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Civil and Political Rights**

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parties under article 40 of the Covenant**

Third periodic reports of States parties due in 2012

The former Yugoslav Republic of Macedonia* **

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* The present document is being issued without formal editing.
** Appendices can be consulted in the files of the Secretariat.

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I. General information

1. Republic of Macedonia is a unitary state located on the Balkan Peninsula in South Eastern Europe with a total area of 25,713 km². Its south border with Greece is 262 km long, its north border with Serbia is 232km, its west border with Albania is 191 km, while its east border with Bulgaria is 165 km.

2. 1.9% of the total area are water areas, 19.1% are planar and 79.0% are highlands. In the Republic of Macedonia there are 25 glacial lakes, three national parks and three natural lakes: Ohrid, Prespa and Dojran.

3. The territorial distribution of the population in the Republic of Macedonia demonstrates a striking disproportion. 57.8% of the total population lives in the cities (there are 34 cities in the Republic of Macedonia), the greatest concentration being in the capital Skopje (20.5%). Many of the rural settlements (total of 1,728) are either completely depopulated (141 inhabited places) or have an extremely small number of inhabitants and very soon, because of their unfavourable age structure (old population), there is a big probability to remain without a single inhabitant. On the other hand, in the relatively small number of villages (mostly located in the western and north-eastern part of the country) there is a large concentration of population.

A. Demographic indicators

1. Population size, population growth rate and population density

<i>Year</i>	<i>Assessment of the population, (condition in mid-year period, i.e. 30.06)</i>	<i>Annual population growth rate</i>	<i>Population density (number of inhabitants in km²)</i>
2006	2,040,228	0.17	79.3
2007	2,043,559	0.16	79.5
2008	2,046,898	0.16	79.6
2009	2,050,671	0.18	79.8
2010	2,055,004	0.21	79.9

4. Thanks to the still positive natural growth, the population in the Republic of Macedonia still retains the positive trend of growth, but at a reduced pace. In the period from 2000 to 2010, population growth was 26,172 persons or 1.3%.

2. Distribution of the population by mother tongue, religion and ethnic belonging

Total population according to ethnic belonging, 2002 Census

	<i>Total</i>	<i>Macedonians</i>	<i>Albanians</i>	<i>Turks</i>	<i>Roma</i>	<i>Vlachs</i>	<i>Serbs</i>	<i>Bosniaks</i>	<i>Other</i>
Republic of Macedonia – Total	2,022,547	1,297,981	509,083	77,959	53,879	9,695	35,939	17,018	20,993

Total population according to religion, 2002 Census

	<i>Religion</i>					
	<i>Total</i>	<i>Orthodox</i>	<i>Muslim (Islam)</i>	<i>Catholic</i>	<i>Protestant</i>	<i>Others</i>
Republic of Macedonia – Total	2,022,547	1,310,184	674,015	7,008	520	30,820

Total population according to mother tongue and sex, 2002 Census

	<i>Total</i>	<i>Macedonian</i>	<i>Albanian</i>	<i>Turkish</i>	<i>Romani</i>	<i>Vlach</i>	<i>Serbian</i>	<i>Bosniak</i>	<i>Other</i>
Male	1,015,377	673,618	257,829	36,433	19,269	3,608	11,529	4,283	8,808
Female	1,007,170	671,197	250,160	35,324	19,259	3,276	13,244	4,277	10,433
Republic of Macedonia – Total	2,022,547	1,344,815	507,989	71,757	38,528	6,884	24,773	8,560	19,241

3. Age composition, dependency ratio (percentage of the population aged under 15 and over 65)

<i>Year</i>	<i>Population assessment (condition in the middle of the year, i.e. 30.06.)</i>	<i>Population by age groups</i>				<i>Aging index</i>	<i>Annual population increase rate</i>
		<i>0-14</i>	<i>15-64</i>	<i>65+</i>	<i>Unknown</i>		
2006	2,040,228	391,365	1,420,451	227,561	851	58.1	0.17
2007	2,043,559	381,856	1,430,194	230,742	767	60.4	0.16
2008	2,046,898	373,840	1,438,198	234,191	669	62.6	0.16
2009	2,050,671	366,843	1,446,164	237,068	596	64.6	0.18
2010	2,055,004	361,236	1,453,499	239,756	513	66.4	0.21

Structure of young and old population

<i>Year</i>	<i>0-14</i>	<i>65+</i>
2006	19.2	11.2
2007	18.7	11.3
2008	18.3	11.4
2009	17.9	11.6
2010	17.6	11.7

5. In terms of the aging population, significant changes have occurred in the age structure of the population. In the period from 2000 to 2010, the share of young population (0-14 years) in the total population decreased from 22% to 17.6%, and the share of old population (65 years and over) increased from 10.1% to 11.7%.

4. Statistics on births and deaths

Vital Statistics

	2000	2005	2010
Live births	26,168	22,482	24,296
Male	13,627	11,451	12,631
Female	12,541	11,031	11,665
Deaths	17,085	18,406	19,113
Male	9,206	9,815	10,168
Female	7,879	8,591	8,945
Marriages	14,255	14,500	14,155
Divorces	1,325	1,552	1,720
Average age when concluding first marriage of			
Groom	26.6	27.6	28
Bride	23.6	24.5	25.2
Per 1,000 population			
Live births	12.9	11	11.8
Deaths	8.4	9.0	9.3
Marriages	7	7.1	6.9
Divorces	0.7	0.8	0.8

6. In the period from 2000 to 2010, a decline in births in the country was observed which contributed to the birth rate decrease to 11.8 pro milles, unlike in 2000 when it was 12.9 pro milles. Changes in age structure of the population reflect on the number of deaths in the country. The number of deceased persons contributed to increased mortality rate which in 2010 was 9.3 pro milles, unlike in 2000 when it was 8.4 pro milles.

5. Life expectancy

<i>Year</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
2004-2006	73.76	71.63	75.90
2005-2007	73.78	71.70	75.87
2006-2008	74.00	71.95	76.14
2007-2009	74.17	72.12	76.29

6. Fertility rate

<i>Year</i>	<i>Birth rate</i>	<i>Death rate</i>	<i>Total fertility rate</i>
2006	11.1	9.1	1.46
2007	11.1	9.6	1.46
2008	11.2	9.3	1.47
2009	11.5	9.3	1.52
2010	11.8	9.3	1.55

7. Average size of household

Area, Households And Population Based On Censuses

	Area, km ²	Households	Population			Number of inhabitants in 1 km ²	Number of persons in one household	Number of men to 1,000 women (masculinity)
			Total	Men	Women			
1921	25,713	146,161	808,724	401,468	407,256	31.5	5.53	986
1931	25,713	164,052	949,958	478,519	471,439	36.9	5.79	1,015
1948	25,713	218,819	1,152,986	584,002	568,984	44.8	5.27	1,026
1953	25,713	246,313	1,304,514	659,861	644,653	50.7	5.30	1,024
1961	25,713	280,214	1,406,003	710,074	695,929	54.7	5.02	1,020
1971	25,713	352,034	1,647,308	834,692	812,616	64.1	4.68	1,027
1981	25,713	435,372	1,909,136	968,143	940,993	74.2	4.38	1,029
1991	25,713	505,852 ¹	2,033,964¹	1,027,352 ¹	1,006,612 ¹	79.1 ¹	4.02 ¹	1,042 ¹
1994	25,713	501,963 ²	1,945,932³	974,255 ³	971,677 ³	76.0	3.85 ⁴	1,021
2002	25,713	564,296	2,022,547	1,015,377	1,007,170	78.7	3.58	1,008

¹ Counted and estimated population and households.

² Counted households.

³ Counted and estimated population based on the definite results from the 1994 Census.

⁴ Average number of person in the counted households.

Individual households according to size, 2002 Census

Total number of		Average number of members of a household
Individual households	Members of households	
564,237	2,020,365	3.58

B. Social, economic and cultural indicators

1. Share in consumption (of a household) of expenditures on food, housing, health and education

	2006	2008	2010
Food and non-alcoholic drinks	39.3	39.4	39.0
Alcoholic drinks and tobacco	4.1	3.9	3.7
Clothes and shoes	7.1	6.3	5.9
Housing, water, electricity, gas and other fuels	9.8	10.4	11.6
Furniture, furnishings, maintenance of furnishings	5.9	6.1	4.9
Health	2.8	2.6	3.4
Transportation	7.9	8.5	5.9
Communications (PTT services)	4.3	3.7	3.7
Recreation and culture	3.8	3.5	2.4
Education	0.9	0.7	0.9

	2006	2008	2010
Restaurants and hotels	4.6	4.4	4.6
Other goods and services	3.8	3.7	4.4
Other	5.6	6.9	9.7
Total	100.0	100.0	100.0

7. The average household in Macedonia allocates about 61.3% of its consumption to meet the basic needs for food, clothing, housing and furnishings. The incomes based on regular and temporary work prevail in the revenues structures in 2010 with 65.4%, pensions accounted for 17.5%, incomes from agricultures with 5.6%, incomes from abroad with 2.8%, social benefits with 1.6%. The data indicate that the average household with its incomes provides about 89.2% of its consumption, and the rest is covered with loans (for instance, overdrafts on current accounts) or with unregistered or informal incomes.

2. Relative poverty rate (70% of the medial equivalent costs)

	2003	2004	2005	2006	2007	2008	2009	2010
Total index	30.2	29.6	30	29.8	29.4	28.7	31.1	30.9
Index of depth of poverty	9.4	9.4	9.7	9.9	9.7	9.2	10.1	10.9

Source: Household expenditure survey, SSO.

8. The downward trend in the relative poverty rate also continued in 2010 when it reached 30.9 %. The most vulnerable groups are households with more members, that is, 47.3% of the poor households are with 5 and more members. The poverty rate among the unemployed was 41.8%, that is, 44.8% of all poor people were unemployed.

3. Proportion of the population below minimum level of nutrition

Body mass index in %, by age groups – Age groups years	Mal-nourished	Reduced nutrition	Weight gain	1st degree obesity	2nd degree obesity	3rd degree obesity
20-29	5.3	48.7	28.9	9	1.6	0.3
30-39	2.3	40.8	33.5	12.8	3.2	1
40-49	1.4	31.8	38.5	16.3	4.8	1.3
50-64	0.8	22.3	38.7	21.6	6.3	1.8
>64	1.1	29.1	37.8	19.2	5.3	1.8

Source: Institute of Public Health of RM, Health and health care of the population in the Republic of Macedonia, 2010.

4. Gini coefficient (relating to the distribution of household income or expenditure)

	2002	2003	2004	2005	2006	2007	2008	2009
Poverty rate according to the Gini coefficient	38.8	39.0	38.9	39.1	42.8	:	44.2	43.1

Source: World Bank (<http://data.worldbank.org/indicator/SI.POV.GINI>).

5. Frequency of children under the age of five with reduced weight

Number (pondered % ID) of malnutrition (according to the growth standards of WHO) of children between 6-59 months old

Variable	Weight/age (<-2 z-values) Insufficient weight		Height/age (<-2 z-values) Lag in growth		Weight/Height (<-2 z-values) Disproportionately small weight compared to height		WHZ (> +2 Z-values) Overweight	
Total	1,489	2.5 (2.2-2.7)	1,434	10.3 (9.6-11.0)	1,417	6.4 (5.8-7.1)	1,417	16.4 (15.6-17.3)
Sex:								
Male	21	3.5 (3.1-3.9)	74	12.3 (11.2-13.5)	50	7.1 (6.2-8.1)	116	15.6 (14.3-16.7)
Female	10	1.5 (1.3-1.7)	59	8.3 (7.4-9.1)	35	5.8 (5.0-6.5)	113	17.4 (16.1-18.7)

Source: National nutrition survey in the Republic of Macedonia: 2011 – for women in reproductive age and children of 6-59 months old, conducted by the Institute of Public Health.

6. Mortality rate of infants and mothers

Mortality rate

Year	Infant deaths per 1,000 live births	Maternal mortality per 100,000 live births
2006	11.5	4.4
2007	10.3	0
2008	9.7	0
2009	11.7	4.2
2010	7.6	8.2

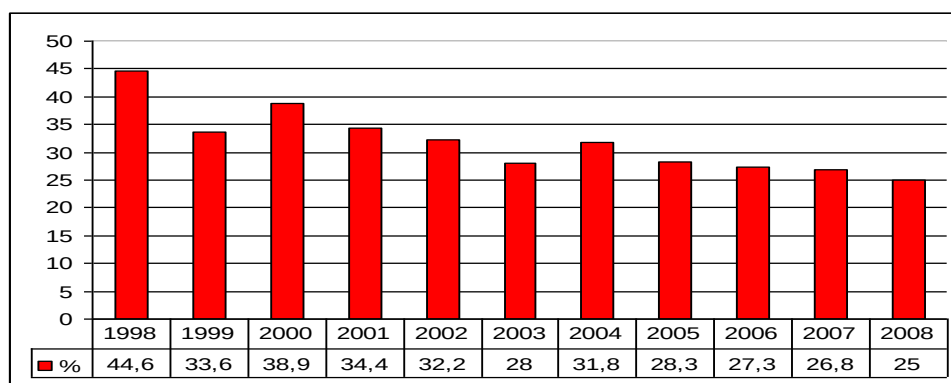
Infant mortality rate by sex

Year	Female	Male
2005	12.0	14.0
2006	10.0	13.0
2009	10.0	13.0
2010	6.9	8.2
2011	7.0	8.1

7. Percentage of women of reproductive age using contraception or whose partner uses contraception

9. In 2007 and 2008, a research was conducted by the Institute of Public Health with the support of the Ministry of Health and the United Nations Population Fund (UNFPA) in which it was established that 9.8% of the women used modern means of contraception. (Strategic assessment of policy, quality and access to contraception and abortion in RM, 2008).

8. Termination of pregnancy in medical conditions as a percentage of live births



9. Rates of infection with HIV/AIDS and leading infectious diseases

Rate of HIV/AIDS among risk groups

Description of indicator	Date	Result
HIV rate among intravenous drug addicts	31.12.2010	0.0%
HIV rate among sex workers	31.12.2010	0.0%
HIV rate among men having sex with men	31.12.2010	0.0%
HIV rate among prisoners	31.12.2010	0.0%

Source: Global Fund – HIV /AIDS Prevention Programme – Ministry of Health of the Republic of Macedonia.

ПРИЈАВЕНИ СЛУЧАЈИ ОД НЕКОЈИ ЗАРАЗНИ БОЛЕСТИ И УМРЕНИ ОД ТИЕ БОЛЕСТИ		2005	2006	2007	2008	2009
NUMBER OF REPORTED CASES AND DEATHS FROM INFECTIOUS DISEASES						
Вкупно / Total	заболени infected	51 261	19 708	48 406	25 048	22 474
	умрени deaths	6	7	12	7	6
Typhus abdominalis	заболени infected	-	-	-	-	-
	умрени deaths	-	-	-	-	-
Paratyphus	заболени infected	-	-	-	-	-
	умрени deaths	-	-	-	-	-
Dysentaria bacillaris	заболени infected	12	20	22	42	62
	умрени deaths	-	-	-	-	-
Enterocolitis	заболени infected	6 951	9 072	10 879	17 024	12 572
	умрени deaths	-	1	-	-	-
Scarlatina	заболени infected	297	222	217	289	207
Morbili	заболени infected	5	2	1	27	5
	умрени deaths	-	-	-	-	-
Pertussis	заболени infected	7	7	-	-	-
	умрени deaths	-	-	-	-	-
Meningitis cerebrospinalis epidemica	заболени infected	2	2	10	7	6
	умрени deaths	-	-	2	2	1
Meningitis serosa	заболени infected	121	22	59	46	50
	умрени deaths	-	-	-	-	1
Tularemia	заболени infected	-	-	-	-	-
	умрени deaths	-	-	-	-	-
Tetanus	заболени infected	2	1	-	-	-
	умрени deaths	1	-	-	-	-
Anthrax	заболени infected	4	-	-	2	-
	умрени deaths	-	-	-	-	-
Erysipelas	заболени infected	28	21	40	22	26
Hepatitis virosa	заболени infected	1 070	1 029	779	729	895
	умрени deaths	1	2	2	2	-
Intoxicatio alimentaria	заболени infected	1 115	1 260	1 260	1 651	1 245
Malaria	заболени infected	-	2	-	-	2
	умрени deaths	-	-	-	-	1
Parotitis epidemica	заболени infected	125	49	294	5 965	10 920
Rubeola	заболени infected	21	29	19	14	11
Varicella	заболени infected	5 971	4 699	7 227	7 460	5 760
	умрени deaths	-	-	1	-	-
Brucellosis	заболени infected	222	209	291	480	267
	умрени deaths	-	-	-	1	-
Salmonellosis	заболени infected	212	201	280	296	159
	умрени deaths	-	-	-	-	-
Influenza	заболени infected	24 199	299	26 899	14 296	46 670
	умрени deaths	-	-	-	-	22
Други / Other	заболени infected	1 092	1 147	921	960	1 029
	умрени deaths	4	2	5	1	2

10. Ten major causes of death

Deceased persons based on causes of death¹

	2010			2011		
	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Diseases of the circulatory system	11,069	5,501	5,568	11,526	5,563	5,963
Neoplasms	3,705	2,218	1,487	3,552	2,181	1,371
Symptoms, signs and abnormal clinical findings, unqualified elsewhere	1,245	669	576	1,346	719	627
Endocrine, nutritional and metabolic diseases	741	310	431	766	301	465
Diseases of the respiratory system	712	401	311	741	450	291
Injury, poisoning, and certain other consequences of external causes	588	422	166	527	383	144
Diseases of the digestive system	370	240	130	334	232	102
Diseases of the genitourinary system	262	148	114	269	143	126
Certain conditions arising in the perinatal period	125	70	55	105	58	47
Other	296	189	107	299	174	125
Total	19,113	10,168	8,945	19,465	10,204	9,261

¹ International Statistical Classification of Diseases and Related Health Problems – 10th Revision.

10. The most common causes of death are diseases of the circulatory system that appear with 57.9% of the total deaths, neoplasms with 19.4%, followed by deaths from endocrine, nutritional and metabolic diseases with 6.7%, and so on.

11. Net enrolment in primary and secondary education

Primary education

<i>School year</i>	<i>Age</i>	<i>Enrolled students</i>	<i>Population at the same age*</i>	<i>Net rate</i>
2000/2001	7-14	241,251	251,963	95.75
2001/2002	7-14	237,210	249,998	94.88
2002/2003	7-14	230,579	248,538	92.77
2003/2004	7-14	224,931	243,080	92.53
2004/2005	7-14	220,411	237,087	92.97
2005/2006	6-14**	230,925	255,085	90.53
2006/2007	6-14	226,656	248,352	91.26
2007/2008	6-14	219,113***	241,474	90.74
2008/2009	6-14	213,253	234,449	90.96
2009/2010	6-14	208,039	227,588	91.41
2010/2011	6-14	202,290	-	-

* Situation on 31 December.

** Data about students relate to enrolled students in preparatory group – nulta grade and from I to VIII grade under the changes in the Law on Primary Education (“Official Gazette of RM”, no. 63/2004). Therefore, age group of population between 5 and 17 was taken for the gross rate and from 6 to 14 years of age for the net rate of enrolment in primary education.

*** Starting from the school year 2007/2008 the data about the students refer to enrolled students from I to IX grade under the changes in the Law on Primary Education (“Official Gazette of RM”, no. 51/2007).

Secondary education

<i>School year</i>	<i>Age</i>	<i>Enrolled students</i>	<i>Population at the same age*</i>	<i>Net rate</i>
2000/2001	15-18	84,149	133,651	62.96
2001/2002	15-18	83,003	132,189	62.79
2002/2003	15-18	84,078	132,549	63.43
2003/2004	15-18	87,358	132,431	65.96
2004/2005	15-18	86,609	130,932	66.15
2005/2006	15-18	86,002	129,776	66.27
2006/2007	15-18	86,716	128,540	67.46
2007/2008	15-18	85,145	126,475	67.32
2008/2009	15-18	85,081	124,523	68.32
2009/2010	15-18	85,803	122,959	69.78
2010/2011	15-18	84,906	...	-

* Situation on 31 December.

Primary Education

	<i>Number of students</i>		<i>Structure by sex</i>		<i>Net enrolment rate</i>	
	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
2009/2010	101,765	108,616	48	52	91	91
2010/2011	98,951	105,488	48	52	91	91
2011/2012	96,433	102,423	48	52	92	92

Secondary Education

	<i>Number of students</i>		<i>Structure by sex</i>		<i>Net enrolment rate</i>	
	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
2009/2010	45,820	49,523	48	52	69	71
2010/2011	45,292	48,863	48	52	70	72
2011/2012	44,884	48,180	48	52	80	81

Source: State Statistical Office, Statistical studies on primary, secondary and higher education.

12. Attendance and drop-out rates in primary and secondary education**Persons leaving school early**

	2009	2010	2011
Female	19%	17%	15%
Male	14%	14%	12%

Source: Labour Force Survey, SSO.

13. Teacher-student ratio in schools financed from public funds

	<i>Number of students per teacher in primary schools at the beginning of the school year*</i>	<i>Number of students per teacher in secondary schools at the beginning of the school year**</i>
2009/2010	13	14
2010/2011	13	14

* The data refer to the number of students per teacher at the beginning of the school year in all state primary schools.

** The data refer to the number of students per teacher at the beginning of the school year in state and private secondary schools (total).

11. The literacy rate of the population at the age of 10 and over in the Republic of Macedonia, according to the 2002 Census, was 96.4%.

14. Unemployment rate

	2000	2005	2010
Active population	811,557	869,187	938,294
Male	488,544	523,275	575,349
Female	323,014	345,912	362,945
Activity rate	52.9	54.1	56.9
Male	64.4	64.9	69.8
Female	41.7	43.2	44
Employed	549,846	545,253	637,855
Male	339,550	332,179	391,923
Female	210,297	213,074	245,932
Employment rate	35.8	33.9	38.7
Male	44.7	41.2	47.5
Female	27.1	26.6	29.8
Unemployed	261,711	323,934	300,439
Male	148,994	191,096	183,426
Female	112,717	132,838	117,013
Unemployment rate	32.2	37.3	32
Male	30.5	36.5	31.9
Female	34.9	38.4	32.2

12. In the period 2000-2010, the activity, employment and unemployment rates showed minimal changes from year to year, with a rising and/or falling trend.

13. During this period, the highest rate of the active population was recorded in 2010 which was 56.9. The highest employment rate of 38.7 was recorded in 2010, and the lowest unemployment rate of 30.5 was recorded in 2001.

14. In the total number of employees in 2000, the biggest share was by the age group 40-44, in 2005 the biggest participation was by the age group 45-49, and in 2010 the biggest participation was by the age group 30-34. The employment rate among these age groups in 2000 was 62.8, in 2005 - 56.7, while in 2010 the employment rate was 56.5.

15. The participation of women in the total number of employees was lower than that of men which correspondingly reflected also in the employment rate among the female population. In 2000, women accounted for 38.2% of the total number of employees, in 2005 - 39.1%, and in 2010 - 38.6%.

15. Employment by main sectors of economic activity, including formal and informal sectors

	2006	2008	2010
Agriculture, hunting and forestry	114,485	119,498	121,521
Fishing	292	251	250
Mining and stone extraction	3,861	6,680	4,964
Processing industry	123,066	128,953	124,282
Electricity, gas and water supply	15,955	15,516	15,043
Construction	43,203	39,381	40,953
Wholesale and retail, repair of motor vehicles, motorcycles and items for personal use and for households	73,015	86,553	96,206
Hotels and restaurants	19,034	19,117	21,522
Traffic, storage and communications	30,000	37,726	35,909
Financial mediation	7,081	7,739	8,907
Activities in connection with real estate, rental and business activities	15,376	16,298	21,058
Public administration and defence; compulsory social care	39,343	42,227	46,415
Education	33,394	33,615	38,862
Health and social work	32,584	32,906	35,959
Other utilities, cultural, common and personal services	18,290	21,008	23,939
Private households employing domestic staff and non-differentiated activities of the households for the production of goods for their own needs	464	733	1,408
Exterritorial organisations and bodies	962	814	656
Total	570,404	609,015	637,855

Average gross hourly earnings, by level of education and sex

<i>Level of education</i>	<i>Average hourly earnings October 2010</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>
Uncompleted primary education	105	114	176
Primary education	112	119	101
3 years of secondary education	142	151	113
4 years of secondary education	143	152	132
College education	201	211	191
University education	257	273	243
Total	182	188	176

Average gross hourly earnings, by occupational groups and by sex

<i>Major and minor occupational groups</i>	<i>Average hourly earnings October 2010</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>
Members of legislative and executive bodies, civil servants, diplomats and directors	342	350	330
Experts and scholars	241	252	232
Technicians and related occupations	190	201	177
Clerks	171	170	173
Services and sales workers	134	145	119
Expert associates in agriculture, forestry, fishing and hunting	123	123	124
Occupations for non-industrial way of working in production	115	128	90
Handlers and integrators of machines and plants	120	138	91
Elementary occupations	113	117	108
Military occupations	227	226	259
Total	182	188	176

Source: State Statistics Office: Men and Women in the Republic of Macedonia, 2011 and 2012.

16. Rates of participation in the work and labour rates registered in Trade Unions

16. In the reporting period 2008-2011 in the Republic of Macedonia, the data required for these indicators were not the subject of processing with the application of a unified methodology at national level.

17. Gross domestic product (GDP), annual growth rate of income per capita**Gross domestic product**

	2006	2007	2008	2009	2010 ¹
Gross national income ²	318,445	347,940	406,025	407,081	-
GDP real growth rate (in %)	5.0	6.1	5.0	-0.9	1.8
GDP ³	5,231	5,965	6,720	6,677	6,905
GDP per capita in Euros	2,564	2,919	3,283	3,253	3,360

¹ Previous data.² In millions of denars.³ In millions of euros.

17. The data about the gross domestic product are calculated according to the new National Classification of Activities (NCA Rev.2).

18. In 2009-2010, services had the highest share in the structure of the gross domestic product of 53.4% in 2009 and 52.9% in 2010.

19. The participation of the sectors Mining and Quarrying, Manufacturing, Electricity, gas, steam and air conditioning supply, Water supply, wastewater disposal, waste management and environmental remediation activities, and Construction in 2009 was 24.3% and in 2010 was 23.8%.

20. Agriculture, forestry and fishing accounted for 9.7% in 2009 and 10.6% in 2010.

18. Consumer price index (CPI)**Index of living costs in the Republic of Macedonia, in % (previous year = 100)**

	2007	2008	2009	2010	2011
Index of living costs/ Consumer price index	2.3	8.3	-0.8	1.6	3.9

19. Social costs (e.g. food, housing, health, education, social care, etc.) as a share in the total public expenditures and GDP

See indicator under number 10: Share in public expenditures of the police/security and judiciary

20. Foreign and domestic public debt

Republic of Macedonia, Ministry of Finance, Sector for International Financial Relations and Public Debt Management, Debt of Central Government (consolidated) on 31.01.2012 inclusive

(In millions of euros)

Base	2007	2008	2009	2010	2011	31.01.2012
External debt of central government*	877.2	921.2	1,105.3	1,173.8	1,582.1	1,577.9
Central government	841.8	886.7	1,074.4	1,146.5	1,558.4	1,554.2
Public Funds	35.4	34.6	30.9	27.3	23.6	23.6
Internal debt of central government	552.8	465.5	491.7	536.8	506.7	509.9
Structural bonds	396.3	343.5	282.5	226.1	152.1	148.8
Bond for sanation of Stopanska banka	0.0	0.0	0.0	0.0	0.0	0.0
Bond for selective loans	17.0	16.9	16.9	16.9	16.9	16.9
Bond for privatisation of Stopanska banka	60.1	51.5	42.9	34.3	27.9	25.7
Bond for old foreign currency savings	203.9	152.9	101.9	51.0	0.0	0.0
Bond for denationalisation (I-X emission)	115.4	122.2	120.7	124.0	107.3	106.2
Continuous state securities	156.5	122.0	209.2	310.6	354.6	361.0
of which Treasury bills for monetary purposes	75.5	0.0	0.0	0.0	0.0	0.0
Total debt of central government	1,430.0	1,386.7	1,596.9	1,710.6	2,088.8	2,087.8
Gross domestic product**	5,965.0	6,720.0	6,677.0	6,944.0	7,403.0	7,968.0
Average export**	2,472.2	2,692.6	1,933.0	2,492.8	3,036.0	3,400.0
External debt of central government as % of total debt of central government	61.3	66.4	69.2	68.6	75.7	75.6
Internal debt of central government as % of total debt of central government	38.7	33.6	30.8	31.4	24.3	24.4
Total debt of central government as % of gross domestic product	24.0	20.6	23.9	24.6	28.2	26.2
Total debt of central government as % of export	57.8	51.5	82.6	68.6	68.8	61.4

* Source: National Bank of the Republic of Macedonia.

** Source: Ministry of Finance – Sector for Macro Economy.

21. Ratio of international aid received by sector and in terms of the GDP

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Official international development aid – net (in million dollars)	247.1	273.5	265.7	263.4	227.2	205.2	200.9	204.7	193.4
Official international development aid – net (% of GDP)	7.2%	7.3%	5.6%	4.8%	3.8%	3.1%	2.8%	2.1%	2.1%

Source: UNCTAD, UNCTADstat.

C. Indicators for political system

1. Number of recognised political parties at national level

21. The Skopje II Basic Court – Skopje is responsible for the keeping of the Single Register of Political Parties which keeps a record of all registered political parties in the Republic of Macedonia. 51 political parties are recorded in this Register.

2. Proportion of population with a voting right

Year	Types of elections	Number of voters	Proportion of population with a voting right
2008	Parliamentary	1,779,116	86,9%
2009	Presidential	1,792,082	87,3%
2011	Parliamentary	1,821,122	The data about the estimated number of inhabitants for 2011 have not been processed yet.

Source: State Electoral Commission.

3. Proportion of adult non-nationals registered to vote

22. In the Republic of Macedonia only nationals of the Republic of Macedonia have the right to vote.

4. Registered number of appeals filed for the conduct of the elections, by type of alleged irregularity

Year	Complaint to SEC	Appeal to court	Total
2008/ 1st round	94	80	174
2008/1st repeated voting	44	20	64
2008/2nd repeated voting	8	4	12
2009/1st round	85	45	130
2009/2nd round	96	39	135
2011	16	5	21

Source: State Electoral Commission.

5. Coverage of the population and ownership of major media channels (electronic, printed, audio, etc.)

23. In the Republic of Macedonia a broadcasting activity may be carried out by a broadcaster under the conditions and in a manner defined by the Law on Broadcasting and other laws, whereby a broadcaster may be a public broadcaster, a commercial broadcasting company and non-profit broadcasting institution.

24. The public broadcaster Macedonian Radio and Television is established for the entire territory of the Republic of Macedonia and performs the function of a public broadcasting service, which broadcasts: 1 Macedonian language TV programme service, 1 TV programme service in the language spoken by at least 20% of the citizens that is different from the Macedonian language and the other communities that are not the majority, 2 radio services in the Macedonian language, 1 radio service in the language

spoken by at least 20% of the citizens that is different from the Macedonian language and the other communities that are not the majority, 1 radio and 1 TV programme service via satellite and 1 programme service dedicated exclusively to the activities of the Assembly of the Republic of Macedonia.

25. Legal and natural persons may establish a broadcasting company, whereby a foreign natural or legal person may establish or participate in the ownership of a domestic broadcaster under the same conditions that apply to domestic natural or legal persons.

26. Educational, cultural and other institutions and associations of citizens and foundations may establish a non-profit broadcasting institution to meet the needs and interests of specific target groups.

27. Depending on the service coverage area, that is coverage rating/audience, broadcasting can be at: national level – which provides coverage rating/audience of at least 80% of the population of the Republic of Macedonia, regional level – which provides coverage rating/audience of a demographic unit which covers between 150,000 – 400,000 inhabitants (the city of Skopje with its environment is a separate region) and local level – which provides coverage rating/audience of one inhabited place with the closest environment that covers up to 150,000.

28. In the last 5 years, that is, in the period from 2007 to 2011, commercial broadcasting companies and non-profit broadcasting institutions which in the Republic of Macedonia carry out broadcasting, at state, regional and local levels, are detailed in the Table below, as follows:

	<i>TV Stations</i>				
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
State level terrestrial	5	5	5	5	5
State level satellite	0	16	16	13	12
Regional	11	10	10	10	10
Local	36	47	47	49	49
Total	52	78	78	77	76
	<i>Radio Stations</i>				
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
State level	3	3	3	3	3
Regional	16	16	16	16	16
Local	43	49	49	49	61
Non-profit	0	0	2	3	3
Total	62	68	70	71	83
Total (RADIO and TV stations)	114	146	148	148	156

Source: Broadcasting Council of RM.

29. In the period from 2007 to July 2011, in addition to the public broadcasting service, a total of 8 (eight) subjects broadcasted at state level via terrestrial transmitter, of which

5 (five) TV stations and 3 (three) radio stations. In July 2011, one TV station (A1 TV) ceased broadcasting programme.

30. At the same time, these 8 subjects are the most relevant broadcasters in TV that is radio industry, in terms of both the share they have in the total income and the share in the total audience, that is, rating.

31. In terms of ownership of these 8 subjects, of the five TV stations, two (A1 TV and Kanal 5 TV) are owned by domestic natural persons, just as many (Sitel TV and Telma TV) are owned by domestic legal entities, and only one (Alsat-M TV) is in joint ownership, that is, one domestic natural person, one foreign natural person, one domestic legal entity and one foreign legal entity appear as the founders of this broadcaster.

32. All three commercial radio stations broadcasting programme at state level are founded by domestic persons, that is the radio stations Antenna 5 and Ross Metropolis by several natural persons, a Channel 77 is owned by a legal entity.

6. Number of registered NGOs

33. The Law on Associations and Foundations regulates the manner, conditions and procedures for the establishment, registration and termination of associations, foundations, unions, organisational forms of foreign organisations in the Republic of Macedonia, disposable assets, supervision, status changes and the status of public benefit organisations. An association, foundation, union, any organisational form of foreign organisations, as well as any other form of association, registered under the provisions of this Law, shall acquire the capacity of a legal entity by registration in the register maintained by the Central Register of the Republic of Macedonia. The Register keeps: a register of associations and a register of unions, a register of foundations and a register of organisational forms of foreign organisations. In terms of the number of registered associations and foundations in the Register of Associations and Unions, that is, the Register of Foundations a total of 11,817 subjects have been registered with an organisational form of associations and foundations. About 3,500 have been re-registered, in accordance with the amendments to the legal framework for the operation of associations and foundations.

7. Distribution of legislative seats by party

34. In the 2008-2011 reporting period in the Republic of Macedonia, the required data about this indicator was not the subject of processing with the application of unified methodology at national level.

8. Percentage of women in Parliament

<i>Year</i>	<i>Total number of MPs</i>	<i>Female MPs</i>	<i>Percentage</i>
2008	120	40	33%
2011	123	38	30%

Source: State Electoral Commission.

9. Ratio of national and subnational elections held according to the schedule defined by law

Period: 2008-2011

National elections	01.06.2008	Parliamentary elections	Early
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	22.03.2009	Presidential elections	Regular
	05.06.2011	Parliamentary elections	Early
Local elections	22.03.2009	Local elections	Regular
	05.12.2010	Local elections for Mayor of the Zajas Municipality	Early
	18.12.2011	Local elections for Mayor of the Saraj Municipality	Early

10. Average voter turnout in national and local elections according to the administrative unit (e.g. states or provinces, regions, municipalities and villages)

<i>Year</i>	<i>Type of elections</i>	<i>Number of voters</i>	<i>Voted</i>	<i>%</i>
2008	Parliamentary	1,779,116	1,015,164	57.06
2009	Presidential	1,792,082	764,039	42.63
2009	Local	1,792,082	1,019,268	56.88
2010	Local (Zajas Municipality)	10,047	4,587	45.66
2011	Parliamentary	1,821,122	1,156,049	63.48
2011	Local (Saraj Municipality)	29,230	11,136	38.10

Source: State Electoral Commission.

D. Indicators of crime and administration of justice

1. Incidence of violent death and life-threatening crime reported per 100,000 persons

35. In the 2008-2011 reporting period in the Republic of Macedonia, the required data about this indicator was not the subject of processing with the application of unified methodology at national level.

2. Number of persons and rate (per 100,000 persons) who were arrested/brought before court/convicted/punished/jailed for violent or other serious criminal offences (such as murder, robbery, assault and trafficking in human beings)

	<i>2000</i>	<i>2005</i>	<i>2010</i>
Murder	35	40	32
Corporal injury	410	297	524
Severe corporal injury	144	225	175
Rape	19	23	12
Theft	630	1,086	1,144
Aggravated theft	1,261	1,819	1,526
Robbery	64	130	133
Fraud	227	286	289
Misuse of official position and powers	16	81	90
Unauthorised production and circulation of narcotic drugs, psychotropic substances and precursors	125	242	293
Enablement to use narcotic drugs and psychotropic substances	29	56	44

	2000	2005	2010
Public traffic safety endangerment	1,077	1,306	1,764
Total	4,037	5,591	6,026

36. Offenders who were sentenced for criminal offences against public traffic safety and thefts account for most in the total number of sentenced adults, according to the type of criminal offence.

37. The number of perpetrators of criminal offences against public traffic safety in 2010 increased by 35.1 % compared to 2005, and for the same period the number of perpetrators of criminal offences of theft increased by 5.3%.

3. Maximum and medium length of pre-trial detention

Length of detention

Year	Total number of accused adults based on detention	Up to 3 days	Between 3 and 15 days	Between 15 days and 1 month	Between 1 month and 2 months	Between 2 and 3 months	Between 3 and 6 months	Longer than 6 months
2006	528	21	92	111	88	56	47	113
2007	486	15	58	112	93	37	39	132
2008	547	14	66	99	90	64	85	129
2009	512	10	39	177	75	41	63	107
2010	408	11	54	142	42	38	38	83

Source: Static Statistics Office – Perpetrators of criminal offences from 2006 to 2010.

4. Number of sentenced persons according to the severity of the penalty for 2008, 2009 and 2010

	Up to 3 months	From 3 to 6 months	From 6 months to 1 year	1-2 years	2-3 years	3-5 years	5-10 years	10-15 years	Life sentence
2008	142	226	439	510	364	417	379	253	24
2009	250	376	474	456	362	474	420	205	27
2010	331	406	415	502	311	427	428	199	29

Source: Directorate for Execution of Sanctions.

5. Frequency rate of deaths during custody

Tabulated scheme of the number of deaths in penitentiaries and houses of corrections in the Republic of Macedonia

Year	Natural death	Suicide	Accident
2009	-	-	-
2010	2	2	-
2011	5	4	1

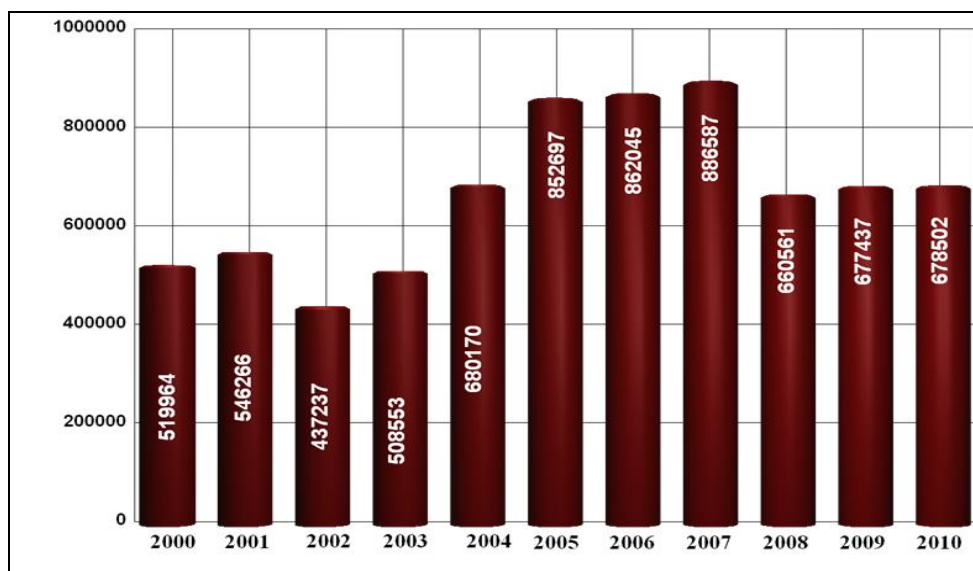
Source: Directorate for Execution of Sanctions.

6. Number of persons executed under death penalty per year

38. Pursuant to Article 10 of the Constitution, “In the Republic of Macedonia no death penalty may be imposed on any ground”. The Republic of Macedonia is a Contracting Party to Protocol No. 6 to Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty.

7. Average backlog of court cases at different levels of the judicial system:

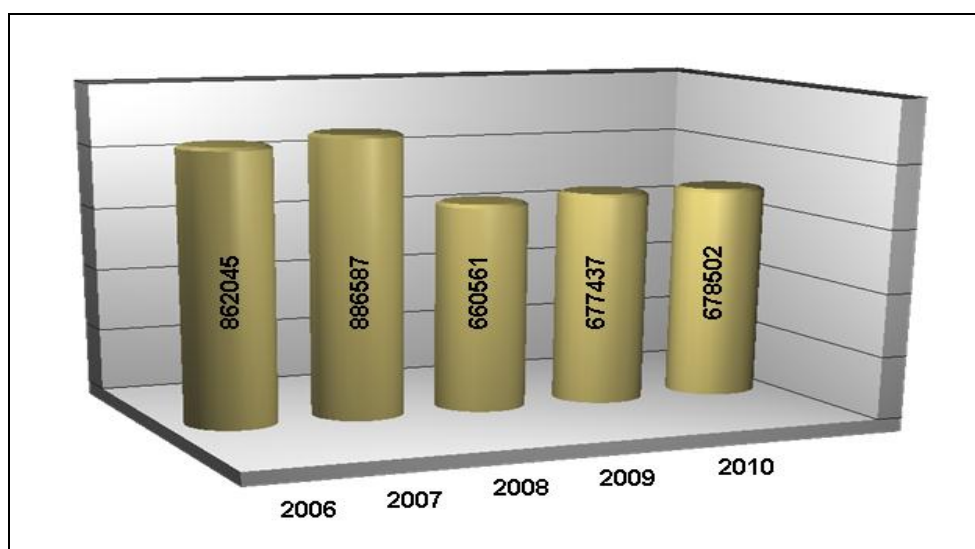
Undecided cases from 31.12.2000 to 31.12.2010 – summary overview for all courts



Source: Ministry of Justice of the Republic of Macedonia.

39. In terms of backlogs, what is characteristic is that in the period from 2000 to 2007 there was an increasing trend in the number of undecided cases. As a result of the reform activities undertaken for the first time in 2008 a significant reduction of backlogs was observed, which trend was also kept in 2009 and 2010, when the number of backlogs in all courts was 678,502 cases.

Undecided cases from 31.12.2006 to 31.12.2010 – summary overview for all courts



40. The number of pending cases in all courts in the Republic of Macedonia at the end of 2010 decreased by 183,543 or by 22% compared to the number of pending cases at the end of 2006.

8. Number of police/security officers per 100,000 persons

41. Within the Ministry of the Interior of the Republic of Macedonia, the public security system tasks are carried out by the Public Security Bureau, through police and criminal police officers. There are total of 6,969 authorised officials who are uniformed police officers working on ensuring public law and order on the entire territory of the Republic of Macedonia. There are a total of 350 police officers per 100,000 inhabitants in the Republic of Macedonia, which corresponds with the Strategy for Police Reforms.

9. Number of prosecutors and judges per 100,000 persons

Year	Judges		Public prosecutors	
	Total	Per 100,000 inhabitants	Total	Per 100,000 inhabitants
2006	728	36%	186	9.1%
2007	607	30%	182	8.9%
2008	659	32%	209	10.2%
2009	655	32%	209	10.1%
2010	668	33%	211	10.2%

Source: Council of Public Prosecutors and Statistical Annual Paper of the State Statistics Office for 2010.

10. Share of the police/security and judiciary in public expenditure

General expenditure by function

	COFOC Code	2005	2008	2009
1. General public services	010	5.885	17.257	16.610
2. Defence	020	5.885	8.099	8.441
3. Public order and security	030	8.398	12.204	14.519
4. Economy	040	15.877	18.771	33.441
5. Environmental protection	050	368	427	1.104
6. Housing and local services	060	858	3.316	2.247
7. Health	070	613	2.020	2.103
8. Recreation, culture and religion	080	1.471	2.564	4.152
9. Education	090	9.869	20.523	22.754
10. Social care	100	17.103	17.592	24.249
11. Total expenditures	TE	66.323	102.773	129.620

Source: Government of the Republic of Macedonia, Pre-Accession Economic Programme 2009-2011, Skopje 2009.

11. Number of indicted and detained persons applying for free legal assistance, percentage of those receiving it

42. Pursuant to Article 4 of the Criminal Procedure Code, A person accused of a criminal offence has the right to a fair and public hearing, within a reasonable time, before a competent, independent and impartial tribunal established by law. The corps of minimum rights referred to in this Article also includes the right to be tried in his/her presence and to defend himself/herself in person or with the aid of a counsel of his own choice, and if he/she does not have funds to pay one to be appointed one free when the interests of justice so require.

43. The conditions for compulsory defence and free legal assistance to the defendant are regulated in Articles 66 and 67 of this Code. Namely, pursuant to Article 66 paragraphs 2, 3 and 4: "The defendant must have a counsel if detention has been rendered against him/her during the detention period. After the act of indictment on grounds of a criminal offence for which the law stipulates a prison term of ten years or a more severe prison term, the defendant must have a counsel at the time the act of indictment is served. If the defendant in the cases of compulsory defence referred to in preceding paragraphs of this Article does not take a counsel himself/herself, the president of the court shall assign an *ex officio* counsel for the further course of the criminal procedure until the judgment becomes effective."

44. Pursuant to 67 paragraph 1, "When there are no conditions for compulsory defence, and the procedure is conducted for a criminal offence for which the law stipulates a prison term of more than one year, the defendant may, upon his/her request, be assigned a defence attorney, if his/her property status does not allow him/her to bear the defence expenses."

45. In the 2008-2011 reporting period in the Republic of Macedonia, the required data about this indicator was not the subject of statistical processing with the application of unified methodology at national level.

46. In view of realising the Recommendations¹ for reinforcement of legal aid, first of all in the area of civil law, the Law on Free Legal Aid was adopted on 30.12.2009.

47. The basic aim of the Law is to provide equal access for all citizens to the institutions of the system by introducing, realizing and providing effective legal assistance. Simultaneously with the adoption of the Law there was a delayed implementation (*vacatio legis*) and it entered into force on 07.07.2010. Namely, this Law has regulated the right to free legal assistance, the procedure in which the free legal assistance is realised, the users, conditions and manner of exercise of those rights, providers of free legal assistance, bodies competent for decision-making, protection of the right to free legal assistance, financing and supervision over its implementation, organisation of days of free legal advice, free legal assistance in cross border disputes, and supervision of the application of the provisions of this Law. Pursuant to the Law, beneficiaries of social welfare, users of the right to disability allowance who do not have other incomes, users of the lowest pension living in a family unit with two or more dependants, families or single parents exercising the right to child allowance, persons entitled to asylum, internally displaced persons, displaced persons or exiled persons with a residence in Macedonia, a foreign national who pursuant to the international agreements exercises a right which is within the competence of a Macedonian state body, a stateless person legally staying in the country, and a national of a EU member state may obtain free legal assistance, under the conditions laid down in the Law.

48. The Law provides for two types of free legal aid, as follows: Preliminary legal aid and Legal aid in all court and administrative procedures. Regional departments of the Ministry of Justice and authorised associations of citizens are assigned to provide Preliminary legal aid, and it consists of rendering legal advice to citizens for the use of legal assistance, assistance in compiling the application for free legal aid, and other general legal information.

49. Legal aid in court and administrative procedures is rendered by lawyers, through representing the citizens in all instances in court and administrative proceedings.

50. Pursuant to Article 7 of this Law, "Free legal aid provided for by this Law shall not apply to the cases of mandatory defence envisaged in the Criminal Procedure Code and the Law on Juvenile Justice and to exemption from payment of the costs of the procedure stipulated in the Civil Proceedings Act and the Law on the General Administrative Procedure."

51. From the entry into force of the Law on Free Legal Aid (07.07.2010) to the end of February 2011, 82 applications were received for the exercise of the right to free legal aid, whereby 23 applications were granted, 17 of which were for conducting a procedure for resolution of a property-legal dispute, 3 resolutions for conducting a procedure for labour rights, 1 resolution for conducting a procedure for rights as a victim of domestic violence and 2 resolutions for a procedure for the protection of rights of children and juveniles and 1 resolution for suspension of a procedure upon the request of a party. Pursuant to the Law, citizens may choose the defence attorney on their own who will represent them out of the total of 196 registered attorneys in the Registry of Attorneys who provide legal assistance. The costs for the implementation of the Law shall be provided from the Budget of the Republic of Macedonia.

¹ Recommendations in this report refer to the recommendations in the Committee's concluding observations (CCPR/C/MKD/CO/2).

12. Percentage of victims who have received compensation after judgment, by type of crime

52. In the 2008-2011 reporting period in the Republic of Macedonia, the required data about this indicator was not the subject of processing with the application of unified methodology at national level.

E. Methodology for drafting the report

53. Even though there is no national institution, an established practice in the Republic of Macedonia is for the Ministry of Foreign Affairs, the Ministry of Justice or the Ministry of Labour and Social Policy to coordinate the process of reporting and the preparation of periodic reports under the UN international human rights conventions. The Government, ministries, bodies within the ministries, the Ombudsman, and the civil society take part in this process.

54. The preparation of the Third Report of the Republic of Macedonia under the International Covenant on Civil and Political Rights was coordinated by the Human Rights Department at the Ministry of Justice of the Republic of Macedonia. Given that the implementation of the Covenant rights is the responsibility of several ministries, a Working Group was set up for the preparation of this report which included representatives from: the Assembly of the Republic of Macedonia, Constitutional Court of the Republic of Macedonia, the Ombudsman, the Public Prosecutor's Office of the Republic of Macedonia, the Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Education and Science, Ministry of Information Society and Administration, State Election Commission, State Commission for Prevention of Corruption, the State Statistics Office, Academy for Judges and Public Prosecutors, the Directorate for Execution of Sanctions, the Directorate for Personal Data Protection, the Commission for Relations with Religious Communities and Religious Groups, the Broadcasting Council, the Secretariat for the Implementation of the Framework Agreement, the Secretariat for European Affairs, Sector for Justice and the Sector for Free Legal Aid and Political System at the Ministry of Justice.

55. From the outset of this process, the Ministry of Justice conducted full cooperation with the UN Office in Skopje. Given that most of the members of the Working Group in their work so far had not participated in the preparation of this kind of a report, with the financial support of the UN Office in Skopje a two-day training was held which allowed to learn the process of preparation of this kind of a report and what data institutions are required to provide, and pursuant to the Concluding Observations of the Human Rights Committee for the Republic of Macedonia contained in the document CCPR/C/MKD/CO/2 of 3 April 2008 and the Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

56. Moderator of the training was the Secretary of the UN Human Rights Committee that yielded a special quality to this process.

57. In the practical part of the training, the participants reported on the implementation of the Recommendations contained in the concluding observations of the Human Rights Committee. This way of training was evaluated by the members as exceptionally useful since they first were acquiring knowledge about the rights under the Covenant and the reporting system and simultaneously were informing each other about the activities realised by their institutions which are aimed at implementing the recommendations of the Committee.

58. The Ministry of Justice received the information required from the competent institutions within the agreed time period. The third report was published on the website of the Ministry of Justice whereby the civil society was given an opportunity to submit observations and opinions regarding the proposed text. The Government of the Republic of Macedonia assesses this process as extremely constructive because certain views and observations submitted by the Foundation Open Society – Macedonia and the non-governmental organisation: Reactor – Research in Action have been integrated into the report, which has given extra quality to the same.

59. This report covers the period from 2008 to the end of 2011. An integral part of this report is Appendix 1, which contains extracts from the relevant legislation of the Republic of Macedonia and information on: human rights training, the effects of the implementation of the reform of the judiciary and in the context of the implementation of Recommendation No. 17 of the Human Rights Committee.

II. Implementation of articles 1 to 27 of the Covenant

Article 1: Right to self-determination

60. Citizens of the Republic of Macedonia in a referendum held on 8 September 1991 expressed their willingness that the Republic of Macedonia be constituted as a sovereign and independent state. The Constitution of the Republic of Macedonia was adopted by the Assembly of the Republic of Macedonia on 17.11.1991.

61. Article 56 of the Constitution guarantees special protection for the goods of public interest. The manner and conditions under which the goods of public interest for the Republic defined by law may be given for use with an approval are regulated by the Law on Concessions. The Government of the Republic of Macedonia decides with a decision on the selection of concessionaires on the basis of a public competition or a tender. Based on the concession act and the decision for granting concessions, the Government and the concessionaire conclude a concession contract. Pursuant to these provisions certain laws govern the administration, planning and management of goods of public interest. These are: the Law on Waters, Law on Fishing and Aqua Culture, the Public Roads Act, and other laws.

62. Article 30 of the Constitution guarantees the right to property and the right to inheritance. The Law on Ownership and Other Real Rights adopted in 2001 regulates the right of ownership and other real rights in accordance with the Constitution. Legal protection of property (Articles 5 and 6 of the Law on Ownership and Other Real Rights) is guaranteed.

63. Articles 9 to 11 of the Act regulate general and specific restrictions on the right to property. Property right may be restricted or revoked in the case of public interest defined by law. The Expropriation Law governs the expropriation of property and the rights granted hereunder on land, buildings and other facilities (real estate) for construction of facilities and other works of public interest, the definition of public interest and the determination of just compensation for the expropriated property.

Article 2: Human rights and their protection (Recommendations 7, 8 and 11)

64. Since the submission of the Second Periodic Report the Republic of Macedonia had been devoted to the further implementation of the reform of the judiciary, criminal law, penitentiary system, police and juvenile justice reform.

65. Within the reform of the judicial system in 2010 and 2011 there was a further upgrading of the Macedonian legislation with the EU *acquis* and strengthening of institutional and human capacities for autonomous and independent judiciary as a basis for the exercise and protection of human rights. The Law on Free Legal Aid, the Law on Civil Procedure, the Laws on Amending the Law on Courts, the Law on the Judicial Council of the Republic of Macedonia, Law on Judicial Budget and Law on Administrative Disputes were adopted.

66. The Administrative Court and the Higher Court were formed, as well as a Department for Acting Upon Cases for a Trial Within a Reasonable Time in the Supreme Court and the Free Legal Assistance Department in the Ministry of Justice. Within its five-year operation, in terms of initial training, the Academy for Judges and Public Prosecutors trained four generations of candidates for judges and public prosecutors with a total of 80 attendees.

67. Within the reform of the criminal law in 2008 and in 2009 amendments to the Criminal Code were adopted relating to the strengthening of the criminal law protection for the offences: sexual abuse of children, trafficking in human beings, prohibition of torture, illegal enrichment, extended confiscation, corporate criminal liability, economic and computer crime.

68. The second segment of the reform of the criminal law was concluded with the adoption of the new Criminal Procedure Code, in November 2010 (*vacatio legis* of 2 years). Basic principles of the law are: the abolition of judicial inquiry and takeover of the conduct of the preliminary procedure from the public prosecutor's office, streamlined system of remedies and implementation of the European Union and the Council of Europe documents on criminal procedure.

69. The activities to ensure the sustainability of police reform continued. In 2009 the Law on Internal Affairs was adopted which enhances professional standards and independence of the police through a redefinition of the organisation and responsibilities of the Ministry of the Interior. The Law guarantees the right of the staff to training through the establishment of a Training Center as an organisational unit of the Ministry of the Interior. Within the realisation of the aims of the police reform process the Standardisation of Basic Police Procedures, Prevention Strategy was adopted, and in October 2008 the National Council for Prevention was set up.

70. The domestic legislation on the rights of victims was built upon. In the new Criminal Procedure Code, Articles 53 to 56 incorporate significant novelties which regulate the rights of the victim, the special rights of vulnerable categories of victims and the victims of criminal offences against sexual freedom and sexual morality, humanity and international law.

71. Novelty in the Law on Juvenile Justice from 2007 are the provisions for the protection of the minor as a damaged party or witness in criminal proceedings. (See Article 24: Rights of the Child: Juvenile Justice.) The Law on Prevention and

Protection from Discrimination adopted in 2010 guarantees the victims the right to protection from discrimination in proceedings before the Commission for Protection against Discrimination and Court Protection. (See Article 26)

72. With a view to meeting the standards of the right to a trial within a reasonable time, a system for the protection of the right to a trial within a reasonable time was introduced. (For the right to a trial within a reasonable time see more in Article 14.)

73. Academy for Judges and Prosecutors and the Centre for the Training of Staff in the Ministry of the Interior conduct continuous human rights trainings. (Appendix 1: Training for Human Rights.)

74. Under Article 118 of the Constitution, "International agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law." The constitutional provision on the status of ratified international agreements in the legal order of the Republic of Macedonia indicates that the monistic approach has been *de jure* accepted.

75. Although this provision refers to the hierarchical primacy of ratified international agreements over domestic legislation, the practice has shown that courts in the Republic of Macedonia scantily apply directly ratified international conventions on human rights. This is more present in basic and appellate courts while in the actions of the Supreme Court a progress has been noted that for the most part refers to the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Also, in its reasoning of the decisions the Constitutional Court regularly invokes the provisions of ratified international conventions.

76. With a view to facilitating the efficient implementation of international human rights conventions, the period between the signing and the ratification of international conventions is dedicated to the harmonisation of domestic legislation. Thereby multisectoral analyses are developed by line ministries (in current practice by the Ministry of Justice and the Ministry of Labour and Social Policy), which identify the legislative and other measures to be taken in order to bring them in line with the provisions of the conventions. At the same time, domestic legislation is harmonised with the provisions of the international conventions even after their ratification.

77. The analyses prior to ratification (which were printed in the form of publications) have proven to be a successful tool in the process of ratification of the following conventions: the UN Convention against Transnational Organized Crime and its Protocols, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

78. At the same time, and in the context of Recommendation No. 8, there was continuation of the activities to prevent and combat corruption. In accordance with the standards of the ratified international anti-corruption instruments and recommendations of GRECO, the 2009 amendments to the Criminal Code criminalise all acts of active and passive bribery undertaken by public sector officials, irrespective of whether or not those actions are within their official powers. Penalties became stricter, confiscation of indirect property advantage and extended confiscation was envisaged and mandatory pronouncement of the penalty of prohibition to perform a profession, activity or duty for corruption offenses was introduced.

79. Full transparency of data on assets of persons performing public functions and other officials was introduced, with a legal obligation to submit their declarations to the State Commission for Prevention of Corruption (SCPC) which publishes them on its website. In the period 2008-2011, due to the failure to submit asset declarations the SCPC submitted 121 requests for initiation of minor offence proceedings against functionaries and other officials. Also, the SCPC submitted to the Public Prosecutor's Office of the Republic of Macedonia a total of 56 initiatives for criminal prosecution of elected or appointed functionaries, officials or other responsible persons. The amendments to the Law on Prevention of Conflict of Interests of 2009 established a commitment for elected and appointed persons and other officials to submit a Declaration of Interests, which enables the SCPC to act in practice in the prevention of conflict of interests. The amendments to the Electoral Code of April 2011 established a liability for the electoral campaign organiser to submit periodical financial reports on revenues and expenditures.

80. In its Compliance Report on RM - Third Round GRECO concluded that Recommendation 4 which relates to the theme: "Transparency of party funding" has been partly implemented, giving a time limit until 30 September 2013 for the submission of additional information about the implementation of this one and the other recommendations. In this sense, appropriate legislative changes are being implemented (for which a working group has been formed), in the preparation of which all recommendations, observations and reports from international organisations will be taken into consideration.

81. Separate Basic Public Prosecutor's Office for Prosecution of Criminal Offenses of Organised Crime and Corruption was formed, as well as a Specialised Court Department for Trying Criminal Offences of Organised Crime and Corruption within the Skopje I Basic Court – Skopje, and an Organised Crime Department within the Ministry of the Interior which includes a specialised anti-corruption unit in its composition. With a decision of the Government, an Interministerial Body for Coordination of Anti-Corruption Activities was formed which regularly holds sessions.

82. Specialised anti-corruption units were established within the Customs, the Public Revenues Office and in other bodies. Inter-institutional cooperation of the authorities responsible for the fight against corruption has been strengthened with the implementation of the Memorandum of Cooperation among the competent authorities for fight against corruption and the Cooperation Protocol for the Prevention and Repression of Corruption and Conflicts of Interests. In 2012 activities were carried out aimed at creating relevant consolidated statistical tracking system monitoring corruption and anti-corruption policy. The Republic of Macedonia is the third country by successfulness in anti-corruption reforms according to the 2009 Report of Global Integrity.

83. In accordance with Recommendation No. 1, the capacities of the Ombudsman were reinforced, who has the constitutional authority to protect the constitutional and legal rights of citizens when violated by bodies of state administration and by other bodies and organisations with public mandates.

84. In December 2008, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified. In order to create a legislative framework for the implementation of the provisions of the Protocol and the Paris Principles, in September 2009 the Law Amending the Law on the Ombudsman was adopted which incorporates provisions strengthening its financial independence (Appendix 1: Article 48 of the Law) and forming separate departments for the protection of the rights of children and persons with disabilities, a department for the protection of citizens from discrimination and torture and other cruel, inhuman or degrading treatment or

punishment, as well as a department for equitable and adequate representation of citizens. In October 2011, the Ombudsman acquired a status “B” – Accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

85. On 5 December 2011, the Republic of Macedonia ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. The ratification of this Convention preceded the adoption of the National Plan to enable successful translation of the Convention into the legislation of the Republic of Macedonia. With the ratification of the Protocol to this Convention, the Republic of Macedonia has recognised the jurisdiction of the Committee on the Rights of Persons with Disabilities.

Article 2, paragraph 1, 3 and 26: Equality between sexes and prohibition of discrimination (Recommendations Nos. 9 and 10)

86. Grounds of discrimination in the legislation of the Republic of Macedonia correspond to those regulated in the Covenant:

- Article 3 of the Law on Prevention and Protection from Discrimination, adopted in 2010 governs the grounds of discrimination thereby prohibiting any direct or indirect discrimination, calling upon and encouraging discrimination and aiding in discriminatory treatment on the basis of sex, race, colour of skin, gender, belonging to a marginalised group, ethnicity, language, citizenship, social origin, religion or religious belief, other beliefs, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health condition or any other ground provided for by law or ratified international agreement.
- Article 6 of the Labour Law includes the following grounds of discrimination: race, colour of skin, sex, age, health condition, that is, disability, religious, political or other belief, membership in trade unions, national or social origin, family status, property status or other personal circumstances.

87. In 2011, the non-governmental organisation Reactor – Research in Action conducted a survey² aimed at determining the causes of the high inactivity rate of women in the labor market. The findings of the survey indicate that the tradition and education of women do not explain their inactivity because today the woman able to work is not less educated than men, while the majority (65.7%) of the Macedonians (both men and women) think that women should be employed, that is, they have either egalitarian or balanced views on gender roles scale. The survey indicates that women are discouraged and discriminated against on the labor market, and that additional significant factors affecting the low labor market activity of women are ethnicity in combination with education, the availability and cost of child care services and care for older family members, or the lack of proper mechanisms to enable women to balance family life with career.

88. The Law on Equal Opportunities of Men and Women prohibits discrimination on grounds of sex in the public and private sectors in the field of employment and labour, education, social security, culture and sports, pursuant to this or another law. Also, direct and indirect discrimination, harassment and sexual harassment are prohibited.

² Demystification of the reasons for the economic inactivity of women in Macedonia, available on www.reactor.org.mk/publications.

89. In terms of criminal-legal protection of the right to non-discrimination in paragraph 1 of the criminal offence referred to in Article 137 – Violation of equality of citizens, the following are criminalised actions of: “A person who, on the basis of the difference of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status, language or other personal capacity of circumstance, denies or restricts rights of an individual and citizen, defined by the Constitution, law or ratified international agreement, or who on the basis of these differences gives citizens privileges in contravention of the Constitution, law or ratified international agreement, shall be punished with a prison term of three months to three years.”

90. Exceptions to discrimination are contained in the Labour Law and the Law on Prevention and Protection from Discrimination.

91. Namely, Article 8 of the Labour Law regulates the exceptions to prohibition of discrimination. Thus, discrimination shall not be considered to be making distinction, exclusion or giving preference in respect of a particular job, when the nature of the work is such or the work is done in such conditions that the characteristics associated with some of the cases referred to in Article 6 of this Law constitute real and decisive condition to perform the work, provided the aim to be accomplished thereby is justified and the condition is measured.

92. Articles 13 through 15 of the Law on Prevention and Protection from Discrimination regulate the following exemptions from discrimination: affirmative measures, unequal treatment, safeguards for certain categories of persons. (Appendix 1)

93. On 1 November 2011, the Commission for Protection against Discrimination was formed as an autonomous and independent body. The Commission is composed of seven members, who are appointed by the Assembly of the Republic of Macedonia with a five-year term of office, with a right to one re-election. Since its establishment the Commission received 60 petitions of which: 35 petitions are in the process of handling, 25 petitions were decided, 5 were positively decided identifying discrimination, 5 petitions were negatively decided with no finding of discrimination, and for 15 petitions the Commission did not act pursuant to Article 26 of the Law.

94. In 2010, the Foundation Open Society – Macedonia (FOSM) drafted: “Shadow Report for Shadowed Commission – Report on the work of the Commission for Protection against Discrimination in the first year of its existence”, which is available on the following website: <http://soros.org.mk/dokumenti/Shadow-report-for-shadowed-commission-ANG.pdf>.

95. Based on the information of the Constitutional Court, in 2008, out of six applications for the protection of liberties and rights five concerned the protection against discrimination, whereby one was rejected since the Court found that there had been no discrimination, and four were dismissed. In 2009 out of 14 applications for the protection of liberties and rights nine concerned discrimination and all were dismissed. In 2010, out of 6 applications for the protection of liberties and rights three concerned discrimination and all were dismissed.

96. In the period 2008-2010, the Ombudsman acted upon 57 petitions, and 29 petitions were received only in 2011 of which in 8 cases the victims were protected through this institution.

Women in public and political life

97. Amendments to the Electoral Code were adopted in 2006. Pursuant to Article 64 it is determined that in the submitted list of candidates for deputies and members of the council of the municipality and the City of Skopje in every three places on the list there is at least one belonging to the less represented sex. Also, in the composition of the electoral bodies every sex is represented with at least 30%.

98. According to these changes, the participation of women in political life in the Republic of Macedonia had a positive trend. In the 2009 presidential elections, a woman ran for the first time as a presidential candidate who belonged to the Albanian community. In the 2011 early parliamentary elections, 38 female MPs were elected or 30.8% of the total of 123 MPs, whereby 7 female MPs belonged to the Albanian community. Two of the three Vice Presidents of the Assembly of the Republic of Macedonia were women, of whom one of the Albanian community. 27.1% of the total of 1,387 councillors in the local self-government units were women.

99. In the Government of the Republic of Macedonia, from the three deputies to the President of the Government one was a woman responsible for European affairs. From 18 ministers two were women. 3 women were deputy ministers and 7 women held the position of a secretary of state.

100. In the judicial power in the Republic of Macedonia in the reporting period 2008-2010 there was a positive trend of participation of the elected female judges equally with the elected male judges: in 2009 – 54.8% and 2010 – 57.2%.

101. In the courts of Appeal of the Republic of Macedonia in 2008, women were represented with 45%, in 2009 with 44.7% and in 2010 with 50.5%.

102. The situation in the Supreme Court of the Republic of Macedonia differed with regard to that in the basic courts and courts of Appeal in the Republic of Macedonia, whereby the representation of the elected male judges was higher than the elected female judges, as follows: in 2008 – 70%; 2009 – 68.2%, and 2010 – 71%.

103. The percentage of women employed in the electronic media demonstrates that they composed about 40% of the total number of employees.

104. In the local self-government units out of 84, 81 commissions were formed for equal opportunities for women and men and 81 coordinators from among the employed civil servants. As of January 2008, the Sector for Equal Opportunities at the Ministry of Labour and Social Policy in partnership with the Ministry of Education implemented the project: Gender-Sensitive Education. (Appendix 1: Training for members of the commissions and gender sensitive education.)

105. With the support of UNIFEM, in 2009, a one-year programme was realised for the introduction of gender concept in the budget policies of the Government of the Republic of Macedonia, whereby an analysis was made of part of the policies in the field of labour relations and employment and part of the policies in the field of social care.

106. In parallel with that, the National Action Plan for Gender Equality 2007-2012 (NAPGE) was adopted. It contains 10 strategic and priority areas for action and determines the approach in the implementation of the measures through annual operating plans. In March 2009, in accordance with NAPGE, the Programme for Equal Opportunities for Women and Men was adopted in the Ministry of Defence and the Army of the Republic of

Macedonia. In 2010 a National Action Plan was adopted for promotion of the social status of the Roma women in the Republic of Macedonia, with the time frame 2011-2013.

107. With a view to promoting socio-economic integration of the Roma population there were workshops in three municipalities, in which target groups were unemployed Roma women.

108. In 2009, the State Statistics Office conducted a Time Use Survey for the second time.³ The results suggested that men spent most of their time at work unlike women, to whom domestic chores took most of their time. Even when only employed persons would be analysed, again women led in the domestic chores with a large percentage. Employed women accounted for 14%, as opposed to employed men who participated with only 5% in those activities.

109. The media seemed to contribute to the building of such attitudes. The data from the Survey "Attitudes and programme needs of viewership in Macedonia" noted the presence of stereotyping of gender roles. According to the survey of 2007, 12% of the audience aged 10-70 fully agreed that TV ads made a traditional division of the relations between a man and a woman, female and male jobs, female and male roles, 31% agreed, 25% somewhat disagreed, and 22% of the audience did not agree with this assertion. The same survey conducted in 2009 showed that the percentage of those who fully agreed that there was a traditional division of male-female relations and roles increased to 15%.

110. Since the entry into force of the Law on Broadcasting, in 2005, the following measures were pronounced: a written reprimand for using abusive language on several grounds: creating a negative image of the members of an ethnic group because of their religious affiliation and their negative stereotyping based on the subjective opinion of the host of the programme for behavioral habits of those members and a violation of the privacy and dignity of a Macedonian female politician and indications for broadcasting ads that contained replicas that were rude and indecent and may be offensive to the female audience, or that degraded certain profession (specifically of the nurses).

Preventing and combating domestic violence

111. Under Article 122 item 19 of the Law on Amendments to the Criminal Code, domestic violence includes harassment, rude insulting, endangering the security, physical abuse, sexual or other psychological or physical violence that causes a feeling of insecurity, threat or fear, against the spouse, parents or children or other persons living in wedlock or out of wedlock or household, as well as against a former spouse or persons who have a child together or persons who are in close personal relationships. The acts of commission of the offences related to domestic violence are contained in the following criminal offences: Article 123: Murder, Article 125: Momentary murder, Article 130: Corporal injury, Article 131: Aggravated corporal injury, Article 139: Coercion, Article 140: Illegal deprivation of liberty, Article 144: Endangerment of the security, Article 191: Mediation in prostitution, and Article 188: Sexual assault on a child.

112. Pursuant to the Law on Family, a victim of domestic violence can be any member of the family, regardless of gender and age. The protection measures are taken mandatory by the Centre for Social Care when the victim of domestic violence is a minor or a person

³ The survey was conducted on a sample of 2,016 households, according to a methodology adjusted to the EUROSTAT recommendations. The entire publication is available on: <http://www.stat.gov.mk/Publikacii/2.4.11.01.pdf>.

incapable of work. The Law regulates the initiation of proceedings for court protection in civil proceedings, irrespective of whether a criminal procedure has been initiated against the perpetrator of domestic violence. The Center for Social Work is responsible for submitting a request to the court to initiate proceedings for imposition of provisional measures of protection against domestic violence, with an obligation for compulsory submission of a request with the court for minors and incapable persons.

113. The law prescribes interim measures which the court may pronounce against the perpetrator of domestic violence. The interim measure of protection from domestic violence can last up to one year. Penal provisions are also prescribed for entities for which the law determines an obligation for mandatory reporting of domestic violence to the competent social work centre. In continuation of these activities in 2008 the National Strategy for Protection against Domestic Violence was adopted for the period from 2008 to 2011. For the implementation of the activities of the Strategy, a National Coordinating Body operated in whose job was involved: the Ministry of Labour and Social Policy, Ministry of Education and Science, Ministry of the Interior, Ministry of Health, Ministry of Justice, and civil society.

114. In 2008, in collaboration with the UNDP, UNFPA, UNICEF, WHO, UNIFEM, and with the financial support from the Government of the Kingdom of the Netherlands and the UN Trusts, the following project was realised: Reinforcement of national capacities for the prevention of domestic violence (RNCPDV).

115. Thereby, within the frameworks of the Strategy the following activities were realised:

a) Pilot-Programme: In 2010, with the financial support of the UNDP, the measures for self-employment and employment subsidies with potential employers included 28 women from five pilot municipalities;

b) Counselling for victims of domestic violence: The measure accommodation in shelters for domestic violence was applied in 2009 in the case of 28 victims of domestic violence. Currently, in the Republic of Macedonia there are 7 shelters for victims of domestic violence. The Ministry of Health through the network of health institutions carried out health care for the victims of domestic violence. (Appendix 1: Training for domestic violence);

c) Training for work with victims of domestic violence. In 2010 with the support of the UNDP and the nongovernmental sector a total of 107 professionals were trained from 30 centres for social work and the regional employment units.

116. In 2010, the first Counselling Office for children and parents, victims of domestic violence, was established, and in 2011 the first Counselling Office for work with perpetrators of domestic violence was formed.

117. In 2009 and 2010, the Ministry of Labour and Social Policy in collaboration with the UNFPA worked on: raising public awareness about the problem of domestic violence for which two national campaigns were conducted and a system for collecting data on domestic violence was established.

118. The Ministry of the Interior communicated to all organisational units Standard Operating Procedures for police action in cases of domestic violence and eight internal coordinating bodies were established for the protection against domestic violence at the level of sectors.

119. In 2010, the Ombudsman conducted a survey and analysis on the condition with domestic violence. On the basis of this analysis, the Ombudsman found that women were most often victims of domestic violence. Children are becoming more often victims of domestic violence, and among them are also girls. The data demonstrate that women are in a much more unfavourable position than men. There are more frequent reports on domestic violence on men, and the number of women who commit domestic violence is increasing. These data indicate the need to intensify national efforts to prevent and combat domestic violence.

120. Given this situation, in May 2011, the Republic of Macedonia signed the Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence. A pre-ratification analysis was made on the compliance of this Convention with the legislation of the Republic of Macedonia and in the next period there will be activities for its incorporation in the legislation of the Republic of Macedonia. Also, there is an on-going review of the National Strategy for Prevention and Fight against Domestic Violence.

121. In the Republic of Macedonia, the minimum age for marriage is defined by the Family Law. Namely, Article 16 of this Law stipulates that a person who has not reached 18 years of age may not conclude marriage. Notwithstanding, the competent court may, in non-contentious procedure, allow conclusion of a marriage of a person who has turned 16 years if it establishes that the person has reached physical and mental maturity necessary to perform the rights and duties of marriage, and after obtaining an opinion from a health institution and specialised assistance rendered from the Centre for Social Work.

122. The provisions for custody of children are contained in Articles 159-164 of the Family Law. (Appendix 1)

123. The criminal offence of rape, referred to in Article 186, is contained in the criminal offences against sexual freedom and sexual morality. Paragraph 1 of this criminal offence criminalises the actions of the person who, by use of force or threat of immediate attack upon another person's life or body or on the life and body of a person close to him, forces him to sexual intercourse, whereby a prison term of three to ten years is stipulated. Paragraph 2 of this Article envisages a prison term of at least four years if due to the offence referred to in paragraph 1 there has been a severe corporal injury, death or other grave consequences or the offence has been committed by several persons or in a particularly cruel or degrading manner. A prison term of six months to five years is stipulated in paragraph 3 of this Article for a person who forces another person to intercourse with a serious threat of revealing for him or somebody close to him something that would be detrimental to his honour and reputation or that will cause other serious harm. Pursuant to paragraph 4, a person who in the cases referred to in paragraphs 1, 2 and 3 only commits another sexual act shall be punished for the offence referred to in paragraph 1 with a prison term of six months to five years, for the offence referred to in paragraph 2 with a prison term of one year to ten years, and for the offence referred to in paragraph 3 with a prison term of three months to three years.

124. In connection with Recommendation No. 10 of the Committee, a Working Group in the Ministry of Justice was preparing amendments to the Criminal Code. The Human Rights Department at the Ministry of Justice submitted a proposal to the Working Group for changes in the criminal offence of 'Rape', pursuant to the recommendation of the Human Rights Committee, and in particular taking into account the jurisprudence of the European Court of Human Rights and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Articles 4 and 5: Limitation of freedoms and rights

125. Article 54 of the Constitution regulates the restriction of freedoms and rights of the individual and citizen. The Constitution of the Republic of Macedonia provides for two types of restrictions on human freedoms and rights: restrictions that are defined precisely in guaranteeing individual freedoms and rights, and a general provision restricting the freedoms and rights in a state of war or emergency.

126. The first type of restrictions is envisaged in the following freedoms and rights: the inviolability of human freedom (Article 12 of the Constitution); secrecy of correspondence (Article 17 paragraph 1 of the Constitution); freedom of association (Article 20 of the Constitution); the right of peaceful assembly (Article 21 of the Constitution); inviolability of the home (Article 26 of the Constitution); the right of free movement within the territory of the Republic and to freedom of choosing one's place of residence (Article 27 of the Constitution); the right to property (Article 30 of the Constitution); right to form trade unions (Article 37 of the Constitution); and the right to strike (Article 38 of the Constitution).

127. The restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status. (Article 54 paragraph 3 of the Constitution)

128. The procedure and conditions for the exercise of these constitutional limitations are regulated in separate laws: the Law on Police, the Criminal Procedure Code, Law on Associations and Foundations, Law on Public Gatherings, the Law on Reporting Place of Abode and Residence of Citizens, the Law on Property and Other Real Rights, and the Labour Law.

129. Under Article 32 of the Law on Police, the police can limit the fundamental rights and freedoms of the individual and citizen only under conditions and procedures defined by the Constitution of the Republic of Macedonia and law. In carrying out police duties the police officer is obliged to act humanely and to respect the dignity, reputation and honor of persons and fundamental freedoms and rights of the individual and citizen.

130. The notions state of war and emergency and the competences of the bodies of state power are defined in Articles 124 through 128 of the Constitution. (Appendix 1)

131. In June 2002, the Government established an inter-ministerial coordinating body composed of representatives of relevant ministries with a view to coordinating the activities in the fight against international terrorism, including the implementation of Resolution 1373 (2001).

132. Acts of terrorism are contained in the following criminal offences: Article 273: Laundering of money and other proceeds from a punishable offence, Article 302: Hijacking an aircraft or ship, Article 303: Endangering the safety of air traffic, Article 313: Terrorist threat to constitutional order and security, Article 394-a: Terrorist organization, Article 394-b: Terrorism, Article 419: International Terrorism, and Article 421: Taking hostages.

133. Chapter VII of the Criminal Code contains provisions for confiscation of property and property advantage and seizure of items (Articles 97 to 100). The amendments of 2009 introduced confiscation of indirect property advantage and extended confiscation (Articles 97-a and 98-a) and corporate criminal liability (Article 96-a, b, c, d, e, and f).

134. According to the amendments to the Criminal Procedure Code of 2008 and 2011, the court may order the taking of special investigative measures also for certain criminal offences including acts of terrorism.

135. The central body in the system of prevention of money laundering and terrorism financing is the Administration for Prevention of Money Laundering and Terrorism Financing. A Council for Prevention of Money Laundering and Terrorism Financing (Advisory Body) was formed to implement the National Strategy for Prevention of Money Laundering and Terrorism Financing. As part of the activities for continuous training, in 2009 the Academy for Judges and Public Prosecutors with the support of the UNODC organised one two-day workshop on the topic: “Strengthening international cooperation in the fight against terrorism” and one two-day Regional Conference in cooperation with the Council of Europe on the topic: “Bringing terrorists to justice: promotion of the implementation of the European standards and documentation of good practices.”

136. In 2009, the Assembly adopted the Law on Ratification of the Agreement on Cooperation between the Republic of Macedonia and EUROJUST. In December 2011 the Law on Ratification of the Agreement on Operational and Strategic Cooperation between RM and the European Police Office was adopted.

137. The following United Nations international conventions were ratified: the Convention on Nuclear Safety, the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, the Additional Protocol to the Agreement on the Application of Safeguards by the International Atomic Energy Agency and the Revised Protocol for Small Quantities.

138. In May 2009, the Government of the Republic of Macedonia submitted detailed information on the status and implementation of the recommendations of the CTED. A Strategy of the Republic of Macedonia to Combat Terrorism was adopted by the Government of the Republic of Macedonia on 13.09.2011.

139. In the direction of efficient international legal cooperation in combating organised crime and terrorism in 2011 the Amendment XXXII to the Constitution of the Republic of Macedonia was passed, under which: “A citizen of the Republic of Macedonia may not be extradited to another state, except by virtue of a ratified international agreement, with a decision of the court.”

Article 6: Right to life

140. The right to life as a fundamental human right is guaranteed by Article 10 of the Constitution of the Republic of Macedonia. The legal protection of life has been operationalised in the Criminal Code which envisages a number of criminalisations the subject of protection of which is human life.

141. These criminal offences are systematised in a special chapter entitled “Criminal offences against the life and body”. The offences referred to in this chapter are divided into several groups: offences of deprivation of life: murder (Article 123), murder of noble motives (Article 124), momentary murder (Article 125), murder of negligence (Article 126), murder of a child at birth (Article 127), instigation to suicide and helping in suicide (Article 128); offences of destruction of future life (embryo) — unlawful

termination of pregnancy (Article 129); offences of corporal injury — corporal injury (Article 130) and severe corporal injury (Article 131); offences of endangerment — participation in a brawl (Article 132), endangerment with a dangerous weapon during a brawl or quarrel (Article 133); exposure to danger (Article 134); offences of abandonment — abandonment of a feeble person (Article 135) and failure to render help (Article 136).

142. The Law on Police, enacted in 2007 within the frameworks of the police reform, reaffirmed the constitutionally guaranteed right to life whereby Article 5 stipulates that the police work includes the protection of the citizens' lives. The Law also specifically defines the legally allowed means of coercion and the conditions under which the same may be used and also defines the use of firearms as one of the most difficult police powers.

143. The merits, justification and legality of the use of the means of coercion in each concrete case are evaluated by the immediate superior police officer.

144. In the period from 2008 to 2011 inclusive, the authorised officials in the Ministry of the Interior used means of coercion in 2,156 cases, of which in 14 cases firearms were used as a means of coercion. By the means of coercion six people were killed, three sustained severe physical (corporal) injuries and 127 sustained physical (corporal) injuries. Pursuant to the rules of the Ministry, in 2,154 cases from the procedure conducted it was assessed that the authorised officials used the means of coercion for justified reasons, and only in two cases the use of means of coercion was found to have been unjustified. A disciplinary procedure was conducted against the police officers.

145. The merits, justification and legality of the use of firearms and the use of the means of coercion when a severe corporal injury has been caused or death of a person, or when the means of coercion were used against several persons, are assessed by the organisational unit of the Ministry responsible for the internal control and professional standards, which considers the circumstances under which the means of coercion were used and prepares a report with an opinion about the merits, justification and legality of the use of the means of coercion, which is submitted to the Minister.

146. In the period from 2008 to 2011, the Sector for Internal Control and Professional Standards examined the merits and legality of the use of firearms in five cases, and the use of means of coercion for the purposes of restoring the disturbed public law and order in three cases. In the seven cases upon the measures taken the Sector found that the same had merits, were justified and legally applied pursuant to the positive legal regulations, while in one case the use of the means of coercion – physical force – was unfounded and unjustified on grounds of which the police officers was criminally charged for the criminal offence of: "Severe corporal injury".

147. According to the data of the State Statistical Office, in 2009, out of a total of 9,801 sentenced persons 905 or 9.2% were sentenced for the criminal offences against the body and life. In 2010 out of a total of 9,169 sentenced persons these criminal offences accounted for 872 or 9.5%.

148. Pursuant to Article 10 of the Constitution, "the death penalty may not be imposed on any grounds whatsoever in the Republic of Macedonia". The Republic of Macedonia is a Party to Protocol No. 6 to the European Convention for the Protection of Human Freedoms and Rights concerning the abolition of the death penalty.

149. Within the measures for the prevention from unwanted pregnancy the following activities were taken by gynecologists and visiting nurses, and partly in in secondary health care by hospital gynecologists:

150. Individual counseling for prevention of sexually risky behavior through the activities of the polyvalent visiting-nurse service; Tips on contraception among at least 10% of the women of reproductive age in gynecological clinics in primary health care. A Strategic assessment was prepared of the quality of services related to contraception and abortion in the Republic of Macedonia; Standards for safe abortion were also prepared based on the WHO recommendations, which include medicamentous abortion. In 2010 and 2011 the Government adopted: the Strategy for Sexual and Reproductive Health (SRH) and the Strategy for Safe Motherhood where family planning is one of the strategic areas; Through the implementation of these measures the state will help women to prevent unwanted pregnancies and will contribute to reduce the number of clandestine abortions which can be life threatening to women.

151. Eighteen youth centres for SRH were opened within the Centres for Public health which expanded the existing network of such centres. Health-promotional brochures for contraception and prevention of sexually transmitted infections were printed for adolescent and school youth and free-of-charge contraception was distributed which was provided by donors (UNFPA).

152. Republic of Macedonia belongs to the group of countries with an average rate of abortions. As in the other countries from the European region, in the Republic of Macedonia there is a possibility for sub-registration of the abortions performed and that is the reason why this rate should be interpreted cautiously. The rate of registered abortions per 1,000 women of reproductive age in 2008 was 11.5.

Article 7: Prohibition of torture, cruel, inhuman or degrading treatment or punishment (Recommendation No. 12)

153. The criminal offence referred to in Article 142 — Torture and other cruel, inhuman or degrading treatment and punishment — of the Criminal Code, in its basic form in paragraph 1, corresponds with the UN Convention against Torture, Inhuman and Degrading Treatment and Punishment (Appendix 1: Article 142 of the Criminal Code).

154. Within the framework of the reform of the penal legislation, the 2009 changes in the Criminal Code envisage a prison term of three to eight years for the basic form of the offence referred to in paragraph 1, instead of the former prison term of one to five years. The provision referred to in paragraph 2 stipulates a prison term of at least four years, instead of the previous one of one to ten years.

155. The criminal procedural law incorporates provisions for the purposes of preventing torture (Appendix 1: Article 204 став 7, Article 568 paragraph 3 and Article 230 paragraph 7 of the Criminal Procedure Code).

156. Provisions prohibiting torture are contained in the Law on Protection of the Patients' Rights, Law on Taking and Transplantation of Human Body Parts for Treatment and the Law on Biomedical Insemination. Thus, Article 32 of the Law on the Protection of Patients' Rights envisages prohibition of any form of torture, inhuman or degrading treatment and punishment of the patient, discrimination of any kind, as well as performing scientific and clinical researches without the patient's consent.

157. In 2009, changes in the Law on the Ombudsman established the Ombudsman as a national preventive mechanism for the protection of the rights of the persons deprived of their liberty. These provisions define that the Ombudsman as a national preventive

mechanism performs preventive regular unannounced visits to authorities, organisations and institutions in which freedom of movement is restricted and prepares a special report.

158. At the same time, these provisions define that officials in institutions (police stations, prisons, psychiatric institutions) in which freedom of movement is restricted are required to enable the Ombudsman unobstructed access to all documents and information relating to the persons whose freedom of movement is restricted.

159. The National Preventive Mechanism (NPM) in the Republic of Macedonia became operational on 1 April 2011, and it includes three counsellors for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

160. The NPM implemented promotional and educational activities aimed at informing the expert and wider public about the role of the NPM in society. Regarding the promotion of the National Preventive Mechanism, four round tables were held at local level with the support of the OSCE Mission and SIDA and one two-day roundtable at central level through twinning project with a view to informing the employees in the bodies and institutions for deprivation of liberty of the role and mandate of the NPM. In 2011 the NPM realised a total of 18 preventive visits, of which only one was announced (Skopje Penitentiary), while the other 17 were realised without any announcement. For all visits the National Preventive Mechanism prepared special reports containing analysis of the situation, conclusions and recommendations for addressing the shortfalls identified. In all visits the NPM met with constructive cooperation from the officials and had an unobstructed insight into all the premises and discussions with persons of his own choice, that is, in no case whatsoever was his movement or freedom of choice of persons for discussion restricted. The Ombudsman, as the National Preventive Mechanism, pursuant to the obligations arising from the Optional Protocol prepared a special annual report for the visits realised in 2011 and the situation identified, which was publicly presented.

161. Foundation Open Society – Macedonia in cooperation with the Helsinki Committee as of July 2011 implemented the Project: Monitoring of the implementation of the National Preventive Mechanism for Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment on the territory of RM.

162. In April 2008, the Ministry of the interior (MoI) developed Standard Operating Procedures for the Withholding of Persons and Procedure with Withheld Persons. The Sector for Internal Control and Professional Standards at the Ministry of the Interior handled the cases of alleged torture and other forms of inhuman and degrading treatment and punishment by law enforcement officers.

163. In the period from 2008 to 2011, the Sector for Internal Control and Professional Standards acted upon 270 petitions from citizens against officials in the MoI for used physical force in the carrying out of their official activities. Of these, 155 petitions were unfounded, that is, the law enforcement officers had not used physical force or the use of physical force and means of coercion had been justified and properly used. In 91 cases due to the lack of sufficient evidence the allegations in the petitions for used physical force could not be proved, in one case they were partially founded, while in 23 cases it was found that the petitions were founded. Regarding those cases in which it was established that physical force had been used without foundation, in 14 cases five criminal charges were brought and nine special reports were submitted to the Basic Public Prosecutor's Office for its information and further handling, and measures for initiation of a disciplinary procedure were pronounced against those police officers who had used physical force without justification (except for one case when a special report was submitted, but no disciplinary measure was pronounced due to statute of limitations). In the remaining cases the measure

of initiation of a disciplinary procedure was pronounced, and in one case the measure of indication.

164. Thereby, in the analysed period and in those cases where there was no evidence to corroborate the use of physical force, that is, there were partially said and certain contradictions in the allegations, in 14 cases the Sector for Internal Control and Professional Standards submitted special reports to the competent public prosecutor's offices for their information and further handling.

165. Within the CARDS Project and the EU Pre-Accession Assistance (IPA) Project, the detention premises in 8 police stations were renovated (Shtip, Gevgelija, Prilep, Gostivar and 4 police stations in Skopje) in the Republic of Macedonia. The total cost of the project was EUR 1,600,000 of which 400,000 euros from the budget of the MoI, earmarked for the procurement of technical equipment for the Police Stations included in the Project.

166. In connection with Recommendation No. 12, according to the data from the Public Prosecutor's Office of the Republic of Macedonia, based on the authentic interpretation of Article 1 of the Law on Amnesty ("Official Gazette of RM" no. 99/2011), the Law on Amnesty exempts from prosecution, terminates the criminal proceedings and fully exempts from the serving of the sentence citizens of the Republic of Macedonia, persons with legal residence, and persons who have property in the Republic of Macedonia for whom there is a reasonable doubt to have prepared or committed criminal offences related to the conflict in 2001, until 26 September 2001 inclusive. The last paragraph of the authentic interpretation states that Article 1 of the Law on Amnesty should be interpreted so that the amnesty applies to all perpetrators of criminal offences related to the conflict in 2001, until 26 September 2001 inclusive, except for persons who committed criminal offences related to and in connection with the conflict in 2001 and against whom the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia as of 1991 instituted proceedings. After the publication of the authentic interpretation, the Public Prosecutor's Office for Prosecution of Organised Crime and Corruption in the four cases gave up further prosecution against the persons who were prosecuted for criminal offences related to the 2001 conflict. According to the authentic interpretation, one person who had been sentenced to 15 years imprisonment for the criminal offence of 'War crime against civilians' under Article 404, paragraph 1 and 'Preparation for terrorism' under Article 326 taken in conjunction with Article 313 of the Criminal Code, the Tetovo Basic Court freed him completely from the execution of the single prison term of 15 – fifteen years. The same resolution stipulated deleting of the conviction and abolishment of the legal consequences from the conviction.

167. The legislation of the Republic of Macedonia prohibits physical punishment of children. Namely, Article 9 of the Law on the Protection of Children defines the following: "Any mental or physical abuse, punishment or other inhuman treatment or misuse of children is prohibited. Political or religious organisation and activity and misuse of children for political or religious organisation and activity is prohibited." Also, Chapter XV of this Law contains minor offence provisions. Physical injury of children is a family violence pursuant to the Family Law and is a criminal offence under the Criminal Code.

**Article 8: Prohibition of slavery
(Recommendation No. 13)**

168. In the context of Recommendation No. 13 of the Committee, there was continuation of the activities for the implementation of the measures for prevention and fight against trafficking in women and children.

169. Within the legislative activities, the 2008 and 2009 amendments to the Criminal Code further upgrade criminal legislation in accordance with the ratified international conventions.

170. These changes included more severe penalties for the offences of trafficking in human beings, provided for that the consent of the victim is not relevant for the existence of the criminal offence and introduced a new criminal offence in Article 418-d: Trafficking in minors. The 2008 Family Law stipulated protection of children victims of trafficking in human beings, measures for the protection of the child's personality, rights and interests and appointment of a guardian. Articles 26-31 of the Law on Social Security contain provisions for the protection of persons who are victims of trafficking in human beings and envisage the establishment of a Centre for Victims of Trafficking in Human Beings (Article 132).

171. In April 2009 the Republic of Macedonia ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

172. In order to monitor the implementation of the penal policy by the courts of the Republic of Macedonia, the Ministry of Justice prepared Information on the legal aspects and practical experiences in the criminal prosecution of the perpetrators of the criminal offences of trafficking in human beings and smuggling of migrants for the period 2005-2008, which included an analysis of passed judgments, types of judgments and pronounced sentences for the criminal offences related to trafficking in human beings and smuggling of migrants.

173. According to the above analysis, the ratio of the criminal offences for which the defendants were sentenced was as follows: 78% of the cases were for the smuggling of migrants, 11% for human trafficking, 7% for trafficking a minor, and 4% for the organisation of a group for trafficking in human beings or smuggling of migrants.

174. In terms of the severity of the pronounced penalties, the situation was as follows: 46 penalties or 30% were prison terms of up to 1 year, 27 penalties or 18% were prison terms of up to 2 years, 19 penalties or 13% were prison terms of up to 4 years, 14 sentences or 9% were prison terms of up to 5 years, 11 sentences or 7% were prison terms of up to 6 years, 10 penalties or 7% were replaced with suspended sentences, 8 sentences or 5% were prison terms of up to 8 years, 7 penalties or 5% were prison terms of up to 3 years, 5 penalties or 3% were prison terms of more than eight years.

175. Regarding the age of the victims, that is, migrants the situation was as follows: 28 victims/migrants or 7% were juveniles and 393 victims/migrants or 93% were adults.

176. In order to strengthen the institutional and human capacities, the cooperation between the institutions and non-governmental organisations was improved and continuous trainings for identification of and fight against trafficking in human beings was conducted.

177. In 2009, the Government adopted a National Strategy for Combating Human Trafficking and Illegal Migration for 2009-2012. In 2010 revised Standard Operating Procedures were adopted for dealing with victims of trafficking in human beings.

178. In January 2011, a Centre for Victims of Trafficking in Human Beings began to be operational. The work of this Centre involves non-governmental organisations: Open Gate and Happy Childhood. The Government through a public tender awarded three grants to non-governmental organisations in the amount of 5,000 euros for each for the prevention and protection of victims of trafficking in human beings.

179. For trainings for prevention and fight against trafficking in human beings see Appendix 1: Training for Human Rights.

180. In the Office of the National Mechanism for Referral of Victims (NMR), since 2008 there is a Legal Adviser of victims of trafficking. The Legal Adviser represented 9 minor victims of human trafficking before the Skopje I Basic Court – Skopje. These procedures were completed, the penalties for the defendants were from 4 to 7 years in prison and damage claims were pronounced whereby the defendants were required to pay damages and to recover non-pecuniary damage in the amount of 200,000.00 to 500,000.00 denars⁴.

Article 9: Right to liberty and security of person

181. Right to liberty and security of person is guaranteed in the Constitution of the Republic of Macedonia in Article 12. The right to legal redress for unlawful deprivation of liberty is contained in Article 13 paragraph 2 of the Constitution.

182. These constitutional guarantees are operationalised in Article 3 of the Criminal Procedure Code. In addition, Article 200 paragraph 4 of the Criminal Procedure Code stipulates that the resolution for detention is given to the person to whom it refers at the time of deprivation of liberty and not later than 24 hours from the time of deprivation of liberty. The time of deprivation of liberty and the time of serve of the resolution must be indicated in the writs of the case file.

183. The court shall, within 24 hours from the time of detention, inform the family of the detainee thereof, unless the person objects it. The competent authority for social works shall also be informed of the detention, if necessary to take measures for the care of the children and of the other family members for whom the detainee takes care.

184. Pursuant to Article 34 of the Law on the Police, in the exercise of the police powers of summoning, arresting and detaining the police officer must inform the person in a language he understands of the reasons for which the person was summoned, arrested or detained, in a clear way instruct him of his right to remain silent, the right to consult with a defence attorney, the right to have a defence attorney during the police procedure, the right to receive medical care, and the right to inform a member of his family or a person close to him.

185. The method and procedure for taking in and withholding persons is prescribed in the Rules of the way of doing police work (Articles 15 and 16), where it is defined that the taking in is made on the basis of: a court order for bringing a person in the capacity of a defendant or witness, a court order for forced bringing of a person for the purposes of

⁴ 1 euro = 61.4 MKD denars.

serving a prison sentence, an issued warrant or circular if the same order taking in, and on the basis of a court order for forced bringing of a person against whom a detention decision was taken.

186. In the procedure for retention in a public health institution for treatment of mental illnesses the court acts in line with the provisions under Articles 58-73 of the Law on Non-Contentious Procedure for: restriction of freedom of movement or contacts with the outside world of a mentally ill persons who was admitted to a public health institution for treatment of mental illnesses.

187. A mentally ill person, under the provisions of this Law, may be held in a public health facility for treatment of mental disorders, with or without his consent, that is without a court decision. For each admission of a mentally ill person the institution or its authorised person shall notify the court within 48 hours. Upon the initiation of the procedure the court decides whether a person will be given the measure of retention in a public institution. The decision shall be made after the person is heard and is medically examined by two doctors. The court may pass the following resolutions: resolution for extension of the time of retention, dismissal even before the expiration of the time limit for retention, and termination of the need for further retention of the person. The court shall first request a report and opinion from the public health facility about the health condition of the person detained in order to take a decision in respect of the length of the measure. The constitutional provisions on the duration of detention are implemented in the Criminal Procedure Code. (Appendix 1: Article 205, paragraphs 4 and 5, and Article 207)

188. The number of persons who were serving detention in detention departments of penitentiary institutions in the Republic of Macedonia at the close of 2008 was 240 persons, which is 10.2% of the total number of people detained in penitentiary institutions (PI) and correctional institutions (CI) in the said year. In late 2009 this measure was served by 240 persons, which is 9.6% of the persons deprived of their liberty in this year, while at the end of 2010 the number of detainees was 325 persons or 12.7% of the total number of persons detained in prison facilities. In 2011, including November the same year, the number of detainees totaled 344 persons, which is 13.8% of the entire population in prison institutions.

189. In addition to the existing grounds for rendering detention against a person the novelty in the newly enacted Criminal Procedure Code is the determination of detention if the properly summoned accused apparently avoids to attend the main hearing, or if the court made two attempts to duly summon the defendant, and all the circumstances indicate that the defendant apparently avoids to accept the summons. Also, for the purposes of reducing unfounded detentions, the detention resolution must also contain a reasoning in addition to the enacting clause, which pursuant to the new Code must specify: 1) all the facts and evidence from which the reasonable doubt derives that the defendant committed the crime, 2) reasons justifying each ground for detention and 3) the reasons why the court believes that the aim of detention cannot be achieved by any other measure to ensure the presence. Furthermore, the deadline for submission of the resolution on detention was shortened. The new Code stipulates that the resolution for detention is served immediately to the defendant, but not later than 6 hours, instead of the existing solution of 24 hours.

Article 10: Humane treatment of persons deprived of their liberty (Recommendation No. 14)

190. In the penitentiary system in the Republic of Macedonia, the basic function of the serving of the prison term is resocialisation and social adaptation of convicts. With a view

to improving the process of resocialisation of convicts serving a prison term, in April 2010 the Government of the Republic of Macedonia adopted a Strategy of Resocialisation and Social Adaptation of Convicts Serving a Prison Term (2010-2012).

191. The 2006 Law on the Execution of Sanctions (LES) with the changes of 2010 is the primary source which contains provisions relating to the treatment of convicts. The types and methods of treatment of sentenced persons are more specifically regulated by the Guidelines for Determination of the Types and Methods of treatment of Sentenced Persons.

192. Pursuant to Article 28 of the LES, within each institution there is a sector for resocialisation for the realisation of the educational process and coordination of the correction, education and training of inmates and minors. The rights of sentenced persons relating to education, leisure activities, sports and recreation, and educational work are regulated in Articles 135-140 of the LES.

193. With a view to monitoring the effective implementation of the rules on the treatment of persons deprived of liberty, the Directorate for the Execution of Sanctions conducts continuous expert-instruction oversight. In February 2011, a Rulebook on the manner of expert-instruction oversight on the work of penitentiary and correctional institutions was adopted, which stipulates the manner of expert-instruction oversight. Within MATRA ENPAP Project, in collaboration with the Government of the Kingdom of the Netherlands in 2011 ten protocols and procedures for treatment for the staff in prison institutions were drafted.

194. With funds from the Budget of the Republic of Macedonia, several departments in the largest prison in the Republic of Macedonia, the Idrizovo Penitentiary, were completely renovated and equipped, which greatly improved the living conditions of inmates in this institution. In Skopje Prison the old detention centre was completely renovated and reconstructed, while in July 2009 a new detention wing became operational.

195. Within the project, "Reconstruction of penitentiary institutions in the Republic of Macedonia", 63,000 m³ will be constructed or renovated. The cost of the project is 52,000,000 euros, of which 46,000,000 euros are a loan from the Development Bank of the Council of Europe and 6,000,000 euros are participation of the Government of the Republic of Macedonia.

196. Minors serve their penalty of reform school or referral to a correctional institution in special institutions, separate from adults. Compulsory primary education is organised within the institution and vocational training, and work hours of persons attending instructions are in accordance with the needs for regular attendance of the instructions. With a view to improving the treatment of this vulnerable category of persons a Specific Programme for Treatment of Juvenile Inmates and Young Adults was drafted, and its further development will establish a separate system of measures and activities for the treatment of this category of persons, aimed at their resocialisation and social adaptation.

In 2008, an expert from the University of Nottingham made an evaluation of the 2006 LES and it was perceived that the Law meets the European standards, that is, is in accordance with the European Prison Rules, and at the same time is in accordance with the Standard Rules for the Treatment of Prisoners of 1957.

197. The disciplinary liability of sentenced persons is regulated in Articles 177-183 of the Law on the Execution of Sanctions. More serious violations are listed in this Law, while less serious ones are defined in the House Rules of the institutions.

198. Detainees are placed in separate detention units within prisons and are physically separated from the persons serving a prison term. With a view to improving the conditions, respecting and protecting the rights of the person serving a detention measure, in 2011 the Minister of Justice adopted a new Rulebook on House Rules for the Execution of the Detention Measure in Detention Units in Prisons. Upon the approval of an investigating judge, the detainee may, within the limits of the house rules, be visited by close relatives and also a doctor and other persons, upon his request. Certain visits may be prohibited if it could be detrimental to the conduct of the procedure (Article 211, paragraph 1 of the Criminal Procedure Code).

199. In the penitentiary system of the Republic of Macedonia, the working engagement of sentenced persons serving a prison term is solely on a voluntary basis. Namely, pursuant to Article 114 of the LES sentenced persons work according to their physical and mental abilities as determined by the doctor of the institution and based on the possibilities of the institution account is taken of the wish of the sentenced person to perform certain tasks.

200. Sentenced persons are provided with postpenal assistance after serving their prison term aimed at easier inclusion into life upon release. Each institution, pursuant to Article 207 of the LES, three months prior to the release of the sentenced person who needs help upon release notifies the centre for social works depending on the place of residence or temporary residence of the sentenced person, of the date when he is to be released, citing the type of assistance that he particularly needs with a view to his successful inclusion into life upon release.

201. In the period from 2008 to 2011, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment realised two regular visits and two ad hoc visits. Among other things, the measures and activities being taken by the Directorate for the Execution of Sanctions to improve the penitentiary system in the Republic of Macedonia are aimed at meeting the recommendations from the visits realised.

202. With regard to Recommendation No. 14, there is a pending procedure before the European Court of Human Rights against the Republic of Macedonia on the basis of an application for the protection of human rights filed by the person Khaled El-Masri. Any information with regard to the statements noted in this Recommendation is not in compliance with the confidentiality rules of the European Court and may affect the outcome of the dispute.

Article 11: Prohibition of imprisonment on the ground of inability to fulfil a contractual obligation

203. In terms of the legal framework there is repetition of what was stated in the Initial and Second and Third Periodical Reports.

Article 12: Right to freedom of movement and choice of residence (Recommendation No. 15)

204. Article 27 of the Constitution guarantees the right to liberty of movement and freedom to choose his residence and temporary residence. This constitutional provision is regulated by the Law on Registration of Residence and Temporary Residence of Citizens.

205. In case of a change of residence under Article 3 of this Law, the citizen is required to deregister his previous residence and register his new residence within 8 days from the

date when he moves out. Also, if the citizen changes the address of his residence, he is required to report this change within 8 days.

206. In the procedure for registration and deregistration of the residence, that is temporary residence, as well a change in the address of the residence, the citizen is required to enclose an identity card or other document for the establishment of his identity, and in the registration of a residence a confirmation for deregistration of the previous residence is also enclosed (if new residence is registered) and evidence for provided apartment.

207. The Ministry of the Interior passes a resolution within 15 days from the date the request is filed. The right to appeal the resolution with the State Commission for Decision-Making in an Administrative Procedure and Labour Procedure in the Second Instance and right to court protection before the Administrative Court is guaranteed. The competent authority for the registration of the residence, that is, temporary residence and the change of address of the residence under Article 9 of the Law is the Ministry of the Interior.

208. Free movement is not limited on the entire territory of the Republic of Macedonia, except for the border area which is regulated by the Law on Crossing State Border and Movement in the Border Area.

209. The procedure and conditions for the issuance of passports are regulated by the Law on Passports of the Citizens of the Republic of Macedonia and bylaws. When submitting a request for the issuance of a passport biometric data are taken: photograph, prints of two fingers, and a signature in digital form. Two types of passports are issued in the Republic of Macedonia: Type A – the data in the passports are written in the Macedonian language and its Cyrillic alphabet and in the language and alphabet used by the citizen (Roma, Serbian, Turkish, Vlach and Bosniak) and Type B – bilingual passports for the citizens speaking an official language other than Macedonian. The data in them are written in the official language and alphabet used by the citizen, that is, in Albanian.

210. The new biometric passports began to be issued as of 02.04.2007 and according to the records kept until 25.12.2011 inclusive, a total of 1,349,803 passports were issued of which Type A – 942,327 and Type B – 407,476 passports.

211. Pursuant to Article 37 of the Law, the cases in which the application for the issuance of a passport is rejected are also contained. In case of rejection of the application for passport issuance, the resolution must contain the reasons for which the authority passed that resolution. An appeal may be lodged against the resolution with the competent commission in the second instance, and court protection before the Administrative Court is allowed upon the administrative act becomes final.

212. The normative basis of the right of free movement of foreigners in the Republic of Macedonia is regulated by the Law on Movement and Stay of Foreigners. Freedom of movement of foreigners includes: 1) the right to enter the territory of the state; 2) right to leave the territory of the state; 3) right to movement in the territory of the state; 4) right to transit the territory of the state and 5) right to stay of foreigners.

213. The exercise of the right to free movement and freedom of choice of the residence under Article 27 paragraph 3 of the Constitution of the Republic of Macedonia may be restricted only in the cases when it is required to:

- Protect the security of the Republic. The constitutional basis of this restriction is operationalised in Article 18 of the Law on Defence and Article 48 of the Law on Crossing State Border and Movement in Border Area.

- Conduct a criminal procedure. The grounds of this restriction are regulated with the provisions in Chapter 17 of the Criminal Procedure Code, which stipulate the following measures to secure the presence of the defendant and the successful conduct of the criminal procedure: promise of the defendant not to leave his temporary residence that is residence and other preventive measures securing the presence of the defendant, a guarantee, house arrest and detention.
- Protect the health of people. Article 58 of the Law on the Protection of Population from Infectious Diseases defines the measures that the Government may order to be taken when with the measures prescribed by this Law it is not possible to prevent the introduction and spread of certain infectious diseases in the Republic of Macedonia. (Appendix 1: Article 58 of the Law on the Protection of the Population of Infectious Diseases)

214. In the context of Recommendation No. 15, according to the data of the Ministry of Labour and Social Policy the total number of internally displaced persons (IDPs) by 01.03.2012 inclusive in the Republic of Macedonia was 473 persons, that is, 135 families. This figure was significantly reduced since 2008, when the total number of IDPs was 777 persons, that is, 256 families. Most of the internally displaced persons are accommodated in collective centres, and some of them are accommodated in households for which the Ministry of Labour and Social Policy covers the expenses on a monthly basis from the budget of this Ministry.

Article 13: Expulsion of foreigners (Recommendation No. 16)

215. Pursuant to Article 33 paragraph 7, of the Criminal Code, “The punishment expulsion of a foreigner from the country may be pronounced if a prison sentence or fine, probation or a court reprimand was pronounced against the perpetrator.”

216. Expulsion of a foreigner is also one of the minor offence sanctions which pursuant to Article 13 of the Law on Minor Offences may be pronounced against perpetrators of a minor offence. The foreigner has the right to appeal against the decision of the court which pronounced the penalty of expulsion from the country with the higher court on all grounds on which the first instance decision may be contested pursuant to the provisions of the Criminal Procedure Code and the Law on Minor Offences.

217. Pursuant to Article 376 paragraph 2, of the Criminal Procedure Code, a timely lodged appeal by an authorized person suspends the execution of the judgment. According to the statistical data, in 2009 out of 4,912 pronounced penalties against sentenced persons, the penalty expulsion of a foreigner accounted for 0.6%, and in 2010 this penalty accounted for 0.9% in the total number of pronounced penalties.

218. Article 101 of the Law on Foreigners regulates the reasons for which a foreigner may be expelled from the Republic of Macedonia (Appendix 1: Article 101 of the Law on Foreigners). The foreigner has a right to appeal against the resolution for expulsion within eight days from the date he receives the resolution with the competent second instance commission. The right to an administrative dispute before the Administrative Court against the resolution of the Commission is guaranteed (Article 103 paragraph 6).

219. Aiming at greater efficacy in the exercise of the right to an appeal of the citizens in administrative proceedings, in 2011 the Law on the Establishment of a State Commission for Decision-Making in Administrative Proceedings and Labour Proceedings in the Second

Instance was passed. Pursuant to the Law, a State Commission for Decision-Making in Administrative Proceedings and Labour Proceedings in the Second Instance was established as a separate state body which will decide solely on the appeals against the resolutions passed in administrative proceedings in the first instance by ministries, other bodies of state administration, organisations defined by law and other state bodies.

220. The Commission has the capacity of a legal entity. The Commission members (chairman and six members) are elected by the Assembly of the Republic of Macedonia for a period of five years and they perform their office professionally. What is relevant are the provisions in Articles 8 and 9 of the Law which regulate the procedure of the Commission upon the appeals. Namely, Article 8 paragraph 6 of the Law stipulates a deadline of two months within which the Commission decides on the appeal, unless shorter deadline is stipulated by a separate regulation. If the Commission fails to act within this deadline, the applicant may inform the State Administrative Inspectorate which shall oversee the Commission and inform the applicant within three days.

221. Upon the oversight, the inspector charges the Commission to decide on the appeal lodged and inform the inspectorate within ten days. If the Commission fails to decide within this time limit, the inspectorate shall file a request for initiation of a minor offence procedure against the chairman and the members of the Commission and shall set a deadline of five working days within which the chairman and members should decide on the appeal. If the Commission fails to decide even within this deadline, the inspectorate shall file a report with the competent public prosecutor within three days and shall inform the applicant within this deadline. If the Commission fails to make a decision even within this deadline, the applicant may initiate an administrative dispute before the competent court (Article 8 paragraph 19).

**Article 14: Equality before the courts and right to a fair and public hearing by an independent tribunal established by law
(Recommendation No. 17)**

222. In the judicial system the judicial power is exercised by 27 basic courts (with basic and extended jurisdiction) as trial courts, 4 appellate courts as second instance courts, the Supreme Court of the Republic of Macedonia, the Administrative Court and the Higher Administrative Court.

223. In 2007 and 2011, the Administrative Court and the Higher Administrative Court became operational respectively. The Administrative Court as the first instance court decides on administrative disputes and the Higher Administrative Court as the second instance court, while the Supreme Court of the Republic of Macedonia decides on extraordinary remedies in the cases defined by law.

224. In 2011, a total of 686 judges carried out the juridical office in the Republic of Macedonia.

225. What was noted in the Second and Third Periodical Reports also applies here regarding the constitutional framework for the election and discharge of judges.

226. With a view to reinforcing the quality and professionalism of judges, the Law on Changing and Supplementing the Law on the Courts of 2010 redefined the provisions for the conditions for the election of judges and termination and discharge from the juridical office (Appendix 1: Articles 45, 45-a and 46 and Articles 73 through 78 of the Law on the Courts).

227. For the implementation of Recommendation No. 17 see Appendix 1: Effects from the implementation of the reform of the judiciary in the Republic of Macedonia.

228. Pursuant to Article 53 of the Constitution, "Attorneyship is an autonomous and independent public service rendering legal assistance and performing public mandates in accordance with the law." The Law on Attorneyship regulates the provision of legal assistance by the attorneyship to natural and legal persons in the exercise and protection of their rights and legally based interests in the procedure before the courts, state bodies and other legal persons, the performance of public mandates defined by this and other laws, and the organization of the attorneyship, the conditions for carrying out and termination and rest of the activity of an attorney and rights and obligations of attorneys. Attorneys in the Republic of Macedonia are organized in the Bar of the Republic of Macedonia which has the capacity of a legal entity and is autonomous and independent in its work.

229. The legislative framework laid out in the Initial Report repeats in the following: the right of the accused to be informed promptly and in detail in a language which he understands of the nature and cause of the indictment; the right to have adequate time and possibilities to prepare his defense and to communicate with a counsel of his own choosing; the right to attend the hearing and trial in absentia; the right of the defendant to not be forced to testify against himself or to confess guilt; proceedings against minors, the right to appeal and the right to compensation for unjustified conviction.

230. Within the frameworks of the comprehensive reform of the judicial system in the Republic of Macedonia, the 2006 Law on the Courts and its changes in 2008 introduced the domestic remedy for the protection of the right to a trial within a reasonable time. This legal solution was aimed at harmonising the domestic legislation with the provisions of the Council of Europe's European Convention on Human Rights and Fundamental Freedoms. At the same time, it was an expression of the efforts being made by the Republic of Macedonia for continued improvement of the judicial system, first of all for sanctioning situations in which court proceedings are exposed to unnecessary delays and redress of the victims on grounds of a violation of the right to a trial within a reasonable time at national level.

231. According to the data of the Ministry of Justice from 1999 to 2011, the biggest number of cases – 57 that is 65% related to a violation of Article 6 from the aspect of the right to a trial within a reasonable time. What is apparent from the data is that in 2011 the Republic of Macedonia was obliged to pay 638,025 euros on grounds of judgments and decisions of the European Court for Human Rights for just satisfaction of which 594,360 euros for damage compensation for a trial within an unreasonable time, which is a significant amount.

232. Given these indicators, the 2008 amendments to the Law on the Courts define the exclusive jurisdiction of the Supreme Court of the Republic of Macedonia to decide on requests for the protection of the right to a trial within a reasonable time, adhering to the rules and principles laid down in the European Convention on Human Rights and Fundamental Freedoms and starting from the case law of the European Court of Human Rights. Thereby, Articles 36 and 36-a define the procedure of the court and the procedural prerequisites for applicants. Namely, pursuant to Article 36 of the Law, a party may file the application during the proceedings before the domestic courts, and within six months at the latest from the date the decision becomes effective.

233. If the Supreme Court finds a violation of the right to a trial within a reasonable time it shall define, by resolution, a time limit within which the court before which the proceedings are ongoing is required to decide on the right, obligation or criminal liability of

the applicant and shall award just compensation to the applicant for violation of his right to a trial within a reasonable time. The dissatisfied party has a right to lodge an appeal with the Supreme Court against the decision of the Chamber of the Supreme Court of the Republic of Macedonia, within eight days from the date of receipt of the appeal.

234. The just satisfaction is covered by the Court Budget and is paid within three months from the date the resolution of the Supreme Court becomes final(effective). With a view to implementing the legal provisions a special department was established at the Supreme Court for the protection of the right to a trial within a reasonable time.

235. The Department acting on cases for a trial within a reasonable time at the Supreme Court by March 2011 inclusive received 828 applications for a violation of the right to a trial within a reasonable time. 657 applications were decided, of which 218 applications were sustained (for 202 just satisfaction was awarded), 170 applications were rejected for lack of merits, 266 applications were dismissed as untimely or inadmissible, and 3 applications were decided in a different way (by merging applications or separation). The smallest amount that was awarded was 5,000 denars, and the biggest was 240,000 denars, which corresponds with the case law of the European Court of Human Rights.

236. With its decision of 2 November 2011, taken in connection with the cases of *Adzi Spirkovska v. the Republic of Macedonia* and *Topuzovski v. the Republic of Macedonia*, the European Court found that the remedy for the protection of the right to a trial within a reasonable time before the Supreme Court of the Republic of Macedonia was an effective remedy within the meaning of Article 13 of the Convention and provided sufficient protection before the domestic courts for all applicants who had had their right to a trial within a reasonable time under Article 6 of the Convention violated.

237. In 2009, the Ombudsman received 745 petitions, of which 407 concerned requests for the protection of the right to a trial within a reasonable time, or more than 50%. In 2010 out of a total of 757 petitions, 401 related to the same request, and in 2011 of the 600 petitions received, 417 related to unjustified delay of proceedings which was 60% of the total number of submitted petitions in the field of the judiciary. In the cases when the citizens request protection of their rights on grounds of unjustified delays the Ombudsman communicates appropriate indications, recommendations and opinions to the competent courts, which have been sustained in most of the cases.

Article 15: Prohibition of a retroactive effect of a criminal code

238. In terms of the legal framework, what was presented in the First Periodical Report also applies now.

Article 16: Right to recognition as a person before the law

239. In terms of the legal framework, what was presented in the First Periodical Report also applies now.

Article 17: Right to respect for privacy, family, home or correspondence and protection of honour and reputation

Special investigative measures

240. Articles 146-150 of the Criminal Procedure Code governs the conditions, types and competent authorities for rendering and implementing special investigative measures (Appendix 1: Criminal Procedure Code).

241. In the pre-trial proceedings, the special investigative measures are determined by an order of the public prosecutor or the investigating judge, and in the investigation only by an order of the investigating judge.

242. The data, information, documents and items gathered with the application of the special investigative measures may be used as evidence in the criminal proceedings if they were taken in accordance with the provisions of the Criminal Procedure Code. In this sense, Article 149 paragraph 4 contains an explicit prohibition for the use of evidence which were gathered with the application of these measures in contradiction with the provisions of this Code.

243. The conditions and the procedure for interception of communications, the manner of treatment, storage and use of the information and data obtained as well as the manner of exercise of control of the legality of the interception of the communications are governed by the Law on Interception of Communications.

244. Pursuant to Article 28 of the Law on Interception of Communications, a person whose communication was intercepted in contradiction with the provisions of this Law is entitled to compensation of damages. The court that ordered the interception of the communications decides on damage compensation, in an urgent procedure, which may not take longer than 3 months. The damaged party has a right to an appeal to the higher court against the decision of the court, within 8 days from the date he receives it. The second instance court decides on the appeal within 8 days from the date it is lodged. The compensation of the damage is covered from the Budget of RM.

Search of home and person

245. The search of a home and person is an investigating action regulated in Articles 214-218 of the Criminal Procedure Code. The Code defines that the search is ordered by the court with an order elaborated in writing, which is handed prior to the commencement of the search to the person where the search will be undertaken or who will be searched.

246. Article 218 of the Code regulates the cases when authorized officials of the Ministry of the Interior may, even without a search warrant, enter a home and other premises (Appendix 1: Articles 214 through 218 of the Criminal Procedure Code).

Personal data protection

247. The amendments to the Law on the Protection of Personal Data in 2008, 2010 and 2011 further provided effective protection of the right to protection of personal data. The Law on Police, the Criminal Procedure Code, the Law on Protection of Patients, the laws and records in the area of labor were harmonised with the Law on the Protection of Personal Data.

248. In the period from 2008 to November 2011, the Directorate for Personal Data Protection conducted 436 inspection supervisions in the banking, commercial and manufacturing sectors, education, insurance of property and persons, marketing agencies, telecommunications, health and state bodies including the law enforcement authorities, acted upon 498 requests for the establishment of a violation of the right to protection of personal data, filed 47 requests for minor offence procedures and issued 29 approvals for the transfer of personal data to other countries.

249. In 2010, the Directorate launched direct collaboration with two media through which it informs the citizens on a weekly basis on how to protect their right to privacy, and is also involved in the other media. The Directorate also participated in the work of all bodies in the EC and CoE and cooperated with many countries on a bilateral basis. It was also the user of the Technical Assistance and Information Exchange Instrument (TAIEX) and was involved in various projects from the EU pre-accession assistance funds.

250. As for women's right to enjoy privacy, in the Republic of Macedonia there is a possibility of sub-registration of abortions performed thereby respecting the privacy of women in their reproductive function. There are no data on how many women exercise this right.

Genetic data

251. The implementation of a DNA analysis to determine facts in criminal and civil proceedings is regulated in the legislation of the Republic of Macedonia.

252. Even though the existing Criminal Procedure Code does not contain an explicit provision under which the court may, in the procedure, determine to conduct such analysis, it is one of the investigative actions in criminal proceedings, pursuant to the provisions for "Forensic expertise" contained in Articles 254 through 274 of this Code. In addition, a significant novelty in the Criminal Procedure Code of 2010 was the incorporation of the provision for determination of a DNA analysis as evidence in criminal proceedings.

253. Namely, under Article 249 paragraph 3 of this Code, "Samples for conducting a DNA analysis may be taken when it is required in order to identify persons or to compare them with other biological traces and other DNA profiles, and no consent of the person is required for that."

254. For the effective participation of the Republic of Macedonia in international legal cooperation for combatting organised crime, it is envisaged to adopt legislation which should govern: the competent authority/authorities for registration, collection and processing of DNA data, protection of these data, international exchange of such data, the time frame for storing biological material evidence, DNA material from children etc.

Article 18: Right to freedom of thought, conscience and religion

255. The Republic of Macedonia is a secular state. Article 19 of the Constitution guarantees the freedom of religion, whereby it defines that "The Macedonian Orthodox Church, and the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical-Methodist Church, the Jewish Community and other religious communities and groups shall be separate from the state are equal before the law."

256. In September 2007, a new Law on the Equal Position of a Church, Religious Community and Religious Group was adopted, which regulates the establishment and the legal status of the church, religious community and religious group, the arrangement of

worship, prayer and religious rites, religious instruction and educational activities, revenues of the church, religious community and religious group, and other issues.

257. Pursuant to Article 31, they may use the public media and publish, import and export printed materials in accordance with the law, and to form their own public media.

258. Articles 32 and 33 of the Law contain provisions for revenues of the church, religious community and religious group. Pursuant to Article 33 paragraph 1: “The church, religious community and religious group are independent in the management of the acquired revenues, in accordance with the law and the regulations of the church, religious community and religious group.”

259. Churches, religious communities and religious groups are registered in the Single Register of Churches, Religious Communities and Religious Groups, whereby they acquire the capacity of a legal entity. The Commission for Relations with Religious Communities and Religious Groups (CRRCRG), as an autonomous state body, looks after the legal position of churches, religious communities and religious groups and the relations between the state and the churches, religious communities and religious groups.

260. By December 2011, the number of registered churches, religious communities and religious groups was 29 in total, of which 15 churches, 7 religious communities and 7 religious groups. In the period from 2008 to 2011 the competent court for registration, Skopje II Basic Court – Skopje, denied eight requests for making an entry in the Single Court Register of Churches, Religious Communities and Religious Groups.

261. Chapter 4 of the Law contains provisions for religious instruction and educational activities. Pursuant to Article 22 paragraph 1, a church, religious community and religious group have the right to establish religious educational institutions at all levels of education except in primary education, for the education of priests and religious officials, as well as student dormitories for the accommodation of the persons studying in these institutions.

262. In 2008, religious education and history of religions was introduced in the primary education in the fifth grade as an elective subject. With its Decision U.br.202/2008 of 15 April 2009 the Constitutional Court repealed Article 26 of the Law on Primary Education. In the reasoning of this Decision the Court, *inter alia*, indicates that: “The Court found that the said constitutional amendment solves in a principled way also the issue of religious education (religious teaching, religious instruction) which leaves it to be the subject-matter of decision and sphere of competence of the religious communities and religious groups, within the frameworks of the freedom to establish religious schools for this purpose.”

263. In the school year 2010-2011, the following subjects were introduced in the schools as compulsory elective subjects: ethics of religions, history of religions and European civilisation.

264. An Inter-Religious Council also functions in the Republic of Macedonia as an informal body composed of the religious leaders, which considers relevant issues from religious life and religious dialogue. This body contributes to the promotion of mutual communication, understanding and constant dialogue among the members of different religious communities in the Republic of Macedonia.

Article 19: Freedom to hold opinions

265. Articles 41 and 67 of the Law on Broadcasting govern the regime of awarding licenses for broadcasting activities. Licenses for broadcasting activity are issued in a competition procedure which is announced by the Broadcasting Council and is managed in a way that provides equal, equitable and non-discriminatory treatment of the participants in the proceedings. They are awarded for a period of 9 years and may not be transferred to another person.

266. In the period from April 2008 to December 2011, the Council granted 60 licenses for broadcasting activity. In 2008, 146 broadcasters were registered, in 2009 – 148, in 2010 – 148 broadcasters, and in 2011 – 159 licenses were registered for broadcasting activity of which 20 were at state level (17 TV and 3 RA), 26 were at regional level (10 TV and 16 RA) and 1,140 were at local level (49 TV and 61 RA).

267. Article 62 of the Law on Broadcasting stipulates the grounds/cases when the licence for broadcasting activity terminates, as follows: with the expiration of the period for which it is awarded, with a written declaration of the holder informing the Council of the termination of broadcasting radio and TV programme, with the revocation of the licence by the Broadcasting Council and if bankruptcy or liquidation of the holder of the licence occurs. Pursuant to Article 63 of the Law, the Broadcasting Council revokes the licence for broadcasting activity if the holder of the licence: fails to commence the carrying out of the activity within the deadline specified in the licence, provided incorrect data on the basis of which the licence was awarded to him, circumstances arise which are legal obstacles for the holder to carry out a broadcasting activity, fails to pay the fee within the deadline stipulated in the licence, and a security measure of prohibition to perform a broadcasting activity, that is, prohibition on transmission of programme services through public communication networks was pronounced against the licence holder by a court decision.

268. From 2009 to December 2011, the Council adopted three decisions on revoking the license for broadcasting activity due to non-payment of the license fee within the period specified in the license, 6 resolutions for termination of the validity of the license for broadcasting activity on the basis of a written declaration for giving up the license for broadcasting activity, and one Decision to revoke the license for broadcasting activity due to the occurrence of a legal impediment for the holder to perform broadcasting activity.

269. Articles 13 through 20 regulate the ownership structure of electronic media in the Republic of Macedonia and the conditions under which a change in the ownership structure of radio broadcasters may take place. If with the change in the ownership structure the broadcaster or a person associated with him acquires a share, that is, stocks which in the fixed capital of another broadcaster are more than 10% of his fixed capital he is required to file an application with the Broadcasting Council for approval of the change in the ownership structure. If the Broadcasting Council finds that the planned change in the ownership structure will create unallowed media concentration, it shall recommend to the broadcaster to harmonise the changes in a manner whereby unallowed media concentration would be avoided. If the broadcaster fails to act in line with the recommendation of the Broadcasting Council and changes the ownership structures, so that some of the cases set forth in paragraph 6 of this Article occur, the provisions of this Law on termination of the validity of the licence for broadcasting activity prior to the period for which it is issued shall apply. The Law on Broadcasting (Article 17 paragraph 6) lists individually the cases in which the Broadcasting Council will not approve the change in the ownership structure, if it finds that unallowed media concentration is created therewith.

270. In 2009, the Broadcasting Council awarded 11 approvals for a change in the ownership structure, in 2010 – 13 approvals and in 2011 – 9 approvals.

271. In a parliamentary procedure is the adoption of a Proposed Law on Import, Distribution and Dissemination of Foreign Printed Items, Foreign Film and Foreign Information Activity in the Republic of Macedonia which governs the import, distribution and dissemination of foreign printed items, foreign film, position of foreign news agencies and representatives of foreign information media in the Republic of Macedonia.

Legislation on libel and insult

a) Libel

272. Article 172 of the Criminal Code stipulates the criminal offence of “Libel” (Defamation). Namely, paragraph (1) of this Article prescribes that “a person who expresses or spreads some untruth about another, which is detrimental to his honour and reputation, shall be punished with a fine.”

273. Paragraph (2) of this Article sets forth the qualified form of this criminal offence prescribing that “if the untruth expressed or spread is of such significance that has caused serious consequences upon the life and health of the damaged party or a person close to him/her, the perpetrator shall be punished with a prison term of three months to three years.”

274. Paragraph (3) of this Article regulates the issue of non-sanctioning and stipulates that “a defendant shall not be sanctioned for libel if he/she proves the truthfulness of his/her claim or if he/she proves that he/she had a reasonable doubt to believe the truthfulness of what he/she stated or spread.”

275. Paragraph (4) of this Article prescribes that “A person who falsely expresses or spreads about another person that he/she has committed a criminal offence which is prosecuted *ex officio*, shall be punished for libel, even though he/she had a reasonable doubt to believe the truthfulness of what he stated or spread, if the statement or spread was not done under the conditions referred to in Article 176 paragraph 2.

276. The truthfulness of the fact that somebody committed a criminal offence that is prosecuted *ex officio* may be proved only with an effective judgment, and with other means of evidence only if the prosecution or the hearing is not possible or is not allowed.”

b) Insult

277. Article 173 of the Criminal Code stipulates the criminal offence of “Insult”. Paragraph (1) of this Article lays down the basic form of this criminal offence which stipulates that “a person who insults another shall be punished with a fine.”

278. Paragraph (2) of this Article stipulates the qualified form of this criminal offence which defines that “a person who exposes another person to mockery through a computer system because of his affiliation to a group of a different race, colour of skin, nationality or ethnic origin, or exposes to mockery the group of persons having such characteristics shall be punished with a fine or with a prison term of up to one year.”

c) *Non-sanctioning for the criminal offences referred to in Articles 172 through 175 of the Criminal Code*

279. Article 176 of the Criminal Code governs the question of non sanctioning for the criminal offences referred to in Articles 172 through 175, which include the criminal offences of “Libel” and “Insult”. Namely, paragraph (1) of this Article stipulates that “no sanction shall be applied against a person who speaks insultingly of another person in a scholarly, literary or artistic piece of work, in a serious piece of criticism, in the performance of the official duty, journalist profession, political or other social activity, in defence of the freedom of public expression of thought or other rights or in the protection of a public interest or other justified interests, if from the manner of expression or from the other circumstances of the offence it arises that it does not have the meaning of insult or has not caused a significant violation of the honour and reputation of the person.”

280. A significant novelty in the Criminal Code is paragraph (2) of this Article which was integrated by the Law on Changing and Supplementing the Criminal Code (“Official Gazette of the Republic of Macedonia”, no. 114/09), adopted in September 2009. This paragraph stipulates that: “In the cases referred to in paragraph (1) of this Article the person shall not be punished for a libel if he/she informs about something that has been publicly announced by somebody else, and the person who has been prevented from the exercise of the right to access to public information, contrary to the regulations for free access to information, refers to it in his/her defence.”

281. The introduction of this Article integrated a provision stipulating that journalists and other persons will be exempted from punishment if they: inform about something that has been informed publicly by somebody else, or have been prevented from the exercise of the right to access to public information, contrary to the regulations for free access to information, to which they refer in their defence.

282. Also, paragraph (3) of this Article stipulates that “in the cases referred to in paragraph (1) of this Article the person who expresses or spreads information that somebody has committed a criminal offence which is prosecuted *ex officio*, even though there is no effective judgment, if he/she proves that he had a reasonable ground to believe the truthfulness of what he expressed or spread.”

283. Paragraph (4) of the said Article defines that “The perpetrator shall not be punished for the expression or spread of personal and family circumstances, committed in the cases referred to in paragraph (1) if he/she proves the truthfulness of his/her statement or if he/she proves that he/she had a reasonable doubt to believe the truthfulness of what he/she stated or spread.”

284. Also, paragraph (5) of this Article stipulates that “No sanction shall be applied against a person for defamation with accusations for a criminal offence who blames another person of committing a criminal offence or being convicted for a criminal offence in defence of a right or protection of a public interest.”

d) *Pronouncement of a court reprimand or acquittal for the criminal offences referred to in Articles 172 through 175 of the Criminal Code*

285. Article 177 of the Criminal Code governs the issue for pronouncement of a court reprimand or acquittal for the criminal offences referred to in Articles 172 through 175, which include the criminal offences of “Libel” and “Insult”.

286. Namely, paragraph (1) of the said Article stipulates that “The court may pronounce a court reprimand against the perpetrator of the criminal offence referred to in Articles 172 through 175 if provoked by an indecent or rude treatment of the damaged party.”

287. Paragraph (2) of the said Article defines that “If the offended person returned the insult, the court may punish both of the parties or one of the parties, or may pronounce a court reprimand.”

288. Paragraph (3) stipulates that “The perpetrator shall be acquitted if he/she apologises to the damaged party before the court in the cases regarding the offences referred to in Articles 172 paragraph (1), 173 paragraph (1), 174 paragraph (1) and 175, and in the cases of the criminal offences referred to in Articles 172 paragraph (1) and 174 paragraph (1) and if he/she recalls before the court what he/she expressed or spread.”

e) Case law

289. The analyses of the Ministry of Justice in 2009, 2010 and in the first 6 months of 2011 made in the basic courts in the Republic of Macedonia show that there was a total of 296 cases for the criminal offences of “Libel” and “Insult” in which journalists appeared as defendants or plaintiffs. Of the total number of decided cases (145), a fine was pronounced only in 9 cases, or 6.2%.

290. In the said period, in a total of 114 cases or 78.6% of the total number of decided cases, the lawsuit was withdrawn, dismissed, the indictment was dismissed, the procedure was suspended or the procedure was concluded with acquittal from punishment or indictment.

291. In the 2011 Report on the progress of the Republic of Macedonia in the process of EU accession, the European Commission found that: The overall constitutional and legal framework for the protection of freedom of expression has been generally established, but attention is required to ensure its consistent and transparent application, in accordance with the case law of the European Court of Human Rights.

292. Also, the Republic of Macedonia was exposed to EU criticism that the right to free expression and freedom of the media was endangered.

293. Considering this and in particular with a view to finding possible legislative solutions for decriminalisation of libel and insult the Ministry of Justice established a working group dealing with the preparation of changes in and supplements to the Criminal Code. Representatives from the Association of Journalists, judges, public prosecutors, and representatives of international organisations took part in its work. The Working Group made comparative perceptions taking into consideration in particular the case law of the European Court of Human Rights.

294. Thereby, the initial perceptions of the Working Group point to: an improper case law of the courts in the application of the existing solutions by non-application of the principles developed by the European Court of Human Rights in respect of the restriction on the freedom of expression, more severe penalties and amounts of non-pecuniary damages and excessive length of the procedure.

Article 20: Prohibition of war propaganda and advocacy of racial and religious hatred

295. With regard to the legal framework, there is repetition of what was presented in the First Periodical Report.

Article 21: Right to peaceful assembly

296. Article 21 of the Constitution defines the right of the citizens to assemble peacefully and to express public protest, without prior announcement of the same. The constitutional provisions relating to the right to assemble peacefully and to express public protest are operationalised in the Law on Public Rallies adopted in 1995 and changed in 2006 and 2007.

297. A public rally for peaceful expression of opinion or protest may be held at any place that is appropriate for that purpose, except: near health care institutions, in a way that prevents access of ambulances and disturbs the peace of the ill, near kindergartens and schools while children are staying inside and on highways and main roads, in a manner that endangers road traffic.

298. While the Law on Public Rallies does not provide for mandatory reporting of public rallies or permission for the holding of rallies, which is consistent with the cited constitutional provision of Article 21 of the Constitution, it nevertheless provides for an obligation for the organiser of the public rally to ensure the maintenance of order in the public rally and organise watchman service. The organiser is obliged to terminate the public rally if there is threat to life and health, safety and personal security of people and property, in which case he is obliged to inform the Ministry of the Interior. Article 5 of the Law prohibits the carrying of weapons by persons attending the public rally.

299. The Ministry of the Interior may terminate the public rally when it is aimed at threatening the lives, health, safety, personal security and property of citizens; performing or encouraging criminal activities defined by law and endangering the environment. Foreigners may convene and hold a public rally under the conditions to apply and get an approval for holding a public rally by the Ministry of the Interior (Article 8 of the Law).

300. Pursuant to the Law, the organiser may notify the MoI, but it is not his legal obligation. In cases when a public rally is reported what is prepared is a separate plan for physical, traffic and operational security which envisages the measures in three stages (before, during, and after the public rally) in order to ensure maximum security conditions for all citizens participating in the public rally.

Article 22: Freedom of association and the right to form and join trade unions

301. The legislative framework for the exercise of the constitutionally guaranteed right to freedom of association is regulated by the Law on Associations of Citizens and Foundations and the Law on Political Parties.

302. Pursuant to Article 4 of the Law on Associations and Foundations, the right to freedom of association is exercised through joining associations, foundations, unions and organisational forms of foreign organisations (hereinafter referred to as organisations) to

achieve their goals, activities and protect the rights, interests and beliefs in accordance with the Constitution and law.

303. Organisations acquire the capacity of a legal entity with the making of entry in the register kept by the Central Registry of the Republic of Macedonia. The Register keeps a Register of Associations, a Register of Unions, Register of Foundations and Register of Organisational Forms of Foreign Organisations.

304. The entry in the Register is made with an application for registration which is filed within 30 days from the date of adopting the founding act, that is, taking the decision of the foreign organisation for establishment of the organisational form of the foreign organisation in the Republic of Macedonia. The Register shall, with a resolution, reject the application for registration in the corresponding register if within the specified period the applicant fails to act upon the instructions for supplements to the application in accordance with law. The organisation has a right to appeal against the resolution of the Register rejecting the application for registration in the corresponding register with the Commission for Appeals defined by the Law on One-Stop Shop System and Keeping the Trade Register and Register of Other Legal Entities, within 15 days from the date the resolution is received.

305. In view of the number of registered associations and foundations, a total of 11,817 subjects were registered with an organisational form of associations and foundations. In the period from 2008 to 2011 a total of 51 applications for making an entry of the establishment of association and foundations were rejected.

306. Of the total number of rejected applications, 18 applications were rejected due to untimely action upon given notification, while the other applications were rejected on grounds of a failure to meet the conditions for making an entry pursuant to the law. At the same time in the period from 2008 to 2011, three appeals were filed against the resolution of the Central Register rejecting the application for establishment, of which only one appeal was sustained by the Commission on Appeals defined by the Law on One-Stop Shop System and Keeping the Trade Register and Register of Other Legal Entities, and the case was remitted to be adjudicated again.

307. Pursuant to the Law on Political Parties, a political party acquires the capacity of a legal entity and commences with its activity on the date of entry in the Court Register.

308. An appeal may be lodged with the Court of Appeal in Skopje against the resolution for removal of a political party from the Court Register and against the resolution rejecting the application for making an entry in the Court Register, within 15 days from the date the resolution is received.

309. The Skopje II Basic Court is responsible for the keeping of the Single register of Political Parties which keeps a record of all registered political parties in the Republic of Macedonia. In this Register there is an entry of 51 political parties which are registered as harmonised with the changes in the Law on Political Parties, while three political parties are not harmonised. In the period from 2008 to 2011 the Skopje II Basic Court – Skopje rejected with a resolution one application for registration of a political party since the application was incomplete. No appeal was lodged against the resolution which was duly served to the applicant.

310. The amendments to the Criminal Code of 2011 expand the notion of an official when he/she appears as a criminally liable perpetrator of a criminal offence. Thus, a person authorised to represent associations, foundations, unions and organisational forms of

foreign organisations, sports associations and other legal entities in the field of sports is also considered to be an official.

311. The right to strike and association into trade unions is governed by the Labour Law. Namely, Article 236 of the Law guarantees the right of trade unions and their associations at a higher level to call upon a strike and initiate it in order to protect the economic and social rights of their members in the field of labour.

312. The strike must be announced in writing, whereby the reasons for the strike, the place of holding the strike, its duration, date and time must be stated. Also, it must be organised in a way that will not prevent or hinder the course of the work process of workers who do not participate in the strike. The Law also defines that the strike must not start before the conclusion of the conciliation procedure, which will be regulated by an act of the Ministry of Labour and Social Policy.

313. These provisions of the Law also regulate the rights and obligations of the employer and the employee during strike.

314. The Law also guarantees the right of workers to establish trade unions and become members. And employers have the right to establish and become members of an association of employers. The Law contains an explicit prohibition of actions that put someone at a more disadvantageous position because of participation or membership or non-membership in a trade union or association of employers.

315. Article 186 of the Law prohibits the dissolution or termination of the activities of trade unions and employers' association in an administrative manner, if they are established and work in accordance with law. The Law contains provisions on the statute, legal capacity and the register of trade unions and employers' associations, that is, trade unions and employers' associations at a higher level.

316. Court protection in case of a violation of the rights set out in the Statute of a member of the trade union, that is, the association of employers, is guaranteed.

317. Pursuant to the Law, trade unions and associations of higher levels are recorded in the register of trade unions, or employers' associations, which is kept in the Ministry of Labour and Social Policy. Forty trade unions and eight associations of employers are registered in the Register. Trade unions at a higher level acquire the capacity of a legal entity on the date of their entry in the Central Registry of the Republic of Macedonia, upon previous entry in the register of the Ministry of Labour and Social Policy.

Article 23: Protection of the family, the right to marry and equality of spouses

318. With regard to the legal framework, there is repetition of what was presented in the Initial Report.

Article 24: Rights of the child

Registering the birth of a child

319. The legislation of the Republic of Macedonia is in accordance with Articles 7 and 8 of the Convention on the Rights of the Child. Pursuant to the Law on Record Books, a child

is reported in writing or orally on the record to the registrar of the office in the area where the child was born, within 15 days of the date of birth. The health organisation is required to register the birth of a child in the organisation. Registers of births, deaths and marriages are kept at the Department for Keeping the Record Books, which is a body within the Ministry of Justice.

320. According to the assessment by UNICEF (2008/2009), there is a high rate of unregistered Roma children. In the 24 municipalities with the highest concentration of Roma population, 850 children were not registered after birth from which 250 with unregistered birth and 600 without a birth certificate. The problem of access of Roma to documents for personal identification was perceived by the Government of the Republic of Macedonia. In order to create a solid foundation and help in the social inclusion of marginalised Roma, an Inter-Ministerial Working Group coordinated by the Ministry of Labour and Social Policy prepared measures for identification of individuals who do not possess personal documents and activities of the corresponding ministries related to this problem. These measures should be implemented by the end of 2012.

Right to a personal name

321. The reporting of the personal name of the child to make an entry in the book of births shall be made within two months from the date of birth of the child. Pursuant to Article 1 of the Law on Personal Name, the personal name is a personal right of the citizen. The personal name of the child consists of a first name and last name as specified by the parents upon mutual consent. If a change in the personal name of the child is requested who has reached 10 years of age, his/her consent shall also be required (Article 5 of the Law).

Right to citizenship

322. Article 1 of the Law on Citizenship of the Republic of Macedonia fully affirms the definition on citizenship of the European Convention on Citizenship: "Citizenship is a legal relationship between individuals and the state and does not indicate the ethnic origin of people."

323. Articles 4 through 18 of the Law on Citizenship regulate the acquisition of citizenship of the child (Appendix 1: Law on Citizenship).

324. According to UNHCR, the Government of the Republic of Macedonia made a significant progress in the areas of prevention and reduction of statelessness, and demonstrated commitment to eradicate the risk of statelessness. A total of 4,995 residents with a long-standing stay in the country (mostly Albanians, Serbs, Roma, Bosniaks, Turks, Croats) were naturalised under the two-year transitional provision introduced into national legislation in 2004.

Juvenile justice

325. The Law on Juvenile Justice, adopted by the Assembly of the Republic of Macedonia on 4 July 2007, is a codification and reform of juvenile legislation of the Republic of Macedonia. The Law corresponds with Article 40 of the Convention on the Rights of the Child. The Law is based on the principle of legality (Article 3) and the presumption of innocence (Articles 4 and 79), the priority of preventive, protective and educational measures (Article 7), restorative justice (Article 9), fair trial (Article 86), mediation (72-78) and mediation and settlement (Articles 68-71).

326. Pursuant to Articles 13 and 14 of the Law, no sanction envisaged by this Law may be applied against a minor who at the time of execution of the action which is defined by law as a crime or offense has not reached 14 years of age – a child at risk. Measures of assistance and protection are applied to a child at risk. Measures of assistance and protection are measures stipulated by law in the areas of education, health, social, family and other forms of protection.

327. A novelty in the Law are the provisions on the protection of the minor - damaged party or witness -, whereby the law provides that a juvenile may be heard up to twice as a witness, and as an exception three times if the special circumstances of the case require that. If the judge determines it to be necessary, given the characteristics of the criminal offense and the characteristics of the personality of the minor, he/she will order a hearing with the use of technical means for the transmission of picture and sound (Appendix 1: Articles 137-143 of the Law on Juvenile Justice).

328. Pursuant to the provisions of the 2009 Law, a State Council for Prevention of Juvenile Delinquency functions as an autonomous and independent body in the performance of the tasks defined by this Law, composed of 15 members who are elected by the Assembly of the Republic of Macedonia for a period of five years. In 2010 the Council adopted a Strategy for the Prevention of Juvenile Delinquency. Twelve municipal councils for the prevention of juvenile delinquency were established.

329. In parallel with the monitoring of the implementation of the Law, on 8 October 2010 started the implementation the IPA Project: Justice for the Children for the period 2010-2012. Within the component for improving the legal framework, standards and protocols for the implementation of the Law on Juvenile Justice a Guide and standards of professional conduct for expert teams with children at risk and juvenile offenders in social work centers in the Republic of Macedonia were drafted. In order to monitor the implementation of the Law on Juvenile Justice registers were drafted in which the centres for social work will record the received information and measures of assistance and protection for the children. Programmes were devised for specialised training of judges and public prosecutors, police inspectors, and a program for continuous training of personnel in the system of social care.

330. In terms of trainings basic and specialised trainings were conducted for more than 500 judges and public prosecutors, social workers, police (uniformed) officers and attorneys. The Protocol for referral of children in conflict with law was developed.

331. In order to reinforce institutional and human capacities: a Report was prepared for the assessment of the capacities of the system to implement the Law on Juvenile Justice; 4 trainings were realised and 28 mediators were trained to work with children, and a Manual was developed for the training of mediators.

332. The Programme for mentoring children in conflict with the law is implemented in the Centre for Social Work in Skopje.

Right to non-discrimination

333. The right of the child to non-discrimination in legalise sense corresponds with the Convention on the Rights of the Child and the other international instruments.

334. Thus, Article 9 (a) through (f) of the Law on Protection of Children contains provisions prohibiting any form of discrimination on the basis of race, colour of skin, sex, language, religion, political or other affiliation, national, ethnic or social origin, cultural or

other affiliation, property status, incapacitation, birth or other status of the child or his/her parent or legal guardian. The Law defines direct and indirect discrimination. Protection against discrimination pursuant to the provisions of this Law is exercised in an administrative and court procedure.

335. Article 3 of the Law on Inheritance regulates that citizens, under the same conditions, are equal in succession. In view of inheritance, pursuant to Article 4 of this Law, extramarital kinship is equal with marital one, and kinship created with full adoption with blood kinship. In full adoption mutual inheritance rights of the adoptee and his/her descendants with his/her relatives by blood shall terminate. Foreign citizens in the Republic of Macedonia, under the condition of application of the principle of reciprocity, have the same inheritance rights as the citizens of the Republic of Macedonia.

336. The UNICEF study of multiculturalism and inter-ethnic relations in education, noted the presence of prejudice and stereotyping on the basis of ethnic origin in children of school age. The report notes that, despite the generally solid number of classes for promotion of respect, tolerance and acceptance through basic education, ethnic division remains a problem in the school.

Child labour

337. Article 42, paragraph 2, of the Constitution of the Republic of Macedonia defines the lower limit for employment, according to which a person under 15 years of age cannot be employed.

338. In the case of employment of a minor it is required to provide his special protection. Article 18 of the Labour Law stipulates that: "Employment Contract may be concluded by a person who has reached 15 years of age and has a general health condition. If an employment contract is signed with a person under 15 years of age, the contract is considered to be null and void."

339. The law also provides for special protection to workers who have not attained the age of 18. In fact, the Law stipulates that the employer is obliged to provide protection to employees who have not attained 18 years of age from economic exploitation of any job that may have a detrimental effect on their safety, health, physical, mental, moral or social development or may jeopardize their education. The Labour Law provides for a fine of 2,000 to 3,000 euros in denar countervalue for a misdemeanor of an employer – legal entity –, if he/she concluded an employment contract with a person under 15 years of age and who is not generally healthy, from 500 to 1,000 euros in denar counter value for the director or other responsible person, and 1,000 to 2,000 euros for an employer – a natural person.

Article 25: Right to participate in public life, right to vote and right to an equal access to public services (Recommendation No. 18)

340. The adopted amendments to the Electoral Code of 2008 and 2011 laid down solutions that allow the voting of the citizens of the Republic of Macedonia with the right to vote and who are temporarily working or staying abroad. In addition to the current 120 members of parliament, 3 members are also elected – one from each of the three constituencies for Europe and Africa, North and South America and Asia, and Australia. There was also further specification of the provisions relating to the protection of the right to vote and it was enabled to have efficient handling of complaints of irregularities. There

was also redefinition of the financing of election campaigns and increased control over incomes and expenditures during the election campaign.

341. In the Republic of Macedonia, the right to vote is general, personal and equal for every voter. Only the citizens of the Republic of Macedonia who are registered in the Electoral List, that is, citizens of the Republic of Macedonia who have turned 18 years of age on the election day and have legal capacity have the right to vote. In the Republic of Macedonia there are no other restrictions on the right to vote nor is there any other legal basis for deprivation of the citizens of the Republic of Macedonia from their right to vote.

342. There is restriction in the right of the citizen of the Republic of Macedonia to be elected. Pursuant to the Constitution and the Electoral Code, only a citizen of the Republic of Macedonia who on the day of the elections has turned at least 40 years of age may be elected the President of the Republic of Macedonia and a person who until the day of the elections has not been a resident of RM for at least 10 years in the last 15 years may not be elected.

343. A candidate for an MP, member of a council and mayor may not be a person who has been convicted by a final court decision to an unconditional imprisonment of more than six months, the serving of which has not started or is serving a prison sentence for committed criminal offence. In addition to this requirement, a candidate for a council member and mayor can only be a citizen with permanent residence in the municipality and the City of Skopje where the election is carried out.

344. The electoral model in the Republic of Macedonia is mixed. The election of the President of the Republic and mayors of municipalities, that is, the City of Skopje is made according to the majority electoral model. The election of Members of Parliament of the Republic of Macedonia is done through a combined electoral model. The territory of the Republic of Macedonia is divided into six constituencies, whereby 20 members are elected from each of them through the proportional system or a total of 120 MPs. Three MPs from the constituencies in Europe and Africa, North and South America and Asia, and Australia, are elected according to the majority electoral system, in one election round. The election of members of the municipal councils and the City Council is conducted according to the proportional electoral model.

345. The procedure for filing complaints and lawsuits for the protection of the electoral right and the decision-making on them is governed by the Election Code. A decision-making authority for the protection of the right to vote is the State Election Commission (SEC). Court protection is allowed against its decisions before the Administrative Court.

346. Elections in the Republic of Macedonia are implemented by electoral bodies at three levels. The State Election Commission (SEC) as the highest electoral body, municipal election commissions, that is, Electoral Commission of the City of Skopje (ECCS) and electoral boards (EBs).

347. Elections in the Republic of Macedonia are organised in a defined period, according to the Electoral Code, as a regular election cycle or early elections. Elections for the President of the Republic of Macedonia are held every five years (regular election cycle) and upon the fulfillment of the constitutional and legal requirements early elections for President of the Republic of Macedonia are also organised. Elections for members of the Assembly of the Republic of Macedonia, Mayor of the municipalities and the City of Skopje, that is, for council members of the municipalities and the City of Skopje are organised every four years (regular election cycle). Upon the fulfillment of the conditions stipulated in the Electoral Code early parliamentary elections may also be organised, and

upon the fulfillment of the conditions stipulated in the Law on Local Self-Government and the Electoral Code early local elections may also be organised.

348. In the reporting period 2009-2011, four electoral processes were conducted in the Republic of Macedonia: 7 presidential candidates, 364 candidates for mayors and 702 councillors lists were validated in a comprehensive process in the presidential and local elections on 22 March and 5 April 2009.

349. According to the Report of the International Observation Mission (IOM) of the OSCE/ODIHR, "The preparations for the elections held on March 22 proceeded smoothly and were conducted within the legal deadlines. The two rounds of presidential and local elections were consistent with most OSCE commitments and other international standards for democratic elections. Overall, these elections were conducted in a professional and transparent manner. It was also seen a significant progress in the responsible conduct of political parties and recognisable efforts to use measured rhetoric. Some problems, such as the allegations of voter intimidation during the campaign period, were evident."

350. A total of 1,679 candidates participated in the early elections for representatives in the Assembly of the Republic of Macedonia on 5 June 2011, whereby the voters were offered a diverse range of political options.

351. According to the International Observation Mission (IOM) of the OSCE/ODIHR: "Generally, the election day was calm and peaceful. Only a small number of technical irregularities were registered. On the election day, voters could freely express their choice in a peaceful atmosphere. Election authorities, at all levels, worked in friendly and efficient way. The preparations for the elections were carried out as planned."

352. The election or appointment of the holders of public offices, and the conditions they must meet are governed by the Constitution and specific laws. For example, the Law on the Government regulates matters relating to the conditions, election, appointment and dismissal of secretaries of state in the ministries.

353. The Law on Prevention of Corruption defines the conditions to be met by a person in order to be a member of the State Commission for Prevention of Corruption, the manner of election and discharge, which is within the competence of the Assembly of the Republic of Macedonia.

354. The Electoral Code regulates the issues connected with the procedure for election and discharge of the members of the State Electoral Commission, and also defines the conditions which a person should meet in order to run and then to be elected as a member.

355. The State Administrative Inspectorate is a body within the Ministry of Information Society and Administration. It is run by a Director who is appointed by the Government of the Republic of Macedonia. The conditions that the Director should meet are defined by the Law on Administrative Inspection.

356. The substantive law regulating certain area (such as the Law on Execution of Sanctions) defines also the conditions to be fulfilled by the candidate for management with the body or institution in the relevant area and the competent authority for his/her election. At the same time, the provisions of that special law determine the conditions under which the acting person, that is the functionary may be dismissed or removed from the function.

357. In view of the judicial or other oversight mechanisms, individual laws define that any discharged public office holder has the right to judicial protection of his/her rights,

if he/she initiates proceedings before the competent court. The right to appeal against decisions made in the first instance in court proceedings is guaranteed by Amendment 21 to the Constitution of the Republic of Macedonia.

358. In connection with the exercise of public functions, the State Commission for Prevention of Corruption (SCPC) acts upon the cases of possible or actual conflict of interests which is expressed through nine forms set out in the Law on Prevention of Conflict of Interests, of which in practice they are often expressed as unacceptable cumulation of multiple functions in one person and acting in favour of relatives and other persons close to the official - nepotism. In this field the SCPC acts on its own initiative and upon applications of citizens, but also by initiating a legal – minor offence and other liability when the official refuses to get out of the situation of conflict of interests. In 2008 the SCPC acted upon 44 cases from this field, in 2009 upon 63, in 2010 upon 169 cases.

359. In September 2009, the amendments to the Law on Prevention of Conflict of Interests came into force and introduced several changes. One of the major novelties is the expansion of the circle of people having the status of officials who are subject to the obligations of the Law, and the introduction of the obligation for officials to identify their personal interests by completing and submitting a Declaration of Interest, as a tool for practical action in connection with the conflict of interests. Fulfilling the new legal requirement, in 2010 the SCPC collected a total of 3,563 declarations of interest. The SCPC filed a total of 222 requests for initiation of a minor offence procedure on grounds of a failure to fulfill the said requirement within the specified period, after the expiration of the deadline (03.07.2010).

360. The Law on Additional Requirement for the Performance of a Public Office was enacted in 2008. This Law provides for an additional requirement for a candidate for holder or a holder of public office, electoral or in a state and public service or public activity or other public authorisation and of other matters of public interest and activities of legal entities; governs the establishment and competence of the Commission for Verification of the Facts, and regulates the procedure for verification of the facts before the Commission and court for determination of non-cooperation with state security bodies and the legal implications of such cooperation.

361. In 2010, the Ombudsman conducted a survey of the representation of men and women in government agencies, courts, executive branch, health institutions, public enterprises, services, agencies and educational institutions. The findings of this study suggest the following: despite the state's efforts to create conditions and opportunities for gender equality between men and women, there is still inequality of women with regard to men. In the state and local administration the number of employed men is larger than that of women. There is still certain division of jobs into male and female, that is, certain occupations or areas are traditionally considered male (police and military, agriculture, local government), while women dominate in: education, welfare, health and in some of the judicial authorities. In most of the bodies and organisations the highest or higher managerial positions are assumed by men. Women are assigned at lower managerial positions irrespective of whether in certain bodies and organisations there are more women than men and larger percentage of them have higher education than men.

Article 27: Rights of minorities (Recommendation No. 19)

362. The Agency for the Exercise of Rights of Communities as an independent state administration body with legal personality operates under the Act on the improvement and

protection of members of communities that represent less than 20% of the population of the Republic of Macedonia. The Agency supervises the implementation of the Law that governs the procedure for the exercise, improvement and protection of rights of communities that are less than 20% of the population in the Republic of Macedonia. In 2009 the Agency received resources from the Budget and working premises.

363. With a view to improving the equitable representation in the state and public administration, during 2011 four public notices were realised and 505 civil servants were employed. In 2010 the Secretariat for the Implementation of the Framework Agreement and OSCE Delegation in Skopje conducted trainings for the newly employed civil servants. Public notices for employment of 328 civil servants, 250 of which for members of smaller ethnic communities were realised, and public notices for 275 civil servants announced in 2011 are currently being realised. The Secretariat for the implementation of Framework Agreement prepares annually the Programme for employment of members of communities.

364. According to data by the Secretariat for the implementation of the Framework Agreement, the ethnic composition of the state administration is the following:

365. In 2009, out of total 11,130 staff, 7,857 are Macedonians (70.59%), 2,630 are Albanians (23.63%), 165 are Turks (1.48%), 54 are Roma (0.49%), 88 are Vlachs (0.79%), 166 are Serbs (1.49%), 59 are Bosniaks (0.53%), 68 belong to other communities (0.61%), 43 did not declare their ethnic origin (0.39%).

366. In 2010, out of a total of 11,148 staff, Macedonians are 7,900 (70.86%), Albanians are 2,625 (23.55%), Turks are 151 (1.35%), Roma are 51 (0.46%), Vlach are 86 (0.77%), Serbs are 169 (1.52%), Bosniaks are 59 (0.53%), 64 (0.57%) belong to other communities and 43 (0.39%) did not declare their ethnic origin.

367. In the Parliament of the Republic of Macedonia, out of 123 MPs, 36 or 29% are members of the communities, out of which 25 or 20.3% Albanians; 2 or 1.6% Roma; 2 or 1.6% Turks, 1 or 0.8 % Vlachs, 2 or 1.6 % Bosniaks, 4 or 3.2 % Serbs.

368. In the executive power, out of 22 ministers in the Government, 5 are members of the Albanian community. The Deputy Prime Minister in charge for European affairs and the Deputy Prime Minister responsible for the implementation of the Framework Agreement are also members of the Albanian community. Two ministers without portfolio are members of Roma and Turkish community.

369. Statistical data on the representation of communities in the judiciary show the following: out of 686 elected judges in the Republic of Macedonia, 121 or 17.6% are members of the communities of which, 90 or 13.10% are Albanians; 5 or 0.8% Turks; 14 or 2.0% Vlachs; 3 or 0.5 % are Macedonian Muslims; 3 or 0.5% are Serbs; 3 or 0.5 % are Montenegrins; 1 or 0.1% is Croat; and 1 or 0.1% is Bulgarian).

370. In 2008, the Law on the Use of Languages Spoken by at Least 20% of the Citizens of the Republic of Macedonia and in the Units of Local Self-Government was adopted.

371. The amendments to the Law on Secondary Education in 2008 introduced a compulsory and free-of-charge secondary education for all pupils. For members of the communities that are taught in a language other than the Macedonian language and its Cyrillic alphabet, the education in public secondary schools is conducted in the language and the alphabets of the respective community in a manner and under conditions determined by this Law. Learning the Macedonian language is compulsory. In the school

year 2008/2009, 650 scholarships for all Roma students enrolled in the first grade of the secondary education were granted.

372. In the primary education, in addition to instruction in Macedonian, Albanian, Turkish and Serbian language, there is a possibility for Bosniaks, Roma and Vlachs to study their mother tongue as optional subject – Language and Culture from III to IX grade, with two lessons per week. From 2010/2011 study year, in three primary schools (PS “Diturija”-Saraj, PS “Alija Avdovic” – Studenici and PS “Rajko Zhinzifov” – Veles) experimental instruction in Bosniak language was introduced and text books for optional subjects for III to VI grade were provided. 1,300 textbooks in Roma language were published for this optional subject in the IIIrd, IVth and Vth grade. A Manual for prevention and protection from discrimination in the educational system in the Republic of Macedonia was published and activities for its implementation were started.

373. Fifty Macedonian language teachers for members of the communities were employed and teacher trainings for more successful inclusive education were conducted.

374. At higher educational institutions, in addition to instruction in Macedonian and Albanian language, at the Pedagogical Faculty in Skopje there is an instruction in Turkish language, at the Faculty for Philology at “Ss. Cyril and Methodius” University there is group for the study of the Serbian language. At the Pedagogical Faculty in Shtip and the Faculty of Philology in Skopje the Vlach language and Roma language are taught as optional subjects.

375. Starting from 2009, a Project for scholarship granting, mentoring and tutoring of secondary school Roma students is being implemented. Through this Project, by implementation of positive measures, the passing and the accomplishments of Roma students in the 1st, 2nd, and 3rd grade in all state and private secondary schools in Macedonia increased. This Project accommodates 444 secondary school students with granted scholarships, in 84 schools from 28 municipalities.

376. As a result of these Project activities, out of 1,646 students with granted scholarships, 1,631 successfully passed in the next school year without repeating or dropping out.

377. At the moment a new secondary combined (gymnasium and vocational) school in the municipality with majority Roma people – Shuto Orizari is being constructed. It is planned to be finished until the beginning of the 2012/2013 school year.

378. A Strategy for integrated education, containing measures divided into 5 subject groups, was adopted.

379. In 2000 and 2011, FOOM conducted an “Analysis on the education of Roma in the Republic of Macedonia, as well as the “Study on the reasons for irregular primary education of Roma children”, which are available on the following websites: <http://soros.org.mk/dokumenti/analysis-of-roma-education-in-rm.pdf> and <http://soros.org.mk/dokumenti/Izvestaj-obrazovanie-Romi.pdf>.

III. Regulations used in the preparation of the report

- Constitution of the Republic of Macedonia (“Official Gazette of RM”, nos. 52/91, 1/92, 31/98, 91/2001, 84/2003, 107/2005, 3/2009 and 49/2011)
- Law on Asylum and Temporary Protection (“Official Gazette of RM”, nos. 49/2003, 66/2007, 142/2008 and 146/2009)
- Criminal Code (“Official Gazette of RM”, nos. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11 and 135/2011)
- Criminal Proceedings Code (consolidated text) (“Official Gazette of RM”, nos. 15/04, 83/2008, 67/2009 and 51/2011)
- Law on Execution of Sanctions (“Official Gazette of RM”, nos. 22/06 and 57/2010)
- Family Law (consolidated text) (“Official Gazette of RM”, nos. 80/92, 9/96, 38/2004, 33/2006, 84/2008, 67/10 and 156/2010)
- Law on Aliens (“Official Gazette of RM”, nos. 35/2006, 66/2007, 117/2008, 92/2009 and 158/2011)
- Law on Personal Registration Bookkeeping (“Official Gazette of RM”, nos. 8/95, 38/2002, 66/2007, 98/2008 and 67/2009)
- Law on Political Parties (“Official Gazette of RM”, nos. 76/2004, 86/2008, 161/2008, 96/2009 and 148/2011)
- Law on the Prevention of Corruption (“Official Gazette of RM”, nos. 28/2002, 46/2004, 126/2006, 10/2008, 161/2008 and 145/201)
- Law on Conflict of Interests (“Official Gazette of RM”, nos. 70/2007, 114/2009 and 6/2012)
- Law on Prevention and Protection against Discrimination (“Official Gazette of RM”, no. 50/2010)
- Law on Courts (“Official Gazette of RM”, nos. 58/2006, 35/2008 and 150/2010)
- Law on Ownership and Other Real Rights (“Official Gazette of RM”, nos. 18/2001, 92/2008, 139/2009 and 35/2010)
- Law on Associations and Foundations (“Official Gazette of RM”, nos. 52/10 and 135/2011)
- Law on the Ombudsman (“Official Gazette of RM”, nos. 60/2003 and 114/2009)
- Labour Law (“Official Gazette of RM”, nos. 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/10, 52/10, 124/10, 47/11 and 11/2012)
- Broadcasting Law (“Official Gazette of RM”, nos. 100/2005, 19/2007, 103/2008, 152/2008, 6/10, 145/10, 97/11 and 13/2012)
- Law on the Protection of Children (“Official Gazette of RM”, nos. 98/2000, 17/2003, 65/2004, 113/2005, 98/2008, 107/2008, 83/2009, 156/2009, 51/11 and 157/2011)
- Law on the Protection of Patients’ Rights (“Official Gazette of RM”, nos. 82/2008, 12/2009 and 53/2011)

- Law on Personal Data Protection (“Official Gazette of RM”, nos. 7/2005, 103/2008, 124/10 and 135/2011)
 - Law on Equal Legal Position of a Church, Religious Community and Religious Group (“Official Gazette of RM”, no. 113/2007)
 - Law on Concession (“Official Gazette of RM”, nos. 42/93 and 40/1999)
 - Law on the Use of a Language Spoken by at Least 20% of the Citizens in the Republic of Macedonia and in the Local Self-Government Units (“Official Gazette of RM”, no. 101/2008)
 - Law on the Promotion and Protection of the Rights of the Members of the Communities which are Less than 20% of the Population in the Republic of Macedonia (“Official Gazette of RM”, no. 92/2008)
 - Law on the Setting Up of a State Commission for Decision-Making in Administrative Proceedings and Labour Proceedings in the Second Instance (“Official Gazette of RM”, no. 51/2011)
 - Law on the Determination of an Additional Condition for the Performance of a Public Office (“Official Gazette of RM”, nos. 14/2008, 64/2009 and 24/2011)
 - Electoral Code (“Official Gazette of RM”, nos. 40/2006, 136/2008, 148/2008, 155/2008, 163/2008, 44/2011, 51/2011 and 54/2011)
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