

# **BLUEPRINT FOR URGENT DEMOCRATIC REFORMS**

**Skopje, July, 2016**

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## INTRODUCTION

This Blueprint represents a joint effort of a group of civil society organizations (CSOs) and is a product of synergy and cooperation between CSOs, academia and independent experts (Annex 1). This joint effort is a response to the current political crisis, backsliding of democratic standards, rule of law and loss of credibility of institutions.

The Blueprint complements the efforts of the “#Protestiram/Colorful Revolution” movement in its demands for urgent democratic reforms and for involvement of independent representatives of the civil society in that process.

The **aim** of the Blueprint is to provide an incentive, guidelines and detailed actions necessary for restoring the democratic standards and values, achieving progress in selected areas of public policy, as well as bringing back citizens’ trust in the key public institutions. The selected policy areas are the following: Public Finance and Economy; Judiciary; Fight against Corruption; Elections and Election System, Media; Public Administration; Control over the Police and the Security And (Counter)Intelligence Agencies; Parliament; Civil Society; Social Protection, Welfare, and Sustainability; Education and Youth Policies; and Environment.

The **immediate objective** of the document is to contribute to creating the necessary conditions for free, fair and credible elections, by proposing measures for implementation of key reform priorities. However, the priority focus should be on the reforms instead of the date of the elections.

This Blueprint is a proposal for the development of a government’s program for implementation of the key priorities. Having in mind the significance of the proposed instruments and measures and the current entrenched influence of the governing political parties over the institutions, we believe that the underlined reforms in this document should be implemented by an **expert government**.

The Blueprint initiative has produced and designed this document based on the many years of work and expertise within the respective areas of intervention. Large part of the proposed instruments and measures are part of the civil society commitments, reports and recommendations issued for the respective areas. However, it should be underlined that the initiative is not part of a formal project and it is not supported through any funds and/or contracts.

## APPROACH

The process of drafting and endorsement of the Blueprint policy areas went beyond the core group of this initiative and encompassed additional number of CSOs, academia and independent experts. They were included in the respective chapters, based on their expertise. The core group members and contributors for certain chapters do not bear responsibility for the other chapters and recommendations contained therein.<sup>1</sup> This main principle shall be applied in the future with all CSOs and experts that would like to be involved in specific chapters/areas.

Each of the selected Blueprint policy areas<sup>2</sup> is presented through **general principles** and **instruments, key institutions** and their possible role, as well as **legislation** that needs to be amended or drafted.<sup>3</sup> Nevertheless, the blueprint contains limited legislative measures and keeps primary focus on restoring the democratic standards and values and de-politicization of the institutions. All of the proposed instruments are determined by a specific time frame in which they should be implemented: **urgent** (up to 3 months), **short** (up to 6 months) and **medium** (more than 6 months) term. Only the interventions in the last chapter (Environment) are envisaged as actions after the elections, because they do not directly address the conditions for fair elections.

Within the first 1-3 months of the transitional period the expert government should focus primarily on assessing and planning all key priority reforms and implementation of the urgent agreed measures.

During the entire process the expert government should respect the **principles** of transparency, accountability, inclusiveness and effectiveness.

It is essential that political parties in the **Parliament** provide genuine **commitment** for the implementation of the key reform priorities. This commitment should go beyond the political parties in Parliament – by political parties not represented in Parliament, as well as the civil society at large. The Parliament's strong political will and effective commitment, as well as exercise of its oversight role are crucial for the implementation of the key reform priorities.<sup>4</sup>

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<sup>1</sup> If the contributors had diverging opinions on an issue, this is noted in the text.

<sup>2</sup> Public Finance and Economy, Judiciary, Anticorruption, Elections, Media, Public Administration, Police and the Directorate for Security and Counterintelligence, Parliament, Civil Society, Social Welfare and Sustainability, Education and Youth Policies and Environment.

<sup>3</sup> Annex 2 contains the proposed legislative measures.

<sup>4</sup> "Key reform priorities" identified in this document address some of the *Urgent Reform Priorities* issued by the European Commission in June 2015, which were based on the *Recommendations of the*

In addition, the relevant bodies of the judicial branch, as well as the independent, oversight and regulatory bodies should demonstrate their commitment to the implementation of the key reform priorities.

It is also essential that the measures taken be aimed at enhancing social cohesion of citizens and of all ethnic communities. In this line, it is necessary to consider the Recommendations from the Ohrid Framework Agreement Review on Social Cohesion, published in December 2015.<sup>5</sup>

To ensure efficient implementation and cooperation of all relevant stakeholders, we propose the following instruments to be applied:

- Amend the strategic plans of the ministries and other administrative bodies to be aligned with the expert government priorities and plan and ensure strict monitoring of compliance;
- Introduce teams (experts, advisors, employees) in each ministry to secure implementation of the Blueprint and the subsequent assessment of the situation;
- Where necessary, establish inter-sectorial coordinative bodies consisting of representatives from all institutions involved in the different processes for implementation of the Blueprint (i.e. for the updating of the voters list);
- Compulsory publication of minutes of Government sessions, including decisions, conclusions and other acts, which are not published in the Official gazette (within 24 hours after the session on the governmental web-site);
- Launching media campaign followed by focused actions at the level of ministries and state institutions/agencies in order to improve the cohesion and synergy among the employees, regardless of party and/or ethnic affiliation.

We acknowledge the fact that the years of neglecting proper priority settings in the public sector and focus more on the line budgeting than the performance of the line ministries led to inefficiencies, lack of procedures, conflicting legislative solutions, underemployment in some sectors of the administration, while overemployment in others, and ultimately worsening of the public services. We also

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*Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015* (known as the "Priebe Report"). However, the key reform priorities identified in this document take into account the evolving developments during the past year and are elaborated in more specific measures in the areas where the contributors have specific expertise.

<sup>5</sup> Available at:  
<http://www.eip.org/sites/default/files/OFA%20Review%20on%20Social%20Cohesion.pdf>

are aware of the fact that many of the sectors require additional resources (not necessarily financial) in order to provide efficient and effective public services. That is why we propose an approach guided by principles and priorities so that the overall public sector efficiency would be respected, instead of the approach of sectors competing for financials resources.

We also emphasise that it is essential to start the preparations for the Census.

## **INCLUSION, MONITORING AND EVALUATION**

Prior assessment based on official and reliable data within each chapter is essential for the implementation of the reforms through the interventions and actions of this document. It is of a crucial importance for the civil society to be involved at the level of assessment of the current situation, as well as in the monitoring and evaluation of the key reform priorities. Such civil inclusion should take place both at executive level and at parliamentary level, including an interaction with the judiciary and the independent, supervisory and regulatory bodies.

- A consultative council on the implementation of the key reform priorities should be established at the level of Government, chaired by the Prime Minister, consisting of representatives of responsible ministries and representatives of the civil society
  - Within the Council, thematic groups encompassing CSOs, grass root groups, think-tanks, informal initiatives, trade unions etc. should be established in order to facilitate consultations, monitoring and evaluation of the key reform areas.
- Contact points in ministries and independent regulatory and supervisory bodies responsible for the key reform priorities should be appointed, who would also be in charge of cooperation with the civil society thematic groups.
- The responsible parliamentary bodies should hold monthly public hearings on the implementation of the key reform priorities, which are within their area of competence. Civil society representatives with a proven track record in the field should be invited to participate. This includes the following committees (the list is not exhaustive):
  - Committee on Political System and inter-ethnic relations;
  - Committee on Finance and Budget;
  - Committee on Transport and Communications;
  - Inquiry Committee on Human Rights;
  - Committee on Oversight of the Work of the Directorate for Counter-Intelligence, Agency for Intelligence;
  - Committee for Oversight of the Implementation of the Special Investigation Measure Interception of the Communication by the Ministry of Interior, the Financial Police Management, Customs Management and the Ministry of Defense;
  - Other responsible committees.
- The National Council for EU integration, as well as the Committee on EU affairs of the Parliament should also hold monthly sessions on the implementation of the key reform priorities, based on the reports submitted by the Government and by independent, supervisory and regulatory bodies, and following discussions in the responsible parliamentary committees.

The Blueprint initiative team is committed to contribute to further discussions on the modalities of inclusion of the civil society in the process.

## **EXECUTIVE SUMMARY BY CHAPTERS**

**PUBLIC FINANCE AND ECONOMY:** The proposed actions are based on restoring fiscal discipline and establishing fiscal transparency.

**JUDICIARY:** Laws on effective responsibility of the members of the Judicial Council need to be amended. This should be followed by providing proper transparency in the operation of the Judicial Council and the Council of Public Prosecutors. The Courts and the Public Prosecution must function in a more inclusive manner in relation to civil society organizations and the citizens. The Special Public Prosecution must carry on with its work, while the institutions should cooperate and provide all information needed by the SPP, in accordance with the provisions of the Law on Criminal Procedure. Actions to inform citizens about their rights are necessary, as addition to the creation of proper mechanisms for their protection.

**FIGHT AGAINST CORRUPTION:** First of all it is a key priority to re-establish the institutions for combating corruption by locating responsibility for their past ineffectiveness and thus enabling them to effectively exert their authority. In addition, proper mechanisms will be put in place to decrease corruption risk, with a focus on key areas, such as inspectorates, procurement, employment, financial management and transparency of political parties' funding.

**ELECTIONS AND ELECTION SYSTEM:** The State Election Commission has to safeguard the legality of the elections. Therefore, the process of its reform aims to secure its full independence in all areas of competence. The main priority is the cleaning of the voter's registry, while separation of party and state should be ensured.

**MEDIA:** Key interventions to overcome systemic deficiencies focus on: full independence of the regulatory body from political influence, the media industry and other power centres; securing independence of mainstream commercial media from government and party officials; institutional autonomy and independence of the Public Broadcasting Service, increasing transparency of public institutions, avoiding hate speech and discriminatory language in media, increasing security and safety of journalists.

**PUBLIC ADMINISTRATION:** Measures focus on reinforcing the system of merit in the employment and career advancement within the public administration; restoring the trust in the institutions; ensuring separation between state and party; ensuring

full access to public information; ensuring equality and legal certainty in administrative procedures; fining should be based on proportionality; no arbitrary dismissals in the public administration; ensuring effectiveness of public administration organizations.

**CONTROL OVER THE POLICE AND THE SECURITY AND (COUNTER)INTELLIGENCE AGENCIES:** The main principles are: to ensure credible, effective and external civic control over the police forces and the Secret service; the future external oversight mechanism will include members of CSOs, academia, public prosecution offices, and retired police officers on equal footings and with the same duties and responsibilities; introducing Community Policing; strengthening the composition of the parliamentary committees competent for oversight of the Directorate for Security and Counterintelligence and the Ministry of Interior with experts and civil society representatives on equal footing.

**PARLIAMENT:** Parliament must function in a more transparent manner towards the public and in a more inclusive mode towards stakeholders from various sectors. Parliament should amend its existing procedures of law adoption and must develop a practice of respect of its own internal Rules of procedure in order to effectively function as a forum where regulatory proposals are effectively scrutinized. The strengthening and proper functioning of oversight mechanisms on the government should result in a more accountable government.

**CIVIL SOCIETY:** The civic participation in both the policy-creation and the political process needs to be improved by: establishing transparent public funding of the civil society; a substantial review of the Governmental Strategy for Cooperation with the Civil Society and its operative documents (Decisions and Rulebooks) and structures (Cooperation Council); empowering direct democracy and grass-root civic initiatives through incentives for local referenda, civic legislative initiatives and petitions; establishing effective consultative mechanism for policy-making and legislation.

**SOCIAL PROTECTION, WELFARE, AND SUSTAINABILITY:** Addressing poverty, inequality and environmental challenges requires reviewing the failures of the existing system and commitment to developing strategies that adequately address poverty, inequality, pollution, ethnic and/or othering issues with an intersectional approach. Immediate action needs to be focused on “on the spot” monitoring over procedures for allocation of all means tested social transfers to ensure social services are delivered impartially and without obstructions according to law.

EDUCATION AND YOUTH POLICIES: Revision of education laws that provide for withdrawal of external testing and fines for teachers, students and parents, democratization of school governance and appointment of school directors and teachers; withdrawing of the Law on Teachers Academy, curricula and textbooks reform and reform of pre-service and in-service teacher training; introduction of integral approach to quality assurance in education; preventing further expansion and dispersion of higher education institutions; improvement of student organizing and participation in secondary and higher education; new Law on higher education to be developed by the entire academic community; revision of the National Youth Strategy 2016-2025 prior to development of any action plans.

ENVIRONMENT: The focus is the systemic changes needed in order to enable the appropriate use of collected environmental taxes, for the purpose of environmental protection and implementation of the EU acquis. The proposed changes will result in environmental protection and improvement of quality of life in Macedonia.

## PUBLIC FINANCE AND ECONOMY

### INTRODUCTION

There are concerns that public funds are used in a non-transparent manner. This is a result of the lack of proper fiscal transparency and fiscal discipline, which leads to ad-hoc fiscal decisions.

### GENERAL PRINCIPLES

The general principles for the proposed actions are the following:

- Restoring fiscal discipline;
- Establishing fiscal transparency;
- Prioritizing ongoing public projects;
- No changes in the public finance system structure (any changes in the public finance system should be left for the future government that received its mandate through elections).

### ACTIONS AND KEY INSTITUTIONS

These activities should be implemented by the Ministry of Finance within a period of 3 months.

- **Adjustment of the 2016 annual budget**, taking into account the measures proposed within this document;
- **Publishing bi-weekly (or monthly) budget plans and budget execution reports**. These executions and plans should be much more analytical than the current ones and should be publicly available;
- **Impose control on government borrowing and spending**. When the government needs to borrow or spend in excess of the amounts pre-specified in the plans, it should specify for which purpose these funds will be spent. This has to be done in a publicly transparent way;
- **Assessment of VAT and other arrears and contingent liabilities** (e.g. guarantees) for the whole public sector (central government, municipalities, funds and public companies), making the list publicly available, and preparing a transparent plan for payment of the arrears;
- Cease of **selective payments** of current expenditures;
- **Assessment of the government capital projects** and publishing their structure by phase of implementation (planning, ongoing and finalizing phase). Priority should be given to the projects that cannot be stopped given their nature and/or purpose and projects that have higher fiscal multiplier;
- **Assessment of the public procurement process**, giving priority to the projects that cannot be stopped given their nature and/or purpose.

### **Additional measures to improve fiscal transparency and good governance**

These activities may be implemented in cooperation with CSOs and experts. They should be initiated within 3 months, but may take more time to be completed. Regardless of the time needed for their implementation, it is a necessity to initiate all these measures followed by a proper monitoring framework, which will provide regular reports to the public regarding the stages of the implementation.

- Publishing the total amount of public debt (including arrears and debt of municipalities) on a multi-annual basis with an annual overview of the generated debt;
- Publishing the number of employees in the public sector on a multi-annual basis with an annual overview of the number of employees;
- Assessment and publication of the budget implications of the Skopje 2014 project by year, structure, financial construction and allocation of funds;
- Assessment of the costs and benefits of the foreign direct investments and ensuring that the rules for their subsidizing are respected;
- Assessment of the fiscal capacity and sustainability of the current pension system, including the work of MAPAS;
- Assessment of the goals, efficiency, sustainability and transparency of the agricultural subsidies, with a special focus on their allocation;
- Assessment of the sustainability, transparency and distributive effects of the social transfers;
- Assessment of the distributive effects of the tax policies.

## JUDICIARY

### INTRODUCTION

The Urgent Reform Priorities (URP) in the sphere of the Judiciary, proposed by the European Commission in June 2015<sup>6</sup>, were not consistently implemented. *As a substitute for the reforms only 'soft, reform-like wrapping' is being offered, which provides the form, but not the substance of the reforms as well. What is implemented are only partial, more or less technical details, which have limited influence on the expected independent and professional attitude.*<sup>7</sup> This was also confirmed by the review of the specific priorities in the area of the Judiciary, which indicated that actions contrary to the Urgent Reform Priorities have been undertaken<sup>8</sup>.

### GENERAL PRINCIPLES

In the following period the role of the Judiciary must be strengthened in several key aspects. Firstly, the Special Public Prosecution must carry on with its work, while the relevant state bodies must cooperate and provide all information and evidence required for smooth running of the procedure, in accordance with the provisions of the Law on Criminal Procedure. Secondly, proper transparency in the operation of the Judicial Council and the Council of Public Prosecutors should be ensured. Thirdly, activities for informing the citizens about their rights should be undertaken, followed by establishing a mechanism for their protection, with the aim to gradually reinstall the citizens' trust in the institutions.

Specifically, this could be done through the following actions:

- The Law on Protection of Witnesses should be amended in order to provide a mandate to the Special Public Prosecution to efficiently and smoothly use the instrument of protected witness in the cases that are within the jurisdiction of this institution;
- A special unit within the Directorate for Security and Counterintelligence should be established (in accordance with Articles 22-31 of the Law on Internal Affairs) with access to all the resources and equipment used by the

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<sup>6</sup> [http://ec.europa.eu/enlargement/news\\_corner/news/news-files/20150619\\_urgent\\_reform\\_priorities.pdf](http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619_urgent_reform_priorities.pdf)

<sup>7</sup> Institute for European Policy, *The Urgent Reform Priorities slower than the reinstalling of the non-reformation practices!* Available at: <http://epi.org.mk/docs/Realizacija%20na%20itnite%20reformski%20prioriteti.pdf>.

<sup>8</sup> Macedonia – EU Resource Center (MERC 23), *The status of the realization of the Urgent Reform Priorities*. Available at: <http://www.merc.org.mk/status-na-realizacija-na-itni-reformski-prioriteti>

Directorate for Security and Counterintelligence in order to meet the requirements for pre-investigative measures demanded by the SPP.

- The financial independency and sustainability of the SPP should be secured by making the SPP an independent budget beneficiary. The Government should not play any role nor intervene in any way during the adoption of the budget;
- Extending the current 18-months to a 24-months deadline for lodging an indictment in relation to the cases transferred from the ordinary public prosecution offices to the SPP;
- Transformation of the SPP into a permanent body (more details in the chapter Fight against Corruption).
- The independence of the Judicial Council of the Republic of Macedonia should be strengthened through appointing new members from the pool of judges and through allowing them to continue performing judicial duties, in order not to lose the direct contact with the practical aspects of the jurisprudence. With the aim to secure the expertise and competence of the Council members who are not judges, it is necessary to propose an additional condition for their membership, which shall be related to their professional experience and achievements in their line of work. In this regard, it is desirable for the members who used to be lawyers to be appointed by Parliament, on the advice of the Bar Association of the Republic of Macedonia, and after they have been elected through ballot by all the members. The appointment of new members of the Judicial Council is necessary in order to conduct impartial appointment of judges to the newly-established specialized court department within the Basic Court Skopje I – Skopje;
- Taking into consideration the apparent obstructions of the SPP by the judiciary which is corrupted by the political parties, it is necessary to establish a specialized court department which will be entitled to process the cases within the jurisdiction of the SPP. It could be established through amendments of the existing Law on the Courts, or through a new separate law which will regulate its functioning, while his mandate will be to process the criminal offences related to and arising from the illegal wire-tapping. The newly- established Judicial Council should announce vacancies for judges who are going to be appointed by the Judicial Council in order to work in this department. The criteria for appointment of these judges should be strengthened in regards to the integrity, independence and the impartiality of the candidates. This process should be supported by a prior wide debate and consultations of all stakeholders, especially involving the civil society organizations;

- Strengthening the already established criteria for appointing members to the Council of Public Prosecutors by Parliament (four members) from the line of “distinguished lawyers”;
- Independent and efficient legal remedy should be provided for the candidates dissatisfied with the appointment procedure, for those subjected to disciplinary liability, as well as in the procedure of dismissing judges;
- A moratorium on the application of the Law on the Council for Determining Facts and Initiating Procedure for Determining Liability of Judges should be imposed, taking into consideration the noted deficiencies;
- The already prepared amendments of the Law on Criminal Procedure should be adopted;
- The process of establishing the investigative centers of the Public Prosecution should begin immediately, according to the Law on Criminal Procedure;
- Persons who consider themselves victim of political trials and for whom a final judgment has been delivered should be able to lodge the extraordinary legal remedy “Request for protection of legality” to the Supreme Court, as prescribed with the Law on Criminal Procedure (Articles 457-462). The Public Prosecutor should process such requests to the Supreme Court ex officio.
- At least 5 of the 9 vacant judge positions in the Supreme Court should be filled. New judges, appointed by the independent Judicial Council, should reinforce the Criminal Department of the Supreme Court. The fully functional Criminal Department shall decide on all requests submitted by alleged victims. The Supreme Court should take into account independent opinions by representatives of academia/experts and CSOs.
- The strategy for the Judiciary should be adopted after a broad consultation and expert discussion concerning the novelties/modalities that are being suggested in order to resolve some key issues in the Judiciary;
- The criteria for enrolment at the Academy for Judges and Public Prosecutors should be changed, in order to make the Academy more accessible and more attractive for the prospective candidates, as well as to decrease the possibility for any political and other influence in this process;
- The budget of the Judiciary should be increased, by allocating appropriate resources, in accordance with the Law on Judiciary Budget;
- The Supreme Court must accelerate the procedure for installing the database of court rulings and should find ways to transfer those rulings which have already been made public by the Basic Courts and the Courts of Appeal to the Central Database;
- The Administrative Court should start making meritorious decisions, by which the administrative procedures will be shortened and citizens’ rights will be protected;

- Cooperation between institutions, CSOs and experts should be strengthened. Through jointly organized public debates, events and brochures the citizens should be granted access to all necessary information concerning the possibilities for instigating appropriate procedures for the protection of their rights.

## **INSTRUMENTS**

- Amendments to the Law on Protection of Witnesses (Official Gazette of the Republic of Macedonia no. 38/2005 and 58/2005);
- Amendments to the Law on Special Public Prosecution<sup>9</sup> in order to extend the current 18-month to a 24-month deadline for lodging an indictment in relation to the cases transferred from the ordinary public prosecution offices to the Special Public Prosecution (Article 22). Further amendments should be adopted in order to make it clear that the 24-month deadline does not apply to possible new cases that might arise from or are linked to the illegal wiretaps (new Article 22-a, paragraph 1). For such cases, the deadline to lodge an indictment should be 18 months and should start to run once the Office has made a decision to initiate investigative proceedings (new Article 22-a, paragraph 2);
- Amendments to the Law on the Special Public Prosecution (Official Gazette of the Republic of Macedonia no. 159/2015) in order to secure the financial independency and sustainability of the SPP (Article 16, paragraph 1);
- Amendments to the Law on Judicial Council of the Republic of Macedonia, especially Articles 11, 26, 28 and 32 (Official Gazette of the Republic of Macedonia no. 60/2006, 69/2006, 150/2010, 100/2011, 20/2015 and 61/2015);
- Revocation of the Law on the Council for Establishing Facts and Initiating Procedure on Establishing Responsibility of Judges (Official Gazette of the Republic of Macedonia no. 20/2015);
- Amendments to the Law on Courts, Article 45 (Official Gazette of the Republic of Macedonia no. 58/2006, 62/2006, 35/2008, 61/2008, 118/2008, 16/2009, 150/2009, 150/2010 and 39/2012), but also amendments by which a specialized court department will be established at the Basic Court Skopje I - Skopje, which would be entitled to persecute criminal offences related to and arising from the illegal wire-tapping;
- Amendments to the Law on Council of Public Prosecutors (Official Gazette of the Republic of Macedonia no. 150/2007 and 100/2011) with a view to strengthen the already established criteria for appointing members to this

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<sup>9</sup> Law on Public Prosecution for Persecuting Criminal Offences Related to and Arising from the Content of the Illegal Wire-tapping

Council by the Parliament (four members) from the line of “distinguished lawyers”;

- Revocation of the Law on Deciding and Determining the Duration of Penalty (Official Gazette of the Republic of Macedonia no. 199/2014);
- Amendments to the Law on Academy for Judges and Public Prosecutors, especially Article 57 (Official Gazette of the Republic of Macedonia no. 20/2015, 192/2015 and 231/2015).

### **KEY INSTITUTIONS AND POSSIBLE ROLE**

In order to implement the proposed measures, participation of all stakeholders within the area of the Judiciary is necessary, especially the Judicial Council, the Council of Public Prosecutors, the Academy for Judges and Public Prosecutors, the Ministry of Justice, the Parliament, as well as CSOs and experts with a strong background in the area of Judiciary.

## **FIGHT AGAINST CORRUPTION**

### **INTRODUCTION**

The large wiretapping scandal of 2015 confirmed that the political situation in Macedonia is *state capture* – public institutions are captured for the benefit of private interests of single or multiple elites with access to political power. In other words – corruption at the highest level. In the current context this state capture is realized by the parties from the ruling coalition. The institutions failed to respond on time in two ways: failure to prevent the state capture from happening, and failure to respond to the information revealed in the wiretaps. This means that the institutions that should be independent are by and large dependent on the political will to fight corruption.

### **GENERAL PRINCIPLES**

The key aims in the urgent and mid-term period is to re-establish the roles of the stakeholders in combating corruption and enable them to effectively exert their authority. This means legislation and policy change and change of officials that will:

- Revise the system of political party financing;
- Demonstrate that responsibility/accountability is being reinstated in anticorruption institutions mainly State Commission on Prevention of Corruption (SCPC) and Public Prosecutor Office for Organised Crime and Corruption (PPOCC);
- Ensure the competence and the integrity of the people tasked with interventions in anticorruption mainly in SCPC and the Public Prosecution;
- Ensure that the institutions have proper human and financial recourses;
- Ensure CSO involvement in monitoring public procurement and employment of the administration;
- Ensure CSO involvement in monitoring anticorruption efforts in SCPC and Public Prosecutor Office for Organized Crime and Corruption
- Add authority and capacity to SCPC to better monitor changes in assets of public officials and potential of conflict of interest in a way similar to the Agency for National Integrity (ANI) model in Romania.
- Establish an effective whistleblowing mechanism;

### **INSTRUMENTS**

#### **Urgent**

- Improve the terms of reference of the SCPC Commissioners – including that candidates should face a public hearing from CSO representatives with proven track record in anticorruption as part of their selection process.

- The Parliament dismisses the current composition of the State Commission for Prevention of Corruption;
- Responsibility and dismissal is asked by members of: Judicial Council, Council of Prosecutors, The Public Prosecutor of the Republic of Macedonia and The Head of PPOCC;
- The new composition of the SCPC provides historical data on all the changes of assets in the Assets and Interest Declaration of appointed and elected officials and expands the scope of information that it publishes;
- Corruption risk assessment of key institutions and development of integrity plans (2-3 months). The key institutions are: MoI and Directorate for Security and Counterintelligence, all inspectorates, as well as all institutions providing aid and subsidies as well as those generating revenue. Based on the recommendations of these integrity plans, in the mid-term period these institutions should have to fill the legal or statutory gaps and develop additional checks-and-balances within the institutions where the risks of corruption are identified;
- Impose a moratorium of public procurements that are not operational until the date of election;
- The Bureau of Public Procurement grants access to CSOs to monitor on the spot all activities of the Commissions for Public Procurement and allow them that they publish the total documentation of the bids in order to facilitate CSO monitoring;
- The Bureau of Public Procurement releases all public procurement data as open data, enabling CSOs to quickly investigate existence of clientelist networks;
- Mandatory publication of information related to budget spending by all ministries and bodies within the ministries implemented and published on the website of the Bureau of Public Procurements separated by items and contractors;
- Amend the Law on Public Procurement that any future procurement has designated line in the institutional budget for a given year.
- The Agency for Administration grants access to CSOs to monitor the recruitments and the employments in the administration;
- Create a task force between SCPC, Public Revenue Office and the State Audit Office in order to investigate political party financing and spending in the last three years. The methodology as well as findings and recommendations for actions should be consulted with CSOs (with a proven record in party financing investigation) in several stages of this task in order to provide transparency and accountability to the public that actions resulting from the findings will be de facto implemented;
- Mandatory annual audit of the general finances of all political parties;

- Appointment of new members in the Commission on Protection of the Right to Free Access to Information, who should be independent experts, with a strong background in the field of free access to information;
- Prohibit pre-signed blank resignations of elected and appointed public officials, validity of bonds of elected and appointed public officials that hold them dependent on political parties or other political patrons. Sanctions included in the Electoral Code should include imposing a ban on the participation in the next elections for any party applying such practice;
- The Law on Whistleblowers should be amended and not allow that the court can reveal the identity of the whistleblower without prior consent.; increase the technical proficiency to ensure anonymity of whistleblowers at all times. Most importantly, include a general provision for reporting at any Public Prosecutor Office so as to include the SPP in the list of institutions for external reporting.

### **Short term**

- Introduce only public funding for political parties and the election campaign and prohibit any kind of private funding of political parties. All registered parties should receive the same amount of funds, while additional funds shall be allocated to the parties in proportion to the number of elected MPs;
- Different opinion on party financing: Impose a mechanism where there is an obligation to prove the origin of funds for any donation and increase the tax on political party donations so as to generate public income that can be distributed for interventions in other areas of public interest;
- Introduce obligatory tax review and public reporting related to all individual donations to political parties, both from physical and legal persons;
- Measures regarding public procurement:
  - Revoking the provisions for the establishment and the mandate of the Council for Public Procurement and dismissal of the members of the Council;
  - Revision and amendment of the so-called negative reference for companies;
  - Reconsider the rule on using lowest price as the only criterion for contract-awarding as a step towards aligning contract-awarding criteria with the new EU directive where “economically most favorable bid” is stipulated as priority criterion, comprised of several elements which, in addition to the price, determine the procurement’s quality and cost-effectiveness.
- Measures regarding the free access to information:

- Allow the Commission for Protection of the Right to Free Access to Information to initiate misdemeanor procedures against information-holders failing to disclose information requested.
- Introduce competences for disclosure/de-classification of information categorized as “internal” for the purpose of protecting the public interest as defined under the new Law on Whistle-blowers.
- Review all classified information within state bodies, followed by information which files are not related to the security of the state, but are being “classified as such” by information-holders in order to cover-up state budget spending.

### **Medium term**

- Reestablish and make more efficient the legal requirement for interconnection between the PRO and SCPC for cross-check of asset declaration;
- Reinforce the application of legal provisions for 70% taxation of unauthorized (illegitimate) assets and initiate appropriate application on Criminal Law provision on Concealing the origin of inappropriate gained assets (359-a).
- Enhance the application of the asset seizure for final confiscation at the early stage of criminal proceedings of the corruption related cases
- Establish and enhance capacity of the Investigative centers in the PPOCC
- Provide sufficient resources (human – data scientists) to be able to provide in-depth monitoring of conflict of interest and corruption of all elected and appointed officials, as well as the administration, with automated cross-checks with data on procurement and employment;
- Publication of information related to property in possession of political parties;
- Enhancing the competences of the State Audit Office in terms of monitoring revenue and expenditure, as well as origin of money donated to political parties;
- Interconnect the Registry of Elected Officials’ Assets, Income and Interest with the Public Revenue Office.

### **KEY INSTITUTIONS AND POSSIBLE ROLE**

- Ministry of Interior, PPOCC; Special Public Prosecution, State Commission for Prevention of Corruption, State Audit Office.
- SCPC has a role in encouraging corruption reporting, as well as referring cases towards the Public Prosecutors ex officio.
- With the changes of responsible persons in the Public Prosecutor Office and PPOCC, initiate an increase in the public trust for PPO and PPOCC

accompanied with the increase in human and technical capacities of the latter.

- The State Audit Office has the capacity, in coordination with the new and reformed SCPC, Public Revenue Office and other institutions as well as with the advice by CSOs, to develop a background report as a basis for a law on political party financing based on public funding.
- The Ministry of Interior is one of the key institutions where corruption risk assessments have to be conducted and integrity plans need to be developed. This instrument also involves the Ministry of Labor and Social Policy, the Ministry of Agriculture, Forestry and Water Economy and all the other institutions with inspectorates. As a matter of priority, this should first involve the Public Revenue Office and the trade inspectorates.
- SCPC, PPO, the Ombudsman Office and the Ministry of Interior to effectively establish their legally given role as an external reporting point for the whistleblowers.

## **ELECTIONS AND ELECTION SYSTEM**

### **INTRODUCTION**

One of the reasons for the ongoing political crisis are the reasonable doubts about election-rigging by the ruling parties. Several factors are crucial in order to organize free and fair, or credible elections: continuation with the reform of the SEC, cleaning the Voters List, and ensuring the separation between the state and the political parties<sup>10</sup>.

Besides the ongoing political crisis, there are some longstanding deficiencies in the elections and the election system which should be also tackled. Namely, the manner in which the MPs are elected (through closed list proportional system) has several disadvantages. MPs are accountable to their party leaders instead to the citizens/electorate, and candidates who are loyal to their political leadership are placed on the candidates lists instead of the competent ones. This results in weakening the link between MPs and citizens and undermines the very essence of the representative democracy – the election of MPs who represent the citizens.

The out-of-country voting has also been disputed on the grounds the right to equal access to the polling station (PS) and the length of stay abroad as a condition for voting abroad.

Political parties use the period between the announcement of the elections and the certifying of the candidates' lists for promotion of their candidates and programs. Since the Election Code defines the election campaign as presentation of certified candidates, this practice does not contravene the legal provisions. However, even though formally this does not represent an early campaigning, these events are actual promotion of the future candidates and their programs, regardless of the fact that they still had not been certified by the SEC.

### **GENERAL PRINCIPLES**

#### **1. Continuation with the reform of the State Election Commission**

In order for the SEC to safeguard the legality of the elections, the process of its reforming should be continued with the following aims:

- to secure the full independence of the processes by separating the decision-making from the implementation;

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<sup>10</sup> The role of the media is discussed in a separate chapter.

- the SEC to practice all its competences deriving from and in accordance with the Election Code and other legislation;
- to strengthen SEC's capacities (decision-makers/commissioners and implementers/professional service).

## **2. Cleaning the Voters List**

In order to increase the trust in the elections, the process of cleaning the Voters List – regardless of the chosen method for cleaning/creating the Voters List for the upcoming elections – should be based on the following criteria:

- transparent and inclusive;
- well planned and organized;
- conducted in a reasonable timeline;
- efficiently supported and coordinated between the relevant institutions;
- completed before the announcement of the elections.

## **3. Ensuring the separation between the state and the political parties**

- Combating blurring of the state and the political parties, both on national and local level.

## **4. Addressing the deficiencies of the election process and the electoral system**

- Reviewing the closed list variant of the proportional representation system, reviewing the out-of-country voting, and providing fair conditions for campaigning to all participants in the elections.

## **INSTRUMENTS**

### **1. Continuation with the reform of the SEC**

- The independence of the State Election Commission should be secured through the following means:
  - Redesigning the process of professionalization of the election administration. The redesigning of the process of professionalization should start from the highest body (SEC), and after several election processes should encompass the lower bodies (MECs and EBs). For the next several election processes, the MECs and EBs should be composed of 1 member from the administration and 2 members from the ruling parties and the opposition respectively;
  - Conducting a review of the work of the current SEC's composition with an option to dismiss some of the current members;

- In order to secure the required level of professionalism, an Secretary General (Executive Director) of the professional service should be appointed by the Parliament with 2/3 majority;
- Transferring all the competences in regards to implementation – including the compilation of the Voters List – to the professional service and making them not subject to approval/voting by the members.
- The SEC professional service should prepare a detailed plan referring to its overall work, which should be publicly available and should consist of the following elements:
  - strengthening its institutional, technical and human capacities both within its headquarters and the regional offices;
  - assessment of the current Temporary Rules of Procedure and adopting new Rules of Procedure and other regulations;
  - providing support and recommendations for the process of harmonization of all election related laws;
  - communication and cooperation with relevant institutions – at this point of the process international technical support should be provided.
- The Government should provide funds for the functioning of the SEC for the upcoming elections in accordance with the plan proposed by the SEC.
- Different types of technical support should be provided to both the SEC members and the professional service.

## **2. Cleaning the Voters List**

- The SEC professional service should be responsible for creating (not maintaining and updating) the Voters List. The SEC professional service should be given competence not to include those voters in the Voters List for whom it will be demonstrated that they obtained their right to vote in violation of the legal procedure or do not have the right to be on the Voters List anymore. A legal remedy should be provided for such action, for both the institution and the citizens involved;
- Developing a new methodology for creating the Voters List that will replace the existing two methodologies and which will include clear provisions and procedures for conducting cross and administrative checks of the databases provided by the relevant institutions;
- The MECs should be involved in the process of cleaning and creating the Voters List;
- The new SEC's composition should assess the administrative and field review of the Voters List conducted by the current composition and provide a report;
- If there are no reforms of the process of maintaining the Voters List for securing credible elections, then the possibility of introducing an active

voters' registration should be considered. This would make the process of registration controlled by the citizens, they will have ownership of the process, which will contribute towards bringing back the trust in the Voters List;

- Strengthening the capacities of the relevant institutions for updating of the Voters List:
  - SEC's departments: legal, IT and Voters List;
  - Appointing one expert advisor to the Minister of Interior responsible for coordinating the process within this institution, who at the same time will coordinate and communicate with other involved institutions – at this level international technical support should be provided.
- Addressing the issue of the street names and numbers:
  - Assessment of the state of the current address register maintained by the Central Register, comparison of its data with the data from the Cadaster and other institutions and, if needed, preparing a new address register;
  - Taking a historical comparison of the administrative data as a starting point which will contribute towards the cleaning of the Voters List;
  - Regulating the conditions for changing the street names, followed by proper actions that would enable the citizens to re-register in an efficient and effective manner free of any costs.
- Creating a protocol for efficient and effective communication between the relevant institutions regarding the updating of the Voters List and the related issues, such as the street names. The protocol should be publicly available.

### **3. Ensuring the separation between the state and the political parties**

- Deterring potential cases of intimidations of voters conducted by public officials;
- Following the recommendations from the Joint Guidelines for Preventing and Responding to the Misuse of the Administrative Resources during Electoral Processes by the Venice Commission and OSCE/ODIHR;
- The Ministry for Local Self-government together with ZELS and other relevant CSOs should develop a plan and actions on how to mitigate blurring of state and party at the municipal level. Measures should be foreseen if the blurring happens to have implications on the political party, besides on its public official/politician;
- Investigating all suspicious cases of pressures upon the employees in the administration, prosecuting and conducting trials.

#### **4. Addressing the deficiencies of the election process and the election system**

- the possibility of introducing an open list variant, where besides the candidates list, the voters may also vote for the individual candidates, should be considered;
- The model of out-of-country voting should be revised, in light of the unequal opportunity to exercise the right to vote. This should be done through a wide debate about all the aspects of the out-of-country voting: the number and the place of residence of RM citizens who live abroad, the election system, the number of election districts, the number of MPs, the equality of the vote, the manner of voting etc., in order to find more democratic, more efficient, and more cost-effective solutions in the interest of all citizens of the RM. If this does not happen before the next elections, the out-of-country should be suspended on those elections;
- The Election Code should specify which activities are allowed between the announcement of the elections and the certifying of the candidates lists. The available options which will eliminate the possibility for early campaigning are to have the campaign starting with the announcement of the elections, or to not regulate it at all. Such solutions can be found in several European countries and the USA.

#### **KEY INSTITUTIONS AND POSSIBLE ROLE**

##### **Continuation with the reform of the SEC**

Parliament

##### **Cleaning the Voters List**

Parliament, Ministry of Interior, State Election Commission, State Statistical Office, Ministry of Justice, Directorate for Maintaining Civil Registries, Central Register, State Agency for Cadaster, Units of Local Self-government

##### **Ensuring the separation between the state and the political parties**

Government and all state administrative bodies, Public Prosecutor and courts (investigating and prosecuting cases of intimidations and conducting trials), Ministry for Local Self-government, ZELS and other relevant CSOs

##### **Addressing the deficiencies of the election process and the election system**

Parliament

## **MEDIA**

### **INTRODUCTION**

Systemic deficiencies in the Macedonian media sector seriously obstruct the country's democratic development. Key, urgent interventions have to be made as an introduction to long-term systemic transformations allowing a sufficiently long period to make an impact on the public sphere. The urgent reform process must start immediately after constituting the transitional government and must be completed within 2-3 months without any delays. Upon its completion we should allow for a sufficient time for the reforms to take effect and relax the public sphere. The key interventions must focus on six major concerns:

- The lack of independence of the regulatory body from the ruling party, the media industry and other power centers;
- The clientelistic relationship between the mainstream commercial media (owners, managers and editors) and top government/party officials;
- The absence of institutional autonomy and independence of the Public Broadcasting Service (PBS);
- The lack of transparency of public institutions;
- The proliferation of hate speech and discriminatory language through the broadcast services;
- The lack of security and safety of journalists.

A working group targeting these issues is already active, composed by CSO representatives coming from the Media Sector Coalition encompassing the Association of Journalists of Macedonia, the Union of Journalists and Media Workers, the Institute for Communication Studies, the Macedonian Institute for Media and the Council of Media Ethics. The working group encompasses media organizations outside this coalition, namely the NVO Info center and the Media Development Center as well as a group of independent experts. The future thematic working group, in addition to these organisations, will include the new appointees in the Ministry of Information Society and Public Administration; respective parliamentary committees; as well as the Agency for Audio and Audio-Visual Media Services.

## **URGENT INSTRUMENTS**

### **1. Amendments to the Law on Audio and Audiovisual Media Services in order to:**

- Ban any type of 'state advertising' in the commercial electronic media and to determine precisely the definition of the notion 'public campaigns'. In addition, the conditions under which public campaigns can be aired on the Public Broadcasting Service have to be precisely specified;
- Ban party-political advertising in the private media, both outside and during electoral period.
- Change the decision-making structure and the manner of nomination and appointment of the members of the regulatory body (the Agency on Audio and Audiovisual Media Services) in order to depoliticize it;
- Change the composition and capacity of the Program Council of MRT in order to depoliticize this body and to strengthen the interconnection of the PBS with the civil society;
- Amend the funding framework of the MRT in order to secure its long-term sustainability, editorial independence and institutional autonomy;
- Change the mode of appointment of the MRT editors in chief - MRT's Program Council should be authorized to appoint them upon a public competition procedure;
- Abolish the provisions related to the 'cultural quotas' for domestic documentary and feature production for the national TV broadcasters, provisions related to the funds from the Budget aimed for such production, as well as the financial sanctions for not complying with these provisions;
- Reduce the sanctions for certain violations of the Law, as well as to reduce the annual fee for broadcasters of around 50%.
- Provide for sanctioning 'hate speech' or incitement of violence in the audiovisual programs (Article 48 of the Law on Audio and Audiovisual Media Services) in administrative procedure; the regulatory bodies in all European countries can undertake misdemeanor procedures and impose fines for hate speech for broadcasting such a content. Such provisions are in compliance with the Article 10 of the European Convention on Human Rights.

### **2. Changes in the composition of the Council of the Agency on Audio and Audiovisual Media Services and of the MRT Program Council**

- Immediately after adopting the amendments to the Law on Audio and Audiovisual Media Services, it is necessary nominate and appoint new members of the Council of the Agency and of the MRT Program Council in an urgent procedure (shorter deadlines should be established with the transitional provisions of the Law). The new Program Council of MRT should,

according to its legal competences, consider the MRT program functions in respect to the interest of the citizens and ask from the management and the editorial staff to comply with the principles of the public interest.

### **3. Violence and intimidation of journalists**

- Public institutions (the Government, Ministry of Interior, the courts etc.) should undertake all necessary measures to protect journalists and to urgently investigate all the cases of attacks and threats against journalists as well as any cases of complaints without further action. The government officials, civil servants and representatives from the judiciary should make clear statements recognizing the safety of journalists and condemning attacks against them.

### **4. Transparency of the public institutions**

- The Government, the respective ministries, Parliament, the courts and all other institutions, including the AAVMU and MRT, should provide immediate, fair and equal access to public information for all media. They should work transparently, employ open, non-discriminatory and fair media relations and should not behave preferentially to certain media.

### **KEY INSTITUTIONS AND POSSIBLE ROLE**

- The **Ministry of Information Society and Administration** shall prepare the draft amendments to the law.
- The **Parliament** shall adopt the amendments to the law on Audio and Audio-Visual Media Services in an urgent procedure. It shall also elect the nominated members of the new MRTV Council and members of the Council of AAVMU. To this aim, the Parliamentary committees shall organize public hearings with the involvement Civil Society.
- The **Agency for Audio and Audio-Visual Media Services**: the cooperation of the Professional Sector of the regulatory body is of great importance.
- The **Macedonian Radio and Television**: Some of the representatives of the Public Broadcasting Service, especially those in the programming departments, have to be included in the process so as to ensure that the positive changes are not resisted and sabotaged.

# **PUBLIC ADMINISTRATION**

## **INTRODUCTION**

More than two decades of reform in Macedonia have not resulted in a merit-based and service-oriented public administration. On the contrary, the public administration has been heavily politicized and used as one of the main pillars for party clientelism. The process of eroding the institutions has jeopardised the principles of equality and non-discrimination. In addition, frequent changes of the legal framework, along with selective implementation and lack of transparency created uncertainty within the administration, as well as in providing services to citizens. A decade long process of biased employment and promotion contributed to capturing the institutions.

The proposed measures are aimed at re-instating a merit-based employment and promotion system, encouraging professionalism and competence of public administration. The final goal is restoring institutional integrity and trust in the institutions, along with a proportionally sized, professional, politically impartial and efficient administration.

Taking into account the deeply entrenched practices of blurring state and party, the transitional government (expert government) must decisively discontinue clientelistic practices and effectively ensure separation between state and party.

## **GENERAL PRINCIPLES**

- Ensure separation between state and party;
- Ensure non-employment of public resources for party activities/elections;
- Ensure cooperation of all government bodies with the SPP;
- Prioritise an approach of "0 tolerance to corruption";
- Ensure full access to public information and increase transparency of public institutions;
- Dismissal and appointment of public officials to appointment-based positions within the state administrative bodies responsible for observing the principles in this document and for ensuring free and fair elections;
- Restriction on public employments until the elections;
- No arbitrary dismissals;
- Ensure equality and legal certainty in administrative procedures; fining should be based on proportionality;
- Ensure and strengthen the independency of the administration (in particular when taking decisions on citizens' rights - administrative procedure).

- Ensure effectiveness of public administration bodies and agencies;
- Promote an approach of inclusiveness and dialogue within the administration and with civil society.

## **INSTRUMENTS**

### **Urgent**

- Statement by Government that illegal partisan activities in public institutions shall not be tolerated;
  - The Statement should be largely disseminated in public sector bodies, institutions and agencies, as well as through media;
- Issuing Government Guidelines on preventing mechanisms of misuse of state for party purposes
  - The Guidelines should contain detailed instructions on implementation of related legal provisions from relevant laws - Law on Employments in the Public Sector, Law on administrative servants, Electoral Code and other laws and regulations. The document should be widely disseminated in the PA and published through media;
- Appointment of: Secretary General/ State secretaries of ministries; Management boards of institutions; Directors of institutions/agencies and other priority posts related to the primary goals of the Blueprint, based on criteria of merit and competence;
- Ensure timely responsiveness and monitor compliance of SAB to the requests of the SPP;
- Create an anti-corruption task-force at the central Government level;
  - The task force should have clear responsibilities to strengthen implementation of anti-corruption law and practices primarily within Government, so that the Government sets an example of “0 tolerance” to corruption;
- It is suggested that the members of the transitory expert Government be paid in the amounts of average salary in RM (there are divergent opinions on this issue);
- Embargo on new employments and restrictive dismissals in the public sector until elections
- Ban temporary contracts for employments in public administration by virtue of agencies for temporary employments;
- Strictly implement the provisions of the new Law on Employment in the Public Sector in relation to Equitable Representation and strengthen penalties for non-implementation; strictly implement the Methodology for employment in the public sector, including allocation to posts of already employed civil

servants recruited under the equitable representation principle in central administrative bodies and agencies;

- Ensure independent operation of the Agency for Administration, including through merit-based appointment of the Director and the Deputy Director; based on strong criteria for professionalism and integrity;
- Establish principles/standards for holders of public office;
- Introduce more severe penal provisions, specifically on administrative servants related to prohibition of party activities and elections;
- Ensure administrative and procedural justice of all employees without any discrimination;
- Implement a policy (through soft-law – e.g. guidelines) to ensure that administrative fines (misdemeanours) are the last resort; put focus on prevention instead of repression.

### **Short-term**

- Increase volume of open data published by the Government;
- Provide comprehensive data on existing long-term employments through contracts and elaborate options for addressing existing long-term temporary contracts;
- Clarify the roles and responsibilities of the cabinet officers and political advisors of the ministers, including their number, salaries, rewards, etc.;
- Publish the updated register of employees in the public sectors, with records kept and maintained at the level of institution and at the level of public sector;
- Publish a review of filled in posts in public administration per each category, per year of employment, and per working experience; overview of disciplinary measures with the same breakdowns, to ensure assessment of practices of employment.

### **Mid-term**

- Ensure the mandate of the Commission for Protection of the Right to Free Access to Public Information to initiate misdemeanour procedures against information-holders failing to disclose information requested;
- Review all classified information within state bodies, followed by information which files are not related to the security of the state, but are being “classified as such” by information-holders in order to cover-up state budget spending;
- Regulate temporary contracts in administration in laws regulating administration, on merit-base principles;

- Advance the concept of public interest including the role of administration in protecting the public interest;
- Revert the format of the disciplinary commissions back to three members and award greater competence to HR units in disciplinary proceedings;
- Amend the new appraisal methodology of administrative servants according to merit;
- Allocate authority to responsible administrative servants in conducting administrative procedures, based on specific job positions;
- Increase delegation of responsibilities to administrative servants;
- Ensure inclusive deliberation (on the basis of an in-depth regulatory impact assessment) on the new Strategy for Public Administration Reform<sup>11</sup>;
  - Consider reforming or abolishing the open post system making it an exception, rather than a general principle for civil servants' employment, and establishing a more rigid career system (opinions on this issue diverge); discuss the options for permanent secretaries or overlapping mandate and the establishment of a cohort of Senior Civil Service that should be fully professionalized and their mandates separated from the Government mandate;
  - Consider strengthening and extension of the role of the Agency on Administration.

#### **KEY INSTITUTIONS AND POSSIBLE ROLE**

- The Government of the Republic of Macedonia should have a key role in: preventing partisan influence over the public administration; providing support to the Special Public Prosecution; providing resources and coordinating public administration bodies' input in the election process; ensuring a climate for credible elections; appointment of government officials;
- Ministry of Information Society and Administration: key responsibilities related to the public administration (State Administrative Inspectorate is a body within);
- Agency for Administration: responsibility for recruitment procedures, Second Instance authority in disciplinary procedures.
- Ministry of Finance: budget allocation for public services and public sector employments; mandatory consent for all public sector employments;
- Secretariat for Implementation of Framework Agreement: implements Strategy for Equitable Representation;
- Inspection services, committees for misdemeanour fines: key actors in delivering fines;

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<sup>11</sup> The drafting of the new Strategy has been launched.

- Assembly of the Republic of Macedonia: oversight function; appointments of independent supervisory and regulatory bodies (e.g. appoints the Director and Deputy of the Agency for Administration); could adopt documents (resolution/declaration/recommendation) to commit to promoting principles and standards for public administration;
- Ministry of Justice – responsible for laws and regulations related to free access to public information;
- Commission for Protection of the Right to Free Access to Public Information – decides on complaints; has responsibilities related to the implementation of the Law;
- Regular courts – have jurisdiction over labour cases (including in the public sector);
- Administrative courts – have jurisdiction over administrative disputes.

## **CONTROL OVER THE POLICE AND THE SECURITY AND (COUNTER)INTELLIGENCE AGENCIES**

### **INTRODUCTION**

The work of the Ministry of Interior is subject to internal control through the Department for Internal Control and Professional Standards at the MoI and external control through the Parliamentary Committee for Defense and Security and the Ombudsman. However, all these mechanisms have failed to yield the desired results and the illegal interception of communication released during 2015 is among the strongest evidences for this. In 2012, all opposition parties in the Parliament motioned a proposal for Law on Police Ombudsman, but it was rejected by the parliamentary majority. In April 2014, the Ministry of Interior stated that it will establish an independent and external oversight mechanism. In 2016, with support of the Council of Europe and the MoI a working group of experts was established to find the most suitable solution for Macedonia.

### **GENERAL PRINCIPLES**

- The main principle is to ensure balance between human rights protection and public security, credible, effective and external civic control over the police forces and the secret service;
- Strengthening parliamentary oversight over police and the intelligence agencies (See Parliament Chapter);
- Introducing community policing;
- Ensuring integrity and professionalism of the security and intelligence agencies

### **INSTRUMENTS**

#### **Urgent**

- Council of Europe and the MoI expert working group should be supported and its work accelerated;
- The future external oversight mechanism over the Police should include members of CSOs, academia, public prosecution offices, and retired police officers – all of them on equal footing, with equal duties and responsibilities; strict criteria for membership should be introduced;
- Introduction and compliance with strict criteria for professionals in the security agencies.

**KEY INSTITUTIONS AND POSSIBLE ROLE**

The Ministry of Interior, the Parliament, the President of the Republic of Macedonia Directorate for Security and Counter-Intelligence, Intelligence Agency (under jurisdiction of the President).

# PARLIAMENT

## INTRODUCTION

In the past several years the Parliament has become increasingly subordinated to the power of the executive branch. The Government and the ministries are by far the most active initiators of regulation, while the Parliament has functioned as a simple “verifier” of draft-regulations, thus minimizing its legislative role. This has contributed to weakening the quality of legislation, legal uncertainty, derogation of the principle of separation of powers, reduction of the importance of Parliament’s oversight role and lower accountability and transparency of both branches of government.

## GENERAL PRINCIPLES

In the following period the role of Parliament must be reinvigorated in several key aspects and full respect of the Law on Assembly and the Rules of Procedure should be provided. The Parliament must function in a more transparent manner towards the public and in a more inclusive mode towards stakeholders from various sectors. Strengthening and functioning of the mechanisms for parliamentary control over the Government must be prioritized to achieve higher level of accountability by the executive. The Parliament should also reform its existing procedures of law adoption and must develop a practice of respect of its own internal Rules of procedure.

Specifically, this could be done through the following actions:

### **1. Actions related to transparency and inclusiveness of the work of the Parliament:**

- Strengthening the transparency of the MPs’ work with the aim to raise the overall transparency of the Parliament;
- Strengthening of the program scheme of the Parliamentary Channel within the framework of the Public Broadcaster to provide prompt information to the public on the schedule of Assembly and committee sessions, as well as their live broadcast. Replays of all recorded sessions should be made available through the Parliamentary web-site;
- The stenographic notes of the Committees’ sessions should be made public through the Parliamentary web site, as it is now the case with the stenographic notes from the Assembly sessions. The supporting documents to the draft legislation (reports, evaluations, analysis) should also be made

available and the web site of the parliament should be made easily searchable;

- A mechanism for higher inclusion of external stakeholders should be introduced - especially towards the civil sector - through *registration* and *accreditation* of stakeholders according to thematic areas;
- The participation of stakeholders in the early phases of the legislative process must become a regular practice, through introduction and implementation of legislative hearings;
- Introduction of a monthly or a quarterly recurring schedule for all parliamentary activities, in order to strengthen the readiness of stakeholders to participate in the legislative process. The schedule should be fully respected, in line with the provisions from the Law on the Assembly and the internal Rules of procedure;
- The procedure for initiating oversight hearings should be made simpler. Ten (10) MPs (instead of 15) should be allowed to initiate oversight hearing. The President of the working body shall be obliged immediately to call for the oversight hearings to take place;
- The mechanism public hearings should be reformed: a public hearing must be made mandatory at the beginning of the legislative process and as its integral part. Currently, it is left to the sole will of the presidents of working bodies to decide for the need of a public hearing.

## **2. Actions related to the mechanisms of parliamentary control:**

- The Parliament should establish an inquiry committee tasked to assess the performance of current officials at the independent regulatory and oversight bodies, as well as to draft proposal on potential changes within their composition. This inquiry committee, on the basis of an expert report, should draft a proposal defining the scope of the measures necessary, as well as a justification, taking into account the legitimate goals and respecting the principle of proportionality;
- Extraordinary reports from independent regulatory and oversight bodies tasked to oversight cases of election fraud, media clientelism and high level corruption, must be introduced, upon Assembly request. This will strengthen parliamentary oversight over the work of these bodies;
- Strengthening the composition of the parliamentary committees competent for oversight of the Directorate for Security and Counterintelligence and the MoI with experts and civil society representatives on equal footing. This will strengthen the competence and the trust in these bodies;
- Introducing strict deadlines and consequences for ignoring the recommendations or demands of the Parliament towards the Directorate for

Security and Counterintelligence and MoI. Likewise, this should also be done for all other institutions under parliamentary control;

- Appearance of external informants during oversight hearings should be made mandatory. Reporting mechanisms for follow up on recommendations from oversight hearings should be introduced;
- In addition, investigative hearings should be introduced, in order to further strengthen the mechanisms of parliamentary control;
- Increase the accountability of institutions by allowing for the dismissal of institutions' representatives who do not show up for three times upon an invitation by Parliament.

### **3. Actions related to the procedures for law adoption and effectiveness of parliamentary debate:**

- Extension of the time-frames between the phases of law adoption;
- Introduction of a 2/3 majority requirement in order to initiate a shortened procedure for law adoption, as well as a list of legal acts that cannot be adopted through a shortened procedure;
- A reform in the membership of the committees is needed: the deputy-chairs of the working bodies should be regular members of the respective committee. Currently, the deputy-chairs of working bodies are "substitutes" of the chairs, and very frequently are not regular members of the committees in question;
- The coordination and cooperation between the Government and the Parliament in the early phases of law preparation (Government procedure) should be strengthened to provide as early as possible information to the MPs on the Government's proposals;
- The effectiveness of the Service of the Assembly (the staff) should be assessed and weaknesses should be addressed. The Parliament's systematization plan should be evaluated in order to tackle any identified weaknesses;
- The restriction "one speech per MP per agenda item" in the Parliamentary Rulebook should be abolished;
- Registration for discussion during the whole discussion for an item of the agenda should be introduced;
- Extension of the time-frame for posing parliamentary questions and introduction of a weekly question time in plenary session;
- The ratio between the discussion constraints for MPs and leaders of parliamentary groups must be more balanced. Currently, only the leaders of parliamentary groups can address the Assembly several times and in a longer time-frame.

## **INSTRUMENTS**

### **1. Transparency and inclusiveness of the work of the Parliament:**

- Extend the Parliament's website information on the MPs and their work:
  - MPs' biographies, contact information; financial disclosure (salary, additions to salary based on committee membership, transport reimbursement and lodging reimbursement; property list, Declaration of Interests (linked to SCPC web)) [role model: UK Parliament and US Congress], vote records (role model: European Parliament), attendance at parliamentary sessions, speeches on parliamentary sessions, space for the MP to justify absence from parliamentary sessions, meeting agenda, etc.;
- Providing open access to parliament for CSO's and citizens;
- Amend Article 21 of the Law on the Parliament to allow for 10 MPs to schedule an oversight hearing;
- Introducing a provision in the Rules of Procedure of the Parliament that would make scheduling of a public hearing within the parliamentary committees mandatory at the beginning of the legislative process;
- Introducing provisions within the Rules of Procedure that will regulate the functioning of the Parliamentary Channel and the Parliamentary web-site according to the principles elaborated above: development of a program scheme of the Parliamentary Channel, publishing of recorded sessions on the Channel and the web-site;
- Amend Article 107 of the Rules of Procedure to make the publication of the Stenographic notes from the Committees' sessions mandatory through the Parliamentary web-site;
- Introduce provisions in the Rules of Procedure that will regulate registration and accreditation of external stakeholders for participation in the Parliamentary activities and discussions;
- Introduce a provision within the Parliamentary Rules of procedure that will provide a regular recurring schedule of parliamentary activities, as described above.

### **2. Mechanisms of parliamentary control:**

- Introduction of an inquiry committee tasked to assess the performance of current officials at the independent regulatory and oversight bodies. The Parliament should act according to the findings of this committee;
- The Parliament should receive, upon request, extraordinary reports from independent regulatory and oversight bodies tasked to oversight cases of

election fraud, media clientelism and high level corruption. This reports should be presented and discussed on public hearings;

- Participation of civil society and experts on regular basis and equal footing within the parliamentary committees competent for oversight of the UBK and MOI should be introduced;
- Introduction of strict deadlines and consequences for ignoring the recommendations or demands of the Parliament towards the Directorate for Security and Counterintelligence and MoI;
- Introduction of a legal framework for inquiry committees through amendments to the Law of the Parliament, including a law regulating obligatory presence of witnesses, the introduction of an oath for witnesses and defining the relation between parliamentary inquiries and the Judiciary;
- MPs should request accountability and resignations of public officials for non-attendance of external invitees during oversight and investigative hearings;
- Establish legal framework that would stipulate accountability of heads of institutions for not showing upon an invitation from the Parliament.

### **3. Procedures for law adoption and effectiveness of parliamentary debate:**

- Amendments to the Rules of Procedure of the Parliament:
  - Amend the provisions that stipulate the time-frames between the three phases of the law adoption and especially between the first and the second phase.
  - Amend Article 171 in order to include a provision where a 2/3 majority requirement will be stipulated to initiate a "shortened" procedure of law adoption, as well as list of legal acts that cannot be adopted through a "shortened" procedure.
  - Amend Article 80, point 2, in order to abolish the provision stating that registration for discussion can only take place in the first minute of discussion; registration for discussion should take place during the whole discussion.
  - Amend Article 86, point 1, to abolish the restriction "one speech of MP per agenda item".
  - Amend Article 39, points 5 and 6, regarding the time constraints for parliamentary questions, as well as Article 42, point 3 which allows abuse of time at plenary sessions for presenting written responses from previous sessions and questions asked between sessions. This practice of presenting written responses limits the time for new MPs questions and interferes with the principle of 2 vs. 1 MPs questions benefiting the MPs belonging to the opposition (Article 40, point 2).

## **KEY INSTITUTIONS AND POSSIBLE ROLE**

All interventions are within the internal organization of the work of the Parliament. Thus, the Parliament is the sole institution that should act upon the proposed interventions. All parliamentary parties and corresponding parliamentary groups should openly support the interventions. The Parliamentary Institute, CSOs and think-tanks working in support of the functioning of the Parliament must inform the MPs about the implications of the proposed interventions.

## **CIVIL SOCIETY**

### **INTRODUCTION**

The civic participation in both the policy-creation and the political process is highly marginalized at the moment. The dominant avenue for advocating individual or group interests and needs are the political parties. The political parties are the center of the political and institutional powers. The grass-root unstructured initiatives face high legally defined thresholds for legislative initiatives, central or local referendums, local petition or impeachment of an elected representative. On the other side, most of the current established mechanisms and practices for consulting the civil society are either dysfunctional or just formal. In such a situation civic participation at both grass-root and policy level is limited and insufficient, which leaves wide space for substantial influence coming from the political parties and the public institutions only.

### **GENERAL PRINCIPLES**

- Securing legal framework on freedom of peaceful assembly (right to protest) in line with international standards and ensuring its effective implementation;
- Empowering direct democracy and the grass-root civic initiatives through incentives for local referenda, civic legislative initiatives and petitions;
- Informing the citizens on the participation instruments and opportunities;
- Establishing relevant (based on needs), transparent and accountable public funding for civil society and its development;
- Establishing competent, capacitated and independent Office (current Unit for Cooperation with NGOs in the General Secretariat) with a separate budget and legislative initiative;
- Substantial review of the Governmental Strategy for Cooperation with the Civil Society and the Action Plan;
- Establishing independent and representative Council for Cooperation with Civil Society;
- Establishing effective consultative mechanism for policy-making and legislation with guarantees for civic involvement in all the policy-making phases.
- Endorsing the self-organized models of civic participation in order to achieve higher degree of pluralism and to stimulate the civic participation (ex. National Youth Council, Student Parliament, High-school forms of self-organization etc.)
- Guaranteeing an enabling environment for the CSOs that will ensure protection against hate speech, personal attacks or other forms of illegitimate pressure or intimidation.

## **INSTRUMENTS**

### **Urgent**

**Amendment of the relevant laws in order to substantially decrease the legal thresholds for local referenda, civic legislative initiatives and petitions.** This intervention requires both conceptual and logistical interventions given the current low accessibility of the institutions for registering the citizens willing to participate in these forms of direct democracy.

- Provide possibility to collect signatures for (local) referenda by the citizens/initiators on public spaces (e.g. squares) vis-à-vis local SEC offices;
- Review and revise as needed the Law on LSGs/decentralization to provide for further direct democracy mechanisms, incl. CSO representatives in Councils, development of local Strategies for Cooperation with CSOs and provide financial and non-financial support to such initiatives.
- Massive and interactive media campaign to inform the citizens for their participation opportunities and stimulate activism simultaneously.

### **Establishing independent and representative Council for Cooperation with Civil Society**

- Revision of the decision for establishment of Council in accordance with the proposals given by the CSOs before adoption, including the selection of CSO Council members by its CSO fellow colleagues;
- Technical role of the Unit in organizing selection;
- Role of the President and majority of members (14 vs 13) belongs to civil society-showing of political will to listen to needs of CS;
- Budget, min. 4 sessions per year, etc.

### **Securing legal framework on freedom of peaceful assembly (right to protest) in line with international standards and ensuring its effective implementation**

- Withdrawing the new regulation of the Police Law from March 2015 (4 new means for breaking a crowd and video tapes) and conduct of full investigation, disciplinary measures and publication of findings on the use of excessive force by police on 5<sup>th</sup> May, 2015 protest;
- Following the progress in the implementation of the measure to set a neutral zone around the Parliament in the Plan of Activities of the Government of the Republic of Macedonia (point 4.1.) prepared based on the List of Urgent

Reform Priorities of the Republic of Macedonia and indicating the potential limitations of the freedom of assembly.;

- Full and non-selective application and respect of the freedom of assembly by the institutions and police, especially in the cases of peaceful assembly. It is necessary to strengthen the capacities of the institutions and police to use proportional force to introduce public order and peace, incl. devising guidelines and training based on the UN Special Rapporteurs Maina Kiai and Christof Heyns Practical Recommendation on Management of Assemblies (A/HRC/31/66) March 2016.

## **Short term**

### **Establishing relevant (based on needs), transparent and accountable public funding for civil society and its development**

- Revising and adopting of the 2014 draft Decision on use and distribution of public funding for financing programme activities of associations and foundations (budget line 463) including defining clear procedure and criteria for distribution of funds (multi-annual financing and institutional funding, projects and co-financing of foreign (EU) projects);
- Revising the Law on Games on Chance and Lotteries Proceeds Art. 16 making obligatory public call for receiving funds and reporting on spent public money;
- Analytical presentation of the budget line 463 to six digits about the transfers to CSOs (associations, foundations) via ministries, agencies from transfers to political parties and other entities.

### **Establishing competent, capacitated and independent Office (current Unit for Cooperation with NGOs in the General Secretariat) with a separate budget and legislative initiative**

- Upgrade the status of the current unit to an independent Office within the scope of the GS, guaranteeing independence to act of its staff in contacts and communication of CSOs, establishing of effective communication strategy with CSOs/line ministries contact points, support to the Council for Cooperation with CSOs (its Secretariat) and fulfillment of the Strategy, its review and preparation of new Strategy/targeted strategic measures in area of financial sustainability and viability of civil society (for example tax exemptions for individual, corporate giving, PBO status, economic activities generation, volunteerism);
- Provide additional staff (up to 5);
- Provide independent budget for the Office to perform its tasks timely and independently.

## **Review of the current Strategy for Cooperation with the Civil Society and Action Plan to introduce effective and targeted measures for effective functioning and development of civil society**

- Document for mapping the state of play in the civil society (number of CSOs registered, active and inactive) and defining the notion 'enabling environment' for the CSOs in a broader sense.
- Endorsing all the existing effective thematic CSO networks (Anti-corruption, IPA 2 CSO mechanism, Network 23, National Youth Council, Citizens for Macedonia, Gender Equality Platform etc.) and their further transparency and openness for new membership.
- Review the current Action Plan in participatory process with civil society and allocate budget funds for realization of the activities provided in the Strategy, and for all relevant state institutions;
- Review the Action plan measures to insure proper, timely implementation of existing and upgrade necessary measures via an inclusive process including stakeholders/key CSOs (e.g. former WG on development of the Strategy);

## **Consistent, timely and full implementation of the Regulatory Impact Assessment Methodology, including obligatory consultations with civil society.**

- The Government should make public all conclusions at its sessions and for limited cases it should develop clear criteria for when this could not be done (e.g. national security);
- The Government should publish its Working Plan 2017 of its work by Q4 2016;
- All ministries should publish their annual Regulatory Impact Assessment plans in Q1 of every year;
- Use of evidence-based policy-making, with substantial analysis that include fiscal implications;
- Full publication of policy-development plans and draft legislation and prolonged time frame for consultations on ENER to minimum 20 days;
- Make mandatory preparation and adoption of Annual Report on Consultations incl. substantive elements (feedback from stakeholders, responses from institutions, accepted/rejected proposals, reasons etc.)

## **KEY INSTITUTIONS AND POSSIBLE ROLE**

- General Secretariat of the Government - Relevant for the Strategy for Cooperation with the Civil Society and the supporting documents and coordination of the consultations at executive level;

- Parliament of the Republic of Macedonia - Relevant for giving real life to the consultative groups;
- Secretariat for European Affairs - Coordination of the funding and the EU framework;
- Ministry of Justice - Relevant for the laws tackling the civic initiatives and the direct democratic input;
- State Election Committee.
- Agency for Youth and Sport (Reform)
- Ministry for Local Self-Government

## **SOCIAL PROTECTION, WELFARE AND SUSTAINABILITY**

Addressing poverty, inequality and environmental challenges requires reviewing the failures of the existing system. It is important to learn the causal connections between the existing overall policies of the country and the consequences they have on poverty, inequality, overall welfare and environment and then to design a system that can address these issues.

Partial strategies addressing only poverty, only inequality, only pollution, only ethnic and/or othering issues are addressing just one aspect of the problem, while these issues are clearly intersectional. They may be consequences of the failure of the rule of law, of the non-functioning institutions, of the prevailing corruption, of the bad education and healthcare, of the failure of the government regulation, of the abuses of firms' market power, of the weak protection of consumer rights, of the low and declining labour rights, of the regressive tax system, of the stingy system of social protection etc. It is the joint operation of all these failures that leads to high poverty, inequality, environmental degradation and overall unsustainability.

Establishing a well-functioning system with respect to all these segments of the society would increase welfare of citizens and lead to sustainable development, no doubt. Unfortunately, establishing such a system has never been envisioned in Macedonia. These are challenges that a technical government cannot solve within its mandate, both because of a lack of time and because of a lack of legitimacy for such a task. However, what a technical government can do is to initiate a discussion on these issues and on the best strategy for addressing them. It can assess the problems, review the approaches for dealing with them and propose a possible set of measures.

As principle, social policy must be developed through long lasting, sustainable and systemic solutions, not through short term action plans that target a select few from various categories of users of social care. Republic of Macedonia must maintain its Constitutional character as a social welfare state.

Accepting the importance of social protection instruments, and in the aim to prevent abuse of social transfers distributed in the form of social services to exert pressure on users of social services i.e. social means tested social transfers used to pressure users during elections campaigning, we propose the following activities:

## **ACTIONS AND KEY INSTITUTIONS**

Action is focused on “on the spot” monitoring over procedures for allocation of all means tested social transfers. These activities should be implemented by the Ministry of Labor and Social Policy and Ministry of Health. Activities have to be implemented in cooperation with CSOs and experts. They should be initiated urgently (preferably implemented within 2 months) by the next competent Government. Legislative amendments should ensue following reconvention of parliament and new Government. Complexity of the activity creates a need for a monitoring framework which will provide regular reports regarding the stages of the implementation.

- **“On the spot” review and monitoring**

The measure foresees developing a monitoring mechanism over first and second instance commissions for allocation of social means tested benefits. Monitoring activities over the provision of social benefits (e.g. social assistance, permanent assistance, compensation for assistance and care by another person, one time assistance, mobility and blindness assistance, deafness assistance) will ensure transparency and rule of law, impartial treatment of users, and restoration of trust and reliability on the social protection system. Activities will rely on inclusion of relevant CSO’s and experts from the cabinet of the MLSP.

The action will have:

**Direct impact:** Can contribute to remove barriers to access and use of social transfers.

**Indirect impact:** Can help foster release among users of social transfers from the fear of losing welfare if they not vote for the party on power. Furthermore can contribute to changes in behavior of users.

## **EDUCATION AND YOUTH POLICIES**

### **INTRODUCTION**

Overregulation of education, lack of analysis and consultation with education stakeholders resulted in introduction of many controversial education policies with devastating effects on quality of Macedonian education. A created atmosphere of pressure, control and fines across all levels of education brought frustrations among students, teachers and parents and mistrust in public institutions and education system. Politization and partization is excessively observed across all education levels as never before. It can be seen in appointment of school directors and parents' representatives in the School boards, as well as recruitment, employment, assessment and promotion of teachers.

The purpose of the external testing to check the objectivity of the teachers' assessment of students has multiple negative effects on students' progress and achievement alike on teachers' salaries and employment. The new Law on Teachers and the new Law on the Teachers Academy derogate the initial teacher training and opens room for greater state and party control over the recruitment and employment of teachers. The National Strategy for integrated education failed to give positive results. Division of students by language of instruction resulted in separation and segregation in different shifts and schools with little or no interaction among students from different ethnic communities. The parallel processes of developing different strategy documents fails to consider the education holistically, as integral system. The national bodies, commissions' institutions and agencies with overlapping mandates make the assurance of quality in education nobody's job. The analysis suggested factual mistakes, content inconsistencies, ideological and ethnocentric discourses present in textbooks and curricula.

Lack of independence and professionalism of the Higher Education Accreditation and Evaluation Board along with the lack of transparent internal and external procedures for quality assurance are serious impediment to quality in Macedonian higher education, particularly in the context of increasing number of dispersed study programs and new (private and state) higher education institutions in the country.

## **GENERAL PRINCIPLES**

- Transparent and inclusive education policy making process to ensure active involvement of all stakeholders (schools, teachers, parents, students, CSOs, experts);
- Piloting models and measures and evaluating their effectiveness and impact on students learning prior to frontal introduction of any education reforms;
- Depoliticization and departization of education to decrease the pressure over the teachers and relax the atmosphere across the education institutions;
- University autonomy to be respected and ensured as envisaged with the Constitution, consequently, the independence of HEAEB to be ensured as a precondition for professionalization of the highest national body in higher education;
- Inclusive curriculum that respects different educational, dispositional, social, ethnical or cultural background of students and families and is based on justice, respect, dignity, non-discrimination, equality and accessibility for all.

## **INSTRUMENTS**

### **Urgent**

- National Program for Development of Education and other long-term education documents such as the Strategy for Intercultural Education which are developed at the time should be stopped, until conditions for inclusive and quality processes are created;
- Withdrawal of all articles in the relevant educational laws related to fines and fees for parents, teachers and students;
- Withdrawal of the Law for Academy for teachers and Law on teachers for primary and secondary schools;
- The external testing of students should be implemented in a pilot form, the grades received should not be put in student's files, neither fines and awards for the professors;
- State Education Inspectorate to fully enforce its mechanisms to combat the abuse of school premises and staff in pre elections campaigning;
- The results from the non-democratic and disputable elections for a new Student Parliament President should be annulled. New elections should take place, but only after the commission established by the University Senate at UKIM for statutory changes, consisted of professors and students will prepare the amendments, and after the electoral model and student organizing model are reformed.
- The consultations on the Law on Higher Education should be reactivated to finalize the work on the law amendments, involving different stakeholders, in

particular the Student Plenum and other organizations and movements dealing with the issue of higher education and student rights;

- The Parliament should revoke the law on establishing a new university "Damjan Gruev". Further expansion and dispersion of higher education institutions should be stopped;
- No new action plans should be developed for the National Youth Strategy 2016-2025, until conditions are created for its thorough revision in consultations with civil society;
- A representative of Macedonian youth civil society for the Governing Board of the Regional Youth Cooperation Office should be nominated by 15<sup>th</sup> of September 2016. This process must be transparent and inclusive of civil society;

### **Short term**

- Amend the Laws for primary and secondary education in the respected articles that regulate the selection of school board members, appointment of school directors, recruitment and employment of teachers;
- The external testing model needs to be subject to review, consultation and amendments;
- Student organizing as a concept needs to be introduced in the Law on Secondary education-working group should be established to create draft model for effective youth organizing and participation in decision making processes;
- Democratic participation of students in higher education institutions should be determined, and the existing model of student organizing should be revised and adapted to allow for pluralism;

### **Mid term**

- Single comprehensive policy document (Strategy) that will incorporate measures foreseen in separate documents to be prepared in consultations with various stakeholders including civil society in its preparation;
- Based on a comprehensive analysis, a serious attention needs to be paid on revision and development of a new curricula and textbooks with the purpose of decontamination of ethnocentrism and ideologization and promotion of democracy values;
- Identify and offer models that will de-politicize the selection of school board members;
- Introduce concept for support for families in need for assistance for their children in regard to learning, school materials, clothing, and food if necessary;

- Introduce positive educational measures in terms of awards and recognitions for students and teachers;
- Teacher Training Institutions should be reformed, to attract quality students for teaching profession, to harmonize TTI programs with the programs in lower levels of education, to improve and develop stronger partnerships with schools, internships of students in schools to be beneficial for students and for the schools;
- Introduce concurrent and consecutive model for teacher training that will be based on teacher competences and each TTI should guarantee the quality of its programs and practice;
- Form an Expert Commission that will assess training providers' programs for in-service education of teachers;
- Provide funding mechanism for teachers to attend seminars, workshops and training according to identified needs and problems (specifically in terms of multiculturalism, social justice, inclusion, integration, ecology, etc.);
- To rethink the existing quality assurance mechanisms and to consider the establishment of a new body responsible for quality assurance of pre-school, primary and secondary education;
- External reports from the integral evaluation of schools conducted by the State Inspectorate to be published and become publicly available;
- New Law on Quality assurance in Higher Education that will ensure that the Higher Education Accreditation and Evaluation Board is independent and professional agency as a first step towards full membership into ENQA (n European Association of Quality Assurance Agencies).

#### **KEY INSTITUTIONS AND POSSIBLE ROLE**

- Ministry of Education and Science
- National Examination Centre
- State Education Inspectorate
- Bureau for Development of Education
- Higher Education Accreditation and Evaluation Board
- Agency for Youth and Sport

## **ENVIRONMENT**

### **INTRODUCTION**

The environmental legislation, although transposed from the EU *acquis* is far from being fully implemented (large number of bylaws are needed in order to enable full implementation). Sustainable development and climate change action are low on the political agenda as development strategies, plans and projects are implemented without proper public participation, often cause serious environmental damage and are managed in a non-transparent way.

### **GENERAL PRINCIPLES**

The general principles to ensure protection of the environment and human wellbeing are the following:

- Environmental democracy (access to information, public participation and access to justice in environmental decision making);
- Transparency and accountability of the institutions in public spending;
- Putting environmental protection high on the political agenda as a prerequisite for EU integration.

### **ACTIONS**

- Strengthening the inspection service in order to prevent pollution and environmental crime on central and local level as well as improving the transparency of the work of the inspection. Increasing the capacities of local inspectorate to be able to deal with complaints on local level. Improving the capacities for monitoring the environment and maintaining proper databases.
- Restructuring of the Ministry of Environment and Physical Planning into an Environmental Agency in order to address the independent services that the Ministry needs to provide regarding environmental protection (EIA, IED permits, etc.).
- Revision of the State budget share for the (future) Environmental Agency, in order to accommodate the real needs for the implementation of existing legislation. There needs to be a collection of all taxes charged specifically for environmental protection (taxes from registration of vehicles, cigarettes, alcohol, gasoline, plastic bags, environmental fines etc) which will be managed by the Agency.
- Inclusion of civil society organizations representatives in working groups (for preparation of legislation and other) and project monitoring committees of the Ministry of environment in order to ensure transparency, accountability and public participation. Inclusion of civil society representatives in the process of awarding projects financed via the Ministry's annual programme (from public funds). Inclusion of civil society, experts and other non-state actors in urban planning.

- Regularly informing public about environmental issues, pollutant levels and sources of pollution, maintaining a proper publicly available register of pollutants. Informing public about management of public spaces and green areas on local level and engaging public in development of public spaces.
- Reforming and restructuring the Macedonian forests public enterprise in terms of certified system for monitoring of the forest management also addressing the overemployment and competencies.

## **INSTRUMENTS**

- The Ministry of Finance needs to prepare amendments on the Law on the Budget in order to establish a system for collection of all environmental taxes so they can enter the Environmental Agency and not the central budget in accordance with the principles of “polluters pays” and “consumers pays”.
- Making the necessary legislation changes (Law on environment) in order to transform the Ministry into an Environmental Agency.
- Adoption of new policies for ensuring preservation, protection and rehabilitation of green urban areas as well as the creation of new ones.
- Adoption of plans to minimize the negative impacts of urban developments.
- Creation of multisectoral, interministerial bodies to deal with sustainable development and implement strategies in joint coordination and collaboration.
- Identification of no-go zones for urban and infrastructure developments. Adoption of the Strategy for Biodiversity.
- Proper and full implementation of the IED (Industrial Emissions Directive) and the Environmental Liability Directive in order to enable the environmental agency (Ministry) to financially be able to implement operational plan measures on behalf of the operator and ensure implementation of BAT (best available techniques).
- Creating a budget line (central budget) for direct support of the National park authorities since the current system of financial self-support of the parks is not sustainable (selling nature goods (wood) and services (concessions) in order to have financial benefit).
- Planning development and creation of strategies in line with EU targets for energy efficiency, use of renewable energy sources and climate protection, as well as respecting international conventions (Aarhus Convention, Bern Convention and Paris Agreement) and EU acquis. Adoption of strict policies on biodiversity offsetting as the last possible measure for mitigating adverse environmental impacts.

## **KEY INSTITUTIONS**

- Ministry of Environment and Physical planning

- Agency for Urban Planning
- Ministry of Finance
- Municipalities
- Macedonian Forests public enterprise

## **ANNEX 1 – LIST OF ORGANIZATIONS AND EXPERTS INVOLVED IN THE INITIATIVE**

### **A) Core team**

Citizen Association MOST  
Institute for Democracy 'Societas Civilis'  
European Policy Institute  
Institute for Communication Studies  
Macedonian Center for European Training  
Foundation Open Society - Macedonia  
Macedonian Helsinki Committee  
Center for Economic Analyses  
CIVIL – Center for Freedom  
Branimir Jovanovic  
Dragan Gocevski

### **B) Organizations and experts included, by sectors**

#### **Public finance and economy**

Center for Economic Analyses  
Branimir Jovanovic  
Petar Gosev  
Nikola Popovski  
Goran Petrevski  
Abdulmenaf Bexheti  
Association of Young Analysts and Researchers

#### **Judiciary**

Macedonian Helsinki Committee  
Foundation Open Society - Macedonia  
Institute for Human Rights

#### **Fight against Corruption**

Institute for Democracy 'Societas Civilis' Skopje  
Foundation Open Society - Macedonia  
Transparency International  
Transparentnost Makedonija  
Macedonian Center for International Cooperation

#### **Elections and Election System**

Citizens Association MOST  
CIVIL – Center for Freedom

#### **Media**

Institute for Communication Studies

Association of Journalists of Macedonia  
Union of Journalists and Media Workers  
Macedonian Institute for Media  
Council of Media Ethics  
NGO Info Center  
Media Development Center  
Promedia  
Sefer Tahiri  
Vesna Sopar

### **Public Administration**

European Policy Institute  
Dragan Gocevski  
Branimir Jovanovic  
Center for Change Management  
Metodija Dimovski

### **Control over the Police and the Security And (Counter)Intelligence Agencies**

Macedonian Center for European Training  
Macedonian Helsinki Committee  
Gordan Kalajdziev  
Forum - CSRD  
Forum for Security Policy Research - Sekuritas

### **Parliament**

Institute for Democracy 'Societas Civilis' Skopje  
Foundation Open Society - Macedonia  
Citizens Association MOST

### **Civil Society**

Macedonian Center for European Training  
Youth Educational Forum  
Balkan Civil Society Development Network  
Macedonian Centre for International Cooperation  
Marjan Zabrcanec

### **Social Protection, Welfare, and Sustainability**

Dragan Gocevski  
Marjan Nikolov  
Branimir Jovanovic

### **Education and Youth Policies**

Foundation Open Society - Macedonia  
Youth Educational Forum

**Environment**

Eko Svest  
OhridSOS  
Front 21/42  
EkoGerila

## ANNEX 2 – PROPOSED LEGISLATIVE MEASURES

AREA	MEASURE	Responsible institution	Term	Content
<b>Judiciary</b>	Revocation of the Law on the Council for Establishing Facts and Initiating Procedure on Establishing Responsibility of Judges (Official Gazette of the Republic of Macedonia no. 20/2015);	MJ	Short	Law is revoked
	Revocation of the Law on Deciding and Determining the Duration of Penalty (Official Gazette of the Republic of Macedonia no. 199/2014);	MJ	Short	Law is revoked
<b>Judiciary</b>	Amendments to the Law on Courts (Official Gazette of the Republic of Macedonia no. 58/2006, 62/2006, 35/2008, 61/2008, 118/2008, 16/2009, 150/2009, 150/2010 and 39/2012)	MJ	Short	A specialized court department to be formed at the Basic Court Skopje I - Skopje, which would be entitled to persecute criminal offences connected with and arising from the illegal wire-tapping;
<b>Judiciary</b>	Amendments to the Law on the Special Public Prosecution (Official Gazette of the Republic of Macedonia no. 159/2015).	MJ	Short	
<b>Judiciary</b>	Amendments to the Law on Judicial Council of the Republic of Macedonia, (Official Gazette of the Republic of Macedonia no. 60/2006, 69/2006, 150/2010, 100/2011, 20/2015 and 61/2015);	ARM	Short	Especially Article 11 and Article 26
<b>Judiciary</b>	Amendments to the Law on Academy for Judges and Public Prosecutors, especially Article 57 (Official Gazette of the Republic of Macedonia no. 20/2015, 192/2015 and 231/2015);	MJ	Medium	Especially Article 57
<b>Judiciary</b>	Amendments to the Law on Council of Public Prosecutors (Official Gazette of the Republic of Macedonia no. 150/2007 and 100/2011)	MJ	Medium	To strengthen already established criteria for appointing members to this Council by the Parliament (four members) from the line of “distinguished lawyers”;
<b>Judiciary</b>	Amendments to the Law on Courts, Article 45 (Official Gazette of the Republic of Macedonia no. 58/2006, 62/2006, 35/2008, 61/2008, 118/2008, 16/2009, 150/2009, 150/2010 and 39/2012).	MJ	Medium	Members of JC work as part-time judges - Members of the JC fulfil the criteria of distinguished lawyers

<b>Fight against Corruption</b>	The Law on Whistleblowers Protection;	MJ	Urgent	Amendments of the provision that the Court can reveal the identity of the whistleblower; Bylaws should increase the technical proficiency for protecting the identity of the whistleblower
<b>Fight against Corruption</b>	The Law on Prevention of Corruption	MJ	Urgent	1. The Law on Anti-Corruption stipulates expertise, track record and integrity tests as preconditions for SCPC members. 2. The Law defines that CSOs with proven track record in anti-corruption can ask questions to all candidates in an open public hearing at the Parliament
<b>Fight against Corruption</b>	Law on Protected Witnesses	MJ	Urgent	SPP to be able to use the instrument
<b>Fight against Corruption</b>	Law on Financing of Political Parties;	MJ	Short	The law needs to be amended based on a dialogue about a new model between the political parties, CSOs and the task force consisting of SCPC, SAO and PRO, based on the findings published in the brief.
<b>Fight against Corruption</b>	Law on Public Procurement;	MF	Short	Revoking the provisions for the establishment and the mandate of the Council for Public Procurement and dismissal of the members of the Council; Revision and amendment of the so-called negative reference for companies; Reconsider the rule on using lowest price as the only criterion for contract-awarding as a step towards aligning contract-awarding criteria with the new EU directive where “economically most favorable bid” is stipulated as priority criterion, comprised of several elements which, in addition to the price, determine the procurement’s quality and cost-effectiveness.
<b>Elections</b>	Election Code	MJ	Urgent	<ul style="list-style-type: none"> <li>➤ Changing the composition of the MECs and EBs: 1 member from the administration and 2 members from the ruling parties and the opposition respectively.</li> <li>➤ Appointing a Secretary General (Executive Director) of the professional service by the Parliament with 2/3 majority;</li> <li>➤ Transferring all the competences in regards to implementation – including the compilation of the Voters List – to the professional service and making them not subject to approval/voting by the members.</li> <li>➤ The MECs should be involved in the process of cleaning and creating the Voters List</li> </ul>
<b>Elections</b>	Election Code	MJ	Short	➤ Amendments related to the out-of-country voting and the regulation of the campaign
<b>Elections</b>	Election Code	MJ	Medium	➤ Introducing open list variant of the proportional representation system
<b>Elections</b>	Law on General Administrative Procedure	MJ	Short	➤ Shortening the deadlines for delivering the decision for annulling the residence, for submitting an appeal against a decision, as well as for adopting decision upon the appeal.
<b>Elections</b>	Law on Administrative Disputes	MJ	Short	<ul style="list-style-type: none"> <li>➤ Shortening the deadlines for initiating an administrative dispute against a decision upon an appeal against decision for annulment of residence, as well as for delivering a response from the sued party.</li> <li>➤ Introducing deadlines for issuing verdict upon a lawsuit, submitting an appeal against the verdict and deciding upon the appeal.</li> </ul>

<b>Media</b>	Amendments to the Law on Audio and Audio-Visual Services	MISA	Urgent	<p>➤ Ban any type of ‘state advertising’ in the commercial electronic media and to determine precisely the definition of the notion ‘public campaigns’. In addition, the conditions under which public campaigns can be aired on the Public Broadcasting Service have to be precisely specified; ➤ Ban party-political advertising in the private media, both outside and during electoral period. Advertising should be allowed free-of-charge on the PBS on equal terms for all political actors. ➤ Change the decision-making structure and the manner of nomination and appointment of the members of the regulatory body (the Agency on Audio and Audiovisual Media Services) in order to depoliticize it; ➤ Change the composition and capacity of the Program Council of MRT in order to depoliticize this body, to professionalize it and to strengthen the interconnection of the PBS with the civil society; ➤ Amend the funding framework of the MRT in order to secure its long-term sustainability and institutional autonomy; ➤ Change the mode of appointment of the MRT editors in chief - MRT’s Program Council should be authorized to appoint them upon a public competition procedure; ➤ Abolish the provisions related to the ‘cultural quotas’ for domestic documentary and feature production for the national TV broadcasters, provisions related to the funds from the Budget aimed for such production, as well as the financial sanctions for not complying with these provisions; ➤ Reduce the sanctions for certain violations of the Law, as well as to reduce the annual fee for broadcasters up to 50%. ➤ Provide for sanctioning ‘hate speech’ or incitement of violence in the audiovisual programs (Article 48 of the Law on Audio and Audiovisual Media Services) in administrative procedure; the regulatory bodies in all European countries can undertake misdemeanor procedures and impose fines for hate speech for broadcasting such a content. Such provisions are in compliance with the Article 10 of the European Convention on Human Rights.</p>
<b>Public Administration</b>	Guidelines on preventing mechanisms of misuse of state for party purposes;	GRM; ACTF	Urgent	- Guidelines should contain detailed description on implementation of related legal provisions from relevant laws - Law on administrative servants, Electoral Code and other laws;
<b>Public Administration</b>	Amendments to the Law on Free Access to Public Information (Official Gazette of the Republic of Macedonia no. 13/2006, 86/2008, 6/2010, 42/2014, 148/2015	MJ, Commission on Free Access to Information	Medium	Mandating the Commission for Free Access to Information to issue misdemeanor sanctions to holders of public information that do not comply with the law, as well as providing the Commission competences for disclosure/de-classification of information categorized as “internal” for the purpose of protecting the public interest as defined under the new Law on Whistle-blowers
<b>Public Administration</b>	Amendments to the Law on Administrative Servants strengthening penalties related to prohibition of party activities and during elections	MISA	Urgent	Introduce more severe penal provisions, specifically on administrative servants related to prohibition of party activities and during elections;
<b>Public Administration</b>	Amendments to the Law on Administrative Servants reforming the disciplinary commissions	MISA	Medium	- Changes of the format of the disciplinary commissions - currently the commissions have too many members (6) – should be brought back to three and award greater competence to HR units.
<b>Public Administration</b>	Soft-law – e.g. guidelines on issuing fines	GRM	Short	To ensure that administrative fines (misdemeanours) are the last resort; put focus on prevention instead of repression;

<b>Police and Security and (Counter)Intelligence Agencies</b>	Lex specialis for External Control of the Police or incorporation in the Law on Police.	MOI, MJ	Urgent	The future external oversight mechanism should include members of CSOs, academia, public prosecution offices, and retired police officers – all of them on equal footing, with equal duties and responsibilities. The Council of Europe and the MoI expert working group working on this task should be supported and accelerated
<b>Parliament</b>	Amendments to the Law on the Parliament	Parliament	Urgent	<ul style="list-style-type: none"> <li>- Article 21 to allow 10 MPs to schedule a public hearing;</li> <li>- Add provisions on accountability of officials for not showing upon an invitation from the Parliament;</li> <li>- Add provisions on investigative hearings;</li> <li>- Add provisions on inquiry committees.</li> </ul>
<b>Parliament</b>	Amendments to the Rules of Procedure	Parliament	Urgent	<ul style="list-style-type: none"> <li>- Add provisions on registration and accreditation of external stakeholders.</li> </ul>
<b>Parliament</b>	Amendments to the Rules of Procedure	Parliament	Short	<ul style="list-style-type: none"> <li>- Introduce public hearings at the beginning of the legislative process (legislative hearings);</li> <li>- Add provisions on Parliamentary Channel and web-site.</li> </ul>
<b>Parliament</b>	Amendments to the Rules of Procedure	Parliament	Short	<ul style="list-style-type: none"> <li>- Article 107 to introduce compulsory publication of stenographic notes from committee sessions;</li> <li>- Add provision that introduces regular recurring schedule of parliamentary activities.</li> </ul>
<b>Parliament</b>	Amendments to the Rules of Procedure	Parliament	Medium	<ul style="list-style-type: none"> <li>- Article 171, on the shortened procedure;</li> <li>- Amendments to the provisions that stipulate the time-frames between the three phases of law adoption.</li> </ul>
<b>Parliament</b>	Amendments to the Rules of Procedure	Parliament	Medium	<ul style="list-style-type: none"> <li>- Article 39, point 5 and 6 on parliamentary questions; – Article 42, point 3 on written responses of parliamentary questions;– Article 80, point 2, on the possibilities for registration for discussion;– Article 86, point 1, on “one speech of MP per agenda item” provision.</li> </ul>
<b>Civil Society</b>	Law on referendum and other forms of direct civic participation (Official Gazette No. 81/2005)	MJ, MLSG	Urgent	Amendment of the relevant laws in order to substantially decrease the legal thresholds for local referenda, civic legislative initiatives and petitions. Article 3
<b>Civil Society</b>	Law on Local Self-Governance (Official Gazette No. 02/2002)	MJ, MLSG	Urgent	Amendment of the relevant laws in order to substantially decrease the legal thresholds for local referenda, civic legislative initiatives and petitions. Articles 25-28
<b>Civil Society</b>	Law on students’ organizing	MJ, MES, Agency for Youth and Sport	Short/Medium	New Law redefining the Student Parliaments
<b>Civil Society</b>	Law on youth organizing	MJ, MES, Agency for Youth and Sport	Short/Medium	New Law tackling the issues on municipal youth councils, recognizing the National Youth Council as official representative body supported by the European Youth Forum etc.
<b>Civil Society</b>	Review of the current Strategy for Cooperation with the Civil Society	General Secretariat of the Government, SEA	Urgent	Establishing independent and representative Council for Cooperation between the Government and the Civil Society (Redefining the newly established according to the proposals drafted by the civil society organizations working in the area of enabling environment for the work of the CSOs).
<b>Civil Society</b>	Law on Police	MOI	Urgent	Withdrawing the new regulation of the Police Law from March 2015 (4 new means for breaking a crowd and video tapes)

<b>Education and Youth</b>	Law on Primary Education	MoES	Urgent/ Short	To withdraw of all articles related to fines and fees for parents, teachers and students; To amend the articles related to external testing To amend the articles that regulate the selection of school board members, appointment of school directors, recruitment and employment of teachers;
<b>Education and Youth</b>	Law on Secondary Education	MoES	Urgent/ Short	To withdraw of all articles related to fines and fees for parents, teachers and students; To amend the articles that regulate the selection of school board members, appointment of school directors, recruitment and employment of teachers; To amend the Law to regulate student organizing and participation To amend the articles related to external testing
<b>Education and Youth</b>	Law on Academy for Teachers	MoES	Urgent	To annule
<b>Education and Youth</b>	Law for Teachers in Primary and Secondary Schools	MoES	Urgent	To ammend
<b>Education and Youth</b>	Law on Higher Education	MoES	Medium	New Law on Higher Education should be adopted
<b>Education and Youth</b>	Law on establishment of University for National security, defense and piece "Damjan Gruev" Skopje	MoES	Urgent	To revoke
<b>Environment</b>	Law on Environment	MoEPP	Urgent	To establish Environmental Agency as substitute to the Ministry
<b>Environment</b>	Law on Budget	MoF	Urgent	To adopt changes enabling the collection of all environmental taxes for the purpose of the Environmental Agency