Independent Reporting Mechanism

Action Plan Review: North Macedonia 2021–2023

Open Government Partnership

Independent Reporting Mechanism

Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons after more than 350 independent, evidence-based, and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation brief**: brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022–2024 action plans.
2. **Action plan review**: an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020–2022 action plans. Action plan reviews are delivered 3–4 months after the action plan is submitted.
3. **Results report**: an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019–2021 action plans ending implementation on 31 August 2021. Results reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of North Macedonia's 2021–2023 action plan. The action plan is made up of 40 commitments that the IRM has filtered and clustered into 36. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this action plan review, see Section IV: Methodology and IRM Indicators.

---

[1] For more details regarding the IRM Refresh, visit https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

Open Government Partnership

Independent Reporting Mechanism

Table of Contents

Section I: Overview of the 2021–2023 Action Plan

North Macedonia's fifth action plan exceeds the ambition of previous plans, particularly in public procurement transparency, public-service delivery, and access to justice for vulnerable groups. Full implementation could position North Macedonia as a regional leader in the Western Balkans in key open government areas and address priorities in the EU accession process. Given the large scale and scope of the action plan, close collaboration between public institutions and civil society is needed for strong results.

The commitments in North Macedonia's fifth action plan are organised under five themes: transparency, anti-corruption, public-service delivery, access to justice, and environment and climate action.[1] The commitments cover numerous topics, including public procurement, monitoring public officials' asset declarations, integrating citizen priorities in public-service delivery, and strengthening access to free legal aid. North Macedonia will also implement its second Open Parliament action plan, as well as its first Open Justice action plan on improving judicial transparency.

Commitments on access to justice cover a range of vulnerable groups, including victims of human trafficking, victims of domestic violence, and welfare beneficiaries. Furthermore, Commitment 4.4 could expand access to free legal aid, building on a commitment from the previous plan. It will be important for implementing institutions and CSOs to ensure that these commitments lead to tangible results in legal protection for vulnerable groups and more citizens requesting free legal aid. The action plan could also transform how citizens shape the delivery of two key public services: employment and health. Meanwhile, the commitments on publishing public procurement data in open formats and disclosing the beneficial owners of companies that win public tenders could improve transparency in government spending and allow stakeholders to flag possible corruption in public procurement.

The fifth action plan saw a robust co-creation process with active collaboration from the OGP CSO Network (created in 2020).[2] The OGP CSO Network and the Ministry of Information Society and Administration (MISA) organised numerous online meetings and thematic workshops. Civil society actively helped shape the scope of the commitments, particularly around public-service

AT A GLANCE

Participating since: 2011
Action plan under review: 2021–2023
IRM product: Action plan review
Number of commitments: 36

Overview of commitments:
- Commitments with an open gov. lens: 33 (92%)
- Commitments with substantial potential for results: 2 (6%)
- Promising commitments: 4 (11%)

Policy areas carried over from previous action plans:
- Public procurement data
- Transparency at the local level
- Asset declarations of public officials
- Participation in public-service delivery
- Access to justice
- Environment and climate action
- Open parliament

Emerging policy areas:
- Beneficial ownership transparency
- Data on CSOs
- Open justice

Compliance with OGP minimum requirements for co-creation:
- Acted according to OGP process: Yes

Open Government Partnership

Independent Reporting Mechanism

delivery and access to justice.[3] The number of thematic workshops exceeded previous processes, despite being held online during the COVID-19 pandemic. Action plan visibility was further bolstered by a meeting between the then Prime Minister of North Macedonia and OGP's CEO in April 2021, during a session of the Cabinet of Ministers.[4] Civil society stakeholders pointed out that additional human and financial resources may be needed in public institutions to fully implement the commitments.

The second Open Parliament action plan, implemented by the Assembly of North Macedonia, had a separate co-creation. The process involved working groups of CSOs and the Assembly and there were active consultations for prioritising the commitments.[5] Overall, this second action plan has a larger scope compared to the first. It includes activities that could make the Assembly more transparent and accessible, such as creating an open data portal, opening its e-archive, and automating transcription of plenary and committee sessions from text to audio format. However, like for the first action plan, the IRM recommends specifying the concrete steps to be carried out and the intended results from implementation.

The first Open Justice action plan is led by the Supreme Court. The co-creation process involved discussions and round tables between the judicial sector and civil society,[6] resulting in the creation of an Open Justice Council.[7] The commitments aim to improve and standardise information on judicial institutions and courts. Future open justice commitments could go further by improving transparency in the appointment, promotion, and dismissal of judges and in case assignment among judges. The IRM also recommends integrating the co-creation and implementation of open justice commitments with those on access to justice to produce commitments that are holistic and complimentary. The Open Justice Council could coordinate with CSOs and public institutions working on access to justice to find synergies in their respective work.

---

[1] Macedonian Min. of Inf. Soc'y and Admin., *Open Government Partnership National Action Plan 2021–2023* (Oct. 2021), https://www.opengovpartnership.org/wp-content/uploads/2021/11/North-Macedonia_Action-Plan_2021-2023_EN.pdf.

[2] The OGP Network includes 77 organisations working with different groups: women, youth, Roma and other non-majority communities, people with disabilities, and other groups. They focus on various topics: anti-corruption, transparency, information technology, gender equality, youth policies, support for vulnerable groups, environment, rural development, human rights, judiciary, European integration, public finance, socio-economic development, health and social protection, culture etc. They operate in different places (Skopje, Tetovo, Kumanovo, Bitola, Prilep, Kavadarci, Strumica, Stip, Veles, Delchevo, St. Nikole) as well as in rural communities.

[3] Ivona Stalevska and Hristina Vasilevska (FOSM), written correspondence with the IRM, 18 Mar. 2022.

[4] OGP, "OGP CEO Sanjay Pradhan Meets with North Macedonia's Prime Minister Zoran Zaev" (13 Apr. 2021), https://www.opengovpartnership.org/news/ogp-ceo-sanjay-pradhan-meets-with-north-macedonias-prime-minister-zoran-zaev/.

[5] For example, the Macedonian Young Lawyers Association and the National Democratic Institute were involved in the prioritisation. Dimitrovska, interview.

[6] Center for Legal Research and Analysis, "НАЦРТ АКЦИСКИ ПЛАН ЗА ОТВОРЕНО СУДСТВО 2021 – 2023" ГОДИНА [Draft Action Plan For The Open Judiciary 2021–2023] (5 Jul. 2021), https://cpia.mk/mk/%d0%bd%d0%b0%d1%86%d1%80%d1%82-%d0%b0%d0%ba%d1%86%d0%b8%d1%81%d0%ba%d0%b8-%d0%bf%d0%bb%d0%b0%d0%bd-%d0%b7%d0%b0-%d0%be%d1%82%d0%b2%d0%be%d1%80%d0%b5%d0%bd%d0%be-%d1%81%d1%83%d0%b4%d1%81%d1%82%d0%b2%d0%be/.

[7] Stakeholders involved in co-creating the first Open Justice action plan included court presidents, judges, judicial representatives from all courts, representatives of the Judicial Council, the Ministry of Justice, the Academy for Judges and Public Prosecutors, representatives of civil society (monitoring organisations), and other experts.

Open Government Partnership

Independent Reporting Mechanism

Section II: Promising Commitments in North Macedonia's 2021–2023 Action Plan

The following review looks at the four commitments that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the results report. The IRM results report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also analyses challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

The IRM selected the commitments for further review based on the degree of support from civil society during implementation, their relevance to the open government context in North Macedonia, and their potential to achieve strong results and comprehensive changes in their policy areas. The IRM has reviewed several commitments as clusters because they address different aspects of the same policy areas.

Transparency, accountability, proactivity, and inclusion (Commitments 1.1–1.7)
This first theme includes six commitments. Commitments 1.1 and 1.3 are reviewed in more detail as part of a cluster on transparent public procurement. Commitment 1.1 will make free of charge publicly available information on the beneficial owners of companies that win state procurement bids, which will increase beneficial ownership transparency. Commitment 1.3 will create tabs on public institutions' webpages for all information related to their public procurement. While this improves accessibility of this information, the information is already available by the Public Procurement Bureau (PPB), so changes to transparency are likely limited.

Commitment 1.2 continues past efforts for public institutions to proactively publish information and report their compliance with the Law on Free Access to Information. Although the commitment calls for all institutions to report their compliance, the milestones only set a target for 50% of institutional compliance. Commitment 1.4 continues efforts by local self-government units (LSGUs) to publish open data. While positive, the IRM recommends going beyond the targets of 30 LSGUs and five datasets per LSGU. Commitment 1.5 seeks to publish data on local CSOs in open format and in one place. The IRM recommends using the information published for this commitment to improve efficiency in the distribution of funds so that CSOs can operate better. Lastly, Commitment 1.6 continues to improve transparency in the budget process of LSGUs. Success of this commitment will largely depend on sustainability of the budget dashboards implemented by LSGUs during previous action plans.[1] The commitment also calls for a participation mechanism for decision making and priority setting in 20 municipalities, with an emphasis on vulnerable groups. North Macedonia has room to improve participatory budgeting, according to findings by the International Budget Partnership, so this activity is important.[2] Going forward, North Macedonia could require municipalities to consult CSOs that represent marginalised groups during the local budgetary process and publish all budget-related documents and final statements from the past five years in open format.[3] The European Commission also recommended that North Macedonia focus on strengthening public finance management capacities and internal auditing at the local level.[4]

Anti-corruption and promotion of good governance (Commitments 2.1–2.3)

This theme contains three commitments. Commitment 2.1 is assessed in more detail as part of the cluster on public procurement transparency. The PPB aims to publish data on public procurement in an open format. This commitment could allow civil society and researchers more detailed analysis on procurement and reduce the time spent sorting data. Its success will largely depend on the amount of procurement data that the PPB publishes in open format. Commitment 2.2 seeks to establish a tool to verify asset declarations of elected and appointed officials. It responds to a recommendation for the State Commission for Corruption Prevention (SCPC) by the Group of States against Corruption in its fifth evaluation of North Macedonia's political integrity framework.[5] Although the SCPC was provided greater financial and human resources to carry out this task, it is too early to determine the potential effectiveness of this commitment. The SCPC could model its verification on Commitment 9 from Georgia's 2014–2016 action plan; this commitment had the Civil Service Bureau select declarations randomly through a unified electronic system and investigate reports from external stakeholders on suspicious declarations.[6] The SCPC could also create an independent commission (with experts from civil society, academia, and media) to assist with the verification. Commitment 2.3 aims to publish information on the selection and appointment of managers and directors at public institutions. This information could help civil society and journalists assess the competencies of those working in the public administration and flag possible cases of nepotism, cronyism, or political influence. Going forward, North Macedonia could also increase the transparency around the reasoning and processes for promotions and dismissals of managers and directors.

Promote delivery of public services (Commitments 3.1–3.8)

This theme has eight commitments. Commitments 3.1, 3.2, and 3.3 are assessed in more detail as a cluster on strengthening citizen monitoring and involvement in public-service delivery. Commitments 3.1 and 3.2 focus on employment and health, respectively. These commitments establish coordination bodies for civil society and government representatives to monitor and implement policies in these areas. CSOs from four pilot municipalities will also help familiarize citizens from vulnerable groups about their rights under employment and health policies and services. These commitments could fundamentally change how civil society and citizens are able to shape the design and implementation of key public services, and ultimately lead to services that more closely respond to citizens' needs. Commitment 3.3 addresses education, but it focuses primarily on improving access to information. The IRM recommends adopting similar coordination bodies and cooperation with CSOs as under Commitments 3.1 and 3.2 when designing and implementing education policies and services.

Commitment 3.4 builds on previous efforts to allow citizen input in creating and budgeting local services.[7] The IRM recommends clarifying what mechanism will be adopted for citizens to make proposals and to institutionalise the municipal forums from the previous action plan.[8] Commitment 3.5 promotes the use of e-services and digital skills among rural populations. The IRM recommends monitoring how these e-services are used by rural populations and to assess if trainings for digital skills are leading to more efficient processing of services.

Commitment 3.6 seeks to improve protection to victims of human trafficking. Currently, there remain no key decisions on the scope of the milestones. The government established a National Unit for Combating Trafficking in Human Beings and Illegal Migration to improve inter-institutional cooperation in combating these crimes, and is planning to create mobile teams to

identify and protect victims.[9] However, stakeholders have not yet discussed the content of the database on initiated actions and identified cases of online exploitation of children, or who will collect the data.[10] Relevant institutions are already required to publish and update a variety of data on cases of human trafficking.[11] Furthermore, North Macedonia's legal framework already provides a possibility for remuneration of child victims if the perpetrator is unable to cover damages. It is unclear how this commitment will change the right to renumeration for child victims of human trafficking. It also remains to be seen what new solutions will emerge in the upcoming law for compensating victims of criminal acts, particularly regarding the waiting times for compensation. The Council of Europe noted that enforcing court decisions to compensate victims remains a challenge in North Macedonia, with obstacles being the processing or selling of seized and confiscated criminal assets, as well as the length, cost, and complexity of the civil compensation procedures.[12] The IRM recommends investigating the impact of the waiting period on child victims and if there is a need to provide compensation to victims sooner.

Commitment 3.7 aims to improve protection against harassment in the workplace. It involves disseminating information to employees about their rights, selecting independent mediators to resolve harassment cases, and consulting practitioners to finalize the Draft Law on Protection Against Harassment in the Workplace. While not in a milestone, the commitment calls for establishing a system for reporting and monitoring the status of harassment proceedings. The IRM recommends ensuring a wide uptake of the reporting system by workplaces countrywide. North Macedonia could also establish sexual harassment committees for ministries and public-sector workplaces. Commitment 3.8 will facilitate access to healthcare and rehabilitation for persons who use drugs after they serve prison sentences. While this commitment could improve access to health services for persons who use drugs, the activities largely focus on improving cooperation among treatment centres and sensitisation training for medical staff on how to handle such cases. The Ministry of Health could explore ways to increase public participation in the treatment and rehabilitation of drug users. This could involve proactively consulting rehabilitated drug users when designing trainings for medical staff and treatment policies.

Access to justice (Commitments 4.1–4.4)
This theme has four commitments. The IRM has analysed commitments 4.3 and 4.4 in greater detail. Commitment 4.3 seeks to strengthen access to justice for women who are victims of domestic violence. It involves synchronising domestic violence data collection and publication among public institutions, courts, police, and social work centres to enhance the efficiency of how these cases are processed and handled. This commitment could help civil society and social workers advocate for better solutions for victims based on the trends identified from the data. Commitment 4.4 strengthens the right to free legal aid under the Law on Free Legal Aid (LFLA). It calls for amending the LFLA to provide more comprehensive protection and access to free secondary aid throughout the entire criminal procedure. Importantly, the commitment also would create a publicly available registry of individuals and institutions licensed in forensics who can serve as expert witnesses for cases involving free legal aid.

Commitment 4.1 improves the protection of human rights for sex workers and persons who use drugs, largely by improving the professionalisation of police and prison staff when dealing with such cases. The European Commission noted that the healthcare and treatment for drug addictions in North Macedonian prisons remains a serious concern.[13] The activities mostly focus on internal professionalisation of police and prison staff. Going forward, the Directorate for the Execution of Sanctions of the Ministry of Justice could disclose in one place information on

prison management, prison practices, actual living conditions, and compliance with of audit recommendations.[14] The ministry could also work with civil society to investigate possible corruption and mistreatment in prisons and detention centres, particularly regarding the treatment of socially vulnerable detainees. Lastly, the ministry could disclose anonymised demographic information about prisoners, with a focus on socially vulnerable groups. This could include information about prisoners' gender, age, race, ethnicity, disabilities, and mental and physical healthcare needs.

This commitment also would mandate audio and video recordings during interrogations at police stations so that attorneys and clients may access them to prove human rights violations. Nine police stations around Skopje are equipped with video recording spaces, of which five are in operation.[15] Video surveillance systems are also being installed in police stations in seven municipalities.[16] However, adding audio recording depends on the ministry's budget for 2023. This commitment is important; the Council of Europe's Committee for the Prevention of Torture notes that ill-treatment often occurs after a suspect is brought under control or inside a police establishment for the purpose of extracting a confession.[17] The IRM recommends ensuring that as many police stations as possible are equipped with adequate recording devices. In addition to police stations, the IRM also recommends establishing audio and video recordings for judicial hearings in courtrooms, as Uruguay did in its 2018–2020 action plan.[18]

Commitment 4.2 promotes access to justice for welfare beneficiaries and citizens at social risk. It includes developing internal guidelines concerning data collection on material, financial, and property statuses of households and family members. CSOs will create a database of persons who have had their legal rights violated due to blocked social numbers. The commitment also calls for solutions to prevent the withholding of funds intended for bank accounts of social welfare beneficiaries. The IRM recommends that the Ministry of Labour and Social Policy publish more information on how decisions impact social welfare and create sufficient opportunities for persons to appeal social welfare decisions. North Macedonia could also establish legal mechanisms to prevent funds being taken or blocked, as the time between freezing funds to receiving an appeal outcome can be detrimental for those that receive such aid.

Environment and climate action (Commitment 5.1 and 5.2)
There are two commitments under this theme. Commitment 5.1 increases rural populations' access to information about the negative effects of climate change and pollution and promotes good agricultural practices. This commitment lacks details on these planned activities, making it difficult to assess its potential for results. Commitment 5.2 provides comprehensive, reliable information on air pollution in North Macedonia, including a mobile application with air quality data. Air pollution remains a problem in North Macedonia, particularly in Skopje, so this commitment could be important. The IRM recommends ensuring that data on air quality on the mobile application is kept current so that users can access real-time data.

Open Parliament (Commitments 1.1–3.3)
The Assembly of the Republic of North Macedonia will implement 11 commitments in a separate Open Parliament action plan. This Open Parliament action plan covers more topics compared to the first and the commitments could make the Assembly more transparent and accessible for citizens. However, the commitments generally lack specific milestones. As a general recommendation, these commitments should be improved by specifying concrete steps to be carried out and the intended results from implementation.

Open
Government
Partnership

Independent
Reporting
Mechanism

Commitment 1.1 creates an open data portal for the Assembly. The IRM recommends specifying what datasets will be published on the portal and making it interoperable with North Macedonia's national open data portal. Commitment 1.2 develops a platform for citizens to submit suggestions to MPs and to inform them about public parliamentary events. The action plan mentions that the Assembly's website already offers citizens an opportunity for direct communication with MPs. Thus, the IRM recommends improving existing opportunities for citizen engagement in the legislative process. Commitment 1.3 will allow electronic signatures by MPs and parliament services in case they are unable to physically attend plenary and working committee sessions. The focus of this commitment is on MPs, and it does not contribute directly to OGP values of transparency, civic participation, or public accountability.

Commitments 2.1 and 2.2 are carried forward from the previous action plan and aim to re-design the Assembly's website and develop a television channel for the Assembly. The IRM recommends designing the new website so that it's easily accessible for visually impaired persons and ensuring that the television channel offers options for the hearing impaired. Under Commitment 2.3, the Assembly will procure software so that the public can follow, in real time, the stages of proposed legislation, and allow browsing by proposed law. The IRM recommends allowing users to easily search for legislation by key words and policy area. The IRM also recommends ensuring that citizens can track all amendments and see who proposed them. Commitment 2.4 will open the Assembly's e-archive to the public. Given the volume of documents on the archive, this commitment could be of interest to researchers and citizens. The IRM recommends ensuring that documents on the archive are easily searchable. Under Commitment 2.5, the Assembly will procure equipment for online streaming of parliamentary sessions. Though online streaming would improve transparency, the IRM recommends archiving all streams on the Assembly's website.

Commitment 3.1 aims to produce news reports and familiarize the public with the contact offices of MPs. The IRM recommends monitoring the commitment to see how it impacts citizens and MPs. For Commitment 3.2, the Assembly will promote its participation in OGP. The IRM recommends using the planned events to provide updates on the Assembly's progress in implementing the commitments in the Open Parliament action plan. Finally, Commitment 3.3 involves procuring software to automate transcription of plenary and committee sessions from text to audio format. This could be important for maintaining historical records and for making records accessible to persons with visual impairments. During implementation, the IRM recommends ensuring that the texts are recordings are accurate in relation to the original audio recordings.

Open Justice (Commitments 1.1–2.3)
There are six commitments in a separate Open Justice action plan. These commitments are a good starting point toward increasing public accessibility to information on the judicial system and court operations. Future commitments could go further by improving transparency in the appointment, promotion, and dismissal of judges, in line with the new draft Law on the Academy for Judges and Prosecutors. In addition, North Macedonia could increase transparency of the country's electronic system for randomly assigning new cases to judges. Also, the government's 2019–2024 strategy for the justice sector's information-communication technology will ensure "online access to all justice related information, offering web services such as information on state of court proceeding, court decisions, communication realised

through e-filing of briefs and lawsuits."[19] It may be beneficial to transpose some of these plans into specific commitments in future action plans.

Under Commitment 1.1, the Supreme Court will standardise court information on the www.sud.mk portal and make the portal accessible for visually impaired persons. The IRM recommends ensuring that courts share information on asset declarations of judges, linking this commitment to Commitment 2.3 in the national action plan. Commitment 1.2 improves the court communications through a five-year transparency strategy; the IRM recommends making this strategy binding for all courts. The IRM also recommends following the Global Judicial Integrity Network's guidelines on judicial officials' use of social media when developing the public relations strategy for courts.[20] Commitment 1.3 increases the availability and quality of information on the website of the Judicial Council, including information on the Judicial Council's performance. The Judicial Council will also develop a tool for citizens' complaints and appeals. The IRM recommends publishing data on the number of complaints that citizens lodge, as well as the steps taken to resolve the complaints. The IRM also recommends improving the transparency of the recruitment and selection of members of the Judicial Council. For example, the Judicial Council could publish notes and decisions from meetings when making hiring, promotion, and dismissal choices and publish the biographies of judges and Council members.

Under Commitment 2.1, the Judicial Council will monitor transparency of court presidents and court websites. Once the Judicial Council has developed an assessment, the IRM recommends ensuring that all courts across different jurisdictions and levels collect the same information to allow for cross-comparison. Commitment 2.2 unifies court reports and ensures they provide quantitative and qualitative information on court performance. The IRM recommends including information about how many cases judicial officials are assigned, how quickly they process the cases on their docket, how many cases they complete in a year, how they decide cases, and how frequently their rulings are overturned on appeal. Finally, Commitment 2.3 involves ensuring easy access to materials for professional advancement of judges and continuous training of judges through a modern e-library and e-archive. The IRM recommends making sure that information and training materials are also accessible and understandable to everyone, including to non-specialists. The IRM also recommends extending trainings to cover court staff, such as clerks and judicial assistants, so that they can properly manage and handle cases.

Table 1. Promising commitments

Promising Commitments
Commitments 1.1, 1.3, and 2.1: Public procurement transparency—Access to the names of the beneficial owners of companies awarded public procurement contracts could help civil society and the public to detect corruption. Publishing procurement data in open and reusable format will allow more efficient and in-depth analysis of trends in procurement.
Commitments 3.1, 3.2, and 3.3: Public-service delivery based on citizen priorities—Coordination bodies could ensure that civil society and citizens can influence the design, implementation, and monitoring of employment and health services and policies. Working with local CSOs to consult vulnerable citizens can ensure that employment and health services account for the needs of a wider range of citizens.
Commitment 4.3: Access to justice for women who suffered domestic violence—Synchronised data collection and publishing of domestic violence cases across ministries, courts, the police, and social work centres could greatly improve the handling of these cases, allowing victims to receive justice and protection more quickly and efficiently.

Open
Government
Partnership

Independent
Reporting
Mechanism

> **Commitment 4.4: Legal empowerment of citizens through available information and open institutions**—Amending the Law on Free Legal Assistance could remove contradicting provisions that create legal uncertainties and expand the scope of free legal aid. A public registry of licenced forensic experts can help recipients of free legal aid obtain expert testimony in criminal cases, thus improving the overall equality of judicial procedures.

Commitment cluster 1: Public procurement transparency
(Public Procurement Bureau, Central Register of the Republic of North Macedonia, General Secretariat at the Government of the Republic of North Macedonia, Center for Civil Communications, Institute for Democracy "Societas Civilis" - Skopje, Metamorphosis Foundation for Internet and Society)

For a complete description of the commitments included in this cluster, see Commitments 1.1, 1.3, and 2.1 in the action plan here.

Context and objectives:
The commitments in this cluster aim to enhance the transparency of North Macedonia's public procurement system. Under Commitment 1.1, the Public Procurement Bureau (PPB) will publish information on the beneficial owners of companies that are awarded state tenders to the government's Electronic Public Procurement System (EPPS).[21] Although the Central Register of the Republic of North Macedonia (CRRNM) created North Macedonia's beneficial ownership register in January 2021, the information is accessible only upon request and payment of a fee. Commitment 1.1 will make part of this information publicly available and free of charge on the EPPS, specifically the beneficial owners of legal entities that are awarded public procurement contracts over 1,000 EUR (the legal threshold). A working group of the CRRNM, the PPB and the Center for Civil Communications will be responsible for preparing the criteria for the data that the PPB will publish. Users will be able to download the information as open data using keyword searches.[22]

Commitment 1.3 continues the implementation of the Law on Public Procurement. Contracting authorities will create separate tabs on their websites to publish all information and documents related to their public procurement, including links to procurement notices on the EPPS. Finally, for Commitment 2.1, the PPB will provide data on public procurement in open format, specifically as comma separated value export (CSV). According to the Institute for Democracy 'Societas Civilis' (IDSC), the procurement data will be modelled after the open finance portal from the previous action plan (2018–2020).[23]

Commitments 1.1. and 2.1 were proposed by civil society, though the PPB was involved in their design from the start.[24] Commitment 1.3 was proposed by civil society, and it mostly continues from a commitment in the previous action.[25] There were no significant objections during the co-creation of these commitments. While there was a discussion between the PPB and CSOs for Commitment 2.1 over what would be considered as open data format, stakeholders reached an agreement on adopting the CSV format.[26] The idea for public procurement as open data was discussed during previous action plans, but was finally included in this fifth action plan as it fit the current work of the PPB. This cluster's commitments support the OGP value of transparency and have activities that are verifiable.

Potential for results: **Modest**

North Macedonia faces challenges with corruption in public procurement, which can negatively affect foreign investment.[27] These commitments could strengthen public scrutiny of government spending so that corruption can be detected more easily. Though each is a positive step forward, their potential is modest due to design limitations and, in the case of Commitment 2.1, pending decisions about the scope of data to be provided in open format.

Presently, it is unclear who the real owners are of companies that are awarded public procurement contracts. As the beneficial ownership register is currently available for a fee, Commitment 1.1 will make some of its information more accessible. By having access to the beneficial owners of companies that win public procurement contracts, users can better detect conflicts of interest in the allocation of state funds. A civil society stakeholder also noted that being able to access data in machine-readable format will be a major shift in accessibility.[28] At present, the concluded contracts are largely available as screenshots in PDF files and there is no possibility to search for information within the files. This means that users must identify information from the documents manually and then transpose it into a machine-readable document, such as an Excel file, if they wish to analyse more than one contract at a time. The change will reduce the time that users need to download, code, and sort the data they need when conducting advanced analysis and evaluating integrity of public procurements.

However, this commitment is likely to only have modest results toward "prevent[ing] illusionary competition in tender procedures among companies with same beneficial ownership".[29] Only the beneficial owners of companies that have won public contracts will be disclosed, but not those of companies that unsuccessfully bid. Without information on all bidders, users may find it difficult to detect collusion between companies who make previous arrangements to control who wins a contract.[30] In North Macedonia, public procurement contracts are evaluated based on the most economically advantageous offer and the best quality offer (Law on Public Procurement), so it is important to have an overview of all offers made and how the economic and quality criteria were concurrently considered for awarding contracts.

Regarding Commitment 1.3, public institutions have a legal obligation (under the Law on Public Procurement) to provide all information and documents on their procurement in one place. The information that public institutions will publish on their procurement tabs is already available on the EPPS. There are no sanctions for institutions that do not publish their procurement information on their webpages, nor is there a deadline by which institutions must create their procurement tabs.[31] In practice, larger institutions already publish procurement information on their websites, but there are over 1,300 institutions involved in public procurement in North Macedonia and some do not have their own webpages.[32] Also, the milestones have a target for only 50% of public institutions to have procurement tabs. Thus, this commitment on its own is unlikely to see major changes to transparency. However, in combination with the other two commitments, it can further enhance the searchability of procurement information, as users will be able to find procurement information directly on the websites of institutions, rather than having to cross check with the EPPS.

Public procurement data on the EPPS is currently not available in open format, limiting its usability for stakeholders. Under Commitment 2.1, the PPB will publish its procurement data in CSV format, in line with the Open Contracting Partnership's Open Contracting Data Standard (OCDS).[33] Users will be able to browse and export data from the past three years and the PPB will create an archive going back ten years. If a user searches for all public procurements for the year 2020, for example, they will be able to download the data in CSV format, which can

then be used for more advanced analysis. This commitment will also reduce the time that users need to sort through the data they need. Civil society stakeholders plan to use the data to establish an early warning system to flag suspicious trends in public procurement. Currently, this data is usually analysed in biannual intervals, but similar analysis can now be done more frequently as the data will be more easily available.[34] Civil society noted that it would have been better for the data to be updated automatically, as opposed to having to be updated manually. Nonetheless, the change from previously not having any information in open data is significant.

Discussions continue between CSOs (the IDSC and the Center for Civil Communications (CCC)) and the PPB about which procurement data will be published in open format. Currently available data covers only the procurement body, who won the contract, and the type of procedure. The IDSC and the CCC have additional parameters they want the PPB to include as open data and there is still a possibility for the PPB to export all its data in open format for this commitment. This would include around 20 variables that will be highly useful for analysing procurement trends, such as contract dates, information on other bidders, additional information on the procedure, and how it was implemented. If this commitment leads to all variables being published in open format, it will facilitate more serious and more in-depth analysis.

Opportunities, challenges, and recommendations during implementation
The PPB currently does not anticipate any technical difficulties for implementing Commitments 1.1 and 2.1, but a potential risk is coordinating all involved parties.[35] For Commitment 1.3, the largest obstacle is that not all institutions have webpages where can publish their procurement information. Nonetheless as stated, the information is already available on the EPPS. For Commitment 2.1, as explained, the greatest limitation is the uncertainty over which data will be published in open format. However, the PPB will reportedly soon provide the IDSC and CCC with more clarity on this issue.

The IRM offers the following recommendations regarding beneficial ownership transparency:

- **Expand disclosure to include all bidding companies' beneficial owners**. Commitment 1.1 is limited to the beneficial owners of companies that win public procurement bids, which obscures the full scope of public procurement calls. In future action plans, the PPB could expand disclosure to cover all companies who bid on procurement calls, and not only those awarded public contracts. Such disclosure may be useful for tackling money laundering and collusive practices.

- **Publish more information from the beneficial ownership register on the EPPS beyond the names of beneficial owners**. Milestone 1.1.2 calls for publishing the names of beneficial ownership in legal entities that are awarded public procurement contracts. While this is a good starting point, the PPB could publish more information, including beneficial owner's birth month and year, their country of residence and nationality, and the nature and extent of their beneficial interest. Where publishing the more beneficial ownership data on the EPPS not possible due to privacy concerns, the PPB could link the EPPS directly to the beneficial ownership register so that users can find out more about the beneficial owner. Open Ownership has guidance on balancing privacy concerns with transparency.[36] The PPB could also engage end users of the data to establish which critical data points would be useful to publish in the EPPS.

Open Government Partnership

Independent Reporting Mechanism

- **Strengthen existing verification process by introducing mechanisms for reporting inaccurate data on the beneficial ownership register**. The Law for Preventing Money Laundering and Terrorist Financing obligates the CRNMM to verify the accuracy of the information that companies submit to the register. The CRRNM could further support the existing verification process by introducing new mechanisms for users (civil society and journalists) to report potential anomalies in the data in the register. This could allow for additional external oversight from the public and civil society without changing the existing verification process. The CRRNM could also work with the State Commission for the Prevention of Corruption and other relevant bodies when verifying beneficial ownership information.

The IRM offers the following recommendations regarding public procurement transparency:

- **Ensure all data on current contracts is published in open format and available in a timely manner**. To ensure maximum transparency, the PPB should open all its data in open format on current procurement contracts, with a focus on contracts for which parties can be still held responsible. It is important to ensure that the information is published in a timely manner and updated in real time (as opposed to every six months). The PPB could consider developing automatic systems for updating the data.

- **Work directly with the Open Contracting Partnership (OCP) to align the EPPS with the Open Contracting Data Standard (OCDS)**. To ensure that the EPPS is aligned with international best practices, the PPB could explore working directly with OCP to fully adopt the OCDS[37] and implement procurement process oversight. For example, in Lithuania's 2021–2023 action plan, their Public Procurement Office is working directly with OCP to open all its historical procurement data in OCDS.[38] The PPB could also consult OCP's resources on adopting the OCDS. OCP has a list of indicators aligned to the end use for contracting data[39] and guidance on how to link indicators to data in OCDS format.[40] OCP also has a quick-start guide for open contracting[41] and strategic recommendations for regulating open contracting.[42]

- **Train stakeholders on how to use procurement data for impact**. The success of Commitment 2.1 largely depends on stakeholders' usage of the newly opened data. Public usage of the data is critical, as the PPB may not have the capacity to monitor all procurement and ensure that public funds are spent efficiently and fairly. The PPB could train stakeholders on using procurement data. For example, in its 2016–2018 action plan, the Republic of Moldova trained small and medium enterprises, civil society, and software developers on using their new e-procurement system, MTender.[43]

- **Include citizen feedback in the EPPS**. The PPB could establish a feedback mechanism and opportunities for the public to act on the procurement data, such as filing complaints, reporting irregularities, or suggesting improvements. It is also important for the PPB to respond to and act on the feedback received. As an example, Ukraine launched DoZorro during its 2016–2018 action plan, which enables citizens to submit feedback, including alerts of irregularities and violations, on the ProZorro e-procurement system.[44] The PPB could publish the questions and replies on the same webpage so users can reference previously published answers.

Commitment cluster 2: Public-service delivery based on citizen priorities
(Employment Service Agency, Ministry of Health, Ministry of Education and Science, Association for Emancipation, Solidarity and Equality of Women)

For a complete description of the commitments included in this cluster, see Commitments 3.1, 3.2, and 3.3 in the action plan [here](#).

Context and objectives:
This cluster establishes mechanisms for public participation in designing, implementing, and evaluating social policies. Commitment 3.1 addresses the employment sector. The Employment Service Agency (ESARNM) and the Association for Emancipation, Solidarity and Equality of Women (ESE) will establish a coordination body that will provide civil society the opportunity to discuss employment policies and assist in their implementation. The ESARNM will also develop an electronic platform for citizens to monitor the progress of employment policies and services and submit proposals. Finally, the ESARNM and ESE will work with CSOs from Kumanovo, Prilep, Shuto Orizari, and Tetovo to identify nonregistered, unemployed citizens and citizens from vulnerable groups to familiarize them about their rights and available services. Commitment 3.2 addresses the healthcare sector and includes the same activities and indicators as Commitment 3.1, to be implemented by the Ministry of Health and ESE. In cooperation with CSOs from the four municipalities listed above, the Ministry of Health and ESE will identify women and children from vulnerable groups to familiarise them about their rights under preventative healthcare programs.

Commitment 3.3 addresses the education sector and involves the Ministry of Education and Science and ESE. Although its objectives are similar to the other two, its activities mainly focus on improving transparency of education materials, and not participation in designing education policies. Milestone 3.3.3 involves establishing monitoring tools for students, parents, and teachers, but it is unclear if this activity will lead to the joint design and implementation of educational policies, as under Commitments 3.1 and 3.2. Similarly, Milestone 3.3.4 states that local and national institutions will discuss problems and solutions in the sector, but it is unclear if civil society and citizens will be involved. The IRM inquired with the Ministry of Education and Science to understand why the activities were designed differently from the other two commitments but did not receive a response at the time of writing this action plan review.

ESE initiated Commitments 3.1 and 3.2 during the co-creation process, and these commitments were jointly developed with the relevant institutions. According to ESE, before the start of the co-creation, there was a consensus with the institutions on the focus of the activities.[45] There were discussions to include these commitments in previous action plans and ESE was content that these commitments are now included in the fifth plan. A representative from the ESARNM agreed that the process was inclusive and that ideas were actively exchanged during the formulation of Commitment 3.1.[46] According to the ESARNM, Commitment 3.1 is not technically connected to the other two commitments.[47] However, ESE notes that although the public services present their own challenges, the commitments have shared goals and methodologies. Thus, examining them together can provide a broader insight about citizens' access to and participation in these important public services. All three commitments are relevant to the OGP values of transparency, by providing citizens with information about the progress of social services and policies. They are also relevant to civic participation, as civil society will be directly involved in designing and assisting in employment and health policies (for Commitments 3.1

and 3.2) and parents and students will be involved in designing educational policies. The milestones for Commitments 3.1 and 3.2 are verifiable with measurable targets and indicators, but Commitment 3.3's milestones are comparatively less specific.

Potential for results: **Substantial**

Commitments 3.1 and 3.2 offer ground-breaking changes to the way citizens and civil society can oversee the design and delivery of critical public services. There are currently no mechanisms in North Macedonia that allow citizens to participate in an organised manner in the design of employment and health services and policies, nor are there platforms where citizens can express their opinions, concerns, or complaints based on their experiences with public-service delivery. According to ESE, many unemployed persons do not register with the ESARNM because they believe that the services offered won't help improve their circumstances.[48] Further, persons who do register are often unemployed for long periods of time, suggesting a lack of efficacy. Regarding healthcare, ESE has noticed that people have limited information on the scope of existing programmes and rarely use related services.[49] The feedback and experiences of citizens who have used services are not included in annual plans and programmes, and it has been difficult to include proposals for changes based on citizens' needs.

The coordination bodies under Commitments 3.1 and 3.2 will offer novel opportunities for civil society to become directly involved in the overseeing policies and services in employment and healthcare. As the bodies will consist of both national and local CSOs, they could result in services that are more responsive to the needs of citizens. Furthermore, cooperation with local CSOs could result in employment and health services that are more accommodating to the needs of socially vulnerable groups who are often left out from these services. Although these are pilots and cover only four municipalities, their targeted samples are large: mapping 250 households per municipality to identify unemployed persons (ESARNM) and women and children from socially vulnerable groups (Ministry of Health) and surveying 1,000 citizens to address identified problems in public-service delivery. Cooperation with local CSOs indicates a willingness on the part of the public institutions to reach socially vulnerable citizens. According to ESE, local CSOs often have better access to these groups than public institutions.[50] ESE disseminated a questionnaire on the experiences of unemployed citizens in the four municipalities for Commitment 3.1.[51] A similar survey will be conducted for Commitment 3.2 in relation to health services. Based on these questionnaires, the public institutions and local CSOs will gather opinions from citizens that use the agency's services.[52] ESE, the ESARNM, and the Ministry of Health will develop educational materials for each mapped household to inform citizens about available services.[53] The plans will be adopted based on the data gathered from the questionnaires and other information that CSOs have collected.[54]

In terms of transparency, the electronic platforms will allow citizens to see who is using certain employment and healthcare services.[55] ESE has started working with ESARNM (and plans to work with the Ministry of Health) to identify the data that these institutions already have and to discuss which data will be made publicly available and in which form.[56] The IRM researcher has seen a draft version of the ESARNM's platform.[57] The platforms will allow users to monitor the regional and national distribution of assets, with data downloadable in Excel format.[58] Each measure from the ESARNM's and Ministry of Health's annual plans will be covered, including activities, services, and measures, how many people applied, how many received funds for all measures, how much has been allocated, and data on gender, age, and minority group status. This could help ensure a more equitable distribution of services and uncover potential corrupt

practices in their delivery, such as whether certain health services are prioritised for acquaintances of health sector employees. As North Macedonia looks to recover from the COVID-19 pandemic, these platforms could also help ensure that public services (particularly health) are provided efficiently and equitably to all communities.

Commitment 3.3 seeks to make education policies and services more responsive to citizens' needs. However, the planned activities focus mostly on improving the transparency of and access to educational materials. For example, the Ministry of Education and Science plans to publish information on the websites of national institutions, municipalities, and schools and establish mechanism for mandatory publication of open educational resources. While these activities could be beneficial to citizens and educators, there are no details on what materials and information will be published. The commitment also has a target for municipalities to publish only least two-thirds of the required information. Although it includes milestones for citizens (parents, teachers, and students) to help define priorities for education policies, these commitments do not mention if they will involve the same attributes of the other two commitments in the cluster, namely the coordination bodies and the engagement with local CSOs. Thus, it is difficult to accurately assess the potential of this commitment.

Opportunities, challenges, and recommendations during implementation
At the time of this review (March 2022), the activities related to the employment sector (Commitment 3.1) are largely completed. Regarding healthcare, even though there have been changes to the management at the Ministry of Health, this is unlikely to affect Commitment 3.2, as ESE will work with employees at the ministry.[59] According to ESE, the aim is to eventually formalise the coordination bodies as a matter of procedure, but decisions still need to be made regarding their frequency and what information they will gather and process.[60] Another aim is to include additional organisations beyond the pilots, though this would require additional funds for these coordination bodies to function. Ultimately, the coordination bodies' sustainability and their cooperation with local CSOs will determine the extent of how employment and health services are designed and delivered. ESE and the public institutions should try to formalize these mechanisms within the ESARNM and the Ministry of Health so that collaboration in shaping services becomes a matter of routine, rather than one-time initiatives.

The IRM recommends the following both during and after the implementation of this cluster:

- **Develop clear procedures for the coordination bodies and ensure that feedback is adequately considered and responded to by the ESARNM and Ministry of Health**. Participating CSOs and public sector representatives should clearly articulate the role that the coordination bodies will have in shaping and monitoring North Macedonia's employment and health policies and services. The coordination bodies should be afforded the greatest possible influence in shaping employment and health policies and services. It is also important for ESARNM and the Ministry of Health to respond to the feedback from the coordination bodies. Preferably, the ESE and the public institutions should develop guidance on how the institutions will respond to the coordination bodies' suggestions, particularly from civil society members. The ESARNM and Ministry of Health could publish summaries on their webpages on how they accounted for these suggestions in the design and implementation of their services and policies.

- **Develop similar consultation structures for shaping other public services, such as education**. North Macedonia could adopt similar consultation structures for citizens and civil society to shape other public services. Commitment 3.3 could be expanded to include the establishment of a coordination body for the education sector. While implementing this commitment, the Ministry of Education and Science could provide opportunities for parents and students to audit and report on school performance, supplies, and management. As an example, Mongolia implemented a commitment in its 2016–2018 action plan where parents, teachers, and students were invited to raise concerns about education services and work directly with local self-governments to improve schools.[61] Another area might be reducing excessive bureaucracy in the public sector. Romania's 2020–2022 action plan involves establishing a government-civil society working group to evaluate the central public administration for excessive bureaucracy and publishing its findings.[62] Estonia's 2016–2018 action plan included a commitment to crowdsource proposals on reducing bureaucracy in the country's business sector, many of which were implemented in collaboration with the relevant institution.[63]

- **Consider knowledge sharing among government institutions with support from implementing CSOs**. Given the similarities in the commitments in this cluster, there could be opportunities for collective learning across the three government institutions. This could help address practical implementation issues that the institutions face and collectively discuss how to best leverage participation inputs. Supporting CSOs, particularly ESE, could help facilitate informal knowledge sharing among the three institutions. This could result in the Ministry of Education adopting some of the more far-reaching approaches from Commitments 3.1 and 3.2.

- **Institutionalize citizen participation in developing and implementing public services and consider country-wide consultations on public-service delivery**. North Macedonia could build on these commitments to further institutionalize citizen consultations in public-service policy development and implementation. The long-term goal should be to support public servants in routinely involving citizens in public-service delivery. One possibility could be to expand the coordination bodies into more formal citizen assemblies. For example, in its 2018–2020 action plan, Scotland piloted a variety of participatory methods to consult citizens in designing public services.[64] North Macedonia could also consider holding broader, country-wide consultations on important policies. For example, in its 2021–2023 action plan, Germany is holding country-wide public consultations to develop its National Action Plan on Education for Sustainable Development.[65] In its 2016–2018 action plan, Uruguay launched a dialogue on the National Water Plan where nearly 2,000 citizens, academics, and government representatives contributed ideas for the plan and its implementation.[66]

- **Work directly with the access to justice centres to reach socially vulnerable groups in municipalities and expand to more municipalities**. Three of the four municipalities involved in Commitments 3.1 and 3.2 (Prilep, Shuto Orizari, and Tetovo) saw the openings of centres for access to justice as part of North Macedonia's 2018–2020 action plan.[67] These centres are managed by local CSOs and provide legal and paralegal assistance to citizens, particularly socially vulnerable groups. There is strong overlap in the objectives of Commitments 3.1 and 3.2 with the work of these centres

Open
Government
Partnership

Independent
Reporting
Mechanism

(e.g., they provide marginalised groups with information about their healthcare rights and available legal tools). ESE and the implementing public institutions could work with these centres when conducting surveys in order to reach a wide variety of citizens and to tailor the delivery of employment and healthcare services to their needs. Finally, if successfully carried out in the four municipalities, these activities could be expanded to additional municipalities in North Macedonia.

Commitment 4.3: Access to justice for women who suffered domestic violence
[Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Interior, Basic Courts Association for Emancipation, Solidarity and Equality of Women, social welfare centres]

For a complete description of the commitment, see Commitment 4.3 in the action plan here.

Context and objectives:
This commitment improves access to justice for female victims of domestic violence. It will achieve this primarily through improving the data collection and publication practices of public institutions (ministries, courts, and the Public Prosecutor's Office) and the police on cases and victims of domestic violence. The Ministry of Justice (MoJ) will will adopt by-laws prescribed by law and introduce separate records on domestic violence cases with desegregated data on victims of domestic violence in the courts and in the Public Prosecutor's Office and courts and public prosecutors will collect and make the data publicly available. This will involve publishing data on the number and type of cases, data on victims per region, and ethnic community. Courts and the Public Prosecutor's Office will also publish criminal and civil verdicts on domestic violence protection and publish data on motions for exemption from payment of court fees and taxes, approved motions, amount of court fees, and taxes exempted. Social welfare centres (SWCs) will introduce separate records on cases that require issuance of temporary protection measures and publish data on such cases.

The Ministry of Interior (MoI) will review existing templates used for data collection by the police (criminal offences, misdemeanours, and complaints) and will broaden the scope of collected data. The MoI will also introduce separate records on motions for the criminal offence of "bodily injury" and introduce separate records on protection measures that are issued and enforced. The Ministry of Labour and Social Policy (MLSP) will create an electronic system for data collection and exchange among SWCs, courts, the police, and health institutions in respect to temporary protection measures. MLSP and the MoI will adopt guidelines on mandatory regular publication of data on domestic violence by the police and SWCs. Lastly, courts will appoint judges to issue temporary protection measures during weekends and holidays.

Presently, data on domestic violence cases is not available in a unified format nor published on a regular basis, even though some institutions maintain the information internally. Although courts collect data, there is no systematised practice in collecting evidence of family violence and there are no records for such cases. This makes it difficult for courts to search for information on these cases.[68] The public information from this commitment will include gender, age, education, nationality, employment, place of residence (city or village), and relationship with the offender. Each institution will gather data in line with the type of work they do. For example, courts will gather data on number of cases, verdicts, and temporary protection measures by adding supplementary notes signifying domestic violence cases. Data from all institutions will be updated quarterly.[69]

According to the law on the prevention and protection from violence against women and domestic violence,[70] the MLSP will take responsibility over relevant data from institutions involved in protecting victims of domestic violence using the national platform for interoperability—Macedonian Information Highway—for analysis and statistical processing. Courts and prosecutorial bodies are responsible for keeping separate records on cases of gender-based violence against women and victims of domestic violence.

The commitment was proposed by ESE. While there were active discussions with the MoI, MoJ, and the MLSP over its scope, the commitment was accepted into the action plan as proposed.[71] The commitment is relevant to the OGP value of transparency, as it will improve the government's data publication practices related to domestic violence cases. The milestones are verifiable, and the commitment provides details on what data will be published.

Potential for results: **Substantial**
This commitment will provide public institutions and the justice sector with a more complete picture about the legal and administrative procedures that victims use when seeking protection. The complete synchronisation of data will help public institutions, courts, and the police identify trends and improve how they handle these cases and how they provide legal protections for victims. Thus, this commitment will provide courts with better insight into whether there are multiple cases taking place concurrently for victims of domestic violence (criminal and civil).[72] Courts will exchange information within the system and be aware if there are multiple cases for the same victim, such as a criminal case against the perpetrator, a divorce case, a restraining order case, or a custody case. This can significantly improve case processing. For example, if a restraining order is requested and the court sees that there is a pending criminal case involving the same parties, the court can issue the order more quickly. The data will also help the police monitor cases where the victim withdraws charges, and ultimately reduce the discrepancy between the number of initiated cases and the number of completed cases. In addition, the identification of specific problems faced by victims with respect to access to justice could result in policies that better ensure effective protection against domestic violence.

Until now, there has been little information on the overall effectiveness of existing legal measures in North Macedonia regarding domestic violence cases. Civil society will, for the first time, have access to more complete and current information on the nature of cases, the demographics of victims, and the preventive measures taken by public institutions and the justice sector.[73] This will allow civil society to better follow the actions taken by all institutions involved and better understand the challenges that domestic violence victims face in seeking legal protection. For SWCs, a systemised data system will help to issue temporary protective measures more efficiently and more effectively monitor the execution of these measures in practice. Finally, better record keeping and data collection by MLSP, courts, the Public Prosecutor's Office and the police could facilitate faster and more efficient handling of cases, and ultimately protect victims from further harm. Thus, this commitment also benefits domestic violence victims.

Other activities under this commitment could be important as well. While some courts have on-duty judges, this is voluntary; there is a need for this to become an official requirement for each court. Having an on-duty judge for domestic violence cases in each court (including during evenings and weekends) will provide faster and more efficient protection for victims. The police

will establish the register for domestic violence perpetrators, as the purpose is for institutions and courts to use it for reaching decisions to protect the victims faster and across different court procedures.

Opportunities, challenges, and recommendations during implementation
An ESE representative is confident that this commitment will be implemented successfully, provided there is sufficient financing.[74] Civil society's support during implementation will be important to ensure strong results. The planned working group to develop reporting templates will consist of representatives from the MoJ (coordinator), MoI, MLSP, and ESE, and other CSOs will be consulted during implementation. There is room to improve the balance of members, as there may be too many members from the MLSP, which may affect the group's productivity.[75] There may also be other challenges, particularly regarding a lack of education among police, SWCs, courts, the Public Prosecutor's Office, and other involved institutions. ESE will work with these institutions through trainings and workshops.

This commitment addresses an important topic at the intersection of gender and justice, one that is rarely seen in OGP action plans, but which has become even more salient during the COVID-19 pandemic. Nonetheless, a key challenge, better data management, is only a first step toward ensuring access to justice for victims. This requires stakeholders to proactively design justice mechanisms in a way that reaches and works for victims and their circumstances. It is also important to ensure that the data collected is used when determining the justice services needed for victims of domestic violence. Such people-centred approaches to designing justice services are impactful for opening government.

The IRM recommends the following next steps:

- **Formalise the work of stakeholders around data collection and synchronisation**. The next step for this commitment is to collect the relevant data and exchange information between institutions. This commitment will require close coordination and communication between ministries, courts, the Public Prosecutor's Office, the police, SWCs, and CSOs around data collection and quarterly reporting. Thus, it may be beneficial for these stakeholders to formalise their work and establish a single committee that will oversee the implementation of the commitment. For example, in Uruguay's 2018–2020 action plan, the government and civil society established an observatory to document how public resources are being used on gender-based violence and streamline standards for agencies that work in this area.[76]

- **Implement high standards for managing data, including addressing potential data privacy concerns**. High standards for managing these data are necessary and protecting the privacy of individuals is of utmost concern. Protocols must be in place to safeguard the privacy of victims and those reporting cases so that there is no information that could reveal the identity of individuals involved. All staff handling these data should be properly trained on these protocols. Finally, stakeholders could coordinate their efforts with those involved in Commitment 3.6 (human trafficking). There may be overlap between the domestic violence and human trafficking cases, particularly regarding children victims, which could assist the authorities to investigate them.

- **Move beyond transparency and data management by enhancing victims' access to justice mechanisms**. While transparency and management of domestic violence cases is critical, North Macedonia could incorporate mechanisms to improve public accountability in these cases. As an example, Serbia is creating a platform in its 2020–2022 action plan for individuals to report domestic violence involving children, which authorities are required to address and report on their progress.[77] Furthermore, during implementation, stakeholders could join women's groups, justice groups, and relevant government actors to review the justice sector's performance on domestic violence cases (such as the rate prosecutions and unresolved cases).

- **Consider using specialised courts and police units for prosecuting domestic violence**. Domestic violence often involves an intersectionality with gender, age, disability, location, income, and minority status. This can become a cumulative disadvantage in accessing justice. For example, women with disabilities and from the Roma community could have less access to social services and support systems than an individual who is singularly only female, disabled, or Roma.

- **Develop and encourage alternative processes to resolve domestic violence cases more expeditiously and fairly**. Even where specialised courts exist, access can be difficult or undesirable for victims either because of cost (if they rely on their partner for financial support), fear of retribution, or fear of delays. North Macedonia could consider adopting alternative justice mechanisms such as community paralegal programs or dispute resolution mechanisms to resolve domestic violence cases. As an example, Argentina created the Gender Violence Victims Attorneys Corps to promote better responses at the national level. It provides timely access to free and quality legal advice and support, and connects victims with a group of specialised, gender-sensitive, and knowledgeable lawyers. The Corps is a joint effort by the government, professional associations, and civil society.[78] In its 2014–2016 action plan, Ireland committed to encouraging alternative dispute resolution to speed up the process of resolving legal problems.[79] In addition, OGP's Support Unit can connect stakeholders in North Macedonia to organisations like the International Development Law Organization to discuss more examples of alternative resolution mechanisms.

- **Explore how the COVID-19 pandemic and other social phenomena impact domestic violence**. Certain social phenomena and events (such as sporting events) can increase domestic violence. The global demand for justice assistance by victims of domestic violence has increased during the COVID-19 pandemic.[80] Civil society and SWCs in North Macedonia could use the data from this commitment to investigate how social events impact domestic violence and remedies that have arisen. North Macedonia could also explore ways to reach victims during pandemics. In Croatia, the Ministry of the Interior and the Zagreb Child and Youth Protection Center launched a campaign to encourage reporting of the rising number of domestic violence cases during the pandemic.[81]

Commitment 4.4: Legal empowerment of citizens through available information and open institutions [Ministry of Justice, Bureau of Judicial Forensic, Foundation Open Society – Macedonia (FOSM), Macedonian Young Lawyers Association (MYLA), Izbor – Strumica, Educational Humanitrial Organizaiton (EHO) Shtip, Station LET Prilep, Council of Europe]

For a complete description of the commitment, see Commitment 4.4 in the action plan [here](#).

Context and objectives:
This commitment continues efforts from the previous action plan to strengthen access to legal aid for all citizens. The new Law on Free Legal Aid (LFLA) entered into force in October 2019 and greatly relaxed the conditions for citizens to obtain free legal aid.[82] However, according to the Foundation Open Society Macedonia (FOSM), the new LFLA has shortcomings and ambiguities, especially in providing expertise and protecting victims.[83] For example, a person receiving secondary legal aid (i.e., legal aid for specific legal matters for those unable to pay for the expenses), in addition to the costs for a lawyer, will be provided funds for court and administrative fees, experts, and other costs. The Bureau of Judicial Forensic is supposed to provide this expert knowledge, but they've had difficulties providing expertise in many commonly requested areas, including geodesy (the science of accurately measuring land) and DNA analysis. According to FOSM and the Macedonian Young Lawyers Association (MYLA), failure to provide expert DNA analysis can particularly affect children of disadvantaged groups by delaying litigation and court procedures for establishing paternity.[84] Furthermore, geodesy is important for real estate disputes. According to FOSM and MYLA, one of the problems in providing geodesy expertise is the discrepancy between the amount of remuneration determined by a 2015 government decree[85] and the reimbursement of the costs set out in the Tariff List for performing geodetic work.[86]

This commitment addresses some of the shortcomings in the LFLA, particular around forensic expertise. Legal amendments will be adopted for more efficient access to justice, with a focus on forensic expertise and access to legal aid for victims of violent crimes. The commitment calls for increased cooperation between the Bureau of Judicial Forensic and forensic experts for better provision of forensic findings and opinions. It also calls for the MoJ to maintain a publicly accessible registry of individuals and institutions who can serve as licenced experts in forensics.

This commitment also seeks to expand information on free legal services that are covered under the LFLA. Activities include creating a national strategy on legal empowerment, increasing the physical accessibility of the MoJ's regional offices, and merging data on the national legal service websites https://pravnapomos.mk/ and https://www.pravnozajakni.mk/. The commitment also creates a public registry of formal and informal legal aid providers and merges CSO and MoJ data to assess the current state of affairs and find practical, reliable solutions to problems around legal aid provision.

The commitment was developed in collaboration between all relevant nongovernment stakeholders and public institutions. During the co-creation, stakeholders met several times to discuss the challenges faced by citizens accessing free legal aid and LFLA shortcomings that could be addressed by the commitment. FOSM believes that the planned results will be achieved.[87] The commitment is relevant to the OGP value of transparency, since it will improve access to information on formal and informal legal aid providers. The activities are verifiable, though they could benefit from more description of the intended outputs and outcomes, as well as the specific indicators that will be used to measure implementation.

Potential for results: **Modest**

Open
Government
Partnership

Independent
Reporting
Mechanism

According to FOSM and the stakeholders involved in this commitment, there remains a large group of marginalised citizens who face limited access to free legal aid due to LFLA contradictions and restrictions in the Law on Criminal Procedure (LCP).[88] For example, one provision of the LFLA explicitly states that defence and representation in criminal proceedings are provided in accordance with the LCP.[89] However, the LFLA simultaneously leaves in force a provision of the old law that provides legal aid in all court procedures, to provide protection for victims of crime and human trafficking.[90] The amendments to the relevant articles of the LFLA (13, 38, and 49) could address these contradictory provisions and facilitate more comprehensive access to aid for the entire criminal procedure. Ultimately, better access to free legal aid depends on the content and scope of the final amendments voted on by Parliament. As the exact amendments are still to be decided at this time, the IRM considers the potential for results to be modest.

This commitment could address two current dilemmas identified by stakeholders regarding the legal regulation of expert testimony in the free legal aid system. First, it is uncertain if the Bureau of Judicial Forensics will be abolished. The Justice Sector Reform Strategy 2017–2022 envisages the abolition of the Bureau but, at the same time, a draft Law on Expert Findings is being prepared that retains provisions for the Bureau. The abolition of the Bureau would call into question provisions of the LFLA because there is no plan on how access to experts will be regulated if the Bureau is abolished. Creating a register of expert witnesses for secondary legal aid could ensure continued participation of expert witnesses and institutions in legal cases, even if the Bureau is abolished. Second, the manner, procedure, and timing for obtaining an expert witness in forensics are not sufficiently regulated. This leaves uncertainty in covering experts' costs and in providing experts in areas where vulnerable populations have legal problems.[91] Therefore, the amendments to this article could ensure that victims receive legal aid for the entirety of criminal proceedings, versus only when the victim gives their initial statement.

The focus on forensics in relation to court proceedings is highly relevant. According to data from the Bureau, in 2020, only three requests for expert opinions were received for beneficiaries of free secondary legal aid, even though the MoJ approved free secondary legal aid in 117 cases between October 2019 and June 2020.[92] For this commitment, the MoJ will create a comprehensive, publicly available registry of individuals and institutions licensed in forensics who can serve as expert witnesses in free legal aid cases. This registry would help the MoJ obtain expert opinions in criminal cases faster, thus improving overall efficiency. Importantly, this commitment could increase the number of free legal aid cases who receive expert testimony, thus improving the overall fairness of court proceedings.

This commitment could strengthen citizens' access to free legal aid and enhance the transparency of the justice system. The participating CSOs will work with the MoJ to identify organisations that provide services to citizens, which will feed into a new, comprehensive register for providers of free legal aid. This register will be publicly available and updated regularly. Furthermore, citizens will have easier access to the free legal aid, because all the necessary documentation and decisions will be given electronically.[93] This could result in more citizens applying for free legal aid.

This commitment could also help ensure greater access to justice for persons with disabilities. Due to financial reasons, the branch offices of the MoJ are often in buildings with insufficient physical access. Physical inaccessibility can discourage persons with disabilities from accessing

free legal aid. In addition, people with visual or hearing impairments have difficulties as there is no material tailored to their needs. On the MoJ's website, it is currently not possible to see which lawyers have specific expertise to act on a request for free legal aid by persons with disabilities. The website is not adapted for people with dyslexia and does not contain enough information in minority languages. It also does not reference where and how citizens can file complaints about legal aid providers.[94] This commitment could make the information on the MoJ's website more accommodating and informative for people with disabilities.

Lastly, the new national strategy on legal empowerment could be an important foundation for future work in access to justice. According to FOSM, all relevant institutions and civil society are expected to be involved in creating the national strategy. Furthermore, the action plan notes that the strategy will include specific activities, budget, and a timeline for legal empowerment of all citizens at the national and local levels.

Opportunities, challenges, and recommendations during implementation
FOSM noted that possible challenges in implementing the commitment are a lack of human resources, delays in realising certain activities due to their nature, and possible amendments of the LFLA. However, FOSM believes that all planned activities will be achieved.

This commitment is important for ensuring access to justice for all, as laid out in the law. Its potential to improve access to justice depends on the final amendments to the LFLA, the number of requests for free legal aid, and the number of legal cases that receive expert testimony. It will be important for stakeholders and the government to work together to inform citizens (particularly from socially vulnerable groups) of information about forensic experts and free legal aid.

During implementation, the IRM recommends the following:

- **Ensure that amendments to the LFLA adequately address problems that citizens face in accessing free legal aid**. It will be crucial to remove contradictory legal provisions as they create legal uncertainties and limit the access to free legal aid, particularly for victims of violent criminal acts. The amendments should ensure the right of access to an expert witness for every person to whom secondary legal aid is granted. The IRM recommends providing opportunities for CSOs and the public to participate in drafting the LFLA amendments, both before and during its adoption. CSOs should also have opportunities to review draft amendments that address legal uncertainties in the current LFLA.

- **Work directly with relevant entities to regulate access to experts**. The creation of a register of expert witnesses and institutions in forensics is a welcome step to ensure adequate inclusion of this expertise in legal matters. The registry will be especially important if the Bureau of Forensic Expertise is abolished. Molecular biology and geodesy are among the most frequently requested fields for expertise in legal aid cases. If the Bureau is maintained, MYLA and FOSM recommended that the Bureau and the MoJ conclude agreements with relevant entities that provide access to experts and laboratories in these fields, such as Chamber of Authorized Surveyors and the Macedonian Academy of Sciences and Arts.[95] These entities could be involved directly in the implementation of this commitment.

- **Support non-court solutions to legal problems**. The action plan mentions that there are opportunities to obtain legal aid informally, especially for socially vulnerable groups. The IRM recommends supporting organisations that offer legal aid informally before and after the legal changes take effect. For example, Kenya has committed in its 2020–2022 action plan to implement its Alternative Justice Policy systems, which promises significant change for citizens' access to justice, especially for marginalised communities through a community-based justice mode.[96]

- **Ensure judges are trained on sensitivities involved in cases concerning the socially vulnerable, and are knowledgeable of how to extend free legal aid if necessary**. Cases involving free legal aid may require specific knowledge of legal procedures and sensitivities for victims on the part of judges and legal practitioners. Therefore, the MoJ could ensure that judges are trained in sensitivities involved in cases concerning the socially vulnerable and concerning free legal aid. For example, Bulgaria committed in its 2014–2016 action plan to create new judicial training on needs of vulnerable groups and better equip judicial institutions to mitigate social inequality.[97]

- **Focus on access to free legal aid for migrants and asylum seekers**. In addition to persons with disabilities, implementing this commitment could focus on addressing the legal needs of migrants and asylum seekers. The European Commission found in 2021 that there is still no effective judicial control over migrant detention practices and no individuals undergoing an asylum procedure in North Macedonia were granted state-funded free legal aid.[98] Reportedly, decisions on asylum cases tend to be delivered on technical, rather than on substantial, grounds and the process can be lengthy. Therefore, special attention could be paid to promoting free legal aid to refugees and migrants, particularly in asylum procedures. For example, the public registry of legal aid providers could specify which providers have expertise in asylum procedures so that these cases can have an expert assigned to them. The national legal service websites should also have easy-to-understand information on the procedures in asylum cases.

1 OGP, "North Macedonia: Establishment of New Tools to Improve Financial Transparency and Accountability of Local Self-Government Units (MK0109)" (2016), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0109/; OGP, "North Macedonia: Financial Transparency Tools (MK0132)" (2018), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0132/.
2 Open Budget Survey, "Open Budget Survey 2019: North Macedonia" (2019), https://www.internationalbudget.org/open-budget-survey/country-results/2019/macedonia.
3 Dragan Tevdovski et al., *Improving local budget processes: from inclusion and transparency to equity and quality* Policy Brief, no. 18 (Swedish International Centre for Local Democracy, 2021), 9, https://icld.se/app/uploads/2021/10/ICLD_PolicyBrief_18_web.pdf.
4 Directorate-General for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021* (European Commission, 19 Oct. 2021), 11, https://ec.europa.eu/neighbourhood-enlargement/north-macedonia-report-2021_en.
5 GRECO, *Fifth Evaluation Round Preventing corruption and promoting integrity in central governments…North Macedonia* (27 Apr. 2021), 8, https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a2278b.
6 OGP, "Georgia: Introduction of the Public Officials' Asset Declarations Monitoring System (GE0050)" (2016), https://www.opengovpartnership.org/members/georgia/commitments/GE0050/.
7 OGP, "North Macedonia: Inclusive Local Decision-Making (MK0134)" (2018), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0134/.
8 OGP, "North Macedonia: Financial Transparency Tools (MK0132)" (2018), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0132/.
9 Susana Novakovska (Police Adviser, Ministry of Interior), correspondence to the IRM, 14 Mar. 2022.

Open Government Partnership

Independent Reporting Mechanism

[10] Susana Novakovska (Police Adviser, Ministry of Interior), phone conversation with the IRM, 14 Mar. 2022. Novakovska confirmed that the displayed performance indicators will be publicly available in accordance with the Law on Personal Data Protection and the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data.

[11] Data on human trafficking cases that is currently publicly available includes: data on committed criminal offences under Articles 418-a through 418-d of the Criminal Code of North Macedonia (trafficking in human beings, smuggling migrants, trafficking in minors); data on victims according to official statistics on identifying victims of trafficking; data on persons detected when smuggling migrants under Article 418-b; data on persons (victims or migrants) detected under Article 418-c (trafficking in human beings, trafficking in minors, and smuggling migrants); data on human-trafficking victims and potential victims, housed in a Reception Center for Foreigners and; data on the number of persons accommodated in the Reception Center for Foreigners.

[12] Council of Europe and European Union, "News on ensuring justice: Victim of human trafficking receives compensation in North Macedonia" (5 Nov. 2020), https://pjp-eu.coe.int/en/web/horizontal-facility/news-on-ensuring-justice/-/asset_publisher/VUQpjPpnZFTi/content/victim-of-human-trafficking-receives-compensation-in-north-macedonia?inheritRedirect=false&redirect=https%3A%2F%2Fpjp-eu.coe.int%2Fen%2Fweb%2Fhorizontal-facility%2Fnews-on-ensuring-justice%3Fp_p_id%3D101_INSTANCE_VUQpjPpnZFTi%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1.

[13] Directorate-General for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021*, 27.

[14] *See* OGP, "Argentina: Publication of Audit Recommendations in Argentine Prisons (AR0050)" (2017), https://www.opengovpartnership.org/members/argentina/commitments/AR0050/.

[15] Novakovska, correspondence.

[16] Gostivar, Kumanovo, Strumica, Gevgelija, Prilep, Stip, and Radovish.

[17] Council of Europe, *Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 9 December 2020* (29 Jul. 2021), 19, https://rm.coe.int/1680a359cb.

[18] OGP, "Uruguay: Public Hearings on Video (UY0112)" (2018), https://www.opengovpartnership.org/members/uruguay/commitments/UY0112/.

[19] North Macedonian Ministry of Justice, *Strategy For Information Communication Technology Of Justice Sector For 2019 - 2024 (Revised Strategy)* (Feb. 2019), https://www.pravda.gov.mk/Upload/Documents/Strategy-ICT-2019-2024%20.pdf.

[20] UNODC, "The Use of Social Media by Judges" (accessed May 2022), https://www.unodc.org/ji/en/knowledge-products/social-media-use.html.

[21] Central Registry of the Republic of North Macedonia, "Registers" (accessed May 2022),

https://www.crm.com.mk/en/about-crrsm/basic-institutional-data/registers. https://www.crm.com.mk/en/about-crrsm/basic-institutional-data/registers

[22] Misha Popovik (Institute for Democracy Societas Civilis), interview by the IRM, 3 Mar. 2022.

[23] OGP, "North Macedonia: Open Treasury (MK0126)" (2018), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0126/.

[24] Goran Davidovski (Public Procurement Bureau), interview by the IRM, 25 Feb. 2022.

[25] Ibid.

[26] Misha Popovik (Institute for Democracy Societas Civilis), interview by the IRM, 3 Mar. 2022.

[27] Macedonian Min. of Inf. Soc'y and Admin., *Open Government Partnership National Action Plan 2021–2023* (Oct. 2021), 13, https://www.opengovpartnership.org/wp-content/uploads/2021/11/North-Macedonia_Action-Plan_2021-2023_EN.pdf.

[28] Popovik, interview.

[29] Macedonian Min. of Inf. Soc'y and Admin., *Open Government Partnership National Action Plan 2021–2023*, 13.

[30] Center for Civil Communications, *Monitoring Of Public Procurements Report no. 36 (January – July 2021)*, trans. Katerina Dimishkovska (Dec. 2021), 7–8, https://www.ccc.org.mk/images/stories/36en.pdf.

[31] Davidovski, interview.

[32] Ibid.

[33] Popovik, interview.

[34] Ibid.

[35] Davidovski, interview.

[36] Open Ownership, "Data Protection and Privacy in Beneficial Ownership Disclosure" (20 May 2019), https://www.openownership.org/en/publications/data-protection-and-privacy-in-beneficial-ownership-disclosure/iv-how-can-we-balance-beneficial-ownership-and-privacy-concerns/.

[37] Open Contracting Data Standard, "Open Contracting Data Standard" (accessed May 2022), https://standard.open-contracting.org/latest/en/.

[38] OGP, "Lithuania: Opening Up Public Procurement Data (LT0031)" (2021), https://www.opengovpartnership.org/members/lithuania/commitments/LT0031/.

Open
Government
Partnership

Independent
Reporting
Mechanism

[39] Indicators linked to OCDS, https://docs.google.com/spreadsheets/d/1j-Y0ktZiOyhZzi-2GSabBCnzx6fF5lv8h1KYwi_Q9GM/edit#gid=1075539355

[40] Open Contracting Partnership, Using it, not losing it, over procurement data: Linking public procurement indicators to OCDS, https://www.open-contracting.org/wp-content/uploads/2017/11/Use-Case-Guide_-Research-report-final-design-.pdf.

[41] Open Contracting Partnership, Open Contracting Quickstart Guide, https://www.open-contracting.org/wp-content/uploads/2021/09/OCP21-Quickstart-English.pdf.

[42] Open Contracting Partnership, Guide: How can we legislate for open contracting?, 2021, https://www.open-contracting.org/wp-content/uploads/2021/10/OCP2021-OCLegislative-Guide.pdf.

[43] OGP, "Republic of Moldova: Increase Knowledge of Public Procurement Process (MD0062)" (2016), https://www.opengovpartnership.org/members/republic-of-moldova/commitments/MD0062/.

[44] OGP, "Ukraine: Open Public Procurement (UA0064)" (2016), https://www.opengovpartnership.org/members/ukraine/commitments/UA0064/.

[45] Darko Antik (Association for Emancipation, Solidarity and Equality of Women), interview by the IRM, 3 Mar. 2022.

[46] Bojana Stevcheska (Sr. Public Relations Ofc. at the Employment Service Agency), interview by the IRM, 2 Mar. 2022.

[47] Stevcheska, interview.

[48] Antik, interview.

[49] Ibid.

[50] Ibid.

[51] Topics included: access, experience and satisfaction of employment-related services, corruption, functionality, satisfaction of mechanisms for appeal, general recommendations, and recommendations for improvement.

[52] Antik, interview.

[53] Ibid.

[54] Stevcheska, interview.

[55] Antik, interview.

[56] Ibid.

[57] The Ministry of Health's platform has not been developed yet but it will be similar to the ESARNM's platform.

[58] Antik, interview.

[59] Ibid.

[60] Ibid.

[61] OGP, "Mongolia: Improve Provision and Quality of Education and Health Services (MN0023)" (2016), https://www.opengovpartnership.org/members/mongolia/commitments/MN0023/.

[62] OGP, "Romania: Eliminate unnecessary bureaucratic procedures at central government level (RO0076)" (2020), https://www.opengovpartnership.org/members/romania/commitments/RO0076/.

[63] OGP, "Estonia: Reducing Bureaucracy and a Simpler State – the Zero Bureaucracy Project (EE0040)" (2016), https://www.opengovpartnership.org/members/estonia/commitments/EE0040/.

[64] OGP, "Scotland, United Kingdom: Open Policy Making and Participation in Service Delivery (SCO0007)" (2018), https://www.opengovpartnership.org/members/scotland-united-kingdom/commitments/SCO0007/.

[65] OGP, "Germany: Participatory development of the next National Action Plan on Education for Sustainable Development (DE0036)" (2021), https://www.opengovpartnership.org/members/germany/commitments/DE0036/.

[66] OGP, "Uruguay: National Water Plan (UY0072)" (2016), https://www.opengovpartnership.org/members/uruguay/commitments/UY0072/.

[67] OGP, "North Macedonia: Improving Access to Justice for Marginalized Groups of Citizens (MK0137)" (2018), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0137/.

[68] Stojan Misev (ESE), interview by the IRM, 3 Mar. 2022.

[69] Ibid.

[70] Government of North Macedonia, Law No. 08-524/1, Official Gazette of the Republic of North Macedonia, No. 21, (29 Jan. 2021).

[71] Misev, interview.

[72] Ibid.

[73] Ibid.

[74] Ibid.

[75] Ibid.

[76] OGP, "Uruguay: Gender-Based Violence Open Data (UY0103)" (2018), https://www.opengovpartnership.org/members/uruguay/commitments/UY0103/.

[77] OGP, "Serbia: Develop electronic system for reporting violence against children (RS0049)" (2020), https://www.opengovpartnership.org/members/serbia/commitments/RS0049/.

[78] The High-level Group on Justice for Women, *Justice for Women High-level Group Report* (UN Women, IDLO, World Bank and Task Force on Justice, Mar. 2019), 58, https://www.justice.sdg16.plus/_files/ugd/6c192f_b931d73c685f47808922b29c241394f6.pdf

Open Government Partnership

Independent Reporting Mechanism

[79] **Error! Hyperlink reference not valid.** OGP, "Ireland: Improve Access to Justice: Reducing Costs (IE0033)" (2016), https://www.opengovpartnership.org/members/ireland/commitments/IE0033/.

[80] UNFPA et al., *Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage* (Apr. 2020), https://www.unfpa.org/resources/impact-covid-19-pandemic-family-planning-and-ending-gender-based-violence-female-genital.

[81] Zagreb Child and Youth Protection Center, "Kampanja 'Iza Vrata': Prepoznaj Miju u svom ulazu i nazovi 192" ['Behind the Door' campaign: Recognize Mia in your entrance and call 192] (YouTube, 10 Apr. 2020), https://www.youtube.com/watch?v=hYPX8QwwzB8.

[82] OGP, "North Macedonia: Legal Empowerment through Open Justice Institutions (MK0164)" (2021), https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0164/.

[83] Ivona Stalevska and Hristina Vasilevska (FOSM), written correspondence with the IRM, 18 Mar. 2022.

[84] Goce Kocevski and Elena Georgievska, *Expert finding and free legal aid - Has the new 2019 Law on Free Legal Aid facilitated the access to free expert finding for persons who have been granted secondary legal aid? – Public Policy Document –*, trans. Sofija Glavinona Jovanovska, (Macedonian young lawyers association, 2021), 13, https://myla.org.mk/wp-content/uploads/2021/04/Expert-finding-and-free-legal-aid_CIP.pdf.

[85] Decree on the remuneration and compensation of the external collaborators of the Bureau for Forensic Expertise (Official Gazette no. 131/2015)

[86] Kocevski and Georgievska, 12.

[87] Stalevska and Vasilevska, correspondence.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid.

[92] Kocevski and Georgievska, 12.

[93] Stalevska and Vasilevska, correspondence.

[94] Ibid.

[95] Kocevski and Georgievska, 14.

[96] OGP, "Kenya: Implement legislation to increase access to justice (KE0030)" (2020), https://www.opengovpartnership.org/members/kenya/commitments/KE0030/.

[97] OGP, "Bulgaria: Problem Solving Courts (BG0041)" (2014), https://www.opengovpartnership.org/members/bulgaria/commitments/BG0041/.

[98] Directorate-General for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021*, 2, 43–44.

Section III: Methodology and IRM Indicators

This review is not an evaluation as former IRM reports. It is an independent, quick, technical review of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The promising commitments highlighted in this review by the IRM are either those which have the highest potential for results, are a high priority for country stakeholders, are a priority in the national open government context, or are a combination of these factors.

To determine which reforms the IRM identifies as promising, the IRM follows a filtering and clustering process:

> **Step 1:** Determine what is reviewable and what is not based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** Determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same policy issue should be clustered and their "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:
>> a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may refer to the thematic tagging done by OGP.
>> b. Review objectives of commitments to identify commitments that address the same policy issue or broader government reform.
>> c. Organize commitments by clusters as needed. Commitments may already be organised in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.
> **Step 4:** Assess the <u>potential for results</u> of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback, interviews and validation with country-stakeholders, and sign-off by the IRM's International Experts Panel (IEP).

The IRM relies on **three key indicators** for this review:

I. Verifiability
- **Yes/No:** Is the commitment specific enough to review? As written in the action plan, are the objectives stated and actions proposed sufficiently clear and include objectively verifiable activities to assess implementation?

  * Commitments that are not verifiable will be considered "not reviewable," and further assessment will not be carried out.

II. Relevant (open government lens)

This indicator determines if the commitment relates to open government values of transparency, civic participation, or public accountability as defined by the *Open Government Declaration*, OGP's *Articles of Governance*, and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The following questions for each OGP value may be used to identify the specific open government lens:

- **Transparency:** Will the government disclose more information, improve the legal or institutional framework to guarantee the right to information, improve the quality of information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation**: Will government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
  Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the "potential impact" indicator, it was adjusted given the feedback from the IRM Refresh consultation with the OGP community. With the new results-oriented, strategic focus of IRM products, this indicator now lays out expected results and potential that later can be verified in the IRM results report, after implementation. Given the purpose of this action plan review, the assessment of "potential for results" is only an early indication of how the commitment might yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** a continuation of ongoing practices in line with existing legislation, requirements, or policies without indicating any added value or enhanced open government approach.
- **Modest:** a positive but standalone change to practices or policies. These commitments don't generate binding or institutionalised changes across government or institutions governing a policy area (e.g., websites, data releases, trainings, or pilot projects).
- **Substantial:** a possible game changer to practices, policies, or institutions that govern a policy area, public sector, or relationship between citizens and state. The commitment generates binding and institutionalised changes across government

This review was prepared by the IRM in collaboration with Liljana Cvetanoska and was reviewed by external expert Brendan Halloran. The IRM methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP). For more information about the IRM refer to OGP's "About IRM" section, available here.

Open Government Partnership

Independent Reporting Mechanism

Annex I: Commitment-by-Commitment Data[1]

Commitment 1.1: Public disclosure of beneficial ownership in companies that are awarded public procurement contracts
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public procurement transparency (Commitments 1.1, 1.3, and 2.1 of the action plan)
- Potential for results: Modest

Commitment 1.2: Proactive publication of information on institutions' official websites
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.3: Publish basic information on public procurement on institutions' official websites
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public procurement transparency (Commitments 1.1, 1.3, and 2.1 of the action plan)
- Potential for results: Modest

Commitment 1.4: Improve access to information and the amount of open data published by local self-government units (LSGUs)
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.5: Ensure free access to data for civil society organisations
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.6: Fiscal transparency and accountability at local levels and improved involvement of citizens through innovative mechanisms and tools
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.1: Public procurements as open data
- Verifiable: Yes
- Does it have an open government lens? Yes

- This commitment has been clustered as: Public procurement transparency (Commitments 1.1, 1.3, and 2.1 of the action plan)
- Potential for results: Modest

Commitment 2.2: Improve the mechanism for monitoring asset declarations of elected and appointed officials
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.3: Publish files on appointment of managers/directors at public institutions by the Government of North Macedonia
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.1: Employment policies and services based on citizens' priorities
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public-service delivery based on citizen priorities (Commitments 3.1, 3.2, and 3.3 of the action plan)
- Potential for results: Substantial

Commitment 3.2: Preventive healthcare policies and services based on citizens' priorities
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public-service delivery based on citizen priorities (Commitments 3.1, 3.2, and 3.3 of the action plan)
- Potential for results: Substantial

Commitment 3.3: Education policies and services based on citizens' priorities
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public-service delivery based on citizen priorities (Commitments 3.1, 3.2, and 3.3 of the action plan)
- Potential for results: Substantial

Commitment 3.4: Local policies and services based on citizens' priorities
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.5: Available e-services in rural areas
- Verifiable: Yes
- Does it have an open government lens? No

Open
Government
Partnership

Independent
Reporting
Mechanism

- Potential for results: Unclear

Commitment 3.6: Better access to guaranteed forms of protection for victims of human trafficking

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.7: Improve protection mechanisms for victims of harassment in the workplace

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.8: Provide access to therapy and health services for people who use drugs following prison sentences

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Modest

Commitment 4.1: Promote protection of sex workers and persons who use drugs

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4.2: Promote access to justice for socially disadvantaged and citizens at social risk

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4.3: Access to justice for women who suffered domestic violence

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 4.4: Legal empowerment of citizens through available information and open institutions

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5.1: Reduce climate change impact and protect the environment from agriculture activities

- Verifiable: Yes
- Does it have an open government lens? Yes

- Potential for results: Modest

Commitment 5.2: Access to information on air pollution levels
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Open Parliament

Commitment 1.1: Design an open data portal to facilitate access to information for citizens
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.2: Platform for citizen suggestions and initiatives to the legislative government and registry of civil society organisations
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.3: Digital security through electronic signatures for MPs and parliament services
- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 2.1: Design a new website for the Assembly for better information to citizens
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.2: Fully functional parliamentary TV channel
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.3: Develop software for public monitoring of the legislative process
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.4: Open e-archive software for browsing by the public
- Verifiable: Yes

- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.5: Procurement of cameras and equipment for online streaming of parliamentary sessions

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.1: Produce news reports and familiarize the public to promote the contact offices with citizens

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 3.2: Promote the Open Government Partnership

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 3.3: Procure voice-to-speech software

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Open Judiciary

Commitment 1.1: Improve the electronic judicial portal of RNM (www.sud.mk)

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.2: Improve the courts' public relations

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 1.3: Improve quality and availability of data and information on the Judicial Council's performance

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2.1: Enhance the Judicial Council's oversight of court transparency

- Verifiable: Yes
- Does it have an open government lens? Yes

● Potential for results: Modest
Commitment 2.2: Improve and unify the structure of court reports and quality of data
● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Modest
Commitment 2.3: Improve electronic system for inception and continuous training of judges
● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Modest

---

1. For clustered commitments, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see North Macedonia's action plan: https://www.opengovpartnership.org/wp-content/uploads/2021/11/North-Macedonia_Action-Plan_2021-2023_EN.pdf.

Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "involve" level of public influence per the IRM's assessment of the co-creation process.

The IRM uses the *OGP Participation and Co-creation Standards* to determine whether a country falls within the category of "involve" on the spectrum. The following is the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process;
2. **The forum is multistakeholder:** both government and civil society participate in it; and
3. **Reasoned response:** the government or multistakeholder forum documents or can demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of these three standards. The purpose of this summary is to verify compliance with procedural review minimum requirements. It is not a full assessment of performance under the *OGP Participation and Co-creation Standards*; a full assessment will be provided in the results report.

Table 2. Summary of minimum requirements to act according to OGP Process

Key:
Green= Meets standard
Yellow= In progress (steps have been taken, but standard is not met)
Red= No evidence of action

OGP Standard	Was the standard met?
A forum exists. There were two main coordination mechanisms during the co-creation of the fifth action plan, both formed in 2020. The OGP Council consists of government and civil society representatives and serves as North Macedonia's multistakeholder forum.[1] There is also the OGP CSO Network which assists in the co-creation, implementation, and monitoring of the OGP process.	Green
The forum is multistakeholder. The OGP Council has 16 members with equal representation between government and civil society. The OGP CSO Network has 77 members, all from civil society.[2]	Green
The government provided a reasoned response on how the public's feedback was used to shape the action	Yellow

Open Government Partnership

Independent Reporting Mechanism

plan. Civil society stakeholders that participated in the co-creation process noted that feedback from government institutions on proposals was provided verbally during the workshops[3] and in written form by email.[4] There was active communication and feedback on what the commitments would focus on and how they would be implemented.[5]

For future co-creation processes, the IRM recommends that MISA and the OGP Council jointly publish a written summary on how all stakeholder contributions were considered for the action plans. Feedback to stakeholders should be provided even if the reason for rejection is a lack of available finances. This will help North Macedonia continue to meet the minimum requirements under *OGP Participation and Co-creation Standards.*[6]

---

[1] Ministry of Information Society and Administration, "Совет за ПОВ" [Sovet by POV] (USAID, accessed May 2022), https://ovp.gov.mk/%d1%81%d0%be%d0%b2%d0%b5%d1%82-%d0%b7%d0%b0-%d0%be%d0%b2%d0%bf/.
[2] Ministry of Information Society and Administration, "OGP Networks" (USAID, accessed May 2022), https://ovp.gov.mk/en/ogp-networks/.
[3] Darko Antik (ESE), interview by the IRM, 3 Mar. 2022; Misha Popovik (Institute for Democracy Societas Civilis), interview by the IRM, 3 Mar. 2022.
[4] Evidence of written correspondence between FOSM and Vesna Cekova from the Public Procurement Bureau was provided to the IRM by FOSM during the pre-publication review period of this report, 6 May 2022.
[5] Gordana Dimitrovska (State Advisor I Ministry of Information Soc'y and Admin.), interview by the IRM, 14 Mar. 2022.
[6] OGP, *OGP Participation and Co-Creation Standards* (1 Jan. 2022), https://www.opengovpartnership.org/ogp-participation-co-creation-standards/.