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**Human Rights Council**

**Fifty-seventh session**

9 September–9 October 2024

Agenda item 6

**Universal periodic review**

**Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

**North Macedonia**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

1. A total of 205 recommendations were made during the interactive dialogue held on 2 May 2024. North Macedonia has examined all recommendations made, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1 and paragraph 16 of annex to Council resolution 16/21.

2. The following recommendations formulated during the interactive dialogue have been examined by North Macedonia and enjoy the support of North Macedonia:

117.6 Supported

117.7 Supported

117.8 Supported

117.9 Supported

117.10 Supported

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117.203 Supported

117.204 Supported

117.205 Supported

3. The following recommendations formulated during the interactive dialogue and on which a position had not been taken yet have been examined and noted by North Macedonia:

117.1 Noted

117.4 Noted

117.5 Noted

117.17 Noted

117.29 Noted

117.30 Noted

117.51 Noted

At present, the technical, spatial, and human resource capacities of the Department for Internal Control, Criminal Investigations, and Professional Standards at the Ministry of the Interior are strengthened. The Department is responsible for undertaking measures to determine any unlawful, unprofessional conduct and unethical behaviour by employees of the Ministry of the Interior. The Department is organizationally separate from the Bureau of Public Security (Police) and is directly positioned under the Minister of the Interior; it is physically located outside the premises of the Ministry due to the daily influx of citizens submitting complaints against Ministry employees. The Ombudsman does external oversight of the Department’s operations—Civil Control Mechanism, in which non-governmental organizations and citizens' associations also participate. The Ombudsman is authorized to inspect cases handled by the Department and, if any shortcomings are identified, may institute a procedure for the establishment of disciplinary and criminal law responsibility.

117.73 Noted

Article 394-d of the Criminal Code regulates the issue of hate speech on the internet and is titled "Dissemination of Racist and Xenophobic Material through a Computer System." On these grounds, on 15 March 2024, the court in Demir Kapija issued a judgment against an individual for the criminal offense of disseminating racist and xenophobic material via a computer system, in accordance with Article 394-d, paragraph 1 of the Criminal Code. The individual was sentenced to a suspended prison term of one year.

117.130 Noted

117.189 Noted

117.190 Noted

117.192 Noted

4. Regarding recommendations 117.1, 117.2, 117.3, 117.4, and 117.5, for clarification purposes, it is emphasized that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families regulates issues related to the access to rights of both legal and illegal migrants in the areas of healthcare, education, the labour market, the protection of their rights before judicial authorities, including the right to citizenship for newborn children of migrants. Therefore, it is considered necessary to conduct an analysis of the real need and feasibility of its ratification, considering that the country is already a party to a considerable number of conventions addressing this issue.

5. Regarding recommendations 117.29, 117.30, 117.73, and 117.192, in the criminal legislation of the Republic of North Macedonia, there is no specific criminal offense directly addressing hate speech; rather, these actions are covered by provisions relating to a number of criminal offenses.

6. The following articles of the Criminal Code pertain to hate speech as incriminations or criminal offenses:

* Article 178: Offense against the reputation of the Republic of North Macedonia, its flag, or coat of arms; Article 179: Ridicule of the Macedonian people and persons belonging to the communities living in the Republic of North Macedonia; Article 181: Offense against the reputation of a foreign state; Article 182: Offense against the reputation of an international organization; Article 319: Incitement of national, racial, and religious hatred, discord, and intolerance; Article 394-d: Dissemination of racist and xenophobic material through a computer system; Article 407-a: Approval or justification of genocide, crimes against humanity, or war crimes; and Article 417: Racial and other forms of discrimination.

7. Regarding recommendations 117.130 (partially), 117.189, and 117.190 on legal gender recognition, the respect for gender identity, including the right to legal recognition by the state, is part of the right to private life, which is guaranteed by the Constitution of the Republic of North Macedonia and international human rights conventions.

8. There is currently no legal framework in the legislation of the Republic of North Macedonia for legal gender recognition.

9. In drafting the proposed legal provisions, the obligation of the Republic of North Macedonia to implement its internationally assumed commitments was taken into consideration. Primarily, the judgment of the European Court of Human Rights in the case of X v. the Republic of North Macedonia (Application no. 29683/16) dated 17 January 2019, in which the Court found that the Republic of North Macedonia had violated Article 8 of the Convention due to the lack of a regulatory framework ensuring the right to respect for the applicant's private life.

10. The Report on the implementation of Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity notes that: "The Law on Civil Registry in the Republic of North Macedonia regulates the entry of data, the maintenance of civil registers, as well as the alteration or correction of data in the civil registers. However, as other referred to laws, this Law too does not provide a clear procedure for changing the gender marker and the NIN (national identification number) of a citizen."

11. To this end, amendments and supplements to the Law on Civil Registry were drafted.

12. Representatives of the relevant state authorities and associations working with the transgender community participated in the Working Group. In this process, the legislative solutions from Malta's Gender Identity, Gender Expression, and Sex Characteristics Act were utilized. Additionally, with the support of the Council of Europe, the Working Group had a study visit to Malta in 2020 to familiarize themselves with the legislative solutions and practices for legal gender recognition in that country. As part of a joint program between the EU and the Council of Europe – Horizontal Facility for the Western Balkans and Türkiye 2019–2022: Promotion of Diversity and Equality in North Macedonia – a Comparative Analysis on Legal Gender Recognition was developed, which was used in drafting this legislative text.

13. This draft legislation received positive opinions from the TAIEX (Technical Assistance and Information Exchange) program and the Department for the Execution of Judgments of the European Court of Human Rights in Strasbourg.

14. The proposed provisions regulate the procedure for legal gender recognition and are in line with international standards, which require the state to establish a fast, transparent, and accessible procedure based on self-determination. The procedure for legal gender recognition is structured with clear, comprehensive, and unambiguous guidelines concerning the course and duration of the process, as well as the identification of the competent institutions authorized to conduct the procedure.

15. The following recommendations formulated during the interactive dialogue have been examined by North Macedonia and North Macedonia does not support them in its entirety:

117.2 Supported: Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Noted: Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

117.3 Supported: Ratify pending international human rights instruments: the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child.

Noted: Ratify pending international human rights instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

16. Summary statement: In total, out of 205 recommendations received, 191 enjoy the support of North Macedonia and twelve are noted. Additional clarification is provided on another two recommendations, indicating which part of the recommendations has been supported and which part has been noted.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)