

## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and 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."*

### Office of the UN High Commissioner for Human Rights (OHCHR)

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.

OHCHR 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's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

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

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: 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](#)

## Pillar 3: 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 \(CCPR/C/GC/34\)](#)

## Pillar 2: 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](#)

## Pillar 4: 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](#)



## North Macedonia: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The UN Human Rights Committee adopted its concluding observations on North Macedonia ([CCPR/C/MKD/CO/4](#)) on 14 July 2025 at its 144th session and the report was published on 20 August 2025.
  - The UN Human Rights Committee adopted an individual communication on the refusal of border officials to permit Roma persons to leave their country ([CCPR/C/144/D/3613-3616/2019](#)) on 9 July 2025.
  - The UN Committee on against Torture examined the follow-up report ([CAT/C/MKD/FCO/4](#)) and communicated a [follow-up letter requesting for further clarification](#) to North Macedonia (28 August 2025).
- **Summary of information which could be of particular relevance to the Rule of Law report:**
  - Under pillar 1 on justice system, relevant findings and recommendations (independence – appointment and selection of judges and quality of justice) were issued by UN human rights mechanisms.
  - Under pillar 2 on anti-corruption, relevant findings and recommendations (prevention – measure to enhance integrity of public sector) were issued by UN human rights mechanisms.
  - Under pillar 3 on media freedom, relevant findings and recommendations (framework for journalists' protection, transparency and access to documents – lawsuits) were issued by UN human rights mechanisms.
  - Under pillar 4 on checks and balances, relevant findings and recommendations (independent authorities - NHRIs and the right to vote and participate in public affairs) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
  - The UN Committee on the Elimination of Racial Discrimination will consider the State Party report from North Macedonia in a future session ([date to be confirmed](#)).
- **Resources:**
  - Rule of Law in Europe | [OHCHR](#)
  - Country page on [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).

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.

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## Independence – appointment and selection of judges

The UN Human Rights Committee welcomes the reforms to the justice system undertaken between 2017 and 2024 and the adoption of the development strategy for the justice system 2024–2028 but is concerned about the lack of transparency in the appointment and promotion of judges and the lack of reasoning of decisions in these matters. It therefore welcomes the bill on the Judicial Council, which introduces a merit-based procedure for the selection of judges. The Committee is, however, concerned about the long delays in the judicial review of administrative decisions and the lack of cooperation from the administration in such proceedings (arts. 2 and 14). ([CCPR/C/MKD/CO/4](#), para. 37)

The State Party should: (a) Promptly adopt the bill on the Judicial Council, in line with the provisions of the Covenant and relevant international standards, thus ensuring that judges are selected on the basis of competency and independence criteria; (b) Increase the budgetary resources allocated to the functioning of the courts to reduce the delays in judicial reviews. ([CCPR/C/MKD/CO/4](#), para. 38)

## Quality of justice – training of justice professionals

The UN Committee on Human Rights remains concerned about the absence of judicial decisions by the national courts invoking the International Covenant on Civil and Political Rights during the reporting period. It notes that the low number of complaints received under the first Optional Protocol may indicate a lack of awareness of the Covenant and the Optional Protocol, despite the initiatives of the Ministry of Justice and the Macedonian Association of Young Lawyers to facilitate the submission of complaints (art. 2). ([CCPR/C/MKD/CO/4](#), para. 5)

The State Party should take all steps necessary to increase awareness of the provisions of the Covenant and ensure its application by the national courts, including through regular training for judges, prosecutors, lawyers and law enforcement officials. It should also continue raising awareness of the complaints procedure under the first Optional Protocol and establish mechanisms to facilitate the implementation of the Committee's future Views so as to guarantee the right to an effective remedy, as established in article 2 (3) of the Covenant. ([CCPR/C/MKD/CO/4](#), para. 6)

## 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.

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### **Prevention – measure to enhance integrity of public sector; measure to ensure whistleblower protection**

The UN Committee on Human Rights notes the important measures taken to address corruption, including the work of the State Commission for Prevention of Corruption, as well as the plans to update the Law on Prevention of Corruption and Conflict of Interest of 2019 and the Whistle-Blower Protection Law. However, the Committee is concerned the reported persistence of corruption, including in the judiciary and the prison administration, and the low number of criminal proceedings and convictions in corruption cases (arts. 2 and 25). ([CCPR/C/MKD/CO/4](#), para. 9)

The State Party should:

- (a) Redouble its efforts to investigate promptly, thoroughly, independently and impartially all allegations of corruption at all levels, including in the judiciary and the prison administration, ensure that perpetrators are prosecuted and, if convicted, are punished with penalties commensurate with the gravity of the offence, and provide redress to victims of corruption.
- (b) Strengthen the capacity of the police, prosecutors and judges to identify and address corruption effectively, including through the provision of appropriate and regular training.
- (c) Expedite the planned adoption of the revised Whistle-Blower Protection Law and the Law on Prevention of Corruption and Conflict of Interest, ensuring that they are in full conformity with international standards.
- (d) Implement awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to report it. ([CCPR/C/MKD/CO/4](#), para. 10)

## 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:

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### Framework for journalists' protection, transparency and access to documents - lawsuits

The UN Committee on Human Rights welcomes the amendment of the Criminal Code enabling the public prosecutor to prosecute offences against journalists ex officio and establishing aggravated forms of offences perpetrated against journalists. It also welcomes the decriminalization of the offence of defamation, which is now addressed under civil law. However, the Committee is concerned about the reported attacks against journalists, particularly investigative journalists reporting on corruption. The Committee is also concerned about allegations that several appointments to the Council of the Agency for Audio and Audiovisual Media Services were politically motivated (art. 19). ([CCPR/C/MKD/CO/4](#), para. 43)

The State Party should take all measures necessary to guarantee the full enjoyment of freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, it should:

(a) Prevent and combat all acts of harassment, intimidation and violence against journalists to ensure that they are free to carry out their work without undue control or interference, including fear of violence and reprisals.

(b) Ensure the independence of regulatory institutions, such as the Agency for Audio and Audiovisual Media Services, including through the transparent and merit-based appointment of their members.

[\(CCPR/C/MKD/CO/4, para. 44\)](#)

## 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.

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### Independent authorities - National human rights institution

The UN Committee on Human Rights regrets that the Ombudsman's Office is still not fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as it was accredited with B status by the Global Alliance of National Human Rights Institutions in 2011 and there has been no application for reaccreditation since. Furthermore, while it welcomes the designation of the Ombudsman's Office as the independent monitoring mechanism under article 33 (2) of the Convention on the Rights of Persons with Disabilities and as the National Rapporteur on Trafficking, the Committee regrets that these functions have not been adequately regulated in the legal framework. In particular, the Committee is concerned about the challenges posed by the lack of appropriate funding, which hinders the full and effective discharge of the Ombudsman's mandate (art. 2).

[\(CCPR/C/MKD/CO/4, para. 7\)](#)

The State Party should take all measures necessary to ensure that the Ombudsman's Office fully complies with the Paris Principles and is able to carry out its mandate fully, effectively and independently. In particular, the State Party should intensify its efforts to adopt a legal framework governing all functions of the Ombudsman's Office and ensure that the Office has all the necessary resources to perform its functions. [\(CCPR/C/MKD/CO/4, para. 8\)](#)

## **Others – the right to vote and participate in public affairs**

The UN Committee on Human Rights welcomes the efforts made to facilitate access to voting rights for persons with disabilities, including through the use of Braille during voting and elections. However, it highlights the persistent barriers faced by persons with disabilities in accessing polling stations and their continued underrepresentation in elected positions. The Committee was made aware that the amendments to the Electoral Code adopted through a fast-track procedure in June 2025 caused electoral irregularities, including a significant increase in the number of signatures required for independent candidates to run. Furthermore, it notes the legal uncertainty with regard to the next elections that was created by the subsequent repeal of the amendments by the Constitutional Court. The Committee is also aware that a number of violations of the Electoral Code have been registered by the State Commission for Prevention of Corruption (arts. 25 and 26). ([CCPR/C/MKD/CO/4](#), para. 47)

In accordance with article 25 of the Covenant and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote, the State Party should take all measures necessary to ensure the full and effective enjoyment and exercise of the right to participate in public affairs, including by aligning its electoral regulations and practices with the provisions of the Covenant and the general comment. In particular, it should:

- (a)Take measures to combat and prevent electoral irregularities, including undertaking prompt, thorough and independent investigations.
- (b)Ensure that there are no unreasonable or discriminatory barriers to the right of every citizen to run for election.
- (c)Ensure that all infrastructure for elections and participation in public affairs, including polling stations, is accessible to all, including persons with disabilities. ([CCPR/C/MKD/CO/4](#), para. 48)