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**Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**

**Post-monitoring dialogue with "the former Yugoslav Republic of Macedonia"**

**Information note by the co-rapporteurs on their fact-finding visit to Skopje (17-20 June 2018)**

Co-rapporteurs: Ms Lise CHRISTOFFERSEN, Norway, Socialists, Democrats and Greens Group and Mr Valeriu GHILETCHI, Republic of Moldova, Group of European People's Party

**I. Introduction**

1. Our delegation arrived in Skopje on 17 June 2018, on the day when the historical "name agreement", also called "Prespa Agreement", was signed by Greece and "the former Yugoslav Republic of Macedonia" (i.e. the "Final Agreement for the Settlement of the Differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995 and the Establishment of a Strategic Partnership between the Parties")<sup>2</sup>. As a result, and quite understandably, our meetings with political leaders in Macedonia<sup>3</sup> were overwhelmingly dominated by this development.

2. During this visit, we had high level meetings with the Prime Minister, Mr Zaev, the Deputy Prime Minister for European Affairs, Mr Osmani, the Minister of Justice, Ms Deskoska, the Deputy Foreign Affairs Minister, Mr Zernovski, and leaders of political parties. We also had discussions with the President of the Constitutional Court, the judicial authorities and the Special Prosecutor, as well as representatives of judges. We would like to thank the Macedonian parliament and the PACE delegation, headed by Mr Kitev, for the invaluable help provided during our visit. We would also like to extend our thanks to the Croatian Ambassador to Skopje<sup>4</sup>, H.E Ms Danijela Barišić, for hosting a meeting with the diplomatic community in Skopje. The meetings with NGOs and media were organised by Monica Martinez, Head of Operations and the Council of Europe Programme Office, which we thank for their support. The programme of the visit is appended, as well as the statement we issued at the end of our visit (Appendix II).

**II. The Prespa Agreement of 17 June 2018**

**a. Political context**

3. Our visit took place one year after Mr Zaev founded a new government, following the January 2017 elections. We have described, at length, in our previous information note, the context of this political transition which occurred after the release of illegally wire-taped conversations which stirred a major political crisis, the signing of the Przino Agreements in June 2015 and July 2016, the setting-up of a technical government from July 2016 to January 2017 (with the participation of the opposition members) and

<sup>1</sup> Document declassified by the Monitoring Committee at its meeting on 18 September 2018.

<sup>2</sup> The full text of the Agreement can be found [here](#).

<sup>3</sup> The use in the text of the term "Macedonia" is for descriptive purposes only and for the convenience of the reader. It does not prejudice the position of the Assembly on the question of the name of the State and does not reflect the position of the Council of Europe.

<sup>4</sup> Croatia was chairing the Council of Europe Committee of Ministers at that time.

eventually the organisation of parliamentary elections which resulted in a change of the parliamentary majority, in the formation of a new government in April 2017 (marked by the storming of the parliament) and the designation of Mr Zaev as Prime minister on 31 May 2017.<sup>5</sup>

4. This situation had created high political tensions, resulting in the boycott of the parliament by the main opposition party VMRO-DPMNE. However, in the spring of this year, the VMRO-DPMNE party decided to return to parliament, a decision that we viewed as a sign of political responsibility: it has indeed enabled the adoption of crucial pieces of legislation – which requires a 2/3 majority – such as the Law on Energy and the Law on Higher Education which has restored the autonomy of universities, the Law on Foreigners, as well as a package of laws aimed at reforming the system for interception of communications by the Government, etc.<sup>6</sup>

5. The Government has undertaken to implement the so-called “[Plan 3-6-9](#)”, which had been designed as a follow-up to the Recommendations issued on 8 June 2015 by the EC Senior Experts’ Group in the so-called [Priebe report](#) on urgent reforms. This ambitious plan sought to address urgent issues to restore rule of law, democracy and human rights within given a deadline (respectively 3, 6 and 9 months). We have received detailed information about its state of implementation, which has also been summarised in a recent report published by the Government.<sup>7</sup>

6. The political context was also marked by the on-going trials undertaken by the Special Prosecutor,<sup>8</sup> Katica Janeva, following the release of illegally wire-taped conversations which brought to light conversations between senior politicians revealing alleged government interference in the judiciary, in election administration and control over a number of media outlets. Ms Janeva informed us about her work, the state of progress of the cases and the relations with the prosecutors and the Council of Public Prosecutors which had considerably improved in recent months. The future status of the SPO (which was an ad hoc jurisdiction established by the Przino Agreement) within the judiciary was yet to be defined in the framework of the implementation of the strategy of justice.

7. Ms Janeva was also concerned about the status of limitation, and had requested an extension of the term of her mandate (which ends in September 2019). This concern was also echoed by the OSCE Mission in Skopje, which has been monitoring 20 cases in which the SPO filed indictments by the (very narrow) statutory deadline (30 June 2017). In a recent interim report,<sup>9</sup> it found that the current limitations in the legal and institutional framework jeopardise the process of ensuring accountability for the serious crimes revealed in the wiretaps. It recommended reviewing the Law on criminal procedure with respect to the enforceability of pre-trial detention pending appeal. It also noted that it remained to be seen whether the illegally intercepted conversations would be admitted during the trials (they had been accepted in the indictment confirmation procedure, with all indictments, except one, being fully accepted).

8. Finally, the political context was still marred by the consequences of the storming of the parliament, which we strongly condemned, where more than 100 people, including the SDSM leader, Mr Zaev, and other MPs, were injured. During this deplorable event, Mr Sela, leader of the DPA party, was heavily beaten and severely injured. At the time of our visit, 3 MPs were still in pre-trial detention. The trial started in August 2018, with thirty people, including the former interior minister, the police chief, five opposition MPs, police employees and activists being charged with “endangering constitutional order and safety”, by participating in or being part of the logistics behind the events.<sup>10</sup> While the country remains highly polarised and in need of social cohesion, the issue of an amnesty law with respect to the April 2017 events, surfaced on some occasion in our discussions.

#### **b. Signature and ratification of the Prespa Agreement**

9. The Prespa Agreement was signed on 17 June 2018 by the Ministers of Foreign Affairs of the two Parties, Mr Kotzias and Mr Dimitrov, in the presence of the Prime ministers of Greece (Mr Tsipras) and of Macedonia (Mr Zaev) at the border Lake Prespa, in the presence of UN Mediator Matthew Nimetz, of the EU

<sup>5</sup> See our previous information note of October 2017 ([AS/Mon\(2017\)22rev](#)).

<sup>6</sup> All laws adopted are listed in the “[overview](#)” of the State of Play of the Implementation of Plan 3-6-9 for the period 4 July 2017 – 17 April 2018” published by the Government.

<sup>7</sup> “[Overview](#)” of the State of Implementation of the Plan 3-6-9 for the period 4 July 2017 – 17 April 2018”.

<sup>8</sup> I.e. the “Special Prosecutor for Crimes Related to and Arising from the Content of the Illegal Interception of Communications”.

<sup>9</sup> [First interim report](#) on the activities and the cases under the competence of the Special Prosecutor’s office (SPO), released by the OSCE Mission to Skopje on 29 August 2018.

<sup>10</sup> See <http://www.balkaninsight.com/en/article/macedonia-still-searches-for-masterminds-behind-parliament-attack-08-23-2018> and <http://www.balkaninsight.com/en/article/trial-starts-in-macedonia-parliament-rampage-case-08-22-2018>.

High Representative for Foreign Affairs and Security Policy, Federica Mogherini, and the EU Enlargement Commissioner, Johannes Hahn.

10. Prime Minister Mr Zaev informed us about the steps taken and expressed his hope that this Agreement, once ratified, could open new EU and NATO integration perspectives. The Deputy Prime Minister for European Affairs, Mr Osmani, stressed for his part that the Prespa Agreement could open new perspectives in the region thanks to the transformative power of the European Union, and he underscored the important and constructive role played by ethnic communities in achieving a consensus on the EU-NATO integration.

11. During our visit, all parliamentary parties– except the VMRO-DPMNE – expressed their support for the Agreement. In the street and in front of the parliament, there were demonstrations of those opposing the Agreement<sup>11</sup> – which were triggered by some small extra-parliamentary parties and football hooligans.<sup>12</sup> The VMRO-DPMNE did not support or join these demonstrations. At that time, as confirmed by Mr Mickoski, leader of the VMRO-DPMNE, the party had no clear vision about a possible strategy. It wanted to assess the upcoming developments before deciding whether or not it should take part in the referendum which the authorities decided to organise in order to have the Agreement approved by the people.

12. The government, for its part, was determined to push for the completion of the ratification process by the end of the year 2018, as stipulated in the agreement (taking into account that presidential elections in Macedonia, and parliamentary elections in Greece, are scheduled in 2019). The Agreement was flagged as an EU accession issue, thus underwent a speedy adoption procedure in parliament. The ratification law was adopted by the Macedonian parliament on 20 June 2018 by 69 votes in favour and none against; the main opposition party VMRO-DPMNE refrained from voting.

13. The President of the Republic – whom, unfortunately, we did not have a chance to meet – announced on 26 June 2018 that he would not promulgate the Law, after deeming it unconstitutional. It was the second time that President Ivanov used this “pocket veto” after vetoing the Law on Languages (see below). This is not in line with the constitution: Article 75 stipulates that “The President of the Republic may decide not to sign the promulgation declaring a law. The Assembly reconsiders the law and the President of the Republic is then obliged to sign the promulgation in so far as it is adopted by a majority vote of the total number of Representatives”.

14. The President of the Constitutional Court did not want to comment, explaining that the Constitutional court would not address the issue, unless it were to be seized. The Prime minister informed us that he was seeking advice from experts to circumvent the President's veto. Impeaching the President (whose mandate expires in April 2019) might have proved difficult, since it required a 2/3 majority in parliament<sup>13</sup> and the support of the main opposition party to which the President belongs.

15. The President's veto on the “name agreement” did not however hamper the continuation of the process foreseen in the Agreement. As a result of the ratification of the Agreement, and in line with the Agreement, the Greek authorities sent on 25 June 2018 a notification to the NATO and to the EU, indicating their approval of Macedonia's accession to these two institutions. The EU General Affairs Council, for its part, decided on 26 June 2018 to make a “conditional opening” of accession negotiations in June 2019, on the understanding that there would be:

- progress achieved in the urgent reform priorities (in particular in judicial reforms and proactive investigations, prosecutions and final convictions in corruption and organised crime cases, including at high level, in security and intelligence services and in public administration) including tangible and sustained results;
- a positive report of the European Commission;
- a decision made by the European Council and First Intergovernmental Conference by the end of 2019, depending on progress made.

<sup>11</sup> On Sunday 17 June 2018, following the signature of the agreement, a protest gathering about 1500 persons in front of Parliament was marked by aggressive rhetoric and nationalist chants. Police used tear gas to disperse protestors. It reported 26 arrests, while 7 were protesters and 10 police officers were injured.

<sup>12</sup> Notably from Komiti, a fan club of Skopje's Vardar soccer team, owned by Russian millionaire Sergey Samsonenko

<sup>13</sup> See Article 87 of the [constitution](#): “The President is held accountable for any violation of the Constitution in exercising his/her rights and duties. The procedure for determining the President of the Republic's answerability is initiated by the Assembly with a two-thirds majority vote of all Representatives. It is the Constitutional Court that decides on the answerability of the President by a two-thirds majority vote of all judges. If the Constitutional Court considers the president answerable for a violation, his/her mandate is terminated by the force of the Constitution.

**c. Scope and content of the Agreement**

16. The Agreement is a complex document of 19 pages<sup>14</sup>, which addresses a wide range of issues and contains many technical provisions. We have tried to highlight the main, but non exhaustive, features of the Agreement:

16.1. The Agreement regulates the “name issue(s)”. Article 1 states that

- the name “Republic of North Macedonia” (“North Macedonia” in short) shall be the constitutional name used *erga omnes*)
- the nationality, as registered in all travel documents, will be “Macedonian/citizen of the Republic of North Macedonia”
- and the official language as recognised by the Third UN Conference on the Standardisation of Geographical Names, held in Athens in 1977, will be the “Macedonian language”

16.2. It excludes any territorial claims (article 3): each party committing itself “to respect the sovereignty, the territorial integrity and the political independence of the other Party” and “not to undertake, instigate, support and/or tolerate any actions or activities of a non-friendly character directed against the other Party. Neither Party shall allow its territory to be used against the other Party by any third country, Organisation, group or individual carrying out or attempting to carry out subversive, secessionist actions, or actions or activities which threaten in any manner the peace, stability or security of the other Party.”

16.3. It prohibits hostile activities, actions or propaganda by State agencies or agencies “directly or indirectly controlled by the State and to prevent activities likely to incite chauvinism, hostility, irredentism, and revisionism against the other Party” (article 6).

16.4. It clarifies some historical issues (article 7): The terms “Macedonia” and “Macedonian” refer to a different historical context and cultural heritage.

16.5. It provides for various action to be undertaken (article 8) to:

- “review the status of monuments, public buildings and infrastructures on its territory, and insofar as they refer in any way to ancient Hellenic history and civilisation constituting an integral component of the historic or cultural patrimony of the First Party, shall take appropriate corrective action to effectively address the issue and ensure respect for the said patrimony.”
- “remove the symbol displayed on its former national flag from all public sites and public usages on its territory. “Regulate the “use of the official geographical names and toponyms”
- Establish a Joint Inter-Disciplinary Committee of Experts on historic, archaeological and educational matters”

16.6. It provides a basis for a strategic partnership between the two countries extended to all sectors, such as agriculture, civil protection, defense, economy, energy, environment, industry, infrastructure, investments, political relations, tourism, trade, trans-border cooperation and transport” (Article 9).

16.7. It provides for the establishment of consulates and embassies instead of Liaison Office (article10) and the development of the economic cooperation in all areas and bilateral cooperation, notably on agriculture, energy, environment, industry, infrastructures, investments, tourism, trade, and transport (Article 14 and forth).

17. The Agreement also states (article 4) that the Second Party [Macedonia] “shall conclude *in toto* the constitutional amendments by the end of 2018”, while the First Party [Greece] shall then “promptly ratify the Agreement”.

**d. Organisation of the referendum and issues at stake**

18. The name, but also other identity issues addressed in this agreement, have stirred heated and emotional reactions for decades. It remains a sensitive issue which is dividing society. It is legitimate that these concerns and opinions be articulated and debated in a free, peaceful and constructive manner – this is what democracy is about. However violence, including intimidation and inflammatory rhetoric, have no place and must be condemned by all sides. The people should be able to make their own decisions. We thus

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<sup>14</sup> <https://vmacedonia.com/politics/macedonia-greece-agreement.html>. In the agreement, Greece and “the former Yugoslav Republic of Macedonia” are described as respectively the First Party and the Second Party.

considered that the organisation of a referendum would give the people a chance to determine the vision they have for the future of their country.

19. At the time of our visit, a number of issues (date of the referendum, its possible combination with the 2019 presidential elections, or early parliamentary elections) were still open. It was also clear that this speedy process created some confusion for some of the people we met; they deplored the lack of information about the content of the agreement which had been reached in secrecy. This was later confirmed in a poll conducted in July 2018, where fewer than 20% of the respondents declared being fully familiar with the Agreement.<sup>15</sup>

20. Prime Minister Zaev stated on 19 June 2018 that he intended to respect the choice of the voters and the results of the referendum, irrespective of whether the referendum would be consultative or binding.<sup>16</sup> On 30 July 2018, the parliament decided to organise a consultative referendum (not legally binding) on 30 September 2018, with 68 votes in favour (and none against).<sup>17</sup> The question would be phrased as follows: *“Are you in favour of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?”* The referendum will pass if a majority of registered voters participate, and if a majority of these vote “yes”. After the referendum, constitutional amendments would need to be adopted by the parliament by a two-thirds majority.<sup>18</sup>

21. There was a lot questions raised about the threshold of 50% of registered voters’ participation, given the high number of voters registered on the voters lists (1,8 million with an estimated population of 2 millions). This threshold would be hard, if not impossible to reach in case the main opposition party would boycott the referendum (which was not clear at that time). In the meantime, the VMRO-DPMNE decided not to call for a boycott of the referendum and announced, on 11 September 2018, that its voters should act in accordance with their own convictions, a decision that we have welcomed.

22. In our discussions with all political party leaders and with the authorities, we underscored the need to ensure, at this crucial moment, inclusive processes. Dialogue with the main opposition party VMRO-DPMNE – the leader of which viewed the Agreement as a “capitulation” – but also with civil society, will be essential to build trust in the process. This is why we emphasised that the referendum should provide an opportunity for each citizen to express his or her opinion and to make an enlightened choice. We were pleased to see the readiness of media, civil society and judicial organisations to contribute actively to the discussions.

23. Another challenge was the re-composition of the State Election Commission (SEC), following the resignation of all its members (except one) in December 2017.<sup>19</sup> The parliament had yet to appoint the new members. The electoral code is currently being reviewed (re: composition of the SEC (experts instead of representatives of political parties), funding of political parties, media regulations during election campaigns, consideration of changing the electoral system) and should be in vigour for the Presidential elections in 2019. It was however clear that the referendum would be conducted with the current electoral legislation in place. In the meantime, the new members of the SEC were appointed by the parliament in July 2018, according to the current scheme, with representatives of political parties. While there were still questions about the voters’ lists, the Prime minister noted that the list had been checked every quarter by the ministries of interior and justice, and should be backed by all sides.

24. Amendments to the electoral code were adopted on 25 July 2018. They have raised concerns among media associations, since a) they reintroduce state-funded advertising, which was halted a few years ago, and b) they empower the State Election Commission to register and monitor online media reporting on the elections and to impose fines of up to 4,000 euros on traditional and online media if they are found guilty of “unbalanced or impartial reporting moves” that media watchdogs and journalists say will curb media freedom

<sup>15</sup> [Referendum 2018](#), a survey conducted by the Macedonian Center for International Cooperation (MCIC) and published in August 2018.

<sup>16</sup> [Interview](#) given by Prime Minister Zaev on 19 June 2018.

<sup>17</sup> This decision was challenged at the Constitutional Court, which has not yet rendered a decision. The VMRO-DPMNE did not vote.

<sup>18</sup> “The former Yugoslav Republic of Macedonia, Referendum, 30 September 2018: Needs Assessment Mission Report”, [OSCE](#), 16 August 2018.

<sup>19</sup> It had been revealed that the SEC members had awarded themselves considerable sums as bonuses for their activities in the last election cycles. <https://mia.mk/en/Inside/RenderSingleNews/61/134015713>.

and distort the media market again.<sup>20</sup> An alert was also published on the Council of Europe Platform for the Protection of Media, to which the authorities did not yet respond.<sup>21</sup>

25. Following an invitation received from the Macedonian parliament, the Bureau of the Assembly decided on 3 September 2018 to constitute an ad hoc committee<sup>22</sup> to observe the referendum.

### III. Major legislative developments since the last visit of the rapporteurs

26. After the change of government in April 2017, the authorities launched the implementation of the so called “3-6-9 Plan”, which had been designed in line with the Recommendations issued on 8 June 2015 by the EC Senior Experts’ Group in the so called [Priebe report](#) on urgent reforms.<sup>23</sup>

27. One of the most emblematic pieces of legislation adopted by the parliament, following the coalition agreement of the SDSM with the Albanian parties DUI and BESA, was the adoption of the Law on Languages which extends, at national level, the use of the Albanian language in administrative, health, judicial, police, and other official matters. The Albanian language had until now been an official language only in areas where the minority makes up at least 20 percent of the population. This law was opposed by the right-wing party VMRO-DPMNE and sparked demonstrations in the country. It was first adopted in January 2018 by the parliament, but the President of the Republic, Mr Ivanov, refused to sign the law, arguing that it could endanger Macedonia’s unity and sovereignty. The law was sent back to parliament. On 14 March 2018, the parliament confirmed its vote by 64 votes (out of 120). The President of the Republic, despite the constitutional requirement, nevertheless refused to promulgate it for the second time. As far as we are aware, this law has remained in a state of legal limbo and is unenforceable. Furthermore, it was not sent to the Venice Commission for expertise, as planned by the government, once the law became promulgated (ie published in the official gazette).

28. During our meeting with Ms Deskoska, Minister of justice, we were informed about the steps taken in the framework of the 3-6-9 Plan, including the adoption of the Strategy for the reform of the justice system. A number of laws were under preparation, such as the Law on Courts, Law on Judges, Law on the Judicial Council, Law on political parties, reform of the electoral code, law on Public Prosecutors (including the incorporation of the Special Prosecutor Office) and Law on the Council of Public Prosecutors, Law on Criminal procedure code, law on management of cases, etc. We welcome the expertise sought from the Venice Commission, which has issued, in December 2017, several opinions.<sup>24</sup>

29. We also discussed these reforms with the highest judicial authorities. The President of the Council of Public Prosecutors regretted the absence of their representative in the newly created body which should monitor the implementation of the strategy for the reform of justice. Their representative was also not involved in the preparation of the draft law on Public Prosecutors and the draft law on the Council of Public Prosecutors. The President of the Association of Judges welcomed, for his part, the involvement of his association in the drafting of the Law on judges and the Law on the Judicial Council, but stressed that a lot needed to be done to overcome the lack of trust in the judiciary and its dysfunctional institutions (notably the Supreme Court of Cassation and the Judicial Council). The President of the Judicial Council had expected a greater involvement of the judicial council in the drafting of the laws. He stressed the insufficient budget allocated to courts (ie 0,34% of GDP instead of the expected 0,8%) and expressed hope in the expected merge of basic courts. He challenged however the allegations that allocation of court cases had been controlled in the Basic Court of Skopje 1, the Appellate Court and the Supreme Court of Cassation, as pinpointed in a survey carried out by the Ministry of justice.

30. We encourage the authorities to ensure that the new pieces of legislation will take into account the recommendations made by GRECO and step up their efforts to combat corruption: in its second compliance

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<sup>20</sup> <http://www.balkaninsight.com/en/article/macedonia-restricts-media-freedom-again-journalists-warn-08-13-2018>.

<sup>21</sup> “Amendments to the Electoral Code Empower State Election Commission to Issue Fines to Media for ‘Unbalanced Reporting’”, [Platform for the Protection of Journalists](#), 9 August 2018. See also the [statement](#) issued by media organisations on 27 July 2018.

<sup>22</sup> The PACE ad hoc committee will be composed of one member of each political group as well as the two co-rapporteurs of the Monitoring Committee.

<sup>23</sup> This document has been described in our previous information note, see [AS/Mon\(2016\)06 rev](#).

<sup>24</sup> an opinion on the Draft Law on the termination of the validity of the Law on the Council for establishment of facts and initiation of proceedings for determination of accountability for Judges, on the Draft Law amending the Law on the Judicial Council, and on the Draft Law amending the Law on Witness protection adopted by the Commission at its 113th Plenary Session (Venice, 8-9 December 2017) ([CDL-AD\(2017\)033-e](#)).

report on the prevention of corruption among MPs, judges and prosecutors,<sup>25</sup> GRECO found that the country has made some limited progress with the adoption of the amendments to the Law on the Judicial Council (in December 2017 and May 2018), and the creation of new advisory and supervisory bodies for judges and prosecutors to support the implementation of their respective rules of conduct in daily practice. No meaningful development has taken place to strengthen the control function and to support a “more balanced and political interference-free approach” of the State Commission for the Prevention of Corruption (SCPC) in charge of controlling declarations of assets and interests. Macedonia’s performance at this stage was described as “clearly disappointing” by GRECO, which urged the authorities to take more determined and focused action in respect of a number of recommendations issued four-and-a-half years ago. The authorities were asked to provide a report on the country’s progress in implementing the recommendations as soon as possible, but at the latest by 30 June 2019.<sup>26</sup>

31. Ms Deskoska also signaled that a Law on Census could be prepared by 2020 with the help of Eurostat experts; there was no census in the country since 2002. The last attempt failed in 2011, and since then the Assembly has called for the organisation of a new census, which remains a difficult issue.<sup>27</sup>

32. A law on media is under preparation, and much debated by journalist associations. During our visit, media representatives expressed their concerns about the safety of journalists (they mentioned 12 attacks against journalists in 2017), lack of prosecution of the perpetrators, issues related to the funding of the public broadcaster (the new law foresaw 1% of the public budget), the weakness of regulatory bodies in the media sector. One association mentioned systematic attacks against conservative digital media and pressure exerted on 3 conservative-oriented media organisations.

33. A new Anti-discrimination Law – which should introduce discrimination based on sexual orientation and gender identity – is in preparation; the opinion of the Venice Commission had been requested and was adopted on March 2018.<sup>28</sup> At the Ministry of social affairs, we have been informed about social action taken to reach people in need, the Roma and children in institutions are examples of inclusive policies needed by the country. The authorities were considering granting a minimum guaranteed income for 26000 families in social need (in order to tackle trans-generational poverty) and to further work on the des-institutionalisation of children with mental disabilities. Further programmes aimed at promoting the inclusion of Roma children pre-schools education and at identifying unregistered persons (notably Roma people).

34. Mr Zernovski, Vice-Minister for European Affairs, gave us details about the “Plan 18” which was in preparation. This Plan should initiate laws and reforms related to audiovisual services, free access to public documents, insults and defamation, print media and oversight of the police. Mr Zernovski praised the co-operation established with the Council of Europe and vowed to continue to work with its monitoring mechanisms.

#### IV. Concluding remarks

35. During our visit, we commended the goodwill and courageous steps taken by two Council of Europe member States, “the former Yugoslav Republic of Macedonia” and Greece, whose deal is an invaluable contribution to the stability of the whole region. This agreement is only the beginning of a long process that could put an end to a 27-year dispute which has hampered the development of “the former Yugoslav Republic of Macedonia”.

36. It transpired from our meetings that the signing of the agreement has raised immense hopes of achieving Euro-Atlantic integration – which has been a consensual strategic objective of the country, transcending political parties and ethnic communities. It has also boosted the authorities’ intention to pursue the reforms which have been under way since April 2017, after a two-year political crisis that stalled the democratisation process of the country.

<sup>25</sup> Second compliance report of the Fourth Evaluation Round on “Corruption prevention in respect of members of parliament, judges and prosecutors”, published on 9 August 2018, [GrecoRC4\(2018\)6](#). GRECO indicated that only six of the nineteen recommendations have been implemented satisfactorily. Of the remaining recommendations, eight have been partially implemented and five have not been implemented.

<sup>26</sup> Ibid.

<sup>27</sup> A new census would update the percentage of each ethnic community actually residing in the country. This census is essential to define the exercise of minority rights: in line with the Ohrid Framework Agreement, ethnic communities are entitled to use their language as the second official language only in those areas where they make up more than 20 per cent of the population.

<sup>28</sup> Opinion of the Venice Commission on the Draft law on Prevention and Protection against Discrimination, adopted by the Venice Commission at its 114th Plenary Session (Venice, 16-17 March 2018) ([CDL-AD\(2018\)001-e](#)).

37. At this historic moment, we expect all political parties and all authorities involved in the process to play an active and responsible role to ensure the proper functioning of democratic institutions in line with the constitution, and the proper functioning of the electoral administration, which will allow the referendum to take place in good conditions. In this context, we welcome the decision taken by the VMRO-DPMNE to take part in the referendum.

38. We also hope that the President of the Republic will respect the will of the people expressed through the referendum. At the same time, the limbo created by the President's use of a "pocket veto" – a situation which is not provided for by the constitution and which hampers the work of the parliament – should be clarified in order to avoid similar situations in the future. We thus encourage the authorities to draw inspiration from good constitutional practices developed in other European countries.

39. Steps taken to reform the judiciary, strengthen media freedom, review the electoral law, reform the intelligence and secret services or prevent and prohibit discrimination are to be welcomed and supported. Several interlocutors praised the reforms undertaken, but they were still waiting for results. The reform of the justice system, in particular, should enhance the accountability, transparency and independence of judges – and restore trust. Reflection on the future of the Special Prosecutor's office, which is currently investigating the illegally wire-taped conversations, should be viewed as further efforts to normalise the system, and put the country back on track towards meeting European standards.

40. This process will be challenging; it will take time. Mindsets will have to change to implement effectively the laws that have recently been adopted. We are confident, however, that political will and continued efforts to restore the rule of law, democracy and human rights will help to re-connect people, and re-connect communities. The Council of Europe stands ready to back the country's democratisation efforts. As co-rapporteurs, we shall assess the progress made and the challenges that remain in the framework of the post-monitoring dialogue. We therefore intend to present a report on the Functioning of democratic institutions of the country in 2019, after the presidential elections.



**Appendix 1: Programme of the fact-finding visit to Skopje****Monday 18 June 2018**

- 09:00 Meeting with Monica Martinez, Head of Operations, Council of Europe Programme Office in Skopje
- 09:30-10:45 Meetings with media (\*)
- “Association of Journalists of Macedonia”: Deniz Sulejman, Communication manager
  - Media Development Center: Dejan Georgievski, President
  - Sitel TV: Ivona Talevska, Deputy Executive Editor in Chief
  - “Macedonian Institute for Media” (MIM): Cvetin Cilimanov, Vice-President
- 11:15-12:30 Meeting with representatives of NGOs and civil society (\*)
- Civil organisation for law, education and media (COLPEM) represented by Zelena lupa: Mirjana Brangjolica and Blagoja Cvetanovski
  - Institute for European Policy (EPI): Ismail Kamberi
- 14:00-14:40 Meeting with Betian Kitev, Head of Delegation, and members of the Delegation Shpresa Hadri (DUI) and Mr Afrim Gashi (BESA)
- 14:45-15:10 Meeting with Afrim Gashi, coordinator of the BESA group in parliament
- 15:15-15:45 Meeting with Hristijan Mickoski, President of Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE)
- 15:50-16:20 Meeting with Agim Shaqiril, Democratic Union for Integration (DUI)
- 16:25-16:55 Meeting with Mira Firati, Democratic Party of Albanians (DPA)
- 17:00-17:30 Meeting with Bilal Kasami, President of BESA
- 17:30-19:00 Meeting with Ambassadors of the Council of Europe member states represented in Skopje, hosted by H.E Danijela Barišić, Ambassador of Croatia, with the participation of:
- H.E Fatos Reka, Ambassador of Albania, H.E. Ms Lepa Babić, Ambassador of Bosnia and Herzegovina, H.E Ivan Petkov, Ambassador of Bulgaria, H.E. Laslo Dux, Ambassador of Hungary, H.E. Viorel Stanila, Ambassador of Romania, H.E. Henrik Markuš, Ambassador of Slovakia, H.E. Sybille Suter Tejada, Ambassador of Switzerland, Mag. Gabriele Janežič, Deputy Head of Mission of the embassy of Austria, Ms Susanne Herderich, First Secretary of the German embassy, Ms Despoina Valamvou, Counsellor Political Affairs/Head of Consular Office of the Liaison Office of Greece, Alessandro Liquori, Deputy Head of Mission of the embassy of Italy, Jelena Milačić, Deputy Head of Mission of the embassy of Montenegro, Ank Willems, Deputy Head of Mission of the embassy of the Netherlands, Jacek Multanowski, embassy of Poland, Alexander Krivosejev, Second secretary for Political affairs of the embassy of Russia, Zoran Kovacevic, Deputy Head of Mission of the embassy of Serbia, Paul Edwards, Deputy Head of Mission of the embassy of the United Kingdom.
- 20:00 Working dinner with Ambassador Samuel Žbogar, Head of the EU Mission in Skopje and Mr Jeff Goldstein, Acting Head of the OSCE Mission to Skopje

**Tuesday 19 June 2018**

- 09:00-09:45 Meeting with Mr Andrei Zernovski, Vice-Minister of Foreign Affairs
- 10:00- 10:30 Meeting with Mr Kole Shterjev, President of the Council of Public Prosecutors
- 10:55-11:30 Meeting with H.E. Mr Zoran Zaev, President of the Government and Leader of the Social Democratic Union of Macedonia (SDSM)
- 11:40-12:15 Meeting with Mr Xhemali Saiti, President of the Association of Judges

- 13:15-13:45 Meeting with Mr Nikola Ivanovski, President of the Constitutional Court
- 14:00-14:30 Meeting with Ms Katica Janeva, Special Prosecutor for Crimes Related to and Arising from the Content of the Illegal Interception of Communications
- 14:45-15:45 Official lunch hosted by the Delegation to the PACE
- 16:00-16:30 Meeting with Ms Renata Deskoska, Minister of Justice
- 16:45-17:15 Meeting with Ms Sanela Shkrijelj, Head of Cabinet of the Minister of Labour and Social Policy
- 18:00-18:30 Meeting with Mr Bujar Osmani, Deputy Prime Minister for European Affairs

**Wednesday 20 June 2018**

- 09:40-10:10 Meeting with Mr Zoran Karadzovski, President of the Judicial Council
- 10:30 Press briefing

*(\*) Meetings organised by the Council of Europe Secretariat*

## **Appendix 2: Statement by the co-rapporteurs issued on 20 June 2018**

### **Co-rapporteurs in Skopje welcome ratification of the name agreement, call for inclusive processes**

“Today, the Macedonian parliament ratified the historical agreement signed on 17 June 2018 by Skopje and Athens on the “name issue”. We commend the goodwill and courageous steps taken by the two Council of Europe member States, whose deal is an invaluable contribution to the stability of the whole region,” said PACE co-rapporteurs Lise Christoffersen (Norway, SOC) and Valeriu Ghiletschi (Republic of Moldova, EPP/CD), co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) on a post-monitoring dialogue fact-finding visit to Skopje on 18-20 June 2018.

“This agreement is only the beginning of a long process that could put an end to a 27-year dispute which has hampered the development of “the former Yugoslav Republic of Macedonia”. The name, but also other identity issues addressed in this agreement, have stirred heated and emotional reactions for decades and still remain sensitive for parts of society. It is legitimate that these concerns and opinions be articulated and debated in a free, peaceful and constructive manner – this is what democracy is about. However violence, intimidation and inflammatory rhetoric have no place and must be condemned by all sides. The people should be able to make their own decisions. We thus welcome the announcement that a referendum will be organised this autumn which will give the people a chance to determine the vision they have for the future of their country.

In our discussions with all political party leaders and with the authorities, we underscored the need to ensure, at this crucial moment, inclusive processes. Dialogue with the main opposition party VMRO-DPMNE – the only parliamentary party objecting to this agreement – but also with civil society, will be essential to build trust in the process. We were pleased to see the readiness of media, civil society and judicial organisations to contribute actively to the discussions. We also viewed VMRO-DPMNE’s decision to return to parliament this spring as a sign of political responsibility. This decision has enabled the adoption of crucial pieces of legislation that will benefit the whole of the population. At this historic moment, we expect all political parties and all authorities involved in the process to play an active and responsible role to ensure the proper functioning of democratic institutions in line with the constitution, and the proper functioning of the electoral administration, which will allow the referendum to take place in good conditions.

It transpired from our meetings that the signing of the agreement has raised immense hopes of achieving Euro-Atlantic integration – which has been a consensual strategic objective of the country, transcending political parties and ethnic communities. It has also boosted the authorities’ intention to pursue the reforms which have been under way since April 2017, after a two-year political crisis that stalled the democratisation process of the country. Steps taken to reform the judiciary, strengthen media freedom, review the electoral law, reform the intelligence and secret services or prevent and prohibit discrimination are to be welcomed and supported. The reform of the justice system, in particular, should enhance the accountability, transparency and independence of judges – and restore trust. Reflection on the future of the Special Prosecutor’s office, which is currently investigating the illegally wire-taped conversations, should be viewed as further efforts to normalise the system, and put the country back on track towards meeting European standards. This process will be challenging; it will take time. Mindsets will have to change to implement effectively the laws that have recently been adopted. We are confident, however, that political will and continued efforts to restore the rule of law, democracy and human rights will help to re-connect people, and re-connect communities. Social action taken to reach people in need, the Roma and children in institutions are examples of inclusive policies needed by the country. The Council of Europe stands ready to back the country’s democratisation efforts.”

In Skopje, the co-rapporteurs met the Prime Minister, the Deputy Prime Minister for European Affairs, the Minister of Justice, the Deputy Foreign Affairs Minister, the President of the Constitutional Court, leaders of political parties, the judicial authorities and the Special Prosecutor, as well as representatives of judges, NGOs, the media and the diplomatic community.