

# **Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law**

**North Macedonia**

**January 2022**

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# Contents

<b>1</b>	<b>Civic space developments in 2021 .....</b>	<b>3</b>
1.1	New government Strategy for Cooperation with the Civil Society Sector adopted .....	3
1.2	Anti-gender movement on the rise .....	4
1.3	Potential shrinking of CSO scope of work that might be eligible for government funding support .....	5
<b>2</b>	<b>Examples of civil society contributions to the rule of law.....</b>	<b>7</b>
2.1	“Partnership Justitia” Project .....	7
2.2	“Blueprint” group of CSOs.....	8
2.3	Platform of CSOs against corruption .....	9
<b>3</b>	<b>Other relevant developments.....</b>	<b>10</b>
3.1	Attempts to revive the so-called “desorosoisation” process.....	10

# 1 Civic space developments in 2021

<b>1.1 New government Strategy for Cooperation with the Civil Society Sector adopted</b>	
Area	Participation and cooperation with authorities
Topic	Civil dialogue
Impact	Major

On 28 December 2021, the government adopted the new Strategy for Cooperation with the Civil Society Sector 2022-2024.<sup>1</sup> The document contains some findings on the implementation of the old strategy (2018-2021), which was a third such subsequent document. It notes that civil society organisations (CSOs) adapted well during the pandemic period and preserved a meaningful role in society. Overall, not all activities planned were implemented, including those foreseen to improve the legal framework for operation of CSOs and for cooperation of CSOs with the government. Public consultations on activities to be included in the new strategy were held from 26 April to 26 May 2021. CSOs that submitted proposals were invited to a discussion meeting on 2 July 2021 and subsequently to join the working group tasked with drafting the new strategy. The Draft strategy was open for comments to the public in October, until 10 November 2021.<sup>2</sup> The Draft was amended based on the feedback and later adopted by the government. Overall, the process can be assessed as an open, participative and inclusive one.

The key aim of the new Strategy is to secure a supportive and sustainable environment for the functioning and development of civil society, enabling dynamic, independent, active and sustainable CSOs, which contribute towards enhancement of democratic governance, reflect the interests and needs of citizens and are included in a structural dialogue on advancing society. The following three areas are established as priorities: (1) Normative, institutional and financial framework for the development of civil society, (2) Democratisation, active participation of civil society in societal processes, in policy-making and monitoring with a particular focus on EU integration, and (3) Civil society as an actor in socio-economic development. The Strategy, accompanied by an Action Plan, casts a

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<sup>1</sup> Government of the Republic of North Macedonia (*Влада на Република Северна Македонија*), Strategy of the Government of the Republic of North Macedonia for cooperation with the civil society sector 2022-2024 ([Стратегија на Владата на Република Северна Македонија за соработка со и развој на граѓанското општество 2022-2024](#)).

<sup>2</sup> "Consultation on the draft-strategy of the Government of the Republic of North Macedonia for cooperation with the civil society sector 2022-2024" ([Консултации за Нацрт-Стратегијата на Владата за соработка со и развој на граѓанското општество, со Акциски план 2021-2024](#)).

wide network which, if implemented, will significantly improve the landscape for the functioning of CSOs. It is also worth noting that the adoption of the Strategy is in line with the European Commission’s annual country report recommendations.

<b>1.2 Anti-gender movement on the rise</b>	
Area	Safe space and protection
Topic	Verbal attacks and harassment (online or offline; by private parties or public entities)
Impact	Major

The year 2021 has seen a resurgence of the anti-gender movement after its initial decline following the toppling of the Gruevski regime (2017).<sup>3</sup> Informal anti-gender groups operating on social media (Facebook) and one registered organisation “Od nas za nas”<sup>4</sup> (“From Us For Us”) have targeted individuals and CSOs most vocal in gender and LGBT\*IQ equality advocacy. Two topics stood out: opposition to gender sensitive and sex education, and spreading transphobia. The methods are - as already well identified in the abundant literature on the anti-gender movement - a mix of methods traditionally used by human rights organisations (such as bringing cases to NHRIs and courts, asking to participate in public policy processes); fake news and fear-mongering, recently supplemented by anti-vaccination positions.

In its posts, “Od nas za nas” claimed that the CSO Health Education and Research Association (H.E.R.A.) wanted to create a “gender confusion” in children, to encourage their sexualisation and promote abortion. The aim was to create fear and opposition to sex education - introduced as an optional course in formal education in autumn 2021.<sup>5</sup> Following an initial warning, H.E.R.A. filed criminal charges against the registered CSO<sup>6</sup> for spread of hatred towards LGBT\*IQ

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<sup>3</sup> Miškovska Kajevska, A.(2018) ‘Suspending Democracy, Harming Gender Equality’ in Mieke Verloo (ed.), *Varieties of opposition to gender equality in Europe*, New York, Routledge, Taylor & Francis Group.

<sup>4</sup> Information on “Od nas za nas” [website](#) suggest that the organization does not abide by the national legislation mandating transparency of founding documents and of annual narrative and financial reports of the organisation.

<sup>5</sup> H.E.R.A. (2021) ‘Reaction: If “From Us for Us” does not retract the lies about sex education and about HERA, we will request that civil liability for slander is established’ ([Реакција: Ако здружението „Од нас за нас“ не ги повлече лагите за сексуалното образование и за ХЕРА, ќе бараме да се утврди граѓанска одговорност за навреда и клевета](#)’).

<sup>6</sup> The methods of “Od nas za nas” are well explained in H.E.R.A.’s [public announcement on the filing of criminal charges](#).

persons and supporters of gender sensitive and sex education. The actions of “Od nas za nas” thus far remain unsanctioned. They are not supported by the government, but it is not clear if they have support from Members of Parliament or the local government.<sup>7</sup> Recently, the feminist organisation Tiiiit. Inc! was targeted for using “people that menstruate” in a study on menstrual poverty.<sup>8</sup>

<b>1.3 Potential shrinking of CSO scope of work that might be eligible for government funding support</b>	
Area	Financing framework
Topic	Funding landscape
Impact	Major

The funds allocated for support of the civil society sector are usually included in the national budget section 04001 “Government”.<sup>9</sup> However, the budget proposal for 2022 moved the funds for CSOs to section 04010 which is under the budget of one of the ministries – the Ministry on Political System and Communities’ Relations (the Ministry) whose main competence is on the implementation of the Ohrid Framework Agreement and which holds no specific competence related to CSOs and civil society in general.

The Council on Cooperation among the Government and Civil Society (the Council), a mixed body composed of representatives from CSOs and state institutions, issued a written request to the government to reconsider its decision and to re-allocate the funds back under the budget of the government.<sup>10</sup> This reaction included two key objections. Firstly, there was no consultation of CSOs for this change (even though reforming the government model for funding support of CSOs is one of the goals set by the new strategy for cooperation among the government and CSOs). Secondly, in practical terms, this change means a

<sup>7</sup> See section 1.3. on Financing landscape and the targeting of H.E.R.A. by municipal representatives in relation to its activities on gender equality (this time, violence against women).

<sup>8</sup> Facebook page “Prevzemi odgovornost” (*Превзemi одговорност*), post (13.11.2021), ‘According to the NGOs in Macedonia, women and girls are not the only ones that menstruate’ ([‘За невладините организации во македонија, не менструираат само жени и девојки’](#)).

<sup>9</sup> Budget of the Republic of North Macedonia (Буџет на Република Северна Македонија) (), Official gazette of the Republic of North Macedonia, No. 287/2021 (20.12.2021).

<sup>10</sup> Council on Cooperation among the Government and the Civil Society (Совет за соработка меѓу Владата и граѓанското општество), Council on cooperation among the government and the civil society requests that the government reconsiders its finances planning in the Budget of the Republic of North Macedonia for 2022 regarding program activities of associations and foundations ([Советот за соработка меѓу Владата и граѓанското општество бара Владата да го преиспита планирањето средства за финансирање на програмските активности на здруженија и фондации во Буџетот на Република Северна Македонија за 2022 година](#)).

compartmentalisation of the financial support for CSOs in a ministry with a specific scope of work - much narrower than the scope of actions of the civil society. In addition, any ministry can allocate its own funding support to CSOs in relation to its scope of competences, making this move even less logical.

The reaction by the Council had a limited impact: the majority of the funds (MKD 20 million or EUR 325,203) remained in the Ministry, whereas a smaller part (MKD 15 million or EUR 243,902) were re-allocated back to the budget section of the government, as in previous years. No calls have been published yet, thus it remains to be seen what the full scope of the consequences from this action will be. In addition to this uncertainty in the funding at central level, challenges arise also at the local level which may have larger civic space implications (section 3.1).

## 2 Examples of civil society contributions to the rule of law

<b>2.1 “Partnership Justitia” Project</b>	
Topic	Feeding into and supporting the work of independent authorities and bodies (e.g., judiciary, NHRI, Ombudsperson)  Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)

With the EU-funded project "Partnership Justitia: Regaining Citizens' Trust"<sup>11</sup>, the lead organisation European Policy Institute, Skopje in partnership with the national Association of Judges: 1) contributed to the monitoring of the national Judicial Reform Strategy, 2) supported regular dialogue and cooperation with the Ministry of Justice as well as other judicial institutions, and 3) conducted successful advocacy towards public authorities on rule of law.

First, the judicial monitoring was based on human rights oriented indicators of performance agreed with the Ministry of Justice as the key beneficiary and was the basis of two annual performance reports, which fed into the monitoring of the annual Judicial Reform Strategy. Second, the project supported the work of the judiciary through providing regular opportunities for closed and public dialogue with other rule of law actors, including on topics such as the judicial budget, as well as digitalisation. Third, through advocacy towards the Ministry of Justice and other public institutions, the initiative has provided direct input to various strategic documents and legislation on rule of law, including the Government Programme for 2021 and 2022, as well as the forthcoming Judicial Reform Strategy. The advocacy positions were based on evidence based research, including primary data from interviews and focus groups with key judicial stakeholders, fostering a rule of law culture. This was a successful initiative bridging CSOs and judicial institutions, creating a platform for joint discussions and advocacy on both strategic issues and on daily unfolding, hot, issues. Aside from its national impact, Justitia planted seeds for ties among judges in North Macedonia and those from EU Member States (Bulgaria and Croatia).

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<sup>11</sup> For more about the project, see: <https://epi.org.mk/post/10281>.

## 2.2 “Blueprint” group of CSOs

Topic	Monitoring the legality and proportionality of laws, measures and practices; triggering the judicial review of laws, measures and practices and the enforcement of rulings; strategic litigation  Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)
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The Blueprint group arose from an initiative of a core group of CSOs working on various aspects of rule of law who came together amidst the major political crisis in 2016 to compile a detailed “blueprint” of urgent necessary reforms in order to resolve the crisis and get the country back on the rule of law tracks.<sup>12</sup> The group is aimed at increasing the participation of civil society organisations in the process of monitoring the judicial reforms in North Macedonia in view of EU accession. Most recently, it has done so from a perspective of the impact of the reforms on the respect of human rights, the realisation of the principle of the rule of law and social justice.<sup>13</sup> Five organisations specialising in different areas of rule of law are members of the group and provide evidence based assessments and recommendations.

The Blueprint group supports structured dialogue and participation in rule of law reform processes, amplifying the voices of CSOs by joint positions and advocacy and strengthening the position of CSOs by presenting a united front composed of CSOs with a strong public and expert image. The group has produced a number of policy initiatives and requests to key policy makers.<sup>14</sup> The group works in close cooperation with the Ministry of Justice and other judicial actors and works on fostering a rule of law culture through continuous advocacy.

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<sup>12</sup> [Blueprint for urgent democratic reforms \(Блупринт за демократски реформи\)](#) (2016).

<sup>13</sup> Блупринт група (Blueprint Group). (2021) Monitoring the Implementation of the Strategy for the Judiciary 2017-2022, monitoring period January 2021 – June 2021 ([Следење на спроведувањето на Стратегијата за реформа на правосудниот сектор 2017 – 2022 период на следење: јануари 2021 – јуни 2021](#)).

<sup>14</sup> All the initiatives are available on the following link:  
<http://blueprint.org.mk/%d0%b0nouncements/>.



## 2.3 Platform of CSOs against corruption

Topic	Keeping the national anti-corruption framework operational (incl. whistle-blowers and their protection etc.)
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The Platform of Civil Society Organisations for Fight against Corruption, founded in 2014, includes over ten CSOs, including all CSOs most active in the fight against corruption.<sup>15</sup> The platform was an active actor in the creation of a new, more solid, legal framework against corruption and in the strengthening and establishing of an independent institutional framework for fight against corruption. Its members participated in the drafting of the Law on Prevention and Fight against Corruption and in the public hearing for election of members of the central state body – the State Commission on Prevention of Corruption.<sup>16</sup> Following this, the Platform has been active in supporting the work of this Commission in many ways, including by public reactions to pressures over the body, issuing regular monitoring reports of its work and special thematic reports of particular aspects, providing capacity building, and so on. For example, the Platform issued joint reactions together with the Anti-corruption Commission calling on the authorities to comply with the laws on anti-corruption<sup>17</sup> and a number of reactions to government actions in line with its watchdog role.<sup>18</sup>

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<sup>15</sup> The Platform's website: <http://www.antikorupcija.mk/mk/index.php?id=2&mv=1>

<sup>16</sup> Antikorupcija, Expecting a New Fierce Commission for Fight against Corruption ([Очекување за нова борбена Комисија за борба против корупцијата](#)).

<sup>17</sup> For an example, see: <http://www.antikorupcija.mk/mk/record.php?id=1191&mv=3>

<sup>18</sup> For an example, see: <http://www.antikorupcija.mk/mk/record.php?id=1246&mv=3>.

### 3 Other relevant developments

#### 3.1 Attempts to revive the so-called “desorosoisation” process

Attempts to revive the so-called “desorosoisation” process were made in 2021. “Desorosoisation” was the name accorded to the process conducted by the Gruevski regime until 2016, when CSOs were openly prosecuted for their work on preserving democracy and human rights. The civil society sector was characterised as an instrument in the hands of the donor George Soros and his Open Society Foundation and an “evil” and “corrupted” force. Open pressure was exerted, including through investigations by the Public Prosecutors Office (involving also the Tax Office, Financial Police, Agency on Financial Counterintelligence, and the State Commission against Corruption) initiated against over 20 CSOs - most of them established or supported by the Open Society Foundation/Institute.<sup>19</sup> The investigations were closed in 2018 with no findings of any illegal or irregular work.

Recently, in December 2021, a municipal councillor of the far-left political party Levica in the Municipality of Karposh publicly announced that Levica managed to remove the CSO H.E.R.A. from the Municipality of Karposh<sup>20</sup>, “to avoid unnecessary costs for activities which exist only on paper”.<sup>21</sup> The last 2020 parliamentary elections program of Levica, which won an increasing number of seats across municipal councils in the 2021 local elections (from 3 to 45 seats overall) included the revision of work of all CSOs and closing of all CSOs that work with foreign funding. H.E.R.A. issued a public reaction to the claims,<sup>22</sup> and

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<sup>19</sup> On the winning election speech by Gruevski in 2016 announcing the launch of the process of “desorosoisation” and the first joint large-scale action by state institutions against CSOs, which included extraordinary investigations see: Trpkovski, G. (2020) The state’s desorosoisation scenario ([Државата во сценариото за десоросоизација](#)), Prizma; SDK. (2017) The anti-corruption commission was the one that first started the desorosoisation ordered by Gruevski, by asking inspection of 21 civil society organisations ([Антикорупциската комисија прва ја почнала десоросоизацијата што ја нарача Груевски – побарала контрола за 21 невладина организација](#)).

<sup>20</sup> Trpkovski, G. (2020) The state’s desorosoisation scenario ([Државата во сценариото за десоросоизација](#)), Prizma; SDK. (2017) The anti-corruption commission was the one that first started the desorosoisation ordered by Gruevski, by asking inspection of 21 civil society organisations ([Антикорупциската комисија прва ја почнала десоросоизацијата што ја нарача Груевски – побарала контрола за 21 невладина организација](#)).

<sup>21</sup> The facebook post, dated 28.12.2021, of the Levica municipal council member Ivana Stoimenovska is available at: <https://www.facebook.com/stoimenovska/posts/10157985139845916> (print screen of the post is available on [H.E.R.A.’s website](#)).

<sup>22</sup> H.E.R.A. (2021) Excluding HERA from local policymaking in the Municipality of Karposh is a blow for democracy and fundamental rights and freedoms ([Исклучувањето на ХЕРА во градењето локални политики на О. Карпош е удар врз демократијата и фундаменталните права и слободи](#)).

demanded an apology, but no official apology ensued.<sup>23</sup> H.E.R.A. characterised this as an attack on the whole civil sector and on “democracy and fundamental rights”.<sup>24</sup> There have been no government nor opposition reactions to Levica’s actions thus far.

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<sup>23</sup> Information last updated on: 03.01.2022.

<sup>24</sup> H.E.R.A. (2021) Excluding HERA from local policymaking in the Municipality of Karposh is a blow for democracy and fundamental rights and freedoms ([Исклучувањето на ХЕРА во градењето локални политики на О. Карпош е удар врз демократијата и фундаменталните права и слободи](#)).