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### **DRAFT REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW \***

**The former Yugoslav Republic of Macedonia**

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of the former Yugoslav Republic of Macedonia was held at the 14th meeting on 12 May 2009. The delegation of the former Yugoslav Republic of Macedonia was headed by H.E.M. Mihajlo Manevski, Minister of Justice. At its meeting held on 15 May 2009, the Working Group adopted the present report on the former Yugoslav Republic of Macedonia.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the former Yugoslav Republic of Macedonia: Slovakia, Bangladesh and Germany.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the former Yugoslav Republic of Macedonia:

(a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/5/MKD/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/5/MKD/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/5/MKD/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Sweden, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Argentina, Denmark and Hungary was transmitted to the former Yugoslav Republic of Macedonia through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. In his opening speech, the Minister of Justice provided a short overview of the National Report. He outlined the relevant constitutional provisions concerning the protection and promotion of human rights.

6. Article 8 of the Constitution of the country enshrines the core values of the constitutional order, which are the fundamental freedoms and rights of the individual and citizen, recognized by international law and established by the Constitution, free expression of national affiliation and equality of citizens and principle of non-discrimination. Pursuant to Article 9 of the Constitution, “citizens are equal in their freedoms and rights, regardless of the gender, race, skin color, national and social background, political and religious affiliation, financial and social situation. All citizens are equal before the Constitution and the laws.” It is established that the life, physical and moral integrity and freedom are inviolable.

7. There is no death sentence in the country, and any form of torture, inhuman or degrading treatment or punishment is prohibited. Freedom of religion, free and public expression of faith is guaranteed. At the same time, the citizens are guaranteed freedom of association to pursue and safeguard their political, economic, social, cultural and other rights and beliefs. The citizens have

the right to social security and social insurance, and social protection is provided. The State guarantees right to work to powerless and incapacitated citizens and provides for special protection of disabled and creates conditions for their inclusion in social life.

8. The Minister presented the national institutional framework for the promotion of human rights and freedoms.

9. Comprehensive reforms were undertaken in the criminal substantive and procedural legislation, the police, fight against corruption, organized crime, including trafficking in persons. The reforms in the judiciary are aimed at providing a functional, independent and efficient justice system for realization and safeguarding of human rights and freedoms, as well as fair trial within reasonable time. The procedure for adoption of a Law on the Protection against Discrimination is under way.

10. The Minister also presented in detail the legal framework for the protection of the rights of non-majority communities.

11. The Minister focused on education reforms at all levels and the new measures taken by the Government in this regard.

12. The country has ratified all major international human rights instruments and maintains intensive dialogue with human rights bodies within the United Nations, as well as Council of Europe. In 2004, the Government extended a standing invitation to the mandate holders of the special procedures of the Human Rights Council. The country will accede to the remaining international human rights conventions, including the Convention on the Rights of Persons with Disabilities, and will also continue harmonizing the national legislation with the international standards in this area.

13. Among the national priorities in the human rights area, the Minister emphasized the full implementation of Ohrid Framework Agreement, including the principle of equitable representation, further reform of the penitentiary system, implementation of Roma strategy and action plans, advancement of rights of women, children and the disabled, adoption of the Anti-discrimination Law, as well as continued cooperation with the civil society on the advancement of human rights. The freedom of expression and independence of the media are of particular importance.

14. Internationally, the country will continue advocating universal ratification of human rights conventions and increased cooperation among global and regional organizations in relation to issues of protection and promotion of human rights and it strongly committed to the Human Rights Council work.

15. The Minister emphasized the value of this dialogue and the recommendations by the States taking part in it, which will serve as a useful guideline in the country's future work.

16. In reply to the advanced questions by the United Kingdom, Hungary and Czech Republic, the delegation underlined that the implementation of the Ohrid Framework Agreement remains one of the priorities for the Government. After signing of the Ohrid Framework Agreement in 2001, the country has implemented comprehensive reforms in order to promote the rights of non-majority communities. 71 laws was either adopted or amended. The Program for employment of members of ethnic communities has been adopted and additional 1000 civil servants will be employed.

17. In reply to the advanced question by the Czech Republic and the UK relating to the Roma, in 2004 the National Strategy and Action Plans on Roma Decade were adopted and are being implemented (education, employment, housing and health). One of the priority areas in both documents is education. Pre-school education is a key factor for inclusion of Roma children in schools. The Ministry of Labour and Social Policy, in cooperation with 16 municipalities, is implementing the project on inclusion of Roma children in pre-schools. As a result, 720 Roma children attended pre-school. Additional objectives of this project are to raise awareness of schools and teaching staff about the Roma issues and to increase the number of Roma teachers. 400,000 Euros for implementation of the project were allocated by the Government.

18. In reply to the UK, Czech Republic, and Germany on the issue of equal opportunities and gender equality, the delegation indicated that the Law on Equal Opportunities for Women and Men was adopted in 2006. Within the Ministry of Labour and Social Policy, the Sector for Equal Opportunities has been established and its task is to coordinate the implementation of the Law and the National Action Plan on Gender Equality. The Committees on equal opportunities were established in 79 out of 84 municipalities. 70 coordinators for equal opportunities in national and local institutions have been appointed, as well as a Committee on Equal Opportunities in Parliament whose main task is to monitor whether laws are in compliance with equal opportunities standards.

19. In reply to the Netherlands (family violence), in April 2008 the Government adopted the National Strategy 2008-2011. Its main objective is to reduce family violence and to improve quality of protection by introducing measures in regard to prevention, intervention, education, monitoring and inter-sectoral coordination. The national coordination body composed of all relevant ministries, as well as CSO has been established. In November 2008, the Government adopted the Action Plan for prevention and elimination of sexual abuse of children and pedophilia 2009-2012. It sets out measures and activities to assist and protect children from sexual abuse and pedophilia and establishes a coordinating system among Government institutions and between the Government and the NGO sector.

20. In reply to the United Kingdom, the day care centers for children with disabilities (21 operating) are designed to accommodate 20 to 25 persons. The size of groups is projected as to provide the high quality care, individual treatment, group work and creation friendly and family like atmosphere. One of the priority objectives of the Government is to continue opening new centers at local level, where necessary. The number of professionals of different specialization is compatible with the prescribed standards by the Ministry of Labor and Social Policy, that is to say one professional covering four beneficiaries. The employees of these centers have continuing in-service training in the area of their expertise.

21. In reply to the Czech Republic (ethnic structure of police), compared to 1997 when 7 per cent of police force were ethnic communities (0,47 Roma and 2,95 per cent Albanians) in 2008 there were 20,4 per cent in total, among them 15,9 per cent ethnic Albanians and 0,7 per cent ethnic Roma.

22. In reply to Sweden, the Standard Operation Procedures (SOP) for treatment of persons in police custody have been developed. A new position has been introduced, reception officer - a shift commander, who is responsible for proper implementation of the SOP. In 2008, criminal charges for ill-treatment were instituted against 3 police officers (in addition to the disciplinary proceedings). For one police officer, the internal investigation showed that he used excessive force and disciplinary proceedings were instituted.

## **B. Interactive dialogue and responses by the State under review**

23. During the interactive dialogue, statements were made by 39 delegations, a number of which welcomed the broad consultation of State administration and civil society in the preparation of the national report. Statements were also made congratulating the country for its record on the ratification of international human rights instruments; its constructive cooperation with international human rights institutions and procedures; its replies to written advanced questions. Recommendations made during the interactive dialogue are to be found in chapter II on conclusions and recommendations.

24. Algeria noted that the Ombudsman had been found by the Human Rights Committee not to be fully in accordance with the Paris Principles and asked what measures were envisaged to remedy this. It also noted concerns expressed by several treaty-monitoring bodies and UNICEF over the high school dropout rates in rural areas and among Roma children, refugees and girls. It further noted efforts made and policies adopted to foster the integration of Roma, Albanian, and other minorities in different sectors of society.

25. The Russian Federation stated that major achievements of the State, include the implementation of national minorities' rights and the fight against corruption and organized crime. It noted efforts made by the government to solve problems of inter-ethnic nature. The Russian Federation asked about the development of the law against discrimination and on current amendments of the Law on social protection, envisaging in particular the establishment of a centre for victims of trafficking.

26. France noted considerable inter-ethnic tensions in secondary schools and universities and asked inter alia about what measures are being envisaged to ensure ethnic coexistence in schools and about the outcome of the implementation of the 2007 strategy to ensure equitable representation of members of ethnic communities in the administration of the State and public enterprises. It asked about planned measures to address ill-treatment of detainees by the police, and deficiencies identified by the Human Rights Committee in the police's internal system of oversight; what measures have been taken to prevent human trafficking; and what decisions have been adopted to foster the reintegration of women who have been victims of trafficking. It recommended that the Government adopt all measures necessary to enshrine in law and in action equality between women and men in all areas relevant to the CEDAW and that the Government criminalize violence against women and adopt a decisive criminal policy to prosecute and punish perpetrators and practice a policy of prevention so as to enhance sensitivity of society at large to this matter.

27. Brazil commended the Government for its efforts and concrete results, particularly in the improvement of protection against domestic violence, through the adoption of a national strategy. It further commended the Government for having issued a standing invitation to special rapporteurs.

28. Switzerland noted that the State had managed to find a path towards stability with the Ohrid Framework Agreement of 2001. It also noted concerns by international human rights mechanisms and NGOs on discrimination against minorities and on conditions of detention and cases of ill-treatment perpetrated by prison officers.

29. India commended the adoption of a national strategy aimed at improving the human right situation in the country, but expressed concerns regarding trafficking in women and girls. It

raised concerns on the process of claims of asylum-seekers and on the Amnesty-law of 2002. India recognized policies taken for the inclusion of the Roma, in particular the adoption of a national strategy in 2005, urging however the Government to intensify its efforts to secure their human rights. It encouraged the State to consider the ratification of the Convention on the Rights of Persons with Disabilities and urged the Government to set up an independent and effective National Human Rights Institution in accordance with the Paris Principles.

30. The Netherlands commended the Government for its National Strategy on Roma and the numerous international human rights instruments to which it is party. It expressed concerns about the independence of the judiciary, urging the Government to ensure the 2006 judicial reform laws are fully implemented and the appointment procedure of judges and public prosecutors remain free from outside interference.

31. Canada commended the Government for its commitments to implement all reforms necessary towards Euro-Atlantic integration. It however noted discrepancies between law and practice and asked for an effective mechanism to ensure Constitutional guarantees. While Canada welcomed the action plan adopted by the government in the framework of the 2005-2015 Decade of Roma Inclusion, it noted that widespread discrimination still exists.

32. Ukraine welcomed the Government's cooperation with international human rights mechanisms for the protection of human rights, including its support to the Council and its standing invitation to the special procedures. Ukraine welcomed the fact that the State is a party to core international human rights instruments. Regarding the social inclusion of persons with special needs, it asked for more information on the measures undertaken in this area. It noted the measures aimed at combating trafficking in human beings and encouraged the Government to strengthen its efforts in this area, especially as regards to the rehabilitation of women victims of trafficking.

33. Sweden welcomed efforts to combat torture and other ill-treatment and the ratification of OP-CAT. It shared CAT's concerns regarding ill-treatment and the lack of effective investigations and prosecutions. While, noting CEDAW and the CAT committees' concerns regarding the persistence of trafficking of women and girls as well as the exploitation of prostitution, Sweden welcomed the information provided by the delegation on the national strategies and the work of the National Committee.

34. Austria referred to the very positive trend regarding proportional representation of all ethnic communities. Quoting UNDP's noted evidence of continued ethnocentrism and segregation in politics and education, Austria recommended that the Government effectively promote ethnically mixed organizations around common civil, professional and business interests in order to combat this phenomenon. It welcomed the adoption of a National Strategy on the Roma but noted that the Roma are still reported to face difficulties in accessing the health care system. It also noted the Government's efforts to combat domestic violence and that corporal punishment of children is not explicitly prohibited under all circumstances.

35. Norway appreciated that the former Yugoslav Republic of Macedonia has abolished prison sentences for defamation and recognized that sound legislation exists with the aim of protecting freedom of expression. It asked about progress in the implementation of the Law on Free Access to Information of Public Character and measures taken to prevent influence over the media. While, welcoming efforts in securing gender equality, Norway noted that the gender

balance in local administration remains a challenge and asked how the work of the local Commissions is progressing and on specific measures to counter the gender imbalance.

36. Mexico recognized the Government's will to advance in the eradication of violence against women through the enactment of the Law on Equal Opportunity Between Men and Women and the establishment of a Committee on the subject. It asked how the Committee worked and on its tangible results. It recognized the willingness shown by the former Yugoslav Republic of Macedonia to cooperate with human rights mechanisms by extending a standing invitation to special procedures and recommended the carrying out of pending visits by the mechanisms that have requested to do so.

37. Slovenia congratulated the former Yugoslav Republic of Macedonia for the peaceful conduct of the local and presidential elections held in 2009 and welcomed progress, *inter alia*, in the implementation of the Ohrid Framework Agreement. Slovenia noted that more efforts will be needed to address the concerns of the smaller ethnic minorities, for example the Roma, and asked what the Government is doing to implement existing Roma policies. Slovenia asked for more information about the preparation of the anti discrimination law and also on the implementation of the Law on Equal Opportunities for Women and Men.

38. United Kingdom noted that the former Yugoslav Republic of Macedonia has made important efforts in judicial and police reform. It commended the Government for the participation of minority groups in national politics and applauded the legal obligation on political parties to ensure women's participation, but expressed disappointment over the few female mayoral candidates in the recent municipal elections. United Kingdom welcomed the work undertaken to improve the protection of the rights of disabled persons.

39. Turkey observed the progress made in implementing the Ohrid Framework Agreement, and encouraged the Government to consider further improving the Law on Parliamentary Elections in order to ensure equitable representation of relatively small communities. It welcomed the establishment of the Commission and the implementation of the Law on Equal Opportunities. It asked what measures have been taken in order to render effective the Agency for the Rights of the Ethnic Groups Which Are Less Than 20 per cent of the Population. It welcomed measures taken to ensure the right to education in the languages of persons belonging to the communities and encouraged the Government to fully implement the decision to deliver textbooks intended for students belonging to the communities. It encouraged the Government, *inter alia*, to further cooperate with international organisations and other countries in the training of penitentiary staff and financing of the projects.

40. Poland commended the priority placed by the Government on the prevention of and the fight against organized crime and corruption and recommended that the Government elaborate a comprehensive national programme to combat corruption, in particular in the law enforcement forces. It welcomed the establishment of the Office of the National Ombudsman and noted the need to strengthen its mandate and role. Citing reports, Poland noted that there had not been an appropriate review of the conformity of all laws and bylaws with the provisions of the Convention on the Rights of the Child.

41. Azerbaijan noted the recent justice system reforms reported in the National Report, including the adoption of the Strategy for Justice System Reform, the Academy for Training of Judges and Public Prosecutors, the Strategy for Information and Communication Technology in Courts, and the establishment of human rights monitoring institutions. It welcomed the extension

of an open invitation to United Nations special procedures mandate holders. It asked what practical measures had been taken to efficiently tackle trafficking in persons.

42. Morocco commended the Government for its judicial reform strategy facilitating access to justice and asked about measures to address the lack of confidence in the judicial system. Morocco applauded the national plan of action on children's rights. It further commended the adoption of the action plan to prevent sexual violence against children and encouraged the Government to continue to implement measures according to its national and international priorities.

43. Holy See noted, inter alia, that the State is home to a number of many minorities many of which are represented in Parliament. It was concerned about discrimination against the Roma, as well as the lack of access to social and economic rights for many Roma and Ashkali refugees and asked about initiatives planned to address this issue. It expressed concern on the high dropout rate in primary and secondary education, especially among Roma and Ashkali refugee children, and girls from Albanian communities. It also noted the programme enacted in cooperation with the Council of Europe to improve the situation of prisoners in the country. It recommended that the Government continue its effort in order to guarantee free education at the primary level for all children, giving special attention to minority groups and to reduce the costs for secondary education.

44. In its reply to Denmark, Russian Federation and Poland (anti-corruption), the delegation said that the country is strongly committed to efficient prevention and repression of corruption at all levels, as illustrated by the improved position on the index of perception of corruption of Transparency International, where the country is ranked 74 in 2008 compared to 106 position in 2006. Amendments were made in the Law on Prevention of Corruption, Law on Conflict of Interests, as well as Law on Management of Confiscated Assets. A new Law on Criminal Procedure is in preparation. The Criminal Code, which is now publicly debated, is expected to introduce the new institute – ‘extended confiscation’. The amendments to the Law on Conflict of Interests will include also the civil servants. The recommendations from the GRECO first evaluation cycle were successfully implemented, while the full implementation of the recommendations from the second evaluation cycle is under way. In 2008, a special Basic Public Prosecutors Office for Prosecution of Organized Crime and Corruption was established. With the implementation of strategy for reforms of the criminal legislation and the adoption of the new Law on Criminal Procedure, a completely new system will be introduced transferring the investigation from the investigating judge to the public prosecutor.

45. Concerning the independence of the judiciary (Slovenia, the Netherlands, Azerbaijan), the amendments to the Constitution ensure the independence of the judiciary, in line with the highest international standards. In order to ensure an independent and efficient judiciary more than 70 laws were adopted. The Judicial Council and Council of Public Prosecutors (in charge of election and dismissal of judges and prosecutors) were established, composed primarily of judges and public prosecutors elected by their peers, through direct elections. In the past three years, 8 new institutions within the justice system were established and are all working successfully. The Academy for Judges and Public Prosecutors is training the second generation of candidates for judges and public prosecutors. An election of 19 judges and public prosecutors from within the ranks of Academy graduates was published. Furthermore, continuous trainings for judges, public prosecutors, attorneys, notaries are organized. Financing of the judiciary is introduced in accordance with the Law the Court Budget. For illustration, in 2008 the court budget was increased by 11 per cent compared to 2007. The trust of the citizens in the judiciary

is on the rise and it is at the high level of 78 per cent, as illustrated by two USAID surveys in 2008.

46. Concerning the Anti-Discrimination Law (India, Canada, Slovenia, UK), in March 2008 the work on the preparation of a comprehensive draft Law on the protection against discrimination commenced ,involving Government and NGO representatives. After the initial text of the draft law was prepared, five public debates were organized for all parties concerned. The text was also submitted to the ODIHR and to the Venice Commission, as well as to the European Commission Delegation in the country. The Council for European Integration organized a hearing in Parliament in April 2009. The drafting group is expected to finalize the draft soon and to submit it to Government. Sexual orientation will be included as grounds for protection against discrimination.

47. Concerning trafficking in persons (Ukraine, France, Sweden), a National Commission against Trafficking in Human Beings and Illegal Migration was formed in 2001. In 2004, a Sub-Group for Fight against Trafficking in Children was formed. The Office of the National Mechanism for Referral of Victims of Trafficking in Human Beings at the Ministry of Labor and Social Policy has been functioning since September 2005. The National Commission prepared a National Action Plan for Fight against Trafficking in Human Beings and Illegal Migration in the country for the period 2006-2008. In January 2009, the preparation of a new National Action Plan commenced. At present, the Ministry of Labor and Social Policy is drafting amendments to the Law on Social Protection which envisage non-institutional protection of victims of trafficking in human beings and establishment of a Center for Victims of Trafficking in Human Beings. In 2007, the Standard Operative Procedures (SOP) for treatment of victims of trafficking in human beings were endorsed by the Government. The SOP were introduced with the aim of providing assistance and protection to all victims of trafficking in human beings through single comprehensive approach based on the human rights of the victims.

48. Concerning the reform of the penitentiary – juvenile facilities, degrading treatment of prisoners and conditions in prisons (Italy, Czech Republic, Denmark, Azerbejan, Switzerland, Netherlands, Canada, Sweden ), the reforms of the penitentiary system comprise of two components: improvement of accommodation facilities and improved working conditions for the staff as well as strengthening and upgrading of human resources. The main aim is respect and full implementation of the Law on execution of sanctions and prevention of any cruel or inhuman treatment of sentenced and remand prisoners. Over the last two years, there have been significant renovations of prison facilities , as well as building of new two penitentiary institutions in order to improve conditions of stay and overcome overcrowding. A procedure is under way to secure a loan of more than 25 million EUR from the CoE Development Bank, to build new wards in the largest prison, as well as in other prisons. Construction of a new juvenile educational and correctional facility is foreseen, as well. The personnel was increased (213 new staff were employed, health service improved significantly). Additional employments of 80 staff are envisaged in 2009. In 2008 a Programme for training and education of staff was adopted. In 2008, 88 disciplinary measures against prison staff were pronounced for overstepping their authority.

49. Concerning election irregularities and voters list (Spain and Ireland), the presidential and local elections in March 2009 were successfully carried out and in accordance with international standards, securing the right of every citizen to freely cast the ballot. The voters list would be revised for which a working group has been established and a methodology for revision would be developed.

50. Concerning the agency for ethnic communities that are less than 20 per cent (Ireland), the Agency has been established, the Director and Deputy Director have been appointed and the premises have been provided, as well as the budget for its functioning.

51. As regards future implementation of the Ohrid Framework Agreement and ethnic reconciliation (Hungary, France, Switzerland, Slovenia), in addition to the already presented information, the delegation informed that the Law on use of languages spoken by at least 20 per cent of the citizens in the country and in the units of local self-government, the Law on Committee on Relations Between Communities, Law on Protection of Rights of Members of Communities with Less than 20 per cent of the Population were adopted. The number of representatives of non-majority communities in the police, defense, State administration, local self-government and other bodies has increased.

52. Regarding free access to education – equal access (Algeria), based on the data that most of the unemployed have completed primary education only and consequently do not have equal access to the job market, significant changes have been introduced in the area of education. The Law on Secondary Education introduced compulsory free secondary education. Free textbooks for the primary and secondary education have been provided, as well as free public transport for students and all other related benefits. The coverage in the secondary education for this year is 94 per cent. An announcement for parents to enroll their children to schools in the study year 2009/2010 was published. To reduce school drop-out rate for Roma children, the Government provided 650 scholarships to Roma Children (this measure will continue), free textbooks, free transportation and reduced the necessary scores for enrollment in competitive secondary education by 10 per cent for Roma children. The construction of secondary school has started in the municipality in Skopje dominantly inhabited by the Roma population.

53. Concerning external oversight of the work of the police (France), the delegation informed about the project carried out in corporation with the OSCE experts which consists of three pillars – strengthening of the role of the Ombudsman, of the Public Prosecution Office and the establishment of an external oversight mechanism. The third segment of this project is still in the pipeline.

54. Denmark commended the former Yugoslav Republic of Macedonia's prohibition of torture and ill-treatment, but remained concerned about the use of ill-treatment in police custody and subsequent impunity of the perpetrators. It was also concerned about reports of police violence against members of minority groups, particularly against the Roma and the lack of effective investigation of such cases and asked about measures undertaken to ensure the absolute prohibition of torture. Denmark commended the Government's support of the joint statement on sexual orientation and gender identity delivered at the General Assembly, but noted that sexual orientation is not a prohibited ground of discrimination.

55. Greece cited reported problems with the judiciary, including interventions of the executive power, delays in judicial proceedings, corruption in court system and a practice of appointing judges that were not graduates from the Academy for judges. It asked about steps taken by the Government to deal with these problems. Greece asked about intended measures to ensure full respect for the freedom of the press. Greece noted in other reports that ethnic separation was practiced in the schools of the country. It also noted that the Law on Equal Opportunity of 2006 and the 2007 National Action Plan for gender equality are positive steps.

56. Hungary commended the improvements in the former Yugoslav Republic of Macedonia's legal and institutional framework of human rights. It concurred with the need to reassess the legal status of "Kosovo Refugees" and welcomed the priority given to the advancement of the rights of persons with disabilities. Hungary showed concern at the slow pace of rebuilding the credibility and effectiveness of the judiciary. It underlined the low attendance of ethnic Albanians in the last elections, and expressed its hope that in the future the dialogue between the two ethnicities will continue on a regular basis and at a higher intensity.

57. Nicaragua noted the former Yugoslav Republic of Macedonia's ratification of most of the international human rights instruments and the reports submitted to the different treaty-monitoring bodies. It congratulated the Government for its cooperation with the various human rights mechanisms, particularly for having extended a standing invitation to the special procedures.

58. Japan commended the efforts of the Government to move forward with reform for the protection of the rights of ethnic minorities, including through such means as Constitutional revision, the enactment of a variety of laws and institutional adjustments. However it referred to reports indicating that practical mechanisms to implement these policies are lacking and that better access is needed so that Roma women, in particular can realize their rights, on a number of levels, including to education, healthcare and employment.

59. Ireland noted with concern reports of intimidation and irregularities in the electoral list and asked about progress made by the Ministry of Interior in its investigation of electoral-related intimidation cases. It regretted that sufficient resources had not been provided to the Agency dealing with minority rights and asked for further information in this regard. It asked about concrete steps have been taken recently to improve the situation of human rights defenders.

60. Argentina commended the establishment of the National Ombudsman's Office.

61. Spain asked what measures had been adopted to promote inter-ethnic cohesion between Slavic communities and those of other minority groups, particularly the Albanian community, and what plans it intends to implement in the following months to tackle gender violence. It also requested information on what measures had been adopted to promote a free and democratic political participation, including to confiscate firearms among the civilian population to avoid violent incidents such as those that occurred during the last elections.

62. Malaysia noted with encouragement the importance placed on the protection and promotion of human rights by the former Yugoslav Republic of Macedonia. It commended legislative and constitutional amendments, in response to the events of 2001, which are aimed at accommodating the needs for the protection and promotion of human rights of non-majority persons. It asked the delegation to elaborate on measures undertaken to safeguard and promote the economic and social rights of children belonging to the Roma minority.

63. Regarding protection against torture, the Czech Republic welcomed the ratification of OP-CAT by the former Yugoslav Republic of Macedonia. It referred to the need to implement more effectively implementation human rights standards at the national level. It also appreciated the measures taken to combat discrimination. It recommended to the Government to provide the police, prison and judicial personnel with practically-oriented human rights training and education.

64. United States of America asked what the Government is doing to address the roots of ethnic violence and foster tolerance and respect for ethnic diversity.

65. Kazakhstan noted the constructive cooperation with international human rights institutions and the establishment of the Inter-Religious Council, which plays a positive and important role towards strengthening religious and ethnic dialogue. It noted a number of national strategies and action plans addressing human rights challenges in the areas of civil society, minority, children, women rights and trafficking of persons.

66. Albania welcomed the reforms and measures taken by the Government following the adoption of the Ohrid Agreement of 2001, which have been endorsed through Constitutional amendments that permit not only for respect and promotion of the rights of persons belonging to minorities but also better communication between the communities. It cited the establishment of the Parliamentary Commission on Inter-Community Relations and the Inter-Religious Council as structures that make a real contribution to the dialogue between different religions and communities.

67. Croatia commended the establishment of numerous national institutions for the protection and promotion of human rights and encouraged the setting up of commissions on equal opportunities for women and men in the local self-government units. Croatia acknowledged the Government's long term commitment to minority protection, and emphasized activities towards the advancement in the status of the Roma within the framework of the Decade for Roma inclusion. Regarding cooperation with special procedures it wished to see more responses from the Government to questionnaires on thematic issues. Croatia expressed the opinion that the country had built an important human rights infrastructure and encouraged the Government to continue to enhance the overall protection and promotion of human rights. It recommended to the Government to encourage the appropriate institutions to take further action in dealing with violence against women and to enact a specific law criminalizing domestic violence.

68. Montenegro commended the cooperation of the Government with international human rights procedures and mechanisms, including through extending a standing invitation to United Nations special procedures. With reference to the national report, Montenegro noted, inter alia, that a serious reform of the justice system was undertaken. It further noted that priorities had been defined for the national and international promotion and advancement of human rights which embraced important activities and asked the delegation to elaborate further on their implementation.

69. Italy referred to the overall state of the prison system. It welcomed the entry into force of the law on the legal status of churches, religious communities and religious groups. However, it noted that there were still reports of restrictions and discrimination against certain religious communities that affect their ability to practice their faith.

70. Bosnia and Herzegovina, referring to reports, hoped that the Government will fulfil the specified human rights priorities at the national and international levels in the future. It noted the development of national strategies and action plans to address human rights challenges in the areas of the judiciary, gender equality, Roma rights, children's rights, cooperation with the civil sector and trafficking in human beings and asked for more information on their implementation. Further information was requested, inter alia, on steps to ensure the complete independence of the Ombudsman's Office in terms of funding; and the achievements and implementation of the United Nations Plan of Action for the World Programme for Human Rights Education.

71. Belgium welcomed the positive measures adopted by Macedonia in the area of the rights of the child, particularly concerning access to education,. It, however, noted concerns by treaty-monitoring bodies regarding high levels of absenteeism in primary and secondary schooling and low levels of school enrolment for certain population groups such as the Roma and asked how the Government assesses the current situation. Since the National Plan on the rights of the child was foreseen for a nine year period, Belgium asked how the Government plans to conduct regular evaluations and adapt to changes on the ground.

72. Republic of Moldova noted, inter alia, that the Human Rights Committee and the Committee against Torture recommended to the State to ensure that the Office of the National Ombudsman is fully in accordance with the Paris Principles and asked about measures taken in that regard. With regard to domestic violence, particularly alternative methods for the protection of victims, the Republic of Moldova asked about the mechanism for funding the Network of Centers for domestic violence victims.

73. In response to the questions on the national human rights institutions (Czech Republic, Brazil, India, Ukraine, Poland, Bosnia and Herzegovina, and Hungary), the delegation stated that the Office of the Ombudsman was established in 1997. With the Amendments to the Constitution of 2001, the Ombudsman was tasked with paying particular attention to safeguarding the principles of non discrimination and equitable representation. This will be additionally reflected in the new Law against Discrimination. With the ratification of the OP-CAT, the Ombudsman has been designated as national preventive mechanism. The Government will consider the ways of ensuring its compatibility with the Paris Principles in particular regarding independent financing.

74. As regards freedom of speech and independence of media ( Norway, Switzerland and Greece) , the delegation thanked for the number of recommendations proposed. The Constitution provides for freedom of speech and the press. In the area of broadcasting and the media, there is an independent regulatory body – the Broadcasting Council which has the licensing authority. There are 6 TV stations broadcasting nationally and 46 local ones. There is a huge number of independent radio stations and a growing number of news agencies and independent news portals. As far as the print media are concerned, there is a large number of dailies and weeklies. None of them is under Government control. In 2007, changes were made in the criminalization of defamation, libel and slander. There are only fines provided for by the law in such cases. These cases are brought to court based on private suits.

75. Addressing roots of ethnic violence and foster tolerance and respect for ethnic diversity (\_USA), the efforts in this area, in addition to the already presented, will focus on the area of education. For the purpose of fostering inter-ethnic tolerance, the Ministry of Education will change curricula and introduce the subjects in multiculturalism, cooperation for peace and tolerance. These courses will be attended by all ethnic groups together and are supposed to enhance social cohesion. The delegation informed of the MDG Spanish Fund project, the aim of which is to enhance interethnic dialogue and coexistence especially in the area of education and local level, to be implemented soon.

76. Regarding the Convention on the Rights of Persons with Disabilities (UK, Mexico, Turkey, Croatia), the Government plans to ratify this Convention by the end of this year, after inclusive consultation with the civil sector working in this area. Furthermore, the Government is considering the establishment of Ombudsman for persons with disabilities.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

77. In the course of the discussion, the following recommendations were made to the former Yugoslav Republic of Macedonia:

1. Ratify the Convention on the Rights of Persons with Disabilities (CPD) (Turkey, Croatia, Argentina) and its Optional Protocol (Croatia); ratify CPD and its Optional Protocol and harmonize its national legislation with the provisions of these instruments (Mexico); accelerate the ratification of CPD (Azerbaijan); undertake national consultation in preparation for the ratification of CPD (United Kingdom);
2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Croatia, Argentina) and accept the competence of the Committee on Enforced Disappearance (Argentina); ratify CED as soon as possible (France);
3. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);
4. Conduct a comprehensive review of the conformity of internal law with the provisions of the Convention on the Rights of the Child (Poland); continue harmonization of the national legislation with international standards in the field of human rights (Ukraine);
5. Consider taking appropriate measures to ensure the institution of the Ombudsman is in conformity with the Paris Principles or eventually envisage the establishment of a national human rights institution in conformity with those principles (Algeria); establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Brazil); review the role and the mandate of the Office of the National Ombudsman, particularly in the area of non-discrimination and police misconduct, and guarantee its sufficient funding, as suggested by the Commissioner for Human Rights of the Council of Europe (Poland); take all necessary measures to ensure that the Office of the National Ombudsman complies with what is set out in the Paris Principles and is totally independent in terms of its funding (Argentina); ensure sufficient resources for the functioning of the national preventive mechanisms, following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT-OP) (Czech Republic);
6. Attach the greatest importance to implementing the Ohrid Framework Agreement and to meet the strategic priorities that arise therefrom (Switzerland);
7. Consider the possibility to conduct a mid-term evaluation of the Action Plan on the rights of the child (Morocco);
8. Put in place a national comprehensive plan for civil status registration and the right to identity, which includes awareness raising-campaigns for parents, guardians and other responsible persons, which will help to speed up the registration of births (Argentina);

9. Ensure prompt follow-up to the recommendations formulated by the Committee against Torture in 2008 with regard to the overall state of the prison system (Italy);
10. Continue efforts to harmonize its national legislation with international human rights instruments to which it is party (Nicaragua);
11. Continue submitting reports to various treaty-monitoring bodies in order to honour its commitments through the implementation of the recommendations emerging from those committees (Nicaragua);
12. Continue with the open policy towards the special procedures of the Human Rights Council (Mexico);
13. Take further concrete measures to strengthen relevant legislation to combat discrimination (Czech Republic); organize awareness-raising campaigns to combat all forms of discrimination including those based on gender, ethnicity, sexual orientation or gender identity (Czech Republic); adopt comprehensive anti-discrimination legislation (Croatia); speed up the process of formulating an anti-discrimination legal framework and strengthen the role of administrative structures established to sanction any form of discrimination (Albania); adopt and implement the Law on Protection from Discrimination and ensure effective access to judicial remedies for victims of discrimination (Canada);
14. Introduce adequate measures with a view to promoting cohesion of all ethnic groups (Greece);
15. Continue efforts to promote rights of vulnerable groups (Kazakhstan);
16. Take more systematic measures to promote gender equality in practice by, inter alia, increasing women's participation in the Police Force (Greece); promote participation and representation of women in governmental and private sectors (Brazil); intensify its efforts to accelerate women's equal participation at all levels and in all areas of public life (Norway); step up efforts to ensure access to education, health, employment and participation in political public life for women, in particular rural and ethnic minority women (Malaysia);
17. Redouble efforts in the area of promotion of women and effective equality between genders in the workforce as in the social sphere (Spain); adopt all measures necessary to ensure equality between women and men in all areas relevant to the Convention on the Elimination of All Forms of Discrimination against Women (France);
18. (a) Ensure that sexual orientation and gender identity are explicitly included throughout the anti-discrimination laws and programmes (Sweden); and that sexual orientation and gender identity be explicitly included through anti-discrimination laws and programmes (Denmark); (b) ensure that same-sex partners are provided with equal rights and responsibilities as opposite-sex partners (Denmark);
19. Implement a comprehensive reform of the penitentiary system that addresses concerns expressed by international observers and in particular the European

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Canada);

20. Encourage the appropriate institutions to take further action in dealing with violence against women (Croatia); implement measures to prevent and punish violence against Roma women so that they are able to enjoy their rights without prejudice (Japan); lower the stringent requirements for proof of domestic violence so that existing law criminalizing domestic violence can be more readily applied in practice (Netherlands); implement measures for the early detection and prevention of domestic violence against women and children, including sexual abuse or harassment (Netherlands); further collaborate with civil society in order to raise awareness and ensure protection and support for victims (Austria); adopt a decisive criminal policy to prosecute and punish perpetrators of violence against women and practice a policy of prevention so as to enhance the sensitivity of society at large to this matter (France);
21. Do everything in its power to improve detention conditions and to prosecute any perpetrators of ill-treatment (Switzerland); fully address the concerns published in the 4 November report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (The Netherlands);
22. Develop judicial assistance and protection mechanisms for victims of domestic violence (Spain);
23. Adopt and implement legislation prohibiting corporal punishment under all circumstances and accompany this with a public awareness-raising campaign (Austria); adopt appropriate measures, consistent with international standards, to avoid corporal punishment of children in all areas and to carry out education and awareness-raising campaigns in schools and in society at large (Argentina);
24. Increase the level of protection of minors, particularly those who find themselves in a situation of lack of protection and outside of the compulsory schooling system (Spain);
25. Continue and increase its efforts with a view to fully combating trafficking and prostitution, and continue efforts to help women who have been victims of trafficking (Sweden); step up measures to combat the scourge of prostitution and trafficking in women and girls, including by conducting more nationwide awareness campaigns and training for law enforcement officials, migration officials and border police (Malaysia);
26. Consolidate the independence and overall capacity of the judicial system (Slovenia);
27. Continue to provide the police, prison and judicial personnel with practically-oriented human rights training and education (Czech Republic);
28. Include mechanisms for the internal control of prison guards in the rules and regulations for prisons and detention centres (Netherlands); establish an effective and independent police oversight mechanism (Denmark);

29. Ensure that allegations of ill-treatment by law enforcement officers are promptly, thoroughly and impartially investigated and that those responsible are punished (Denmark);
30. Continue the reforms of the penitentiary system and improve the conditions at penitentiary institutions (Azerbaijan); continue and strengthen the ongoing efforts to ensure the well-being of prisoners and detainees in compliance with the Convention against Torture and other international standards (Sweden); push ahead with the reform of the prison system and consider introducing re-socialization programmes to ensure prisoners' reintegration into the community on release and to reduce the risk of their re-offending (United Kingdom);
31. Continue its efforts to implement the Law on Execution of Sanctions (Holy See);
32. Provide financial and human resources to the Interior Ministry to seize the large quantities of arms that exist within the civilian population and to improve the security situation and the living conditions of its prisons (Spain);
33. Review conditions in prisons, places of detention and other facilities falling within the scope of CAT-OP with a view to ensuring their full compliance with international standards, in particular as to the use of restraints and with regard to juveniles (Czech Republic);
34. Strengthen procedures for the investigation and punishment of any misconduct by police, prison and judicial personnel, including through strengthening the overview role of the Ombudsman (Czech Republic);
35. Adopt all necessary measures to ensure freedom of expression and to prevent any interference with press freedoms (Switzerland);
36. Monitor the implementation of the legislation concerning freedom of religion with a view to ensuring full enjoyment of the freedom to practice one's religion by all religious communities and groups in the country (Italy);
37. Implement effective measures to prevent intimidation of voters in future elections (Ireland); compile a new voter registration list to ensure full participation of the electorate in future elections (Ireland);
38. Take steps towards ensuring that all remaining obstacles to the work of human rights defenders are quickly removed so that they can operate in an open and secure environment (Ireland);
39. Map out to what extent media owners seek to influence journalists and adopt appropriate measures to prevent the mixing of private interests with journalism (Norway);
40. Adopt provisions to address the phenomenon of school dropouts particularly among Roma children and children living in rural areas, especially girls (Algeria); continue its efforts to guarantee free education at the primary level for all children, giving special attention to minority groups (Holy See); continue to pay special attention to

access to education for all children regardless of their ethnic origin and at all education levels, preschool, primary and secondary (Belgium);

41. Continue efforts to ensure that the Roma, Albanian and other minorities have access to suitable and affordable housing, employment, education and health care, and that special attention be paid to promoting the integration of these populations in all areas of social life, without discrimination (Algeria); continue adopting measures to improve the situation of rural women belonging to ethnic minorities, above all Roma and Albanians (Argentina); ensure implementation of the relevant legislation, in particular the laws relating to the use of languages and those aimed at improving the living conditions of the Roma (Switzerland); effectively promote ethnically mixed organizations around common civil, professional and business interests in order to fully support the social cohesion of all ethnic groups (Austria); ensure the speedy implementation of the measures of the national Roma Strategy (Austria); make every possible efforts to implement the Roma Strategy and Action Plans, in compliance with the strategy and the Decade of Roma Inclusion, which is to end in 2015 (Brazil); implement the Roma Strategy and Action Plans, in compliance with the Strategy and the Decade of Roma Inclusion 2005-2015 (Canada); ensure equal and unhindered access to health care for the Roma (Austria); promote the exercise by the Roma of their economic, social and cultural rights, in particular by implementing programmes to facilitate birth registration and the issuing identity documents for this sector of the population (Mexico); provide the Agency for the Rights of the Ethnic Groups Which Are Less Than 20 per cent of the Population with the necessary resources to effectively deal with minority issues (Ireland); improve the situation of inclusion of some minority ethnic groups, in particular the Roma, who are frequently facing a situation of lack of protection (Spain); focus more resources on ethnic reconciliation in the education of school-aged children to foster tolerance and appreciation for diversity in the next generation (United States);
42. Accomplish progressively the human rights goals as set forth in Human Rights Council resolution 9/12 (Brazil).

78. The response of the former Yugoslav Republic of Macedonia to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its twelfth session.

79. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **COMPOSITION OF THE DELEGATION**

The delegation of the former Yugoslav Republic of Macedonia was headed by H.E.M. Mihajlo MANEVSKI, Minister of Justice and composed of 13 members:

1. H.E. Mihajlo MANEVSKI, Minister of Justice;
2. H.E. Georgi AVRAMCEV, Ambassador and Permanent Representative;
3. Mrs. Elena GROZDANOVSKA, State Counselor, Ministry of Labor and Social Policy;
4. Mr. Izet Rizahu, State Counselor, Secretariat of the Government for Implementation of the Ohrid Framework Agreement;
5. Mrs. Aneta Stancevska, Assistant Minister, Ministry of Interior;
6. Mrs. Biljana Tasevska, Minister Plenipotentiary, Permanent Mission in Geneva;
7. Mrs. Svetlana Geleva, Head of Department, Ministry of Foreign Affairs;
8. Mrs. Mambera Kamberi, Head of Department, Ministry of Labor and Social Policy;
9. Mr. Anton Sereci, Deputy Director, State Commission for relation with Religious Communities and Groups;
10. Mr. Dusko Uzunovski, Minister Counselor, Permanent Mission in Geneva;
11. Ms. Gorica Atanasova, Head of Unit, Ministry of Justice;
12. Mr. Redzep Ali Cupi, Head of Unit, Ministry of Justice;
13. Mr. Iljham Ismani, Member of the Secretariat of the Government for Implementation of the Ohrid Framework Agreement.

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