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And

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1. Introduction

1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries throughout the world.

1.2 The Balkan Civil Society Development Network (BCSDN) is a regional network of 14 CSOs from the Balkan region, which since 2009 has been a leading advocate on the enabling environment for civil society in the Balkans and Europe. Its mission is to empower civil society and influence policies towards more a more enabling environment for civil society development in order to ensure sustainable and functioning democracies in the Balkans.

1.3 The mission of the Macedonian Centre for International Cooperation (MCIC) is to lead changes for resolving societal problems in innovative and alternative ways, thus affecting other mainstream actors. MCIC has for over 25 years focused on the creation of a rooted and dynamic civil society that influences public policies in Macedonia. This involves work to strengthen the capacities of CSOs and to provide an enabling environment for civil society development, with a focus on state funding for CSOs, as well as efforts to promote good governance principles.

1.4 In this submission, the three organisations examine the Government of Macedonia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Macedonia's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in January 2014. To this end, we assess the Government of Macedonia's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.

1.5 During the 2nd UPR cycle, the Government of Macedonia received eight recommendations relating to civic space, all of which were accepted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Macedonia has only partially implemented these eight recommendations.

1.6 It is important to note that respect for civic freedoms has improved considerably since the end of Macedonia's political crisis in 2017. Following the formation of a new governing coalition in mid-2017, the Government of Macedonia has made significant strides in improving issues related to the freedom of association, many of which are highlighted in this submission. There has also been a marked improvement in the space for public participation and independent dissent. However, the government has

also failed to address unwarranted restrictions on civic space fully since its last UPR examination. In particular, implementation gaps were found with regard to the right to the freedom of expression.

1.7 CIVICUS, BCSDN and MCIC are also deeply concerned by the institutional harassment of and controls placed upon civil society groups working in collaboration with foreign funders. In particular, in 2016 and 2017, Macedonian authorities orchestrated an openly hostile campaign of harassment and smears against CSOs receiving funds from Open Society Foundations.

1.8 As a result of these challenges, civic space in Macedonia is currently rated as 'narrowed' by the CIVICUS Monitor, indicating some limitations in fundamental freedoms.[1]

- Section 2 of this submission examines Macedonia's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Macedonia's implementation of UPR recommendations and compliance with international human rights standards related to the protection of civil society activists, HRDs and journalists.
- Section 4 examines Macedonia's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines Macedonia's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains a number of recommendations to address the concerns raised and to advance implementation of recommendations under the 2nd cycle.
- An annex of implementation of 2nd cycle UPR recommendations related to civic space.

2. Freedom of Association

2.1 During Macedonia's examination under the 2nd UPR cycle, the government received no specific recommendations on the right to the freedom of association and creating an enabling environment for CSOs.

2.2 However, article 20 of the Macedonian Constitution guarantees the right to the freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Macedonia is a state party, also guarantees the

[1] CIVICUS Monitor: Macedonia, https://monitor.civicus.org/country/macedonia. Rating correct as of 2 July 2018.

freedom of association. Yet despite these commitments, since its last review the Government of Macedonia, under the auspices of the Public Revenue Office, has harassed CSOs in receipt of foreign funding that were critical of the government by sanctioning unnecessary financial inspections.

2.3 The formation of civil society groups in Macedonia is governed by the Law on Associations and Foundations (2010)[2] which allows individuals the right to form associations without registering a legal entity. Delays in registration with the authorities are not reported when civil society groups choose to form a legal entity, and the register of civil society groups is publicly accessible.[3] CSO finances are regulated under the Law on Accounting for the Non-Profit Organisation[4] and reporting requirements are determined by the organisation's budget.[5] Groups with budgets higher than €2,500 must submit reports to the Public Revenue Office and the Central Register of Macedonia at the end of each financial year.[6] CSOs with a revenue of less than €2,500 are not required to submit any kind of financial reporting to Macedonian authorities. Although domestic CSOs in receipt of foreign funding are not obliged to seek permission before acquiring funds, some groups working with international donors have reported unwarranted interference by Macedonian authorities.[7]

2.4 CIVICUS, BCSDN and MCIC are deeply concerned by developments in 2016 and 2017 that saw CSOs subjected to institutional harassment. In 2016, the Public Revenue Office began conducting financial inspections of CSOs critical of the VMRO-DPMNE government, and these intensified in 2017. Twenty-two CSOs were visited by financial inspectors from six different institutions, actions that impacted on their public image and limited their abilities to receive further funding and conduct their regular activities.[8] In November 2017, the Minister of Interior gave a public statement suggesting that the investigations had concluded, and no evidence of CSO wrongdoing had been found. However, by the end of the year, CSOs still had not received official documents confirming that the inspections had been closed.

2.5 Groups working with international donors have also been subjected to smear campaigns by political figures in Macedonia. In the run up to elections in December

[2] 'Macedonia Adopts A Revised NGO Law', European Center for Non-for-Profit Law, 12 April 2010, http://ecnl.org/macedonia-adopts-a-revised-ngo-law-2.
[3] 'Report on the Enabling Environment for Civil Society Development in Macedonia', MCIC, 2016, http://www.balkancsd.net/novo/wp-content/uploads/2017/07/Macedonia_CMR_2016_EN.pdf.
[4] Law on Accounting for the Non-Profit Organisations, 2011, available at Legislation Online, www.legislationline.org/.../fYROM_law_associations_foundations_2010_am2011_en.
[5] Under article 18 of the Law on Accounting for the Non-Profit Organisations.
[6] 'Civil Society Organizations in Macedonia', TACSO, Swedish Institute for Public Administration and Ipsos, http://www.tacso.org/data/dokumenti/pdf/ipsos_report_mk.pdf.
[7] MCIC, 2016, op. cit. p. 14.
[8] 'Macedonia's Ruling Party Lashes Out at Civil Society After Contested Elections', Global Voices, 21 December 2016, https://globalvoices.org/2016/12/21/macedonias-ruling-party-lashes-out-at-civil-society-after-contested-elections.

2016, Nikola Gruevski, the leader of VMRO-DPMNE, publicly issued a direct threat to "disobedient" CSOs and activists by declaring a campaign of "de-Sorosization"[9] in Macedonia.[10] In addition, a number of VMRO-DPMNE officials alleged collusion between CSOs receiving foreign support and international governments to destabilise Macedonia during elections.[11] In an illustration of the severity of the campaign, documentation by civil society notes that at its height, seven news articles a day were published on the topic of "de-Sorosization."[12]

2.6 Several CSOs have had their offices attacked or raided in an apparent attempt to silence their work. On 26 November 2016, the offices of Tekstil, a CSO that works to improve textile worker's rights, was raided by unknown assailants in the city of Štip.[13] Tekstil was raided after organising training workshops on workers' rights in textile factories in eastern Macedonia.[14] Its premises also served as a space for local labour rights activists to coordinate collective bargaining.[15] The premises were attacked with stones and the organisation's sign was torn down.

2.7 LGBTI groups have also had their meetings unwarrantedly disrupted. On 23 October 2014, a meeting to celebrate the second anniversary of the LGBTI Support Centre in the capital, Skopje, was violently disrupted by a coordinated attack on the premises.[16] The meeting, in a coffee shop in the Old Bazaar area of Skopje, ended abruptly when

[9] 'De-Sorosization' was a smear used by politicians and pro-nationalist groups in Macedonia to describe the campaign to purge Macedonian civil society of the alleged influence of George Soros, the Hungarian-American Billionaire and founder of Open Society Foundations.
[10] 'Worrying Threats Towards Civil Society in Macedonia Increased and Intensified', BCSDN, 30 December 2016, http://www.balkancsd.net/worrying-threats-towards-civil-society-in-macedonia-increased-and-intensified.
[11] 'Macedonia goes after Soros-funded civil society', CIVICUS Monitor, 31 January 2017, https://monitor.civicus.org/newsfeed/2017/01/31/Maceonia-Soros-funded-civil-society.
[12] Based on analysis compiled by NGO Information-Centre. See 'Smear campaign by media close to VMRO-DPMNE against Soros, FOSM, Baily and USAID', META.mk, 17 December 2017, http://meta.mk/en/tag/desorosization.
13 The group was also advocating for the unionisation of worker's rights in Eastern Macedonia. See 'Каменувано седиштето на КУЦ „Текстил" во Штип', META.mk, 26 November 2016, http://meta.mk/kamenuvano-sedishteto-na-kuts-tekstil-vo-shtip.
[14] 'Attack on NGO Fighting for Rights of Textile Workers in Macedonia Highlights Dangers to Civil Society', Global Voices, 2 December 2016, https://globalvoices.org/2016/12/02/attack-on-ngo-fighting-for-rights-of-textile-workers-in-macedonia-highlights-dangers-to-civil-society.
[15] Other CSOs commented on the role of Tekstil in providing a physical space to galvanise worker's rights in its region. See, for example, 'Strong disapproval of the attack on the office premises of the Association LOUD in Shtip by 74 CSOs', Metamorphosis, 30 November 2016, http://metamorphosis.org.mk/en/aktivnosti_arhiva/strong-disaproval-of-the-attack-on-the-office-premises-of-the-association-loud-in-shtip-by-74-csos.
[16] 'Hate Crimes on LGBTI People in Macedonia Spark 'Body Bag' Protests', LGBTI Support Centre, http://lgbti.mk/hate-crimes-on-lgbti-people-in-macedonia-spark-body-bag-protests/?lang=en.

around 20 masked people vandalised the premises, injuring at least one participant.[17] No one was prosecuted for their involvement in the attack.[18]

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Macedonia's previous UPR examination, the government received no specific recommendations regarding the protection of HRDs.

3.2 However, article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. Yet in spite of these protections, independent journalists have been subject to a range of slurs, harassment and physical violence.

3.3 CIVICUS, BCSDN and MCIC are alarmed that on 9 December 2016, personal information about dozens of civil society leaders was distributed in Skopje.[19] Anti-corruption campaigners and people working with international funders had their names and addresses circulated on the windscreens of parked cars in Skopje and online via social media. The circulation of the activists' personal details led to serious concerns for their physical safety.[20] As yet, no credible investigation has taken place into this data breach.

3.4 HRDs have also been subjected to unjustified surveillance by Macedonian intelligence agencies. In February 2015, accusations came to light that the Macedonian government had ordered the illegal wiretapping of more than 20,000 people.[21] Those targeted included political opposition, journalists, civil society activists, members of the judiciary and critical academics.[22] While 94 people were later indicted for their

[17] 'Hooligans Crash LGBT Community Celebration in Macedonia', Global Voices, 29 October 2014, https://globalvoices.org/2014/10/29/hooligans-in-macedonia-crash-lgbt-community-celebration.
[18] According to reporting in 2016. See 'Shrinking Spaces in the Western Balkans', Heinrich Böll Foundation, 2016, p. 24, https://www.boell.de/sites/default/files/shrinking-spaces-in-the-western-balkans.pdf.
[19] While the flyers were signed by Gragjansko dviženje za odbrana na Makedonija - Citizen Movement for Defense of Macedonia, a movement aligned to VMRO-DPMNE, the source of the leak remains unidentified. For more information see Global Voices, 21 December 2016, op. cit.
[20] So-called 'lynch lists' were circulated against through a variety of means. See 'Lynch lists circulating on social networks after yesterday's protests outside the SEC', META.mk, 16 December 2016, http://meta.mk/en/lynch-lists-circulating-on-social-networks-after-yesterday-s-protests-outside-the-sec.
[21] 'Macedonian PM Accused of Large-Scale Wire-Tapping', Balkan Insight, 9 February 2015, http://www.balkaninsight.com/en/article/eavesdropping-bombshell-explodes-in-macedonia.
[22] 'Macedonia's Wiretap Whistleblower Hails 'Fairytale' Ending', Balkan Insight, 1 September 2017, http://www.balkaninsight.com/en/article/whistleblower-sheds-light-on-macedonia-wiretapping-scandal-09-01-2017.

role in coordinating the wiretapping,[23] the law on Electronic Communication,[24] which empowered Macedonian intelligence services to intercept electronic messages without a court order, has yet to be amended.[25]

3.5 During the height of Macedonia's political crisis a spate of attacks against media workers were perpetrated by nationalist civil society groups. According to civil society documentation, 27 journalists were physically attacked in 2017 alone.[26] On 27 April 2017, 23 journalists were physically assaulted, threatened or barred from reporting when 200 protesters stormed the Macedonian Parliament.[27] In the ensuing melee, a number of journalists and members of the political opposition were targeted and beaten by nationalist groups.[28]

3.6 On 2 March 2017, two unidentified individuals assaulted Borjan Jovanovski, a journalist, in Skopje.[29] After branding him a traitor, the two assailants spat in Jovanovski's face.[30] As the editor of Nova, an independent portal, Jovanovski claims the attack was a reprisal for his vocal criticism of the Macedonian government.[31]

3.7 On 28 February 2017, Vladimir Zelcevski, a camera operator, and Aleksandar Todevski, a journalist, both working for A1on, a commercial television station, were

[23] 'More Than 90 Indicted In Macedonia Over Wiretap Scandal', RFE/RL, 30 June 2017, https://www.rferl.org/a/macedonia-special-prosecutor-janeva-charge-94-illegal-wiretapping-scandal-abuse-of-power-gruevski-zaev/28587330.html.

24 Articles 175 and 176 of the Law on Electronic Communications allows the Macedonian Intelligence Agency the power to intercept electronic messages directly. For more information see 'The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015', European Commission, 8 June 2015, p. 5, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf.

[25] Despite discussion, article 175 of the Law on Electronic Communication is yet to be repealed. See 'The Constitutional Court received the proposal from the Government for Article 175, but will not review it at the session', META.mk, 26 October 2017, http://meta.mk/en/tag/law-on-electronic-communications.

[26] 'Mapping Media Freedom: 2017 in review', Index on Censorship, 20 December 2017, https://www.indexoncensorship.org/2017/12/mapping-media-freedom-2017-review.

[27] According to Mapping Media Freedom, Ibid.

[28] 'Violence Erupts as Protesters Storm Macedonia Parliament', Balkan Insight, 27 April 2017, http://www.balkaninsight.com/en/article/macedonia-elects-parliament-speaker-amid-ongoing-tension-04-27-2017-1.

[29] 'After the beatings, journalists are now being spat on in public and on social networks', META.mk, 3 March 2017, http://meta.mk/en/after-the-beatings-journalists-are-now-being-spat-on-in-the-street-and-on-social-networks.

30 A video of the incident is available at '(ВИДЕО) Нападнат новинарот Борјан Јовановски', iPortal, 2 March 2017, https://iportal.mk/makedonija/video-napadnat-novinarot-borjan-jovanovski.

[31] In an interview after the incident, Jovanovski claimed the attack was sanctioned by the Macedonian government as a reprisal for his critical reporting. See 'Macedonia Reporter Blames Assault on Ruling Party', Balkan Insight, 3 March 2017, http://www.balkaninsight.com/en/article/macedonian-reporter-suspects-party-official-ordered-his-attack-03-03-2017.

beaten and injured by protesters while covering a protest in Skopje.[32] The protest was organised by For United Macedonia, a nationalist group. Several people were later arrested in connection with the attack.[33] Harassment and physical attacks against critical journalists have engendered a climate of fear among independent media workers and investigative journalists.[34]

4. Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the Government of Macedonia received eight recommendations relating to the freedom of expression and access to information. For example the government pledged to "Introduce adequate measures with a view to promoting freedom of expression as well as media freedom" and "Improve media policy and regulations in order to ensure freedom of the press and of expression and to facilitate a more diverse media market." All eight of the recommendations were accepted, but as discussed below, the government did not take effective measures to implement these recommendations, and has only partially implemented all eight.

4.2 Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. Article 16 of the Constitution also guarantees the right to the freedom of expression. However, in policy and practice, the Government of Macedonia has used defamation clauses to silence journalists. In addition, there is a growing concern over the lack of legislative protections to prevent the Macedonian authorities from exerting financial influence over independent media outlets.

4.3 The freedom of expression is guaranteed through a number of comprehensive laws[35] that broadly align to international best practice. However, despite the removal of defamation clauses in the Penal Code in 2012,[36] the freedom of expression is still hampered by the law on Civil Liability for Misdemeanour and Defamation.[37] As

[32] Both injured journalists were immediately taken to hospital following the attack. See 'Alon's crew was attacked at the protest organized by "For United Macedonia" in Skopje', META.mk, 28 February 2017, http://meta.mk/en/a1on-s-crew-was-attacked-at-the-protest-organized-by-for-united-macedonia-in-skopje.
[33] "MOI took into custody several individuals regarding the attack on A1on's news crew", META.mk, 1 March 2017, http://meta.mk/en/tag/attack/page/3/
[34] 'Another journalist attacked as Macedonia prepares for elections', CIVICUS Monitor, 2 December 2016, https://monitor.civicus.org/newsfeed/2016/12/02/another-journalist-attacked-macedonia-prepares-elections; 'Foundation Open Society Macedonia: "civil society under unprecedented attack"', CIVICUS Monitor, 5 April 2017, https://monitor.civicus.org/newsfeed/2017/04/05/foundation-open-society-macedonia-civil-society-under-unprecedented-attack.
[35] See for example: Law on Media (Official Gazette of the Republic of Macedonia nos. 184/2013 and 13/2014); Law on Broadcasting Activity (Official Gazette nos. 100/2005, 19/2007, 103/2008, 152/2008, 6/2010, 145/2010, 97/2011, 13/2012 and 72/2013); Law on Free Access to Public Information (Official Gazette nos. 13/2006, 86/2008, 6/2010, 42/2014, 148/2015 and 55/2016).
[36] MCIC, 2016, op. cit. p. 22.
[37] The Law on Civil Liability for Misdemeanour and Defamation, available on the website of the Association of Journalists of Macedonia (AJM), http://www.znm.org.mk/drupal-7.7/sites/default/files/Закон%20за%20граѓанска%20одговорност%20за%20навреда%20и%20клевета%20Сл.Весник%20бр.143%20од%2014.11.2012.pdf.

evidenced below, although the change in law abolished prison sentences for defamation, the Civil Liability for Misdemeanour and Defamation law still enables the prosecution of journalists via a civil court.[38]

4.4 This means that despite a positive trajectory, CIVICUS, BCSDN and MCIC are dismayed over the use of the legal framework to restrict independent journalism. While cases of defamation are decreasing, provisions in the Civil Liability for Misdemeanour and Defamation law are still being used to persecute independent media outlets. Although there are still no comprehensive and systematically collected official indicators on the number of new court proceedings initiated against journalists after the new law entered in force, the general conclusion is that the number of court proceedings have significantly decreased. According to data collected by civil society, in 2015 there were 39 court procedures where journalists were involved and in 17 of them both the plaintiff and the defendant were journalists and editors.[39]

4.5 CIVICUS, BCSDN and MCIC are further concerned over the influence of the Macedonian authorities over independent news outlets.[40] According to local civil society groups,[41] the majority of media outlets in Macedonia are privately owned and heavily reliant on state-financed advertising.[42] In light of the close financial relationship between the public broadcaster (Macedonian Radio-Television), privately owned media outlets and the government, the editorial independence of Macedonian media reporting has been consistently questioned.[43] Although the government halted all advertisements on commercial broadcasters and private media on 22 August 2017,[44] no legal provisions have been enacted to prevent the government having a financial influence on media outlets through its advertising spend in future.

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38 'Decriminalization of Insult and Defamation in the Journalistic Profession in the Republic of Macedonia through the Prism of the Law on Civil Liability for Insult and Defamation', Andon Majhosev and Darko Majhosev, Balkan Social Science Review, Vol. 10, December 2017, pp. 25-41, http://js.ugd.edu.mk/index.php/BSSR/article/download/1940/1709.

39 Ibid.

40 'Macedonia: Expression', CIVICUS Monitor, https://monitor.civicus.org/newsfeed/2016/11/01/expression-macedonia.

41 'World Press Freedom Index: Republic of North Macedonia', Reporters Without Borders, 2018, https://rsf.org/en/macedonia.

42 'Summary of the Media Situation in Macedonia', AJM, June 2016, https://znm.org.mk/.../Summary-of-the-Media-Situation-in-Macedonia-June-2016.doc.

43 'Commission Staff Working Document. The Former Yugoslav Republic Of Macedonia. Report 2015. Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions', European Commission, 10 November 2015, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf.

44 The decision was made by the new government. See 'Indicators for the degree of media freedom and the journalists' safety', AJM, December 2017, p. 11, http://znm.org.mk/wp-content/uploads/2016/03/Indicators-for-the-degree-of-media-freedom-and-the-journalists-safety-January-2018.pdf.

5. Freedom of peaceful assembly

5.1 During Macedonia's examination under the 2nd UPR cycle, the government received no specific recommendations on the right to the freedom of assembly.

5.2 However, article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 21 of the Macedonian Constitution also explicitly guarantees the right to the freedom of assembly without prior notification or authorisation from the authorities.[45] However, in practice and policy Macedonian authorities have harassed and unjustifiably prosecuted protesters, notably those who participated in the 100 days of protest across Macedonia as part of the 2016 'Colourful Revolution'.

5.3 In addition to constitutional provisions that safeguard the right to peaceful assembly, the Law on Public Assemblies (LPA)[46] recognises the right of people in Macedonia to hold spontaneous assemblies without prior authorisation from the authorities. Despite this, the LPA has come under criticism for placing unwarranted burdens on protest organisers.[47] For example, organisers bear responsibility for ensuring the safety of people and property during an assembly and can face fines if damages occur.[48] Similarly, foreign citizens need prior permission from the Macedonian Ministry of the Interior before organising a protest.[49] In practice, this law, and article 385 (1) of the Criminal Code,[50] have been used to discourage and impede protest rights in Macedonia. Under this provision the law stipulates, "A person who participates in a crowd, which with joint action performs acts of violence against people, or damages or destroys property to a larger extent, shall be punished with a fine, or with imprisonment of up to three years."

5.4 CIVICUS, BCSDN and MCIC are concerned over the persecution of activists involved in 2016's 'Colourful Revolution'. In the aftermath of the protests, civil society groups estimate that several thousand misdemeanour offences were served to participants for allegedly participating in violent protests.[51] A number of sources claim that in many cases participants were charged on tenuous and insubstantial evidence

[45] Constitution of the Republic of Macedonia, Assembly of the Republic of Macedonia, https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx.
[46] Law on Public Assembly (Official Gazette nos. 55/95, 19/06, 119/06, 66/07 and 152/15).
[47] This concern was also raised during Macedonia's previous review in 2014. See 'Freedom of Assembly in Macedonia', Western Balkans Assembly Monitor Project, 2016, http://ecnl.org/wp-content/uploads/2016/07/Macedonia_WBA-Project-Report.pdf.
[48] MCIC, 2016, op. cit., p. 19.
[49] Ibid.
[50] Republic of Macedonia Criminal Code, 1996, http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan016120.pdf.
51 'ГОНЕЊЕ НА ДЕМОНСТРАНТИТЕ ОД „ШАРЕНА РЕВОЛУЦИЈА"- ИЛЈАДНИЦИ ПОДНЕСЕНИ ПРЕКРШОЧНИ ПРИЈАВИ', 21.TV, 3 January 2017, https://tv21.tv/mk/?p=114744.

designed to deter and destabilise a peaceful anti-corruption movement.[52] The vague provisions within article 385 of the Criminal Code enabled the excessive sanctioning of several thousand peaceful protesters for violent actions perpetrated by a small minority of participants. This practice contravenes peaceful assembly best practice guidelines.[53]

5.5 One of the most significant incidents during the 'Colourful Revolution' came on 13 April 2016, when 13 people were arrested for participating in a protest.[54] Violence erupted after a group of protesters vandalised the public office of the president, leading to Macedonian security forces using batons to clear the crowd.[55] Eleven people were detained and released within 24 hours on misdemeanour charges. Five people were charged under article 385 of the Criminal Code and placed under house arrest.[56]

5.6 CIVICUS, BCSDN and MCIC are also alarmed by the use of violence against student protesters. In 2016, a student protest in Skopje saw excessive use of force against protesters.[57] The peaceful assembly started after students questioned the integrity of elections and mobilised outside the student parliament of the University of Ss. Cyril and Methodius to reject the vote. Video footage later circulated on social media showing the Macedonian security force's Rapid Deployment Unit using excessive force against the student protesters. In particular, the footage showed members of the Macedonian police force unjustifiably disrupting the peaceful protest by beating students.[58]

6. Recommendations to the Government of Macedonia

CIVICUS, BCSDN and MCIC call on the Government of Macedonia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

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[52] 'Macedonia charges protesters in 'Colourful Revolution'', Al Jazeera, 24 June 2016, https://www.aljazeera.com/indepth/features/2016/06/macedonia-charges-protesters-colourful-revolution-160621113604856.html.

53 'Best practices related to the right to freedom of peaceful assembly', UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 2013, http://freeassembly.net/wp-content/uploads/2013/11/Best-practices-freedom-of-assembly.pdf.

[54] Western Balkans Assembly Monitor Project, 2016, op. cit., p. 30.

[55] 'Macedonia's protesters wreck one of president's offices', Reuters, 13 April 2016, https://www.reuters.com/article/us-macedonia-wiretap-protests-idUSKCN0XA2CR.

[56] Western Balkans Assembly Monitor Project, 2016, op. cit., p. 30.

[57] MCIC, 2016, op. cit.

58 'Студентски пленум: Не мрдаме од пред СЈО, ЕБР тепа студенти! ВИДЕО', Brif.mk, 1 July 2016, https://www.brif.mk/studentski-plenum-ne-mrdame-od-pred-sjo-ebr-tepa-studenti-video.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding the freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding, in line with the best practices articulated by the UN Special Rapporteur on the rights to peaceful assembly and of association.
- End unwarranted raids on civil society groups and unjustifiable disruptions to legitimate events and activities organised by CSOs.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.

6.2 Regarding the protection of human rights defenders

- Ensure that civil society activists, HRDs and journalists are provided with a safe and secure environment in which to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks on and harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Publicly condemn instances of harassment and intimidation of CSOs, civil society activists and HRDs.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Reform defamation legislation, in conformity with article 19 of the ICCPR.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.

6.4 Regarding the freedom of peaceful assembly

- Amend article 385 of the Criminal Code in order to guarantee fully the right to the freedom of peaceful assembly.
- Review and, if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

6.5 Regarding access to UN Special Procedures mandate holders

- Prioritise inviting the following UN Special Procedure mandate holders for official visits: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association.

6.6 Regarding state engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society sectors.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

Annex: Assessment of implementation of civic space recommendations under the 2nd cycle

Recommendation number	Recommendation	Position	Assessment/Status On Level of Implementation
Theme: Freedom of opinion and expression			
101.72	Improve media policy and regulations in order to ensure freedom of the press and of expression and to facilitate a more diverse media market	Supported	Status: partially implemented. See paragraph 4.5.
101.79	Adopt all necessary measures to ensure freedom of expression by ensuring equal treatment of the media and by avoiding any interference with freedom of the press	Supported	Status: partially implemented. See paragraph 4.4.
101.80	Introduce adequate measures with a view to promoting freedom of expression as well as media freedom	Supported	Status: partially implemented. See paragraph 4.4.
101.81	Guarantee freedom of expression and media and ensure that national legislation fully complies with international freedom of expression standards	Supported	Status: partially implemented. See paragraph 4.3 & 4.4.

101.82	Engage constructively in consultations with civil society, broadcasters and other relevant stakeholders in order to cease the current status quo and public discontent over the procedure and content of the new draft media laws	Supported	Status: partially implemented. See paragraph 4.5.
101.83	Continue strengthening the legislation and measures for an appropriate exercise of freedom of expression, and ensure that the civil defamation law is not used to avoid political criticism	Supported	Status: partially implemented. See paragraph 4.4.
101.99	Ensure that non impediments to the preservation, expression and development of cultural identity by all citizens are created	Supported	Status: partially implemented. See paragraphs 3.5, 3.6 & 3.7.