returning men from prison facilities in the north-east of the Syrian Arab Republic. She positively supports the efforts of both Governments to facilitate positive repatriation, based on a fundamental commitment to reintegrate individuals back into society and demonstrate

faith in individuals' capacity to transform their lives and positively engage in society. She acknowledges the unique efforts of Germany to support the human rights of victims of terrorism, pursue justice for the most serious international crimes and fill the evidence lacunae for violations of human rights and humanitarian law that have followed the conflict in the north-east of the Syrian Arab Republic. ([A/HRC/55/48/Add.2](#), para. 62)

- While the Special Rapporteur recognizes positive and inter-agency work to produce and update national action plans on counter-terrorism and countering violent extremism, including updates to the law on the prevention of money laundering and the financing of terrorism in 2022, progress is recommended on prosecution and adequate sentencing in relation to money laundering and the financing of terrorism, and beneficial ownership regulations. The Special Rapporteur recognizes the positive example set by North Macedonia in the terrorist financing risk assessment of non-profit organizations for the fifth round mutual evaluation of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, which was later reflected in the strategy to prevent money laundering and the financing of terrorism, adopting a “risk-based approach” to counter the financing of terrorism. The Special Rapporteur recommends adopting a similar process for any further revisions to the national action plans on counter-terrorism and countering violent extremism. She highlights the lack of a definition of the term “extremism” in international law and the human rights concerns that apply to overly broad policy and practice in the counter-extremism context. Any national action plan must fully integrate and mainstream the human rights obligations of the Government and ensure that its implementation is human rights-compliant. ([A/HRC/55/48/Add.2](#), para. 47)

SPECIAL THEME - Law enforcement

In his [New Vision for the Rule of Law](#), the UN Secretary-General noted that we need to move urgently and collectively towards more transparent, inclusive and responsive justice systems. Individuals and groups facing systemic prejudice, bias and stereotypes must be afforded fair treatment in criminal and civil justice systems. As part of the criminal justice system, law enforcement enforces laws and maintains order. In doing so, law enforcement officials have the authority to use force to maintain public order, and to ensure human rights and the rule of law. However, this force can be misused. To prevent the abusive use of force and violation of human rights in law enforcement, States should follow a legislative framework, combined with guidance and training. International human rights law is the international legal framework regulating the use of force by law enforcement, and is designed to prevent arbitrary, excessive or discriminatory uses of force, and to ensure accountability in cases of abuse.

For more info:

- [Law enforcement and human rights | OHCHR](#)
- [General recommendation No. 36 \(2020\) on preventing and combating racial profiling by law enforcement officials \(CERD/C/GC/36\)](#)

- While noting the information provided by the State party about the establishment of the department for the investigation and prosecution of crimes committed by persons with police powers and prison police officers, the Committee on Convention Against Torture is concerned that this external oversight mechanism lacks sufficient resources to carry out its mandate efficiently, including forensic equipment to identify perpetrators. In addition, the civil control mechanism, established within the Office of the Ombudsman to act upon complaints lodged against police officers, is not fully functional, although the Committee takes note of the recent appointment of civil society representatives to complete its composition, as reported by the delegation (arts. 2 and 11). ([CAT/C/MKD/CO/4](#), para. 22)

- The State party should take all measures necessary to continue to ensure that the external oversight mechanism is allocated appropriate financial resources to carry out its mandate properly. It should ensure that the civil control mechanism is fully operational to be able to follow up on complaints of torture and ill-treatment. ([CAT/C/MKD/CO/4](#), para. 23)