

The FYR of Macedonia Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate index is described at the end of this document.

Geneva, 27 March 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/macedonia_FYR

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

10 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

10 NGOs responded to our enquiry (including NGOs which did not take part at the UPR participated in the Programme). The State under Review produced a mid-term report. The domestic NHRI did not respond to our enquiry.

IRI: 15 recommendations are not implemented, 43 recommendations are partially implemented, and 30 recommendations are fully implemented. No answer was received for 0 out of 91 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Racial discrimination	page 11	fully impl.
2	Rights of the Child, Right to education, Minorities,	page 48	partially impl.
3	NHRI	page 63	partially impl.
4	Minorities	page 14	fully impl.
5	Rights of the Child, Human rights education and training,	page 49	partially impl.
6	International instruments, Disabilities,	page 26	fully impl.
7	International instruments, Enforced disappearances,	page 27	not impl.
8	Migrants, International instruments, ESC rights - general,	page 27	not impl.
9	Torture and other CID treatment, Rights of the Child, Human rights education and training,	page 52	partially impl.



rec. n°	Issue	page	IRI
10	NHRI	page 63	partially impl.
11	NHRI	page 64	not impl.
12	Women's rights, Minorities,	page 19	partially impl.
13	Torture and other CID treatment, Human rights education and training,	page 32	partially impl.
14	Civil society	page 19	partially impl.
15	Minorities	page 19	partially impl.
16	Minorities	page 19	partially impl.
17	Civil society	page 6	fully impl.
18	International instruments, Disabilities,	page 28	fully impl.
19	Detention conditions	page 33	fully impl.
20	Rights of the Child, Right to education,	page 53	partially impl.
21	NHRI	page 64	partially impl.
22	General	page 65	fully impl.
23	Minorities	page 14	partially impl.
24	Women's rights	page 54	not impl.
25	Other	page 65	fully impl.
26	Minorities	page 20	fully impl.
27	Detention conditions	page 34	partially impl.
28	Other	page 65	fully impl.
29	International instruments, Disabilities,	page 28	fully impl.
30	International instruments, Enforced disappearances,	page 27	not impl.
31	Women's rights	page 56	fully impl.
32	Women's rights, Sexual Orientation and Gender Identity, Minorities, Human rights education and training,	page 44	partially impl.
33	Torture and other CID treatment, International instruments,	page 36	partially impl.
34	NHRI, Human rights violations by state agents,	page 36	fully impl.
35	Other	page 65	fully impl.
36	International instruments, Detention conditions,	page 37	fully impl.
37	Human rights education and training	page 7	partially impl.
38	Justice	page 37	fully impl.
39	Human rights violations by state agents	page 38	partially impl.
40	Sexual Orientation and Gender Identity	page 46	not impl.
41	Sexual Orientation and Gender Identity	page 48	not impl.
42	International instruments, Enforced disappearances,	page 27	not impl.
43	Women's rights	page 56	partially impl.
44	Women's rights, International instruments,	page 57	partially impl.
45	Minorities	page 20	partially impl.
46	Women's rights	page 54	not impl.
47	Rights of the Child, Right to education, Minorities,	page 49	partially impl.
48	Justice	page 39	fully impl.
49	Elections	page 8	partially impl.
50	Elections	page 9	partially impl.
51	Minorities	page 21	-



rec. n°	Issue	page	IRI
52	Human rights defenders	page 39	not impl.
53	Treaty bodies, Torture and other CID treatment,	page 40	partially impl.
54	Freedom of religion and belief	page 9	partially impl.
55	Women's rights, Minorities,	page 56	partially impl.
56	Minorities	page 21	partially impl.
57	Women's rights, Trafficking, Rights of the Child, Human rights education and training,	page 58	fully impl.
58	Women's rights	page 54	not impl.
59	International instruments, Disabilities,	page 28	fully impl.
60	Minorities	page 14	-
61	Special procedures	page 29	fully impl.
62	Rights of the Child, National plan of action,	page 61	-
63	Torture and other CID treatment	page 42	partially impl.
64	Women's rights, Rights of the Child,	page 61	partially impl.
65	Detention conditions	page 37	fully impl.
66	Women's rights, Rights of the Child,	page 56	not impl.
67	International instruments	page 29	partially impl.
68	Treaty bodies	page 29	partially impl.
69	Women's rights	page 55	not impl.
70	Freedom of the press	page 10	partially impl.
71	Rights of the Child, International instruments,	page 30	fully impl.
72	Human rights violations by state agents	page 36	partially impl.
73	Justice	page 42	partially impl.
74	Public security, Detention conditions,	page 43	fully impl.
75	Women's rights, Rights of the Child,	page 61	partially impl.
76	Minorities	page 23	partially impl.
77	Rights of the Child	page 62	partially impl.
78	Women's rights	page 57	partially impl.
79	Women's rights, Trafficking,	page 58	fully impl.
80	International instruments, Detention conditions,	page 33	fully impl.
81	Sexual Orientation and Gender Identity	page 47	not impl.
82	Freedom of the press, Freedom of opinion and expression,	page 10	partially impl.
83	Minorities	page 24	partially impl.
84	Torture and other CID treatment, Detention conditions,	page 42	partially impl.
85	Minorities	page 14	not impl.
86	International instruments, Disabilities,	page 28	fully impl.
87	International instruments	page 32	partially impl.
88	International instruments, Disabilities,	page 28	fully impl.
89	Detention conditions	page 43	fully impl.
90	Detention conditions	page 33	fully impl.
91	Rights of the Child, Right to education,	page 62	fully impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n^o17: *Further collaborate with civil society in order to raise awareness and ensure protection and support for victims.* (Recommended by Austria)

IRI: *fully implemented*

Macedonian Helsinki Committee for Human Rights (MHC), Polio Plus - movement against disability, National Council for gender equality (UWOM), Association for democratic initiatives (ADI), 'Dajte ni krilja', - NGO for protections of children with severe disability (NGO Coalition) response:

In Macedonia was established a new network so called “Voice against family violence” (supported by “UN woman” initiative) where [National Council for gender equality (UWOM)] is a member as well. According to their research, every 4th woman is a victim of family violence. There are 3 Shelters run by NOGs and 4 under the state. There is an improvement of the legislation i.e. family violence is a criminal offence, but this is not enough, because the Law does not allow the perpetrator to be prosecuted ex officio if the victim does not give consent. The separate Law is needed to define all aspects such as the rehabilitation of the family (counselling of the victim and perpetrator as well). Generally, there is cooperation between NGOs and state on this issue. UWOM also suggests taking a new approach: the perpetrator to be removed by the home, not the victim and to be undertaken counselling for him.

Government of the FYR Macedonia response:

A National Strategy for Protection Against Domestic Violence 2008 – 2011 is being continuously implemented. A National Coordinating Body was established therefore, which monitors and estimates the realization of the envisaged measures and activities in line with the time frame and dynamics envisaged in the above-mentioned Strategy. Both representatives from the relevant Ministries and the civil associations, treating the issue of domestic violence in the Republic of Macedonia, actively participate in the Coordinating Body. A Multi-sectoral coordinated approach was established as regards protection of victims of domestic violence by preparing a Joint Protocol on Acting upon Cases of Domestic Violence. At local level, 30 municipalities established 30 local coordinating bodies, working on prevention and practical implementation of the Joint Protocol as regards the acting by the professional structures. A Programme for Economic Strengthening of Victims of Domestic Violence is being continuously implemented through the three sub-programmes in the form of active employment measures, as regards the following: self-employment, subsidized employment and qualifications/additional qualifications. Capacities of professional workers in the following areas were strengthened: police, health sector, social work centers, judges/public prosecutors, civil associations, through training in prevention and treatment of victims of domestic violence. For the needs of victims of



domestic violence, a Counseling Office for Parents and Children was opened, and a Counseling Office for Perpetrators of Domestic Violence was opened as well. For the purpose of raising public awareness to report domestic violence, national campaigns are organized every year, which yield exceptional results in stopping the circle of violence. Respective normative framework for prevention and treatment of victims of domestic violence is established through amendments to the Law on Family and the Law on Social Protection, thus providing the possibility for the civil associations to render services to victims of domestic violence, as well as giving the possibility to the victim to initiate proposals for protective measures to the competent court. Regarding the work of the Centers for Social Work it must be noted that the Office for Social Affairs of the Republic of Macedonia, under the work program, continuously conducts trainings to raise the professional capacity of the Centers. The same is done in the framework of the support project of the UN – agencies in supporting the Strategy of domestic violence. With their support a research on domestic violence in the Republic of Macedonia will be carried out. A new Strategy against domestic violence, covering the period of 2012-2015 will be developed until April 2012.

Recommendation n°37: Continue to provide the police, prison and judicial personnel with practically oriented human rights training and education. (Recommended by Czech Republic)

IRI: partially implemented

Polio Plus response:

There is a lack of knowledge and capacity and there is a need for training and education with a special accent on disability as a human right issue.

NGO Coalition response:

There are some initiatives by the civil society for trainings for the police staff (3 trainings organized in 2009), but there is a need of more systemic approach.

Government of the FYR Macedonia response:

With respect to training of prison personnel, the Office for Execution of Sanctions undertakes measures and activities to establish an efficient system for continuous professional training of prison personnel. On 1st December 2010, the Ministry of Justice adopted a Programme on Initial and Continuous Training and Testing of the Knowledge and the Abilities of the Employees. In the period January – March 2011, all employees in the penitentiary and the educational-correctional institutions underwent testing so as to determine the level of knowledge for legal, safe and professional performance of duties and tasks by the prison personnel. In the course of April 2011, results from the knowledge testing of the employees in the penitentiary and the educational-correctional institutions were analyzed so as to get the whole picture of the level of qualifications of the employees in different sectors. On the basis of the results obtained from the testing and the made analysis, groups for further training (initial, intermediate and advanced) were established and an Action Plan was prepared for continuous training of employees with the penitentiary and the educational-correctional institutions, which started to be realized in June 2011:

- in June 2011, training in management of key management staff in the penitentiary and the educational-correctional institutions was carried out



- training and workshops were organized to the end of improving mutual cooperation among employees in the security department and the re-socialization department.
- three training cycles were organized for ensuring adequate application of laws and improving the manner of organizing the work in the institutions, as well as ensuring successful implementation of the treatment of convicted persons, attended by directors of the penitentiary institutions and the mid-level management in all educational-correctional institutions.

In addition, procedures and protocols were prepared as regards acting by the employees in the institutions, the implementation of which is expected to significantly improve the manner of treating the convicted persons, as well as improve the operations in the penitentiary and the educational-correctional institutions. Curriculum for the initial training of police officers includes a special learning task on human rights and freedoms, while the existing learning tasks are revised and all legal changes pertaining to human rights and freedoms, as well as the recommendation arising from the ratified international agreements, are incorporated. Police units in which individual cases of disregarding human rights and freedoms (Rapid Deployment Unit, Special Task Unit, Police Dog Unit) were detected attended one-day training on several occasions on the topic "Police and Human Rights". In the period 2009 – 2011, the Training Center carried out the following training: In the period September-November 2009, specialized training of police inspectors was carried out in four sessions, covering the topic "Law on Juvenile Justice and Rights of Minors". In the period 6th – 7th June 2010, two-day training for police officers was organized, covering the topic "Role of National Preventive Mechanism in the Republic of Macedonia" and "Rights of Persons Deprived of Liberty". 17th June 2010, One-day training: "Protection of Human Rights when Applying Police Authorizations", 30th September - 1st October 2010 Two-day training: "Role of the Ombudsman as National Preventive Mechanism in the Republic of Macedonia" and "Respecting Rights of Persons Deprived of Liberty", 1st - 3rd December 2010 Training, in cooperation with OSCE and ODIHR, in line with the Manual for "Fight Against Terrorism and Protection of Human Rights", 3rd - 4th November 2011 OSCE and ODIHR training "Human Rights" and "Investigation of Acts of Terrorism". In the period from 1st to 3rd December 2010, training was organized, covering the topic "Fight Against Terrorism and Human Rights", attended by 23 representatives from the Ministry of Internal Affairs. In 2010, the Department for Internal Control and Professional Standards in the Ministry of Internal Affairs, in cooperation with the Ombudsman and the NGOs, carried out two training sessions in the field of human rights of the category of police officers most often being in touch with the citizens when carrying out police tasks and duties.

Recommendation n°49: *Compile a new voter registration list to ensure full participation of the electorate in future elections.* (Recommended by Ireland)

IRI: *partially implemented*

Polio Plus response:

The people with disability are not completely included in the lists and in practicing their civil rights, as we are expecting the complete figures for people with disability living in Macedonia from the coming Census.



Government of the FYR Macedonia response:

The Republic of Macedonia in whole implements the recommendations contained in the Report from the observance of the presidential and local elections held in 2009, carried out by OSCE/ODIHR, which include further reforms of the election legislation, the legislation closely related to the election process, as well as revision of the voters' list. In April 2011, amendments were made to the Electoral Code, which implemented OSCE/ODIHR recommendations from the presidential and the local elections held in 2009. Pursuant to the Electoral Code, keeping the voters' list and the procedure for its updating are regulated by a law and it is within the competence of the State Election Commission. The Government adopted a decision on establishing a Steering Committee for addressing the Recommendations of the Final OSCE/ODHIR Report for the early parliamentary elections in 2011 (Chaired by the Deputy Prime Minister), as a successful model for further enhancing of the electoral process and following the Recommendations of the OSCE/ODHIR Final report, that started to work from February 2012.

Recommendation n°50: *Implement effective measures to prevent intimidation of voters in future elections. (Recommended by Ireland)*

IRI: *partially implemented*

Polio Plus response:

After the census there will be a need for campaigning and education of rights of people with disability for exercising their right as citizens.

Government of the FYR Macedonia response:

See response to recommendations n° 49.

Recommendation n°54: *Monitor the implementation of the legislation concerning freedom of religion with a view to ensuring full enjoyment of the freedom to practice one's religion by all religious communities and groups in the country. (Recommended by Italy)*

IRI: *partially implemented*

Polio Plus response:

Monitoring legislation and there is a need for improving the accessibility of the religious building so the people with disability would be able to practice their religion.

Government of the FYR Macedonia response:

Commission for Relations with Religious Communities and Religious Groups implements the Law on Legal Status of a Church, Religious Community and Religious Group.

- 15 churches, 7 religious communities and 7 religious groups are registered on the basis of this Law.
- the Commission has prepared Registry of Religious Facilities, and is now working on preparation of Registry of Religious Clerks.
- The Commission has published the book "Religion and Culture – Inextricable Bond between People".
- In cooperation with the Ministry of Culture, the Commission organized the Second World Conference on inter-religious and inter-civilization dialogue in Ohrid, and

preparations are underway for the Balkan Conference titled “Religious Identity as Main Fundament for the Identity of the Nations”.

Recommendation n°70: Map out to what extent media owners seek to influence journalists and adopt appropriate measures to prevent the mixing of private interests with journalism. (Recommended by Norway)

IRI: partially implemented

RSF response:

Le problème actuel en Macédoine est le comportement du gouvernement qui veut exercer une mainmise sur un groupe de média en particulier. Trois quotidiens du groupe de presse Plus Produkcija et la principale chaîne de télévision privée A1 appartenant au même groupe ont été fermés le 3 juillet 2011 après avoir été placés en redressement judiciaire suite à une inspection fiscale contre le propriétaire du groupe, Velija Ramkovski. M. Ramkovski était le partenaire inconditionnel du gouvernement de 2006 à 2008. Prenant ses distances avec le pouvoir en 2009, le groupe Plus Produkcija est devenu la bête noire d’un gouvernement qui supportait mal l’indépendance de ton et les critiques vigoureuses d’A1.

NGO Coalition response:

Above mentioned situation in the Medias with its corruption by the Government through the advertisements is deeply connected with the abusive manner of the owners. Basically it is connected with their business interests, but also with the fear of “revenge” by the Government if they are critical towards Governments policies.

Government of the FYR Macedonia response:

The Law on Broadcasting strives for limiting the possibilities to use the media through the provisions in Article 11, pursuant to which political parties, government bodies, state administration bodies, public enterprises, local government units, holders of public office and members of their families are forbidden any participation in the establishment and the ownership of broadcasters. As regards the core principles of radio and TV programmes, objective and unbiased presentation of events is also included, thereby equally treating diverse views and opinions, in particular independence, autonomy and accountability of broadcasters, i.e. editors, journalists and other authors involved in the creation of programmes and editorial policy (Article 68).

Recommendation n°82: Adopt all necessary measures to ensure freedom of expression and to prevent any interference with press freedoms. (Recommended by Switzerland)

IRI: partially implemented

RSF response:

Après l’arrêt des activités du groupe de média privé Plus Produkcija, le gouvernement s’est assuré le contrôle du Conseil de l’audiovisuel dont la réforme a bénéficié d’une procédure d’urgence, l’amendement ayant été voté par le parlement le 18 juillet 2011. Ses membres passant de 9 à 15, les 6 nouveaux membres sont nommés par le Président de la République, la commission anti-corruption désignée par le Parlement, ainsi que l’Agence pour la communication électronique, tous aux mains du parti au pouvoir, le VMRO-DPMNE. Le gouvernement macédonien veut

également s'assurer le contrôle des organes décisionnels des médias publics. Début août 2011, les mandats des sept membres du conseil d'administration de la télévision publique ont été suspendus par le comité exécutif de la télévision. La procédure pour constituer un nouveau conseil d'administration n'a pas encore été engagée, ce qui bloque toute action de l'organe de gestion.

NGO Coalition response:

There is not direct measures that are limiting the freedom of expression in the legislation. The problem is implementation of the legislation, abusive manner of the Government towards the Medias and the judicial system and corruption of the Medias by the Government which is supported by the fact that the Government is the biggest advertiser. On the other hand The Criminal Code of the Republic of Macedonia, despite the large number of remarks and recommendations by citizens' organizations and experts, still contains no definitions regarding hate speech and hate crimes. The process of adopting the Law on Prevention and Protection from Discrimination, accompanied by horrifying hate speech toward LGBT people, demonstrated the non-sustainability of the vacuum with the lack of defining this criminal acts and it requires its immediate amendments, where sexual orientation and gender identity would be added to the other grounds forbidden for discrimination. A supplementation of the legislative with procedures for recognizing and leading proceedings in cases of hate-motivated crimes is also necessary.

Government of the FYR Macedonia response:

Freedom of expression is indicated as first among the objectives of the Law on Broadcasting (Article 2, paragraph 1, indent 1). Among the principles on which radio and TV programmes are based is the right to free reception and transmission of information, right to freedom of expression (Article 68). Guaranteeing the right to reply and correction is regulated in a separate chapter (Chapter 14), as well as the respecting of secrecy of the source of information (Chapter 12).

ESC Rights

Recommendation n°1: Speed up the process of formulating an antidiscrimination legal framework and strengthen the role of administrative structures established to sanction any form of discrimination. (Recommended by Albania)

IRI: fully implemented

Polio Plus response:

The legal framework is formulated, still are missing certain provision which will give exact definition for the bases of discrimination as is sexual orientation. At the same time, there is a lack of knowledge for the wide public about the legal framework for discrimination and same goes for the governmental institutions, on national and local level.

NGO Coalition response:

The Constitution of RM (Official Gazette: 52 / 1991) in the article 9 seems that offers quite closed list of the grounds, even it refers to the equality for all: "Citizens of the



Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law.” The Ombudsperson, also, according to the legal amendments in 2003 (Official Gazette: 60 / 2003) is dealing with discrimination within the public sector, but there is a lack of promotion of its role as well as lack of capacity in dealing with discriminatory practices (mainly human recourses). Law on equal opportunities for woman and man ((Official Gazette: 66 / 2006) and its amendments in 2011 has a slow progress of implementation. The critics are directed to the settlement of the Gender Advocate in the frame of the Ministry of Labour and Social Policy (appointed in December 2009) and in the lack of capacity of the Local Gender Commission (even 82 are formed from 84 planed). Law on prevention and protection against discrimination is adopted in April 2010 ((Official Gazette: 50/2010) but the consultation process in the process of drafting with the civil society was abused by the politicians (both, ruling party and opposition). Namely, focusing on sexual orientation such as grounds which shouldn't or should be explicitly mentioned in the Law was created a public image that this law doesn't ensure protection for LGBT people. In spite of this absurd is the fact that sexual orientation is already explicitly mentioned in the Labor Law (Official Gazette no. 62/2005) – article 6; Law on Protection of the Patients Rights (Official Gazette no. 82/2008) – article 5; Law on volunteering (Official Gazette no. 85/2007) –article 9. Generally, the list of the protective grounds is not exhaustive, but open and based on European Convention of Human Rights. However, this legal solution doesn't lead to creation of an environment which creates opportunities for full recognition of the rights of LGBT people. Finally, the Commission for protection against discrimination is established in January 2011 under the provisions of the Antidiscrimination Law. The Commission has a lack of operational capacity i.e. there is no staff employed, but only the members of the Commission who are employed in other sectors (ex: 2 members are civil servants at the same time). During 2011, the Commission received 61 complaints, from which 12 are solved positively, while in 7 is decided that the Commission is not in charge for it, but other institutions. Other complains are in process of reviewing. This information is given by the Commission to the NGOs, but the official report is planned to be submitted to the Parliament in March 2012. Also, the problem is identified in the lack of criteria for definition of “vulnerable group” and what is the scope of this term. Recommendations:

- To harmonize Macedonian anti-discrimination legislation with international norms and standards
- To ensure full recognition of the rights of LGBT people in national legislation.
- To raise the awareness for equality for all groups, including tolerance between the groups.
- To increase the capacities of national mechanisms for human rights protection and to establish cooperation among them.

Government of the FYR Macedonia response:

On 8th April 2010, the Parliament of the Republic of Macedonia adopted the Law on Prevention and Protection against Discrimination (LPPD). This Law fills in the legal gaps that existed in our legal system in the field of non-discrimination and, at the same time, it also provides for easier legal protection of individuals and legal entities – victims of discrimination. Legal protection is much more available and facilitated, in



particular as a result of the establishment of the Commission for Protection against Discrimination, as well as the special court procedure for protection against discrimination envisaged in the Law on Prevention and Protection against Discrimination. The Law on Prevention and Protection against Discrimination is the first law in the Republic of Macedonia which addresses discrimination in a comprehensive manner. In parallel to this Law, many other special laws (*lex specialis*) continue to exist in the legal system, regulating the right to equal treatment in different areas and sectors, or laws in which the principle of equality is considered only on the basis of particular discriminatory basis. The Law incorporates the core international principles, concepts and standards as regards prevention and protection against discrimination. What is positive for the Republic of Macedonia is that the new LPPD regulates the most of the discriminatory bases known both in the comparative national legal system and the international law. Thus, Article 3 of the LPPD explicitly forbids discrimination, direct and indirect, on the basis of sex, race, skin colour, gender, belonging to marginalized group, ethnicity, language, citizenship, social origin, religion or confession, other types of belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status and health condition. Following the modern trend of the other national legislations, as well as the most important instruments incorporating discriminatory clauses, LPPD includes an open-ended list of discriminatory bases. It can be seen in Article 3, as well as Article 5, item 3, of the LPPD, which, at the end of the list of discriminatory bases, contain the wording "... or any other basis ...". Thus, with such an open list of discriminatory bases, any type of discrimination on the basis of personal characteristics, not explicitly listed in the LPPD, is prohibited. The Law started to be applied from 1st January 2011. The period between the adoption of the Law and its application was used to prepare all necessary requirements for successful implementation of the Law. Following the adoption of the Law by the Parliament of the Republic of Macedonia, the Ministry of Labour and Social Policy carried out training in Bitola, Strumica, Delcevo, Kumanovo and Lipkovo, and Skopje, for the municipal administration, Commission for Equal Opportunities, Social Work Center, the police, health sector and NGOs. In the course of 2011, the Ministry of Labour and Social Policy, in cooperation with the British Council, carried out a series of activities aimed as promoting the Law on Prevention and Protection against Discrimination. 12 municipalities, the representatives of which were trained in the discrimination concept, took part in the realization of the activities, and they carried out several activities at local level. These 12 municipalities prepared a local plan on non-discrimination, which was adopted by the municipal councils, and the action plans include the priorities of the municipalities in the field of non-discrimination. Health-related legislation establishes a solid basis for protection against discrimination in the health protection. "Everyone shall have the right to health protection" (Article 3, indent 1, Law on Health Protection). All citizens in the Republic of Macedonia are guaranteed the realization of general preventive measures for the purpose of ensuring a healthy environment, annual medical check-ups and other measures and activities for preventing diseases (immunization, brucellosis, tuberculosis, AIDS, contagious diseases, etc.) (Article 32 of the Law on Health Protection). The Law on Protection of the Rights of Patients contains an anti-discriminatory clause. A patient has the right to health protection against discrimination based on sex, race, skin colour, language, religion, political or any



other opinion, national or social origin, belonging to national minority, financial status, origin of birth, sexual orientation or any other status (Article 5, paragraph 2). Discrimination of patients is forbidden (Article 32, paragraph 4). This Law regulates the protection of the rights of patients when using health protection, obligations of the health institutions and health workers and associates, municipalities and the Health Insurance Fund in promoting and protecting the rights of patients, procedure for protection of the rights of patients, as well as supervision over the implementation of the Law. The Law also governs the procedure for protection of the rights of patients on the basis of the principle of urgency.

Indigenous & Minorities

Recommendation n°4: *Continue efforts to ensure that the Roma, Albanian and other minorities have access to suitable and affordable housing, employment, education and health care, and that special attention be paid to promoting the integration of these populations in all areas of social life, without discrimination.* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°23: *Make every possible efforts to implement the Roma Strategy and Action Plans, in compliance with the strategy and the Decade of Roma Inclusion, which is to end in 2015.* (Recommended by Brazil)

IRI: *partially implemented*

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Recommendation n°60: *Promote the exercise by the Roma of their economic, social and cultural rights, in particular by implementing programmes to facilitate birth registration and the issuing identity documents for this sector of the population.* (Recommended by Mexico)

IRI: -

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Recommendation n°85: *Ensure implementation of the relevant legislation, in particular the laws relating to the use of languages and those aimed at improving the living conditions of the Roma.* (Recommended by Switzerland)

IRI: *not implemented*

Polio Plus response:

There is a legal framework for regulation the minorities rights, still the issue of disability is lacking between them in all areas of social life. At the same time there is missing the coherent policy for social services and support for all minorities that are facing multiple discrimination with accent on disability (Roma, Albanian with disability etc.)

NGO Coalition response:

There is a trend of pupils enrolling in other municipalities (where the community they belong to is in majority), which contributes for further segregation of students along ethnic lines. On the other hand, it is necessary to systematically monitor the (non)discrimination of students on ethnic grounds (among the students themselves,



but also by the teaching staff), particularly in the urban areas, where the most affected are the communities with less than 20% (Turks, Roma, Bosniaks). From the aspect of the Albanian ethnic community, the educational process in both urban and rural communities is conducted in their mother tongue with own teaching staff, while the communities with less than 20% in the urban areas, where they are considered as dispersed minority, are part of the education process in Macedonian language. Therefore, it is really important to raise the awareness of non-discrimination on ethnic ground in the education. Although the discrimination is banned with the Law on Primary and the Law on Secondary Education, and although the number of reported cases of discrimination is low in education area, this does not mean that it does not exist or it should not be examined. The employment is another segment, which may be the most important for each individual, regardless of the ethnic belonging. In terms of unemployment over 30% of the individuals see a way out of the unemployment in getting a job in the state administration. This is the benefit for the ethnic communities from the OFA. However, it is worth mentioning that even after meeting the necessary percentage of employment on ethnic grounds in the public and state administration, this number is not sufficient to improve the economic standard and quality of life of the communities on a wider level. For example even when the necessary percentage of 3.9% for the Turkish or 0.8% for the Bosniak community would be met, this would not significantly affect the quality of life of these communities, if the principle of nondiscrimination during the employment is not applied in the private sector. In this respect, the representatives of Roma civil society organizations claim that the percent of unemployed Roma is over 70% and therefore more systematic and wider approach and action are necessary. The Republic of Macedonia has adopted the Law on Prevention and Protection against Discrimination, but it still needs to be implemented the State Strategy for Combating Discrimination in several segments and on several levels.

Government of the FYR Macedonia response:

Improvement of the implementation of the Decade of Roma

Inclusion and Roma Strategy in the Republic of Macedonia: On 14th - 15th September 2011, a two-day workshop was organized for preparation of Strategy for Intensification of Social Inclusion of Roma People in the Social Protection System in the Republic of Macedonia. Members of all relevant departments from the Ministry of Labour and Social Policy were involved in the preparation of the Strategy. On 22nd September 2011, Information was submitted to the Government as regards the preparation of the Strategy and it was approved. On 28th – 30th September 2011, a two-day conference was organized within the presidency of the Republic of Macedonia with the Decade of Roma Inclusion – meeting of the 21st International Steering Committee of the Decade of Roma Inclusion was held. In the course of the first half of 2011, direct activities were carried out as regards prevention of irregular migration and human trafficking in Roma community by strengthening labour skills in Stip, Kumanovo and Kocani (30th June 2011). Project title – Prevention of Irregular Migration through Enhancement of Decentralized Labour Promotion Measures for Vulnerable Groups. Implementation of the project “Support to Building Capacities for Implementation of Roma Strategy in the Republic of Macedonia” The Project realization commenced on 17th October 2011. International experts have been engaged who, in cooperation with the Ministry of Labour and Social Policy, prepare



analysis and determine the training needs, the needs for preparation of local action plans. The Project “Support to Implementation of Roma Strategy”, financed under IPA Component I, is being implemented in the course of 18 months. This Project will provide expert assistance and support to strengthening the capacities of the relevant entities at national and local level included in both the coordination and the implementation of the action plans for Roma inclusion, training, workshops and seminars will be organized, existing local action plans will be revised and new ones will be prepared, as well as adequate support to the implementation of activities will be ensured. The Project also envisages training for the employees in the Unit for Implementation of Roma Strategy and Decade of Roma Inclusion, Cabinet of the Minister without Portfolio, the National Coordinating Body, local government units and the Roma Information Centers. Implementation of activities for employment of Roma in line with the active employment measures for Roma.

The Operational Plan for 2010 and 2011 includes 2 programmes especially aimed at employment of unemployed Roma:

- Self-Employment Programme in which registered unemployed Roma are one of the target groups. The Programme is realized through training of interested unemployed persons in learning about entrepreneurship, preparation of sound and sustainable business plans, assistance when registering own business and subsidy for starting up a business.
- Programme for Roma Support, training is aimed at scarce professions on the labour market, on the basis of results from the Analysis of Qualification Needs on the Labour Market.

As regards the active employment programmes/measures in the Operational Plan for 2011, as of October 2011 inclusive, coverage of Roma is as follows:

- under the Self-Employment Programme (starting up own business), 6 Roma will be included.
- under the Programme for Support for Formalizing Existing Businesses (eradicating grey economy by registering existing business), 1 Roma will be included.
- Under the Programme for Roma Support, according to which Roma were to be included in training in scarce professions on the labour market, 23 Roma completed the training.

Roma Information Centers

Roma Information Centers are a link between the institutions at national level, the institutions at local level and the members of the Roma ethnic community. Roma Information Centers are active in improving the level of integration of Roma, providing information, representation and ensuring support for easier resolving of problems Roma population faces, holding information and consultation meetings, discussions with local authorities, lobbying, participation in the communities and other activities. In addition, meetings are initiated with local institutions with which Roma Information Centers have signed a Memorandum of Understanding. From January 2007 to March 2011, Roma Information Centers were located within Roma NGOs with which the Ministry of Labour and Social Policy has signed a Memorandum of Understanding, while starting March 2011, they are located in the local government units. Since their establishment up till today, the Ministry of Labour



and Social Policy has allocated approximately Denar 14,700,000 from its budget. In April 2011, OSCE Mission to Skopje and the Ministry of Labour and Social Policy signed a Memorandum of Understanding as regards the implementation of the project Legal Aid to Roma Community.

As a result of the successful implementation of the project for mobile legal assistance, activities have continued to be carried out in the eastern part of the country (Stip, Kocani, Vinica, Delcevo, Strumica). Since 2011, OSCE, in cooperation with the Ministry of Labour and Social Policy, also opened mobile legal offices in the City of Skopje, primarily focusing on settlements with larger concentration of Roma population (Suto Orizari, Topaana and Zlokukani). Mobile legal offices are opened in Roma NGO Sumnal – Topaana, Umbrella – Suto Orizari and NGO Lil in Zlokukani.

OSCE supports the activities of the legal adviser, while the Ministry of Labour and Social Policy has engaged two assistants/volunteers for the purpose of more successful implementation of the project and mainly legal assistance to Roma community.

- Within the joint project of OSCE and the Ministry of Labour and Social Policy, workshops on capacity building of Roma Information Centers were organized and carried out.

- the Ministry of Labour and Social Policy organized a workshop for preparation of an Action Plan for Roma Information Centers for the period 2011 – 2013, as well as a workshop for capacity building of employees in the Roma Information Centers for the purpose of learning about the rights and the obligations arising from social and health protection.

Activities within the Project “Roma Health Mediators”

In cooperation with the NGOs, in 2011 the Ministry of Health commenced the Project “Roma Health Mediators”, which is in line with the activities envisaged in the National Health Action Plan for implementation of the Roma Strategy. The Project is aimed at raising awareness at Roma population to take care of their health; getting Roma population familiar with the possibilities and the access to health protection; facilitating the access to health protection; sensitivity of health institutions to the particularities and the needs of Roma population as regards health; facilitating the access to exercising social rights; facilitating the access to exercising civil rights and increasing the confidence in the institutions for health and social protection of the Roma population. In addition to this Project, Roma population, as well as all citizens in the Republic of Macedonia, are beneficiaries of public preventive and curative Programmes of the Ministry of Health. The Programme for Mothers and Children and the Programme for Annual Medical Check-Ups, which are of special importance for targeting health issues of Roma, pays special attention to this vulnerable group. Such practice will continue in 2012.

In 2010, the Ministry of Health signed a Memorandum of Understanding with the Foundation Open Society – Macedonia, aimed at stimulating Roma pupils and students, through scholarship, to enroll, in large number, in medical high schools and Faculty of Medicine. Pursuant to the Law on Primary and Secondary Education, all representatives of the minorities are ensured free education and accommodation in dormitories.

Under a decision by the Government of the Republic of Macedonia, an Agency for Communities Rights Realization was established, pursuant to the Law on Promotion



and Protection of the Rights of Members of Communities, representing less than 20% of the population in the Republic of Macedonia. Most important activities of the Agency in 2011 include the following: creation of a website, implementation of a project for strengthening the strategic capacities of the Agency, including training of representatives of smaller ethnic groups as regards strategic planning, mobilization of funds, public relations, managing project cycles, gathering data, instruments for human rights and rights of minorities, supervision, analysis and reporting on minority rights of the communities, advanced management and office administration. In the course of 2011, the Agency for communities rights realization completed the following activities:

- Web site of the Agency was developed and permanently updated;
- Strategic Plan for 2012-2014 and Annual Programme for 2012 were developed;
- Data Base for current situation with the equitable representation of the members of the communities on central and local level was developed;
- Situation Analysis for current situation with the education of members of the communities – regular classes and optional class;
- Permanently updated data base of NGOs and Foundations that within their statutory provisions foreseen enacting and protecting the rights of members of the communities in the Republic of Macedonia;
- The Campaign of Census on population, households and dwellings was realized by visiting 12 census areas, promotional materials have been disseminated, meetings with citizens have been organized and panel discussions that had one goal and that was the members of the communities in the Republic of Macedonia to get familiar with their rights on the upcoming Census;
- The process of organization and implementation of participatory forums in order to strengthen the cooperation between administrative bodies and the communities, jointly review the issues of concern to the communities, development of recommendations, legislative proposals and other texts, providing opinions on proposed government policies that may affect directly or indirectly the rights of communities. In December 2011, the first forum was organized where the working methodology was presented. The forum was attended by representatives from civil society, representatives of institutions on central level, Committee for communities relations, national and foreign experts, prominent representatives of the communities and international organizations (with observer status and opportunity to be engaged in Forum's discussions). In the course of 2012, 4 more thematic forums will be organized. Topics will address issues related to the enhancing and protection of communities' rights. The Government of the Republic of Macedonia undertakes series of activities aimed at nurturing mutual respect and understanding among different ethnic communities as regards education. There are on-going activities for implementation of the Strategy for Integrated Education, adopted in October 2010. Since 2010 onwards, working meetings have been held on regular basis, to the end of revising the text-books, the qualifications of teachers, as well as for the purpose of promoting integration through joint activities and considering the issue of changing the competences as regards education in line with the decentralization process. Programme 4, related to "Promotion, Coordination and Monitoring of Integrated Educational System", is being implemented at the moment, in line with the Strategic Plan for 2012-2013 of the Secretariat for the Implementation of the Ohrid Framework Agreement.

Recommendation n°12: *Continue adopting measures to improve the situation of rural women belonging to ethnic minorities, above all Roma and Albanians. (Recommended by Argentina)*

IRI: *partially implemented*

Polio Plus response:

Not only measures, but there is a need for legislative changes for inclusion of issue of disability among Roma, Albanian and rural woman with disability. In presence the situation of women with disability belonging to ethnic minorities, above all Roma and Albanians it is very worst.

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°14: *Effectively promote ethnically mixed organizations around common civil, professional and business interests in order to fully support the social cohesion of all ethnic groups. (Recommended by Austria)*

IRI: *partially implemented*

NGO Coalition response:

See response to recommendation n° 4.

Polio Plus response:

Ethnically mixed organizations for fully support to the social cohesion of all ethnic groups to include the issue of disability within its organizations.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°15: *Ensure equal and unhindered access to health care for the Roma. (Recommended by Austria)*

IRI: *partially implemented*

Polio Plus response:

Lack of social healthcare services.

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°16: *Ensure the speedy implementation of the measures of the national Roma Strategy. (Recommended by Austria)*

IRI: *partially implemented*

Polio Plus response:

[...]

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°26: *Implement the Roma Strategy and Action Plans, in compliance with the Strategy and the Decade of Roma Inclusion 2005-2015.* (Recommended by *Canada*)

IRI: *fully implemented*

Polio Plus response:

There is a need of measures and action regarding disability to be included in the Roma Strategy and the Decade for Roma and to increase the capacity on the institutional level, but also on local level, including cultural and family level. Have in mind the multiple discrimination based on disability.

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°45: *Introduce adequate measures with a view to promoting cohesion of all ethnic groups.* (Recommended by *Greece*)

IRI: *partially implemented*

Polio Plus response:

[...]

NGO Coalition response:

Currently, Macedonian Helsinki Committee, together with the Agency for small communities (under 20%) are doing an assessment for defining an appropriate measure to promote cohesion between different ethnic groups.

Government of the FYR Macedonia response:

Maintenance of good inter-ethnic relations on the principles of mutual tolerance and respect, equal treatment before the law for all and implementation of the Ohrid Framework Agreement is a priority of the Government of the Republic of Macedonia in 2011. In 2011, the Law Amending the Law on Use of Languages spoken by at least 20% of the citizens in the Republic of Macedonia and the local government units was adopted, extending the use of the languages. It affected the work of the Parliament of the Republic of Macedonia, especially the work of the Parliamentary Commissions, but also the local government units. In the course of 2011, the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA) undertook a number of measures and activities to implement the Strategy for Adequate and Equitable Representation of non-majority communities in the Republic of Macedonia, as well as the Annual Plan for Employment of Members of Non-Majority Communities, adopted by the Government of the Republic of Macedonia. In the course of 2011, 259 persons, members of non-majority ethnic communities, were



employed. Pursuant to the Law on Local Government, twenty municipalities, with at least 20% of the total number of citizens being members of a certain community, have established a local Commission on Relations between Communities, while additional 14 municipalities have established commissions, although not obliged by law. The Commissions work pursuant to the Practical Guide on the Operations of the Association of Local Government Units (ALGU), which, in the coming period, will be translated into all languages of the communities. UNDP, UNESCO and UNICEF Project – general objective of the Project is improvement of inter-ethnic dialogue and cooperation in the Republic of Macedonia. Timeframe of Programme realization: 3 years (2009 – 2012). The Programme started to be realized in December 2009. As regards the outcome from the implementation of UNDP project for improvement of inter-ethnic relations in three municipalities (Kumanovo, Kicevo and Struga), the following results were achieved:

- learning about institutional mandate, legal parameters, laws that concern smaller communities and monitoring the implementation of the new laws, closely related to the EU integration;
- learning how to improve coordination and communication between the local government units, the civil sector and the media;
- improving the coordination and the communication between the central government, the civil sector and the media;
- establishing a forum between the local government units and the business community in three municipalities (Kumanovo, Kicevo and Struga). By establishing clear and significant change in the general approach to the educational system according to the multi-ethnic reality in the Republic of Macedonia, a Strategy on Integrated Education was adopted in 2010.

At the moment, the Secretariat for the Implementation of the Ohrid Framework Agreement has established a working group to review the Strategy on Integrated Education, which will contribute to overcoming the disagreements as regards the second topic group. The decentralization process continues, in particular the development of decentralized government, as one of the main pillars of the Ohrid Framework Agreement.

Recommendation n°51: Provide the Agency for the Rights of the Ethnic Groups Which Are Less Than 20 per cent of the Population with the necessary resources to effectively deal with minority issues. (Recommended by Ireland)

IRI: -

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°56: Continue efforts to promote rights of vulnerable groups. (Recommended by Kazakhstan)

IRI: *partially implemented*

NGO Coalition response:



The Macedonian delegation in May 2009 stated there will be review in education curricula from gender perspective. There are no any changes in education curricula. [Macedonian Helsinki Committee for Human Rights (MHC)] research and assessment of the curricula, found several stereotyped illustrations about the role of man and woman in the family. Ex: Mother in the kitchen, father with the TV remote control ("My environment", published by "Prosvetno delo", 2008, book for second grade). This is not isolate case.

Polio Plus response:

Adoption of Systematic Law for people with disability, comprehensive policy for social support services and mainstreaming the issue of disability in the political agenda.

Government of the FYR Macedonia response:

To the end of achieving equal opportunities for all, in 2010, the Government of the Republic of Macedonia adopted a National Strategy on Fight against Poverty and Social Exclusion 2010 - 2020, paying special attention to 5 priority areas, as follows: employment, social and health protection, long-term care and housing, as well as inclusion of gender concept and introduction of rights of children. To the end of achieving better social protection of street children, activities are undertaken aimed at development of relevant social services. So far, three daily centers for street children were opened (two in Skopje and one in Bitola) and one 24-hour transit center was opened in Skopje. For the purpose of better responding by the institutions competent in the field of the phenomenon of street children, a Multidisciplinary Protocol on Treatment of Street Children in the Republic of Macedonia was adopted, and methodological instructions on acting by expert workers in Social Work Centers have been revised (focus is placed on preventive work). Continuous training is carried out for employees in the Social Work Centers, the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Justice, as regards treatment of street children, and operational working teams have been established, making efforts to identify and register these children in the birth record books. Joint actions of the Ministry of Labour and Social Policy and the Ministry of Internal Affairs are being realized, and on-site activities for reducing the phenomenon of street children are being implemented. During these actions, expert teams from the Social Work Centers provide expert advice to the parents as regards taking care and upbringing the children, ensuring personal documentation for the street children, providing health care, education, etc. In addition, consequences are also pointed out arising from not taking care and neglecting own children, as well as sanctions arising as a result of such behavior. To the end of strengthening the local capacities for protection of street children, 20 meetings of local council for prevention were held in 20 municipalities, at which problems and their possible solutions were discussed, which would lead to better protection of street children, as well as better horizontal communication of institutions at local level. In 2007, the Government of the Republic of Macedonia adopted a National Action Plan on Gender Equality 2007 – 2012, envisaging strategic objectives and activities to be realized for the purpose of improving the position of women in the ten strategic areas included in the National Action Plan. Operational plans on implementation of the National Action Plan, containing the priorities for the current year, are being prepared each year. In March 2011, the Ministry of Labour and Social Policy commenced the process of amending



the Law on Equal Opportunities of Women and Men. Analysis was prepared on the level of implementation, on the basis of which weaknesses in the existing Law were detected and guidelines were proposed on improving the legal regulation and successful establishment of equal opportunities of women and men in all spheres of the social life. The Law was adopted by the Assembly of the Republic of Macedonia on 11th January 2012. New solutions envisaged in the Law include greater commitment of all relevant institutions to inclusion of gender concept in the main streams and improvement of gender equality in all spheres in the social life. In order to improve the status of Roma women and the integration into the social mainstream, and also under the Strategy for Roma, in which one of the priorities and specific needs of Roma women, the Government of the Republic of Macedonia in December 2007 adopted the first National Action plan for improving the social situation of Roma women in Macedonia, with 2008-2010 timeline and with operational plans. Implemented are activities in order to improve the situation of Roma women, especially in the area of human rights. In 2010, the Government of the Republic of Macedonia adopted the second National Action Plan for improving the social situation of Roma women in the Republic of Macedonia 2011-2013. The Action Plan covers four priority areas for action including: employment, health, education and human rights. The general objective of this Action Plan is to promote the status of Roma women and the integration in the spheres of social life. Activities are directed toward: - Increased opportunities to integrate in the labor market through timely informing the target group with suitable models adapted to the needs. For this purpose there were 24 informative meetings that involved 379 Roma women. Also 20 training sessions for successful presentation on the labor market were carried out, which involved 275 Roma women. - Improving access to primary health care through increased informing and awareness of the need for prevention and opening of gynecological clinics in municipalities with a significant number of Roma. For this purpose "Report on the health status of population in the Republic of Macedonia" is prepared, and in its frame the report on the health of Roma is included. Further, a brochure entitled "Happy and healthy in Macedonia" was translated on Roma language. - Increase the number of Roma women with completed primary and secondary education through detection of the correct drop out rate of Roma man and women and their inclusion in the educational process; - Equal opportunities and equal access to the exercise of human rights of Roma women. For this purpose were conducted three trainings for employees of institutions to which the Roma women are mostly addressing (Ministry of Interior, Social Welfare Centers, Ombudsman, Employment Agency of Republic Of Macedonia). The total number of employees from institutions was 29 people, 8 representatives from the NGO sector and three representatives from the Roma information centers.

Recommendation n°76: *Improve the situation of inclusion of some minority ethnic groups, in particular the Roma, who are frequently facing a situation of lack of protection.* (Recommended by Spain)

IRI: *partially implemented*

Polio Plus response:

There is a need to be Improve the situation of inclusion of some minority ethnic groups, in particular the Roma and other ethnic with disability, who are frequently facing a situation of lack of protection.

NGO Coalition response:

See response to recommendation n° 4.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Recommendation n°83: *Attach the greatest importance to implementing the Ohrid Framework Agreement and to meet the strategic priorities that arise there from. (Recommended by Switzerland)*

IRI: *partially implemented*

Polio Plus response:

[...]

NGO Coalition response:

Ohrid Framework Agreement from 2001 is directly transposed within the Constitution's amendments (Official Gazette: 91 / 2001) regarding to the minorities rights (i.e. ethnic). The Secretariat for implementation of OFA is providing administrative and expert support to the Vice Prime Minister tasked for implementation of the Framework Agreement. The competencies and priorities of this institution regarding the implementation of OFA are focused on monitoring the situation regarding the appropriate and equitable representation, coordination, promotion and monitoring of the integrated education system, decentralization process, law on use of languages, non-discrimination as well as informing the general public and cooperation with the civil society organizations. [Secretariat for implementation of OFA (SIOFA)] is comprised of several sectors and departments serving the aforementioned purposes. SIOFA makes efforts to be in constant coordination with the other state bodies while planning and analyzing the situation on equitable and proportional representation, develops employment action plans and reports to the Government regarding the equitable representation on central and local level for the past year and gives recommendations for improving the situation in those areas in which smaller progress was registered. OFA critical points also might be seen in that the Strategy for its implementation is covering only public bodies in the field of employment. As mentioned above, there is a lack of implementation for positive action towards smaller ethnic communities (under 20%) instead of larger ethnic i.e. Albanian community. Also, the new Strategy for non-discrimination (supported by OSCE) was prepared by Ministry of Labour and Social Policy with wider CSOs participation, but covers only four grounds: gender, age, disability and ethnic issues. In this Strategy is presented analysis of national legislation related to protection against discrimination. So far, there is a need for comprehensive implementation of the OFA, especially towards ethnic communities under 20% and harmonization of existing legislation with the Law on promotion and protection against discrimination. Based on research and surveys done by ADI, "Integration of non-majority communities representing under 20% of total population on central and local level in the institutions in Macedonia", 2010, there are several conclusions and recommendations as presented below. Conclusions:

-Education and employment in the public and state administration are pinpointed as priority areas which require immediate attention for improving the situation of the



non-majority communities. The application of equitable representation on local level should be addressed in the following period.

- There is cooperation between civil sector, SIOFA and AMRR. However, it is necessary for this cooperation to be enhanced in the near future in terms of establishing more intensive communication, coordination and joint consultation for development of strategies as well as providing support for projects of vital importance for communities.
- The influence of the civil society sector for integration of the non-majority communities under 20% is not sufficient for achieving better results.
- In the municipalities in our sample (Gostivar, Kicevo, Debar and Struga), the Badinter rule was applied only in Gostivar, when the councilors unanimously accepted the decision for use of languages in Gostivar municipality. This decision ensures official use of Macedonian, Albanian and Turkish language and their alphabet in the institutions and other public enterprises established by Gostivar municipality. In the other municipalities, the issues in the area of culture, use of language, coat of arms and flag were not yet on the agenda of the municipal council.

Recommendations:

- Coordinated monitoring of the situation on equitable and proportional representation on central level is recommended between SIOFA and AMRR for more efficient participation of these communities, but also an additional intensive cooperation and communication with the civil sector;
- Regarding the equitable and proportional representation on local level it is recommended for the municipalities to develop strategy for fulfilling the legal obligations for equitable representation of communities and to make the municipal administration professional and free of politics. In addition, it is necessary to establish monitoring system to follow the equitable representation for communities under 20% in the local institutions;
- Regarding the efficient participation on municipal level it is recommended to establish a system of reserved seats in the councils for the communities below 20%.
- To support the initiatives for amending the electoral legislation that will provide increased participation of these communities on state and local level (Macedonia to be one election district for the small and dispersed minorities, reserved seats and lowering the election thresholds);
- The Badinter's rule to be appropriately translated in the Law on Local Self-Government, in the municipal statutes i.e. the rules of procedures of the municipal council, because the law does not list the items that fall under "culture" or "use of languages" and it is necessary to consult other laws and regulations.
- Additionally, the effective participation of minority community is brought into question with very restrictive application of minority veto, only regarding the issues in the area of culture, coat of arm, language and flag. Hence, the decision making with double majority should be extended to the adoption of the Statute, program and municipal budget as well as education.
- In terms of education, it is necessary to provide textbooks in the mother tongue of nonmajority communities, cooperation with the countries of origin of the representatives of these communities, training for the teaching staff in order to improve the classes. -More intensive coordination is required among the civil society sector, the Ministry of Education (particularly the Department for affirmation and



promotion of the education in the language of the persons belonging to the communities in the Republic of Macedonia) and the Ministry of Culture (particularly the Department for affirmation and promotion of the culture of persons belonging to the communities in the Republic of Macedonia) regarding the aforementioned challenges in the field of education and culture of the communities under 20%.

- It is necessary to strengthen the capacities of the civil sector for lobbying and advocating for the rights of communities.

- The main problem within the decentralization process is the lack of finances. In order to overcome this financial gap, the central authorities must revise their methods for redistribution of income on local level and achieving greater financial independence. In this context, the municipalities must make more efforts in collecting taxes.

- Committees for Inter-Community Relations should serve as forums for dialogue among the communities on local level. They should also serve as a tool of the municipality for consultation about the views of the communities regarding their culture and identity. CICR should be proactive by offering preventive solutions for interethnic relations and strengthening the interethnic tolerance and cooperation. In any case, it is necessary to make more efforts for them to be fully recognized and established as integral part of the decision making process on local level (strengthening the legal mandate, defining the conditions for selecting members of CICR, providing basic preconditions for their functioning and lowering the threshold from at least 20% members to 10% representation of certain community in a municipality as a precondition for establishing such Committee).

Government of the FYR Macedonia response:

See response to recommendation n° 45.

International Instruments

Recommendation n°6: *Ratify the Convention on the Rights of Persons with Disabilities CPD.* (Recommended by *Argentina*)

IRI: *fully implemented*

Polio Plus response:

The Convention is already ratified and the next step is the need for direction towards analyze of the existing legislation and adoption of Systematic Law submitted as civil initiative (gathered 20.000 signatures, out of the necessary 10.000). This Law should be the law for Convention implementation.

NGO Coalition response:

UN Convention for the rights of persons with disabilities (UNCPD) and its Optional Protocol are ratified in December 2011. MLSP (in February 2012) organizes public consultation with the relevant stakeholders (i.e. CSOs) regarding to its further implementation. The proposed Law on protection of the rights and dignity for persons with disabilities (proposed as civic initiative) is still pending. This legal act is created as instrument for implementation of UNCPD by the civil society organization Polio Plus and experts, based on wider public debates. Recommendations: 1. State should



put an efforts to unify the terminology (in different legal acts persons with disabilities are called “invalid persons”, “persons with special needs”) in cooperation with persons with disabilities (i.e disability people’s organizations), respecting the principle “Nothing for us-without us”; 2. The relevant institutions have to enact a new comprehensive legislation for persons with disabilities based on UNCPD and to harmonize current legislation with UNCPD; 3. The State has to guarantee i.e. to ensure state budget for its successful implementation.

Government of the FYR Macedonia response:

The Convention and the Optional Protocol were ratified on 5th December 2011. NGO representatives were involved in the ratification process. By ratifying this Convention, the Republic of Macedonia accepts the obligation to adopt series of legal and other measures in cooperation with NGOs in the field of employment, judiciary, culture, health, social protection, education, science, sports, urban planning and family, to the end of full implementation of these rights, since such rights will become part of the national legal system in the Republic of Macedonia. Necessary changes and additional harmonization for the purpose of transposing the Convention in the national legal framework and its adequate budgeting will be made in the coming two years from the moment of the entry into force of the UN Convention in the Republic of Macedonia. Implementation of the Convention provisions requires allocation of additional financial resources in the Budget of the Republic of Macedonia, and such resources will be planned when amendments to the laws are made.

Recommendation n°7: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance CED and accept the competence of the Committee on Enforced Disappearance.* (Recommended by Argentina)

IRI: *not implemented*

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Recommendation n°30: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance CED.* (Recommended by Croatia)

IRI: *not implemented*

+

Recommendation n°42: *Ratify CED as soon as possible.* (Recommended by France)

IRI: *not implemented*

Government of the FYR Macedonia response:

The existing criminal legislation in the Republic of Macedonia does not correspond to the provisions in this Convention and there is a need to harmonize it, which also requires in-depth analysis to be carried out.

Recommendation n°8: *Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.* (Recommended by Argentina)

IRI: *not implemented*

Government of the FYR Macedonia response:

As regards the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, procedure for its signing and subsequent ratification is being



considered. With respect to the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”, the Republic of Macedonia, in line with the existing legal solutions in the country regulating this field, will additionally consider the possibility to ratify the Convention as soon as possible.

Recommendation n°18: *Accelerate the ratification of CPD.* (Recommended by Azerbaijan)

IRI: *fully implemented*

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Recommendation n°29: *Ratify the Convention on the Rights of Persons with Disabilities CPD and its Optional Protocol.* (Recommended by Croatia)

IRI: *fully implemented*

+

Recommendation n°59: *Ratify CPD and its Optional Protocol and harmonize its national legislation with the provisions of these instruments.* (Recommended by Mexico)

IRI: *fully implemented*

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Recommendation n°86: *Ratify the Convention on the Rights of Persons with Disabilities CPD.* (Recommended by Turkey)

IRI: *fully implemented*

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Recommendation n°88: *Undertake national consultation in preparation for the ratification of CPD.* (Recommended by United Kingdom)

IRI: *fully implemented*

Polio Plus response:

The Convention is already ratified and the next step is the need for direction towards analyze of the existing legislation and adoption of Systematic Law submitted as civil initiative (gathered 20.000 signatures, out of the necessary 10.000). This Law should be the law for Convention implementation.

NGO Coalition response:

UN Convention for the rights of persons with disabilities (UNCPD) and its Optional Protocol are ratified in December 2011. MLSP (in February 2012) organizes public consultation with the relevant stakeholders (i.e. CSOs) regarding to its further implementation. The proposed Law on protection of the rights and dignity for persons with disabilities (proposed as civic initiative) is still pending. This legal act is created as instrument for implementation of UNCPD by the civil society organization Polio Plus and experts, based on wider public debates. Recommendations: 1. State should put an efforts to unify the terminology (in different legal acts persons with disabilities are called “invalid persons”, “persons with special needs”) in cooperation with persons with disabilities (i.e disability people’s organizations), respecting the principle “Nothing for us-without us”; 2. The relevant institutions have to enact a new comprehensive legislation for persons with disabilities based on UNCPD and to harmonize current legislation with UNCPD; 3. The State has to guarantee i.e. to ensure state budget for its successful implementation.

Government of the FYR Macedonia response:

The Convention and the Optional Protocol were ratified on 5th December 2011. NGO representatives were involved in the ratification process.

By ratifying this Convention, the Republic of Macedonia accepts the obligation to adopt series of legal and other measures in cooperation with NGOs in the field of employment, judiciary, culture, health, social protection, education, science, sports, urban planning and family, to the end of full implementation of these rights, since such rights will become part of the national legal system in the Republic of Macedonia. Necessary changes and additional harmonization for the purpose of transposing the Convention in the national legal framework and its adequate budgeting will be made in the coming two years from the moment of the entry into force of the UN Convention in the Republic of Macedonia. Implementation of the Convention provisions requires allocation of additional financial resources in the Budget of the Republic of Macedonia, and such resources will be planned when amendments to the laws are made.

Recommendation n°61: *Continue with the open policy towards the special procedures of the Human Rights Council.* (Recommended by Mexico)

IRI: *fully implemented*

Government of the FYR Macedonia response:

A standing invitation to special procedures, extended on 13th October 2004, continues.

Recommendation n°67: *Continue efforts to harmonize its national legislation with international human rights instruments to which it is party.* (Recommended by Nicaragua)

IRI: *partially implemented*

Polio Plus response:

There is need for harmonization of the national legislation with international standards in the field of human rights for disability

Government of the FYR Macedonia response:

Continuing efforts to strengthen the legal and political framework at national level so as to be harmonized with the international human rights instruments. The Republic of Macedonia continues with close cooperation with the treaty bodies from different UN Conventions and Council of Europe and acts upon their recommendations.

Recommendation n°68: *Continue submitting reports to various treaty-monitoring bodies in order to honour its commitments through the implementation of the recommendations emerging from those committees.* (Recommended by Nicaragua)

IRI: *partially implemented*

Polio Plus response:

There is a need for continuing report submission.

NGO Coalition response:

There is no Government's initiative for wider consultation with the civil society in the process of preparation of the different reports towards successful implementation of



their recommendations. There are isolated cases of consultations, which are initiated by international organizations (ex: UN office with Ministry of International Affairs for UPR).

Government of the FYR Macedonia response:

The Republic of Macedonia submits reports to different bodies on regular basis. The last Report (4 and 5 periodic) submitted to the Committee on the Elimination of Discrimination Against Women was submitted in May 2011. 8-10 The Report to CERD and 2-4 Report to the Committee on Economic, Social and Cultural Rights are in the process of preparation.

Recommendation n°71: Conduct a comprehensive review of the conformity of internal law with the provisions of the Convention on the Rights of the Child. (Recommended by Poland)

IRI: fully implemented

NGO Coalition response:

In a very short period and with an “excuse” that the Government is working on harmonization of the legislation with that of the EU, several crucial laws were amended: Family Law, Law on social protection, Criminal Code, Law on child protection, Law on primary education, Law on secondary education and Law on Juvenile justice, but all these changes are done without synchronization with the international legal acts, based on the CRC. In that period, [Macedonian Helsinki Committee for Human Rights (MHC)] put an effort for legislative changes to ensure child treatment as a “subject”- participants and direct holders of their rights, because about their rights in practice, often decides someone else, indirectly, without taking into account their best interest and opinion. As a result of these ad hoc changes, the Constitutional Court abolished them as unconstitutional or unlawful. Additional problem is the lack of information about the legislation changes, especially for the people from marginalized/vulnerable groups or from rural areas. For example, in 2010, because of the abolition of the provisions of Law on Children Protection by the Constitutional Court because of unequal treatment for obtaining the right to parental allowance, many citizens uninformed about the abolition of the parental allowance for a 2 and 4-th child left without the promised financial aid. The Commission for child protection is reformed (includes state secretaries from crucial ministries), but is without transparent and clear strategy for improving the rights of the children in the country. In the frame of the Ombudsperson’s institution one of the Deputies is appointed as Child Ombudsperson. But, MHC experience shows that the institution hasn’t the necessary authority, not enough professional staff for recording and monitoring of the situation, and there are neither the necessary resources nor autonomy to act independently and efficiently. In the same line are the remarks and recommendations of the UN Committee for the role of children's ombudsman in protecting children's rights in the country. Children's Ombudsman is not readily available, and for many, especially the most vulnerable is completely invisible. Additionally, MHC regularly informed the public about individual and group cases of violation of the rights of children and lack of protection by the Centers for Social Work, which systems have the highest powers, conferred by the Law on Social Protection and Family Law, and thus have the most responsible role in the implementation and protection of child rights in practice. Despite formal legal



prominent role of the Centers for Social Work, they remain passive, where eventually conclude that there is violation of the rights of the child, but without their own initiative to initiate proceedings that would have been resolved in the best interest of the child, much less willing to act preventively. This situation might be a result of the poor, yet centralized organization and disconnection between the sectors and undefined distribution of responsibilities between them. Much of the problems arising from not sufficient and often lump investments in training of staff in centers, which resulted with poor knowledge of domestic and international regulations in the field of children's rights.

Recommendation:

1. There is a need of comprehensive legislative changes based on wider consultation with NGOs and experts towards harmonization of the Macedonian legislation with international norms and standards.
2. MHC suggests that decentralization, by connecting with local government and increase its powers, that cooperation with civil society, are the possible exit paths for overcoming the large gap between declaring and effective practice in fulfillment of the rights of the child. Despite such recognition and positive legal framework that allows such development and collaboration among government institutions, local administrations and NGOs, in practice, these connections are too slow and inefficient, so prevention in child protection and rights is missing despite the involvement of individuals, which further passives the community.
3. There is a need of capacity building of the centers for social work and relevant departments in the Ministry of Labour and Social Affairs by implementing reforms, and continuing vocational training of the staff (specialized training to assess, monitor and enforce the rights of the child in all domains, particularly in the early detection of early signs of injury to the right of the child and his best interest).
4. Also, to be developed programs for intersectoral and interdisciplinary connection in the field of children's rights, and unification of instruments to identify the signs of violation of the right of the child and his best interest with those who are in professional contact with children (education, health etc.) . Namely, in practice there is a lack of effective communication and cooperation between institutions based on mutual information sharing.

The First Children's Embassy in the World Megjashi (TFCEWM) response:

The Ministry of Justice of Macedonia with technical support by UNICEF conducted an analysis of national legislation in terms of degree of reconciling Convention on the Rights of the Child in the legal practice. In Republic of Macedonia, ratified international conventions become a part of Macedonian legislation in accordance with Macedonian constitution. This means that in a case of legal gap in the national legislation, a standard norm of international law can be applied. Even in a particular situation of legal norm collision (domestic-national norm), a priority is given to the international provision. Even though the international documentation has a priority above national laws, the national organs in very few cases directly apply the international regulation in practice. It is being expected that trainings done by the Academy of judges and public prosecutors in the Republic of Macedonia should contribute to frequent application of The Convention for Children's Rights and other international instruments concerning children's rights. It can be stated that there is a



mild progress in terms of reconciling the legislation regulation, but it is necessary to work more at this issue.

Government of the FYR Macedonia response:

The National Commission on the Rights of the Child (NCRC) adopted the Report (February 2011) on the Operations of the National Commission on the Rights of the Child in the Republic of Macedonia and the Implementation of the National Action Plan on the Rights of the Child in the Republic of Macedonia for the period 2006 – 2015. Provisions in the Convention on the Rights of the Child are fully taken into consideration when relevant laws are being adopted. This refers, in particular, to the amendments to the Law on Family, the Law on Juvenile Justice, the Law on Social Protection, etc. UNICEF Office in the Republic of Macedonia is consulted on a regular basis, and is involved in the process of adopting the respective laws. In addition, in 2011, NCRC confirmed the need to revise the National Action Plan (2006 – 2015), which is on-going. Its realization is agreed with the financial assistance by UNICEF.

In 2010, the Ministry of Justice, supported by UNICEF, prepared a comparative analysis of the legislation in the Republic of Macedonia and the Convention on the Rights of the Child.

Recommendation n°87: *Continue harmonization of the national legislation with international standards in the field of human rights.* (Recommended by Ukraine)

IRI: partially implemented

Polio Plus response:

There is need for harmonization of the national legislation with international standards in the field of human rights for disability

NGO Coalition response:

See response to recommendation n° 71.

Government of the FYR Macedonia response:

See response to recommendation n° 71.

Justice

Recommendation n°13: *Adopt and implement legislation prohibiting corporal punishment under all circumstances and accompany this with a public awareness-raising campaign* (Recommended by Austria)

IRI: partially implemented

NGO Coalition response:

The Governments, and UNICEF organized public campaigns, but there is a need to work on the ground (both with children and teaching staff) to be able to recognize the violence.



Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:
No changes to legality of corporal punishment since the review

Government of the FYR Macedonia response:

The Law Amending the Law on Protection of Children, adopted on 30th June 2009, also incorporated provisions (Article 9, paragraph 2) prohibiting all forms of forceful recruitment, sale or trafficking in children, psychological or physical violence and mistreatment, punishment or other inhuman treatment, exploitation, commercial exploitation and abuse of children, that violate fundamental human freedoms and rights and the rights of the child. The Law also envisages fines (Article 130, paragraph 1, indent 1) for failure to implement the provisions of the Law. A child institution will be pronounced a fine in the amount of EUR 500 to EUR 1,500 in Denar equivalent for an offence, if it: organizes political or religious gathering and acting and it abuses children for the same motives, as well as carries out an act of psychical and physical abuse, punishment or other inhuman treatment or abuse of children (Article 9). Responsible person, as well as an employee, with the child institution is also pronounced a fine in the amount of EUR 500 to EUR 1,000 in Denar equivalent for the same offence, if he/she: inflicts corporal punishment upon a child, i.e. psychically abuses a child (Article 9).

Recommendation n^o19: *Continue the reforms of the penitentiary system and improve the conditions at penitentiary institutions.* (Recommended by Azerbaijan)

IRI: *fully implemented*

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Recommendation n^o80: *Continue and strengthen the ongoing efforts to ensure the well-being of prisoners and detainees in compliance with the Convention against Torture and other international standards.* (Recommended by Sweden)

IRI: *fully implemented*

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Recommendation n^o90: *Consider introducing re-socialization programmes to ensure prisoners' reintegration into the community on release and to reduce the risk of their re-offending.* (Recommended by United Kingdom)

IRI: *fully implemented*

Government of the FYR Macedonia response:

Having the importance of the re-socialization process of convicted persons as a starting point, being the main objective of serving a prison sentence, the Ministry of Justice – Office for Execution of Sanctions continuously undertakes activities to introduce modern methods and techniques and to ensure the necessary conditions for successful implementation of this process.

In April 2010, a Strategy for Re-socialization and Social Adaptation of Convicted Persons Serving Prison Sentence was adopted, together with an Action Plan for its implementation.

In the period March 2010 by the end of 2010, for the purpose of successful implementation of the Strategy, the Office for Execution of Sanctions established working groups comprising experts from the Office for Execution of Sanctions and the penitentiary institutions, who worked on the preparation of the key documents



that will significantly improve the process of re-socialization and treatment of convicted persons both when admitting the convicted persons and during the serving of the prison sentence.

Standard operational procedures for treatment of convicted persons when admitted were prepared, as follows:

- Instructions on Treatment of Convicted Persons when Admitted;
- Contents of the professional dossier was amended;
- Standardized Form – sentence plan
- Standardized forms for evaluation of the risk of the convicted persons and Instructions on the application of the instrument.

Risk evaluation is a new activity that will provide for the various professional profiles in the expert team in the admittance unit, on the basis of different qualitative and quantitative parameters, to predict the risk and to plan, adequately to the indicators obtained, the treatment, which can include regular and special programmes.

Eight standardized programmes for specific treatment groups are prepared, as follows: psycho-social programme for treatment of convicted persons abusing narcotic drugs and psychotropic substances, programmes for treatment of convicted persons abusing alcohol; persons convicted of sexual offence; persons convicted of violent behavior, persons convicted of criminal acts with elements of violence, minors and young adults - convicted persons, convicted persons – women and programme for treatment of convicted persons sentenced to life imprisonment.

By introducing the standardized programmes for specific treatment groups, through specific steps, stages and treatment activities, smooth and continuous treatment is ensured for the vulnerable categories of convicted persons, to the end of their re-socialization and social adaptation for better integration in the society.

Recommendation n°27: Implement a comprehensive reform of the penitentiary system that addresses concerns expressed by international observers and in particular the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (Recommended by Canada)

IRI: partially implemented

NGO Coalition response:

[Macedonian Helsinki Committee for Human Rights] is informed that the Department for executions of sanctions is implementing a project related to opportunities for establishment/improvement of probation services.

Government of the FYR Macedonia response:

Since 2008 onwards, the Office for Execution of Sanctions within the Ministry of Justice continues with huge reform attempts aimed at improving the accommodation capacities for the convicted persons and minors, improving and strengthening personnel capacities, as well as improving the working premises for the personnel in the institutions, for the purpose of meeting the requirements and approximation to the standards necessary for ensuring better quality sentence serving according to the recommendation provided by the Committee Against Torture. One of the most



important activities is the realization of the Project for Reconstruction of Penitentiary Institutions, which is on-going. The Project is realized with loan funds from the Council of Europe Development Bank and budget funds, envisaging the construction and reconstruction of 4 penitentiary institutions, as follows: Idrizovo Penitentiary Institution, Skopje Prison and construction of new educational-correctional institution in Tetovo. In the past period, the Ministry of Justice – Office for Execution of Sanctions successfully realized the preparatory stage of this Project, thus timely preparing urban projects, as well as other project documentation pursuant to the Law on Construction. Preparation of project documentation for construction and reconstruction of facilities in Idrizovo Penitentiary Institution and Tetovo educational-correctional institution is in final stage, while construction commenced at the end of 2011. On 28th May 2011, construction of Kumanovo Prison commenced, including facilities covering an area of 3,000 m² and capacity of 250 persons. In order to improve the conditions for accommodation of minors, as a temporary solution, until the construction of the new educational-correctional institution, in 2010, Tetovo educational-correctional institution was moved to Skopje Prison in the Open Unit of Idrizovo Penitentiary Institution located in Veles, thus making it fully available for accommodating the minors serving the pronounced measure referral to an educational-correctional institution. In addition, there is no institution in which no budget funds have been invested under the Programme of the Government for financing construction, reconstruction, maintenance and equipping of penitentiary and educational-correctional institutions, thus significantly improving the conditions for accommodation of convicted persons. At the moment, penitentiary and educational-correctional institutions employ a total of 788 persons, 273 out of which in Idrizovo Penitentiary Institution. In 2010, penitentiary institutions employed 28 persons, while in 2011, 45 persons were employed in the penitentiary institutions, 25 out of which in Idrizovo Penitentiary Institution. For the purpose of increasing the number of prison personnel, in November 2010, the Government of the Republic of Macedonia adopted a Conclusion, obliging the Ministry of Finance to provide consent for the vacant positions in the penitentiary and educational-correctional institutions on the basis of retirement, termination of employment agreement, etc. In May 2011, all employees in the penitentiary and educational-correctional institutions (except the employees in economic units) became civil servants, thus significantly improving their status in the society. The Project “Piloting Prison Reforms aligned with EU Required Standards”, financed by the British Embassy, is fully and successfully implemented, also within which a Strategy for Rehabilitation and Re-socialization of Prisoners while Serving Sentence (2010 – 2012) was also prepared (See Status on implementing Recommendation 19,80, and 90). Through IPA Programmes, EUR 2,100,000.00 was provided, which, among other things, are also used to support the preparation of National Strategy for Development of Prison System in the Republic of Macedonia. National Strategy will ensure a comprehensive analysis of the situation in the penitentiary system in the Republic of Macedonia, i.e. positive and negative aspects of its functioning will be identified and, on the basis of the existing conditions, specific goals will be determined and real solutions will be offered for improving the overall functioning of the prison system in the Republic of Macedonia. Due to administrative reasons, the Council of Europe is behind schedule with the commencement of the realization of this activity. Our recent information shows that preparation of the National Strategy will commence at the beginning of 2012. In addition, realization of



the Project "Support for Establishment of Probation Service in the Republic of Macedonia", financially supported by the British Government, is ongoing, under which Strategy for Development of Probation Service in the Republic of Macedonia will be prepared by the end of 2012. The Strategy will serve as the basis for preparation of the Law on Probation and other activities related to introducing probation service, to be realized within IPA 2010 Project for establishment of probation service, to commence its realization at the end of 2012.

Recommendation n°33: Ensure sufficient resources for the functioning of the national preventive mechanisms, following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment CAT-OP. (Recommended by Czech Republic)

IRI: *partially implemented*

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Recommendation n°72: Review the role and the mandate of the Office of the National Ombudsman, particularly in the area of non-discrimination and police misconduct, and guarantee its sufficient funding, as suggested by the Commissioner for Human Rights of the Council of Europe. (Recommended by Poland)

IRI: *partially implemented*

NGO Coalition response:

The Law on Ombudsperson was amended enlarging its mandate as National Preventive mechanism and to harmonize its provisions with Paris Principles. However, to ensure bigger financial independence of the Ombudsperson institution additional changes might be done and the Ombudsperson's Budget to be proposed by the Parliament.

Government of the FYR Macedonia response:

A reply to the application by the Ombudsman Office to the International Coordinating Committee of National Institutions for the promotion and protection of Human Rights is pending. The mandate of the Ombudsman as regards anti-discrimination is determined in the Law dated 2003. Pursuant to the new Law on Protection against Discrimination (Article 33), the Commission for Protection against Discrimination cooperates with the Ombudsman in particular cases of discrimination. With respect to the budget necessary for the functioning of the national preventive mechanism, the Ombudsman Office has no separate budget intended for this purpose, however, funds from the unified budget are used for this purpose.

Recommendation n°34: Strengthen procedures for the investigation and punishment of any misconduct by police, prison and judicial personnel, including through strengthening the overview role of the Ombudsman. (Recommended by Czech Republic)

IRI: *fully implemented*

Government of the FYR Macedonia response:

With respect to acting upon individual allegations of torture in police treatment, in prisons and other institutions where persons are deprived of liberty, upon submitted request by the Ombudsman to the Public Prosecutor's Office, many criminal procedures have been initiated so far and several persons have already been convicted for the criminal act – torture. The supervisory role of the Ombudsman in all



institutions as regards deprivation of liberty is strengthened with the introduction of the National Preventive Mechanism in 2011, which, so far, has carried out unannounced preventive visits in these institutions. See notes on [recommendations 3, 10, 11, 21, 33, 39, 54, 72].

Recommendation n°36: Review conditions in prisons, places of detention and other facilities falling within the scope of CAT-OP with a view to ensuring their full compliance with international standards, in particular as to the use of restraints and with regard to juveniles. (Recommended by Czech Republic)

IRI: *fully implemented*

Government of the FYR Macedonia response:

Regarding the conditions of detention in the Police stations, the development of an Action plan for the dynamics of renovation of Police stations is ongoing, in compliance with the standards of the UN and CoE Committees against Torture. In 2010 the premises for detention in 10 Police stations were finished and put into use. Regarding the procedure for dealing with minors, the Law on Police determines that the police competences toward minors can be applicable by police officials who are particularly trained for suppression of juvenile delinquency, which is in compliance with the Law on juvenile justice as well. Use of means of force is regulated by the Law on Police. Under the Law, tying persons is considered means of force. Article 85 of the Law on Police lists the reasons when the measures for tying persons can be imposed, indicating that a police official usually ties person's hands behind his back. The Code of Police Ethics, article 52 which refers to the police intervention, unambiguously stipulates that during police interventions, police officers act in compliance with specific needs of certain categories of persons, such as: children, minors, women, elders and weakened persons and persons with health issues. In none of the penitentiary and educational-correctional institutions employees with the Security Department carry baton, they are kept in special cabinets in the office of the commander. Should a need arise to prevent an incident in the institution and should the commander in charge estimate that it is necessary to use physical force, an order is issued to the supervisors in charge of preventing the incident. Each time physical force is used, the Director of the penitentiary institution submits a report to the Office for Execution of Sanctions for the justification to use such force, which carries out control through its authorized inspectors. In addition, the juvenile Ohrid Prison and educational-correctional institution in Tetovo use no means for tying the minors. The Ministry of Health is in charge of the convicted persons accommodated in psychiatric hospitals. As regards the conditions in these hospitals, the Ministry of Health carries out regular inspections and expert supervision (once a year) pursuant to the provisions in the Law on Health protection.

Recommendation n°38: Establish an effective and independent police oversight mechanism. (Recommended by Denmark)

IRI: *fully implemented*

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Recommendation n°65: Include mechanisms for the internal control of prison guards in the rules and regulations for prisons and detention centres. (Recommended by Netherlands)

IRI: *fully implemented*

Government of the FYR Macedonia response:

To the end of strengthening the role of oversight as regards the work of the penitentiary institutions performed by the Office for Execution of Sanction, pursuant to the Law Amending the Law on Execution of Sanctions, areas in which professional and instructive oversight is carried out are more closely specified. In addition, types of oversight are also specified, as follows: regular, control and extraordinary. The Office for Execution of Sanction carries out its function for internal control directly through its inspectors, who carry out the professional and instructive oversight.

In 2009, the Office for Execution of Sanctions was institutionally strengthened. Four job positions in the Department for Treatment and Health Care were filled in, as follows: Head of Department for Security, Equipment and Technical Standards, Adviser - Inspector for External Security, Adviser – Inspector for Treatment of Young Adults in Penitentiary Institutions and Adviser – Inspector for Treatment of Minors.

The State Commission for Oversight in Penitentiary and Educational-Correctional Institutions in the Republic of Macedonia was established (in August 2010). At the same time, the Ombudsman, within which operates the National Preventive Mechanism, has smooth access and control over the operations in the penitentiary institutions.

According to Article 39 of the Law on Internal Affairs, external control over the operations of the Ministry of Internal Affairs, thus over the Department for Internal Control and Professional Standards, is carried out by the Parliament of the Republic of Macedonia and the Ombudsman, within which operates the National Preventive Mechanism.

Reforms in the criminal law system in the Republic of Macedonia and adoption of the new Law on Criminal Procedure have contributed to making radical changes in the overall process of investigation actions. Adoption of the new Law has led to introduction of a completely new system of procedure, being transferred to the Public Prosecutor's Office, where new institutions - Judiciary Police and Investigation Centers of the Public Prosecutor's Office were established. Representatives of the Department for Internal Control and Professional Standards will, at the very beginning of the criminal procedure, be available to the public prosecutor.

Recommendation n°39: *Ensure that allegations of ill-treatment by law enforcement officers are promptly, thoroughly and impartially investigated and that those responsible are punished.* (Recommended by Denmark)

IRI: *partially implemented*

Government of the FYR Macedonia response:

With the view to strengthening the capacities of the Department for Internal Control and Professional Standards in order to provide for effective and efficient performance of tasks and duties, a series of measures and activities were undertaken: At the beginning of 2010, the Rulebook was modified and amended, and it is thus harmonized with the Law on Acting upon Complaints and Motions; working methodology of the Department was amended; new organizational setup and systematization of working posts were adopted, and subsequently five Units were



established and the number of officers increased from 40 to 60; the Ministry of Internal Affairs website includes a segment where citizens can electronically submit their complaints and reports to the Ministry; each Tuesday is an “open day” for the citizens and on which they can get informed, give remarks and suggestions all to the end of achieving increased transparency and getting closer to the citizens; specialized training of the employees was carried out, with the support of OSCE, ICITAP and SECI Center, to the end of strengthening the capacities of the Department and the professionalism when performing the tasks and duties; cooperation with the Ombudsman and the NGOs is continuously improved, and joint training is organized in the field of respecting freedoms and rights.

Recommendation n°48: *Continue its efforts to implement the Law on Execution of Sanctions.* (Recommended by Holy See)

IRI: *fully implemented*

Government of the FYR Macedonia response:

In 2010, to the end of improving the process of execution of sanctions, the Law Amending the Law on Execution of Sanctions was adopted. The main objective of the amendments to the Law was to improve the text, to more precisely stipulate the legal provisions and to harmonize them with the provisions in other regulations, thus contributing to more successful implementation of the international standards on execution of sanctions and exercising the human rights of convicted persons. Several rulebooks and manuals were prepared for the purpose of successful implementation of the Law on Execution of Sanctions: - Rulebook on Classification of Convicted Persons, Rulebook on the Manner of Applying Benefits for Convicted Persons. - Instructions on Inclusion of the Security Department in the re-socialization process; - Instructions on Organizing Conference Meetings. By implementing the above-mentioned Rulebooks and Manuals, the preparation of which is either completed or is in progress, the process of re-socialization and social adaptation of convicted persons serving imprisonment is expected to be significantly improved, as well as the manner of their treatment to be improved, their better inclusion in the community following the serving of the imprisonment, which will also lead to reducing the recidivism in the Republic of Macedonia.

Recommendation n°52: *Take steps towards ensuring that all remaining obstacles to the work of human rights defenders are quickly removed so that they can operate in an open and secure environment.* (Recommended by Ireland)

IRI: *not implemented*

Polio Plus response:

Lack of financial and institutional sustainability for human right defenders.

NGO Coalition response:

In general, Macedonia is not so secure environment for human rights defenders, especially if they are activist for some groups (such as LGBT, drug users, sexual workers) with a low level of tolerance. Even we can't state that is a violation of basic human rights, still, the discrimination i.e. victimization is following them which can be seen in the processes of enactment of the Law on promotion and protection from discrimination (where both, the pro-government's media and the Government were



spreading a fear from the LGBT and proclaiming their supporters as “enemy of the state and the people”). Also, the organizations which work on one of these issues are regular under attack of some media, politicians and experts, who are “spokesperson” of the ultimate conservative (and homophobic) lobby in Macedonia.

Government of the FYR Macedonia response:

Participation of the civil society in the process of decision making and providing social services is continuously supported. Constant development of the civil society will continue to be supported through implementation of the Strategy for Cooperation with the Civil Society. Pursuant to the Law on Associations and Foundations (adopted in April 2010), it is envisaged to establish Commission for Organizations with Public Interest Status in the first quarter in 2012.

Recommendation n°53: *Ensure prompt follow-up to the recommendations formulated by the Committee against Torture in 2008 with regard to the overall state of the prison system. (Recommended by Italy)*

IRI: *partially implemented*

NGO Coalition response:

Based on the large number of complaints made to the MHC and their visits to the prisons, were clearly detects several issues:

Bad / substandard living conditions - particularly worrying situation in the largest prison "Idrizovo." For this situation alerted the Ombudsman together with the Special Representative of the European Union in Macedonia and representatives of the Committee for the Prevention of Torture on their visits, after which began the reconstruction of certain parts. Conditions in this institution are under constant surveillance of the international community. The European Commission on the progress of Macedonia in 2010 puts emphasis on "degrading conditions and desperate conditions in some prisons, particularly PI Prison." The State Department report on human rights in prisons highlights the problems with torture, inhuman and degrading behavior by prison officials, poor material conditions - again focusing on prison "Idrizovo."

Absence of adequate health care system - Death of prisoners in Gevgelija and Prilep, a growing number of prison suicides in prison, the increased number of complaints to the Committee related to health care, just talk about insufficient health care and care for physical and mental health of any prisoner in Macedonian jails.

Discrimination - is particularly evident when it comes to benefits and progression of prisoners. Through petitions and visits of the Committee received information about defects in specific cases (group of female prisoners in prison were moved from closed to semi-open ward although they had not spent a third of his sentence. After the reactions by other convict it was returned to the closed section.)

Discrimination is evident in terms of enjoyment of religious rights within the institutions and based on social origin and status. Despite the minimum standards for handling prisoners, provides prohibition of discrimination and highlight the need to respect the religious beliefs and moral values, this phenomenon is represented in prisons and activities to overcome it is almost negligible.



Failure of the re-socialization process - Department for socialization is a primary feature of prison facilities and is organized in order to achieve the educational process and coordinating the activities of education, education and training of inmates. Unfortunately it for years does not work. Despite the importance of this process in Macedonian prisons lacks specific programs for re-socialization, and professionals who will actively work with prisoners. The process of socialization is crucial for achieving the goal of punishment, and under the same special programs are necessary, effective and proactive role of the Centres for Social Protection and other relevant institutions, particularly in reducing prejudice against these people, their social rehabilitation and the establishment and maintenance of relationships with the families of inmates.

To confirm all mentioned above, Helsinki Committee organized a join workshop with the staff from penal institutions and were identified various problems.

The main concerns regarding to the conditions and services are related to the lack of education of the newly employed, low discipline at the institutions, insufficient cooperation with the other sectors and the external institutions, insufficient practical training for dealing with different groups of people .

Regarding to re-socialization: unbalanced overburdening with tasks, lack of staff at the re-socialization sector, insufficient materials and working aids, absence of motivation among the employees, No practical training for dealing with different groups of people

Regarding to health conditions: the hygiene of the sanitary facilities is not on a satisfactory level, insufficient number of medical staff, the physician is overburdened with work, low quality of the food, the kitchen personnel has no sanitary booklets, lack of training on sexual health,

Executive-administrative problems are: Insufficient number of personnel at the sector, Absence of good annual financial plan, The funds they need are not transferred on time, need of continued upgrading of communication and managerial skills as well as following of the latest trends, lack of familiarity with the Law on Sanctions Execution, lack of procedures for transfer of knowledge and skills acquired at trainings, seminars, etc

Recommendations:

-To improve living conditions in the prisons regarding to facilities and to ensure that the staff will get appropriate training (increasing their knowledge about human rights and to prevent inhuman treatment).

- To improve health conditions (including safe sexual practices) in the prisons as well as quality of the services.

- To improve inter-sectoral communication and cooperation in the relations between the guardians and the prisoners based on professional ethics.

- Training for the purpose of establishing connection between Prisons with Social Care Centres in order to act jointly, especially in the area of re-socialisation

Government of the FYR Macedonia response:

See response to recommendation n° 27.



Recommendation n°63: *Fully address the concerns published in the 4 November report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.* (Recommended by Netherlands)

IRI: *partially implemented*

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Recommendation n°84: *Do everything in its power to improve detention conditions and to prosecute any perpetrators of ill-treatment.* (Recommended by Switzerland)

IRI: *partially implemented*

Government of the FYR Macedonia response:

To the end of improving the conditions, respecting and protecting the rights of persons in detention, the Minister of Justice adopted a new Rulebook on House Rules on Detention in Detention Units in prisons. In July 2011, a new detention wing was put into operation in Skopje Prison, thus the capacity of the detention unit increased by 170 persons, and this prison can accommodate 310 detainees. An out-patient unit was built within the new detention unit, which is equipped for regular medical check-ups and medical protection of the detained persons. The new detention premises include working premises for the officers, the kitchen was reconstructed, partition wall with control towers was built, 8 open-air yards were built for the detained persons and facade of the building was renewed. The Detention premises are 40 to 50 square meters large, accommodating two to three persons, which is in line with the international standard for necessary minimum space per person in a penitentiary institution. The Republic of Macedonia actively cooperates with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. See notes on recommendation 27.

Recommendation n°73: *Consolidate the independence and overall capacity of the judicial system.* (Recommended by Slovenia)

IRI: *partially implemented*

Polio Plus response:

Increase of the overall judicial capacity for the issue of disability.

Government of the FYR Macedonia response:

In the field of independence of the judiciary, a set of laws were adopted at the end of 2010, envisaging significant novelties, as follows:

- new requirements were introduced regarding election of judges
- career system was introduced as regards promotion of judges
- provisions on disciplinary liability and determining unprofessional and negligent performance of the judges were redefined by introducing objective and measurable criteria
- transparency of the work of the courts was increased
- new system for evaluation of the work of judges was introduced on the basis of objective qualitative and quantitative criteria.

In November 2010, the Law Amending the Law on Court Budget was adopted, pursuant to which, in the period from 2012 to 2015, court budget will be increased by twice, by equal annual increase by 0.1% of the existing 0.4% of GDP until reaching 0.8% of GDP in 2015.



In the field of education of judges and public prosecutors, a Strategy for Determining the Number of Candidates for the next generations was prepared.

In the field of efficiency of the judiciary, key activities undertaken were the adopted amendments to the Law on Litigation Procedure and the new Law on Forensic Expertise.

Undertaken measures according to which acting upon payment orders is transferred from the jurisdiction of the courts to the jurisdiction of the notaries public will contribute to increasing the efficiency of the judiciary.

For the purpose of obtaining unified and quality statistical data, in July 2011, the Ministry of Justice adopted a Methodology for Court Statistics.

In the field of ICT, it starting 1st January 2010, e-judiciary is in place and ACCMIS application is fully applied in all courts in the Republic of Macedonia.

With respect to criminal law reform, a key priority is the realization of the Action Plan for implementation of the new Law on Criminal procedure, in particular the three new segments: normative section, carrying out training and strengthening the capacities of the institutions.

Recommendation n°74: Provide financial and human resources to the Interior Ministry to seize the large quantities of arms that exist within the civilian population and to improve the security situation and the living conditions of its prisons. (Recommended by Spain)

IRI: fully implemented

Government of the FYR Macedonia response:

The Unit for trafficking illegal arms and hazardous materials of the Center for suppression of organized and serious crime in the Ministry of Internal Affairs as of 15.06.2010 filled in 4 out of 7 specific job posts. Internal announcement for filling in the remaining vacant positions is ongoing. Until 2010, the Department for illegal arms trafficking was operating within the Sector for illegal trafficking of drugs and arms. In the course of 2009/2010/2011 by the Unit as part of Center for suppression of organized and serious crime in the Ministry of Internal Affairs, 8 criminal charges have been submitted, 44 persons have been reported and substantial amount of arms has been confiscated. See notes on recommendation 53.

Recommendation n°89: Push ahead with the reform of the prison system. (Recommended by United Kingdom)

IRI: fully implemented

Polio Plus response:

It has to be incorporated according to the Article 15 and 16 from CRPD.

Government of the FYR Macedonia response:

See response to recommendation n° 19.

Sexual Rights

Recommendation n°32: *Organize awareness-raising campaigns to combat all forms of discrimination including those based on gender, ethnicity, sexual orientation or gender identity. (Recommended by Czech Republic)*

IRI: *partially implemented*

Sexual Rights Initiative & Enisa Eminovska (SRI) response:

Discrimination and stigmatization against LGBT people persists in all areas, including the media.

Polio Plus response:

Huge need, not only on the institutional level, but also on local level, including cultural and family level. Have in mind the multiple discrimination based on disability.

NGO Coalition response:

The Constitution of RM (Official Gazette: 52 / 1991) in the article 9 seems that offers quite closed list of the grounds, even it refers to the equality for all: "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law." The Ombudsperson, also, according to the legal amendments in 2003 (Official Gazette: 60 / 2003) is dealing with discrimination within the public sector, but there is a lack of promotion of its role as well as lack of capacity in dealing with discriminatory practices (mainly human recourses).

Law on equal opportunities for woman and man ((Official Gazette: 66 / 2006) and its amendments in 2011 has a slow progress of implementation. The critics are directed to the settlement of the Gender Advocate in the frame of the Ministry of Labour and Social Policy (appointed in December 2009) and in the lack of capacity of the Local Gender Commission (even 82 are formed from 84 planed).

Law on prevention and protection against discrimination is adopted in April 2010 ((Official Gazette: 50/2010) but the consultation process in the process of drafting with the civil society was abused by the politicians (both, ruling party and opposition). Namely, focusing on sexual orientation such as grounds which shouldn't or should be explicitly mentioned in the Law was created a public image that this law doesn't ensure protection for LGBT people. In spite of this absurd is the fact that sexual orientation is already explicitly mentioned in the Labor Law (Official Gazette no. 62/2005) – article 6; Law on Protection of the Patients Rights (Official Gazette no. 82/2008) – article 5; Law on volunteering (Official Gazette no. 85/2007) –article 9. Generally, the list of the protective grounds is not exhaustive, but open and based on European Convention of Human Rights. However, this legal solution doesn't lead to creation of an environment which creates opportunities for full recognition of the rights of LGBT people. Finally, the Commission for protection against discrimination is established in January 2011 under the provisions of the Antidiscrimination Law. The Commission has a lack of operational capacity i.e. there is no staff employed, but only the members of the Commission who are employed in other sectors (ex: 2 members are civil servants at the same time). During 2011, the Commission received



61 complaints, from which 12 are solved positively, while in 7 is decided that the Commission is not in charge for it, but other institutions. Other complains are in process of reviewing. This information is given by the Commission to the NGOs, but the official report is planned to be submitted to the Parliament in March 2012.

Also, the problem is identified in the lack of criteria for definition of “vulnerable group” and what is the scope of this term.

Recommendations:

-To harmonize Macedonian anti-discrimination legislation with international norms and standards

-To ensure full recognition of the rights of LGBT people in national legislation.

- To raise the awareness for equality for all groups, including tolerance between the groups.

-To increase the capacities of national mechanisms for human rights protection and to establish cooperation among them.

Government of the FYR Macedonia response:

On 8th April 2010, the Parliament of the Republic of Macedonia adopted the Law on Prevention and Protection against Discrimination (LPPD). This Law fills in the legal gaps that existed in our legal system in the field of non-discrimination and, at the same time, it also provides for easier legal protection of individuals and legal entities – victims of discrimination. Legal protection is much more available and facilitated, in particular as a result of the establishment of the Commission for Protection against Discrimination, as well as the special court procedure for protection against discrimination envisaged in the Law on Prevention and Protection against Discrimination.

The Law on Prevention and Protection against Discrimination is the first law in the Republic of Macedonia which addresses discrimination in a comprehensive manner. In parallel to this Law, many other special laws (*lex specialis*) continue to exist in the legal system, regulating the right to equal treatment in different areas and sectors, or laws in which the principle of equality is considered only on the basis of particular discriminatory basis. The Law incorporates the core international principles, concepts and standards as regards prevention and protection against discrimination.

What is positive for the Republic of Macedonia is that the new LPPD regulates the most of the discriminatory bases known both in the comparative national legal system and the international law. Thus, Article 3 of the LPPD explicitly forbids discrimination, direct and indirect, on the basis of sex, race, skin colour, gender, belonging to marginalized group, ethnicity, language, citizenship, social origin, religion or confession, other types of belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status and health condition. Following the modern trend of the other national legislations, as well as the most important instruments incorporating discriminatory clauses, LPPD includes an open-ended list of discriminatory bases. It can be seen in Article 3, as well as Article 5, item 3, of the LPPD, which, at the end of the list of discriminatory bases, contain the wording “... or any other basis ...”. Thus, with such



an open list of discriminatory bases, any type of discrimination on the basis of personal characteristics, not explicitly listed in the LPPD, is prohibited.

The Law started to be applied from 1st January 2011. The period between the adoption of the Law and its application was used to prepare all necessary requirements for successful implementation of the Law.

Following the adoption of the Law by the Parliament of the Republic of Macedonia, the Ministry of Labour and Social Policy carried out training in Bitola, Strumica, Delcevo, Kumanovo and Lipkovo, and Skopje, for the municipal administration, Commission for Equal Opportunities, Social Work Center, the police, health sector and NGOs.

In the course of 2011, the Ministry of Labour and Social Policy, in cooperation with the British Council, carried out a series of activities aimed at promoting the Law on Prevention and Protection against Discrimination. 12 municipalities, the representatives of which were trained in the discrimination concept, took part in the realization of the activities, and they carried out several activities at local level. These 12 municipalities prepared a local plan on non-discrimination, which was adopted by the municipal councils, and the action plans include the priorities of the municipalities in the field of non-discrimination.

Health-related legislation establishes a solid basis for protection against discrimination in the health protection.

“Everyone shall have the right to health protection” (Article 3, indent 1, Law on Health Protection). All citizens in the Republic of Macedonia are guaranteed the realization of general preventive measures for the purpose of ensuring a healthy environment, annual medical check-ups and other measures and activities for preventing diseases (immunization, brucellosis, tuberculosis, AIDS, contagious diseases, etc.) (Article 32 of the Law on Health Protection).

The Law on Protection of the Rights of Patients contains an anti-discriminatory clause. A patient has the right to health protection against discrimination based on sex, race, skin colour, language, religion, political or any other opinion, national or social origin, belonging to national minority, financial status, origin of birth, sexual orientation or any other status (Article 5, paragraph 2). Discrimination of patients is forbidden (Article 32, paragraph 4). This Law regulates the protection of the rights of patients when using health protection, obligations of the health institutions and health workers and associates, municipalities and the Health Insurance Fund in promoting and protecting the rights of patients, procedure for protection of the rights of patients, as well as supervision over the implementation of the Law. The Law also governs the procedure for protection of the rights of patients on the basis of the principle of urgency.

Recommendation n^o40: *Ensure that sexual orientation and gender identity be explicitly included through anti-discrimination laws and programmes.* (Recommended by Denmark)

IRI: not implemented

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Recommendation n°81: *Ensure that sexual orientation and gender identity are explicitly included throughout the anti-discrimination laws and programmes.* (Recommended by Sweden)

IRI: *not implemented*

SRI response:

The Constitution and the existing legislation do not identify sexual orientation as a basis of discrimination. Although a new anti-discrimination law was adopted in 2010, it does not include sexual orientation and gender identity as protected categories. No policies have been adopted to protect LGBT rights.

Polio Plus response:

There is need for inclusion of sexual orientation and programs that will cover the multiple discriminations of people with disability that are having different sexual orientation.

NGO Coalition response:

The changes of the legal framework of our country not only failed to improve rights and provide LGBT people with an opportunity to enjoy them, but on the contrary, in the process of adopting the Law on Prevention and Protection From Discrimination, paradoxically, discrimination did occur, accompanied by hate speech towards LGBT people by officials and distinguished members of the party in government. Even despite the proposed Law, prepared by the Ministry of Labor and Social Policy in cooperation with citizens' organizations, sexual orientation was one of the prohibited bases for discrimination, in the government procedure, sexual orientation was removed as a basis, which gave a signal that the state does not wish to protect LGBT people like other people and considers them as second-class citizens. The Helsinki Committee for Human Rights of the Republic of Macedonia has already reacted on the basis that Article 3 must contain sexual orientation as a basis for discrimination. Gender identity and expression, or transgenderism, is also not taken in consideration in the Law on Prevention and Protection from Discrimination. Furthermore, transgenderism does not even exist as a matter in the public discourse, and there is no medical, legal or judicial practice regarding the needs and protection of transgender persons. (a) Please see the comment under recommendation 13. (b) Also, this is should be recommended by the HRC members on the next review of the state.

Government of the FYR Macedonia response:

The Law on Prevention and Protection Against Discrimination contains an open list of discriminatory bases. It can be seen in Article 3, as well as Article 5, item 3, of the LPPD, which, at the end of the list of discriminatory bases, contain the wording "... or any other basis ...". Thus, with such an open list of discriminatory bases, any type of discrimination on the basis of personal characteristics, not explicitly listed in the LPPD, is prohibited. According to the data provided by the Commission for Protection Against Discrimination, four complaints were received on the basis of sexual orientation, one out of which is still ongoing, and the other three were resolved with a proposal to act on the basis of determined discrimination.



Recommendation n^o41: *Ensure that same-sex partners are provided with equal rights and responsibilities as opposite-sex partners. (Recommended by Denmark)*

IRI: *not implemented*

SRI response:

No new legislation has been adopted in this sense.

NGO Coalition response:

The changes of the legal framework of our country not only failed to improve rights and provide LGBT people with an opportunity to enjoy them, but on the contrary, in the process of adopting the Law on Prevention and Protection From Discrimination, paradoxically, discrimination did occur, accompanied by hate speech towards LGBT people by officials and distinguished members of the party in government. Even despite the proposed Law, prepared by the Ministry of Labor and Social Policy in cooperation with citizens' organizations, sexual orientation was one of the prohibited bases for discrimination, in the government procedure, sexual orientation was removed as a basis, which gave a signal that the state does not wish to protect LGBT people like other people and considers them as second-class citizens. The Helsinki Committee for Human Rights of the Republic of Macedonia has already reacted on the basis that Article 3 must contain sexual orientation as a basis for discrimination. Gender identity and expression, or transgenderism, is also not taken in consideration in the Law on Prevention and Protection from Discrimination. Furthermore, transgenderism does not even exist as a matter in the public discourse, and there is no medical, legal or judicial practice regarding the needs and protection of transgender persons. (a) Please see the comment under recommendation 13. (b) Also, this is should be recommended by the HRC members on the next review of the state.

Government of the FYR Macedonia response:

The Law on Prevention and Protection Against Discrimination contains an open list of discriminatory bases. It can be seen in Article 3, as well as Article 5, item 3, of the LPPD, which, at the end of the list of discriminatory bases, contain the wording "... or any other basis ...". Thus, with such an open list of discriminatory bases, any type of discrimination on the basis of personal characteristics, not explicitly listed in the LPPD, is prohibited. According to the data provided by the Commission for Protection Against Discrimination, four complaints were received on the basis of sexual orientation, one out of which is still ongoing, and the other three were resolved with a proposal to act on the basis of determined discrimination.

Women & Children

Recommendation n^o2: *Adopt provisions to address the phenomenon of school dropouts particularly among Roma children and children living in rural areas, especially girls. (Recommended by Algeria)*

IRI: *partially implemented*



Recommendation n°47: *Continue its efforts to guarantee free education at the primary level for all children, giving special attention to minority groups. (Recommended by Holy See)*

IRI: *partially implemented*

Polio Plus response:

There is a need of not only provisions, but creation of policy with special accent on Roma children and girls in general with disability living in rural areas, according to the Article 24 from CRPD.

NGO Coalition response:

There is no legislation for children with disabilities which ensure inclusive education. Also, there is no competent staff to work with children with disabilities based on individual educational plans, which is obligatory under UNCPD.

Recommendations:

- The State has to undertake appropriate action to ensure inclusive education since the very first age, such as kindergarten.
- School's system must be improved with employment of professional staff (defectologists).

Government of the FYR Macedonia response:

State primary and secondary education are free and compulsory for all children in Macedonia.

In relation to the inclusion of Roma children in pre-school education, the Ministry of Labour and Social Policy implements, fourth year in a row, the project "Inclusion of Roma Children in Pre-School Education", in cooperation with the Roma Education Fund and 19 local government units, to the end of implementing part of the measures and the activities arising from the Decade of Roma Inclusion and Roma Strategy in the Republic of Macedonia.

The Main objective of the Project is to improve and support the integration of Roma children by increasing the number of Roma children in pre-school institutions, one year prior to going to primary school.

Direct beneficiaries 2010/2011:

- 410 Roma children ranging from 4.8 to 5.7 years of age (one year prior to going to primary school)
- At least 820 Roma parents, whose children will be supported during the project implementation, as well as closer members of the family
- Project activities are implemented in 19 municipalities throughout Macedonia.
- 19 nursemaids from the Roma ethnic community and 15 Roma NGO partners were engaged in the project implementation.

The State Education Inspectorate continuously monitors dropout phenomenon and acts pursuant to the Law on Education Inspection.

Recommendation n°5: *Put in place a national comprehensive plan for civil status registration and the right to identity, which includes awareness raising-campaigns for*

parents, guardians and other responsible persons, which will help to speed up the registration of births. (Recommended by Argentina)

IRI: *partially implemented*

Polio Plus response:

It exists, still there is a lack of registration of births of children with disability and there is a need for continuing campaigning for raising awareness for overcoming the stereotypes regarding disability issues, according to the Article 31 of CRPD.

NGO Coalition response:

[Macedonian Helsinki Committee for Human Rights] refers on civil status registration if the person is transgender;

The Law on Health Protection of 1991 (amended and supplemented on number of occasions) contains a chapter discussing the rights and obligations when using the healthcare services. This chapter contains the general rights of beneficiaries of the healthcare and the obligations of healthcare organizations when providing healthcare protection.

Access to healthcare is a right regulated by the Law on Health Protection, and with regards to the funding (as financial access to health care) in the Law on Health Insurance and the by-laws operating it.

The Law on Protection of the Patients' Rights expects to provide quality and continuous healthcare protection, based on the principles of humanity and accessibility in accordance with the current achievements in healthcare and medicine, without any form of psychological or physical abuse, with full respect of the patients' personality and in the best of their interest.

Antidiscrimination clauses are the strongest in regulations relating to healthcare, and the accomplishments of the highest possible standards of health also normatively includes the sexual health, as well as accessibility to the healthcare service providers (protection of the sexual and reproductive health). Despite this voluminous forming of healthcare protection which (normatively) provides access (also financial) to healthcare, LGBT persons are not given special treatment in the healthcare legislation. But it is important that from a normative aspect there is prohibition of discrimination against anyone. Discrimination of LGBT persons in the field of healthcare in Republic of Macedonia has not been researched as a special case.

Transgender persons in Republic of Macedonia also need the provision of legal and in particular health protection in accordance with the specificities deriving from their orientation, as is the general case with the LGBT persons. For this population, of particular importance is the issue of medical procedures and surgical operations relating to gender reassignment treatment, although their rights in the healthcare legislation are not specifically regulated by the Law on Health Protection, the Law on the Protection of Patients' Rights, and the Law on Conditions for Extracting, Exchanging, Transferring and Transplanting of Part of the Human Body for the Purpose of Medical Treatment.



It is not clear whether the legislation permits transgender persons to change their registered gender on identity documents, nor are the eligibility requirements to change clearly established by law. Furthermore, the legal definition of sex has varying degrees of specificity, subject to much variance in interpretation and practice. Therefore, the law could allow transgender persons to change their registered gender once they have taken decisive steps, which may or may not include medical treatment or particular surgical intervention, to live in a different gender.

TFCEWM response:

In this report as well, the claim can be confirmed that in Republic of Macedonia there are children who are not being registered and are therefore lack of appropriate ID documentation, which represents an obstacle in releasing rest of the children rights, given by a legal state system. The informal number of unregistered children at the registry of births is approximately 500-2000 children. The largest number of those is children who belong to the marginalized groups (street children, children excluded from education etc.) Namely, the unregistered children do not only lack personal documentation, but they are also incapable of enrolling at school or kindergarten, obtaining health insurance right etc. They are phantom-children left alone and are out of any state records. Consequently, such children easily become potential victims of kidnapping, children and organ trafficking or any other form of abusing children labor. The Ministry of labor and social policy conducts a so-called registry action in order to decrease the number of unrecorded people in the registry of births. In order to achieve better coordination and better conduction of the action itself, an inter-ministerial working group was formed, which included representatives of the Ministry of Labor and Social Policy, Ministry of Internal Affairs, The Directorate for running registry of births, Social Work Centers, Roma Informative centers, and representatives of Roma NGOs who did a field work and co stated the actual situation. In the very beginning of the action, the main focus was on the Roma population, due to the fact that the largest number of unrecorded citizens are the Roma people. According to the announcements of the Ministry, in the following period representatives of other ethnical communities will be included in the action. Greater inter-institutional cooperation is being recommended in order to overcome such problems, as well as the inclusion of civic organizations that have a direct approach to these people, especially to children.

Government of the FYR Macedonia response:

On 26th September 2011, the Ministry of Labour and Social Policy, in cooperation with the Ministry of Internal Affairs and the Office for Keeping Record Books, started carrying out action for identifying persons not registered in the record books. Mixed teams, comprising of representatives from the regional offices of the Ministry of Internal Affairs, the Office for Keeping Record Books, Social Work Centers, Roma Information Centers and Roma NGOs, located and identified, on site, the Roma population not registered in the birth record books. A Working body was established, comprising of representatives from the Ministry of Labour and Social Policy, Ministry of Internal Affairs and the Office for Keeping Record Books, which continuously reviews and discusses the on-site findings. During the first stage in resolving this issue, focus will be placed on the persons not at all entered in the records, while the



second stage will cover the persons having no personal documents, regulated citizenship or a status of an alien.

Action is ongoing at the moment, carried out by the Ministry of Labour and Social Policy, in cooperation with the Ministry of Internal Affairs and the Office for Keeping Record Books, within the Ministry of Justice, for the purpose of which mobile teams were established. These mobile teams visit the families with children not registered in the birth record books, to the end of informing them for the need to do so. The Office prepared a questionnaire used during the interviews with the families being visited, to the end of collecting all the information the Office needs for the registration procedures. It is agreed with the NGOs, involved in this action, to create dossiers, to submit such dossiers to the Office for Keeping Record Books and the Ministry of Internal Affairs for consideration, and after receiving instructions for their resolving by the Office, to determine how many of such dossiers can be resolved immediately, and how many of them need additional evidence. After instructions for all dossiers are given, the Ministry of Labour and Social Policy will prepare an Information to be sent to the Government of the Republic of Macedonia, so as for the Government to make its position as regards their registering in the birth record books in line with the existing legal regulations.

Recommendation n°9: Adopt appropriate measures, consistent with international standards, to avoid corporal punishment of children in all areas and to carry out education and awareness-raising campaigns in schools and in society at large (Recommended by Argentina)

IRI: partially implemented

NGO Coalition response:

The Governments, and UNICEF organized public campaigns, but there is a need to work on the ground (both with children and teaching staff) to be able to recognize the violence.

GIEACP response:

No changes to legality of corporal punishment since the review

Government of the FYR Macedonia response:

The Law Amending the Law on Protection of Children, adopted on 30th June 2009, also incorporated provisions (Article 9, paragraph 2) prohibiting all forms of forceful recruitment, sale or trafficking in children, psychological or physical violence and mistreatment, punishment or other inhuman treatment, exploitation, commercial exploitation and abuse of children, that violate fundamental human freedoms and rights and the rights of the child. The Law also envisages fines (Article 130, paragraph 1, indent 1) for failure to implement the provisions of the Law. A child institution will be pronounced a fine in the amount of EUR 500 to EUR 1,500 in Denar equivalent for an offence, if it: organizes political or religious gathering and acting and it abuses children for the same motives, as well as carries out an act of psychical and physical abuse, punishment or other inhuman treatment or abuse of children (Article 9). Responsible person, as well as an employee, with the child institution is also pronounced a fine in the amount of EUR 500 to EUR 1,000 in Denar equivalent for



the same offence, if he/she: inflicts corporal punishment upon a child, i.e. psychically abuses a child (Article 9).

Recommendation n°20: Continue to pay special attention to access to education for all children regardless of their ethnic origin and at all education levels, preschool, primary and secondary. (Recommended by Belgium)

IRI: partially implemented

NGO Coalition response:

There is no legislation for children with disabilities which ensure inclusive education. Also, there is no competent staff to work with children with disabilities based on individual educational plans, which is obligatory under UNCPD.

Recommendations:

- The State has to undertake appropriate action to ensure inclusive education since the very first age, such as kindergarten.
- School's system must be improved with employment of professional staff (defectologists).

TFCEWM response:

In Republic of Macedonia, apart from the obligatory elementary education, since 2008 there is also a free and obligatory secondary education. Apart from this legal procedure, there are still children who are excluded from the education system for a variety of reasons; the number of the children that don't attend school is unknown because the state only keeps records of the ones who attend elementary school but not the ones that don't attend school at all. Although school exclusion is a risky factor for children in terms of labor abuse, children are also potentially submitted to deviant behavior. Increasing the awareness of the need for education enrolment of all children is necessary. The number of Roma children who do not attend school is still low, while the rate of those leaving school still remains high. The segregation of Roma students is still in practice. According to the 2011 report of the European Commission regarding the progress in the Republic of Macedonia, the Roma children continue to enroll in classes for children with special educational needs. Approximately, half of the children included in those classes are the Roma children, even though they only represent 2.6% of the total population. According to the 2011 publication - "The education right of Roma children", from 63% of the Roma children who enrolled in elementary education, only 45% of them complete this education. Regarding the education enrolment of the Roma children, it can be stated that there is a sufficient progress but there are still problems and issues that require a lot of work. It is recommended that each school employs a social worker that would keep a separate record for each enrolled student. That would help in monitoring the situation of all enrolled students and the social worker would be able to react on time if some of the student(s) do not regularly attend classes. In addition, the social worker will be able to constantly and efficiently follow each student and would be able to provide necessary documentation about a particular child to a Social Work centre whenever it's necessary, as a result of a mutual cooperation. Another recommendation is that pre-school education should be mandatory, in order to create a habit of going to school and attending, while they are still young. That would additionally decrease the number of children living on the streets, especially those who beg, use alcohol or drugs etc. The pre-school education needs to be free of charge for those families



who are in a difficult financial state. It is necessary that some law changes are implemented in order to enable children who even though missed the enrollment deadlines still have the opportunity to enroll in school instead of waiting until the age of 14 to start attending night school. Parental cooperation is a must, because they can contribute and they are the ones that should take care of them and assure in terms of maintaining a school-attendance habit, instead of using them for seasonal work as a labor force. The informal statistic which is still not confirmed officially states that 5 to 6% of the total children in the primary school age are not enrolled in the primary education.

Government of the FYR Macedonia response:

State primary and secondary education are free and compulsory for all children in Macedonia. In relation to the inclusion of Roma children in pre-school education, the Ministry of Labour and Social Policy implements, fourth year in a row, the project “Inclusion of Roma Children in Pre-School Education”, in cooperation with the Roma Education Fund and 19 local government units, to the end of implementing part of the measures and the activities arising from the Decade of Roma Inclusion and Roma Strategy in the Republic of Macedonia.

The Main objective of the Project is to improve and support the integration of Roma children by increasing the number of Roma children in pre-school institutions, one year prior to going to primary school.

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- Project activities are implemented in 19 municipalities throughout Macedonia.
- 19 nursemaids from the Roma ethnic community and 15 Roma NGO partners were engaged in the project implementation. The State Education Inspectorate continuously monitors dropout phenomenon and acts pursuant to the Law on Education Inspection.

Recommendation n°24: *Promote participation and representation of women in governmental and private sectors.* (Recommended by *Brazil*)

IRI: *not implemented*

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Recommendation n°46: *Take more systematic measures to promote gender equality in practice by, inter alia, increasing women's participation in the Police Force.* (Recommended by *Greece*)

IRI: *not implemented*

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Recommendation n°58: *Step up efforts to ensure access to education, health, employment and participation in political public life for women, in particular rural and ethnic minority women.* (Recommended by *Malaysia*)

IRI: *not implemented*

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Recommendation n°69: *Intensify its efforts to accelerate women's equal participation at all levels and in all areas of public life.* (Recommended by Norway)

IRI: *not implemented*

Polio Plus response:

Not only promotion, but there is complete lack of woman with disability in the government and private sectors. There is a need for legislative changes for their inclusion.

NGO Coalition response:

[Macedonian Helsinki Committee for Human Rights (MHC)] states that is no positive action (ex: quota) for increasing woman's participation in the police or armed forces. This can be changed with ensuring quota for Armed Forces Academy. According to [National Council for gender equality (UWOM)] research, in the private sector, only 2% of woman owns a property. This is especially important for rural woman, because the state subventions can't be reached. Only 4% of women are self-employed. From this 4%, half of them are part of a family business. Rural woman is still facing with lack of appropriate health services (ex: gynecologist), there are no kindergartens to ensure equal opportunities for employment. Also, access to employment for rural woman is limited. The majority of woman are employed in textile factories where are underpaid. Even there is a new Collective Agreement between the Government and Trade unions, for this field (textile industry) the guaranty for minimum salary will get into force in 2014. The Electoral Code ensure 30% of participation of woman, but in practice the results are: no elected woman as a Major, no woman from small ethnic communities (ex: Roma) in the Parliament. Also, there is no female member in the State Electoral Commission. To improve this situation must be undertaken some legal initiatives (ex: ensuring quota), parallel with awareness raising activities.

Government of the FYR Macedonia response:

Until June 2011:

- The percentage of employed women compared to the total number of employees in the Bureau for Public Safety in the Ministry of Interior is 14.39%.
- Proportion of women in managerial positions of strategic work in the Bureau for Public Safety in relation to the total number of employees at the strategic level is 25%
- Proportion of women at senior management level positions in the Bureau for Public Safety in relation to the total number of employees at managerial level is 9.1% and
- Proportion of women at the operational level in the Bureau for Public Safety in relation to the total number of employees at the operational level is 14.7%.

The conditions for promotion of women and men in the Ministry are the same for all employees. According to the Rulebook on the manner and procedure for career development system of the law enforcement officials of the Ministry of Internal Affairs, the promotion is done in a transparent procedure, based on the professional qualities and qualifications of the law enforcement official, the skills, completed training during the employment and the performance of the duties regardless of the gender, race, skin color, political or religious beliefs. Within the Sector for Common Affairs and Human Resources Management there is a Department for development of staff and representation of communities that care about the principle of gender equality.



Recommendation n°31: *Encourage the appropriate institutions to take further action in dealing with violence against women.* (Recommended by Croatia)

IRI: *fully implemented*

+

Recommendation n°43: *Adopt a decisive criminal policy to prosecute and punish perpetrators of violence against women and practice a policy of prevention so as to enhance the sensitivity of society at large to this matter.* (Recommended by France)

IRI: *partially implemented*

+

Recommendation n°55: *Implement measures to prevent and punish violence against Roma women so that they are able to enjoy their rights without prejudice.* (Recommended by Japan)

IRI: *partially implemented*

+

Recommendation n°66: *Lower the stringent requirements for proof of domestic violence so that existing law criminalizing domestic violence can be more readily applied in practice.* (Recommended by Netherlands)

IRI: *not implemented*

NGO Coalition response:

In Macedonia was established a new network so called “Voice against family violence” (supported by “UN woman” initiative) where [National Council for gender equality (UWOM)] is a member as well. According to their research, every 4th woman is a victim of family violence. There are 3 Shelters run by NOGs and 4 under the state. There is an improvement of the legislation i.e. family violence is a criminal offence, but this is not enough, because the Law does not allow the perpetrator to be prosecuted ex officio if the victim does not give consent. The separate Law is needed to define all aspects such as the rehabilitation of the family (counselling of the victim and perpetrator as well). Generally, there is cooperation between NGOs and state on this issue. UWOM also suggests taking a new approach: the perpetrator to be removed by the home, not the victim and to be undertaken counselling for him.

Government of the FYR Macedonia response:

A National Strategy for Protection Against Domestic Violence 2008 – 2011 is being continuously implemented. A National Coordinating Body was established therefore, which monitors and estimates the realization of the envisaged measures and activities in line with the time frame and dynamics envisaged in the above-mentioned Strategy. Both representatives from the relevant Ministries and the civil associations, treating the issue of domestic violence in the Republic of Macedonia, actively participate in the Coordinating Body. A Multi-sectoral coordinated approach was established as regards protection of victims of domestic violence by preparing a Joint Protocol on Acting upon Cases of Domestic Violence. At local level, 30 municipalities established 30 local coordinating bodies, working on prevention and practical implementation of the Joint Protocol as regards the acting by the professional structures. A Programme for Economic Strengthening of Victims of Domestic Violence is being continuously implemented through the three sub-programmes in the form of active employment measures, as regards the following: self-employment, subsidized employment and qualifications/additional qualifications. Capacities of professional workers in the following areas were strengthened: police, health sector,



social work centers, judges/public prosecutors, civil associations, through training in prevention and treatment of victims of domestic violence. For the needs of victims of domestic violence, a Counseling Office for Parents and Children was opened, and a Counseling Office for Perpetrators of Domestic Violence was opened as well.

For the purpose of raising public awareness to report domestic violence, national campaigns are organized every year, which yield exceptional results in stopping the circle of violence. Respective normative framework for prevention and treatment of victims of domestic violence is established through amendments to the Law on Family and the Law on Social Protection, thus providing the possibility for the civil associations to render services to victims of domestic violence, as well as giving the possibility to the victim to initiate proposals for protective measures to the competent court.

Regarding the work of the Centers for Social Work it must be noted that the Office for Social Affairs of the Republic of Macedonia, under the work program, continuously conducts trainings to raise the professional capacity of the Centers. The same is done in the framework of the support project of the UN – agencies in supporting the Strategy of domestic violence. With their support a research on domestic violence in the Republic of Macedonia will be carried out. A new Strategy against domestic violence, covering the period of 2012-2015 will be developed until April 2012.

Recommendation n^o44: *Adopt all measures necessary to ensure equality between women and men in all areas relevant to the Convention on the Elimination of All Forms of Discrimination against Women.* (Recommended by France)

IRI: *partially implemented*

+

Recommendation n^o78: *Redouble efforts in the area of promotion of women and effective equality between genders in the workforce as in the social sphere.* (Recommended by Spain)

IRI: *partially implemented*

Polio Plus response:

There is a legislation for equal opportunity among woman and men, but the measures for woman with disability are not included

NGO Coalition response:

It is not respected the usage of “gender neutral semantics”. Ex: Government runs a campaign for increasing the entrepreneurship spirit of the population with use of male gender only in the slogans.

Government of the FYR Macedonia response:

Active employment programmes and measures treat women as a special target group, to the end of increasing the rate of participation on the labour market and reducing the difference between genders as regards employment, unemployment and salaries, through activities related to supplementary education, vocational training, re-qualifications, raising awareness for women’s entrepreneurship, stimulating women to engage in agricultural business activities and special programmes for unemployed Roma women. An operational plan for active



employment programmes and measures for 2009, through the Self-Employment Programme and the Programme for Support for Formalizing Existing Businesses, supported 319 unemployed women, accounting for 35% of the total realized employments. The Programme on Preparation for Employment provided for training of a known employer in foreign languages and computer use for 1,658 women, accounting for 48% of the overall training carried out.

For the purpose of improving the situation on the labour market for women, in April, mapping was commenced at local level, so as to increase the rate of employment of women in the rural areas. In 2010, it was planned, in line with IPARD Info Days, to introduce women with the possibility of using IPARD funds in order to stimulate women to apply for rural development programmes.

In 2010, within the Operational Programme “Development of Human Resources 2007 – 2013” (IPA Component 4) a first public call was announced for awarding grants to NGOs for support of projects for improvement of the potentials for employment of women of minority ethnic communities on the labour market.

Issues related to improving and harmonizing work and personal life are aimed at increasing the scope of children in the rural areas and the municipalities where there are no kindergartens.

In addition to the special active employment programmes intended for young persons, women and elderly people both in 2009 and 2010, they also had the possibility to be included in the other active employment programmes and measures, which were part of the operational plans for active employment programmes and measures.

Recommendation n°57: Step up measures to combat the scourge of prostitution and trafficking in women and girls, including by conducting more nationwide awareness campaigns and training for law enforcement officials, migration officials and border police. (Recommended by Malaysia)

IRI: fully implemented

+

Recommendation n°79: Continue and increase its efforts with a view to fully combating trafficking and prostitution, and continue efforts to help women who have been victims of trafficking. (Recommended by Sweden)

IRI: fully implemented

Government of the FYR Macedonia response:

In line with the obligations arising from the Law on Social Protection, a state shelter home, i.e. Center for Persons Victims of Human Trafficking was opened on 28th January 2011.

The Ministry of Labour and Social Policy prepared a “Rulebook on norms and standards for space, equipment, professional personnel and funds necessary for establishment and commencement of work of an institution for social protection – Center for Persons Victims of Human Trafficking.



In cooperation with the Ministry of Internal Affairs, supported by OSCE Mission, 3 regional working meetings were held with representatives from the Local Preventive Centers so as to place fight against human trafficking on their agenda and to provide for preventive activities in their plans and programmes.

The Ministry of Labour and Social Policy is a partner of the German International Cooperation (GIZ) in implementing the “Regional Programme on Fight Against Human Trafficking and Social Protection”. The Objective of the Programme is to strengthen decentralized social services so as to be able to successfully fight human trafficking, to outreach vulnerable groups, to achieve long-term social inclusion of victims and high-risk groups through various social programmes that are in line with their needs, provided by the Government and the NGOs. Implementation period – 2011 – 2016.

The National Commission to Combat Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia was established in 2001. The National Commission is responsible to follow and analyze the trafficking in human beings and illegal migration and to coordinate the activities of competent institutions, international and non-governmental organizations involved in solving the problems in this field. As of 2003, a Sub-Group to Combat Trafficking in Children operates under the National Commission.

In 2012, the outstanding activities foreseen under the 2009-2012 National Action Plan to Combat Trafficking in Human Beings and Children continue to be implemented, and the new National Strategy and Action Plans are to be developed. Therefore, the fight against organized crime including trafficking in human beings, and effective preventive, educational, legislative and criminal justice response to human trafficking will remain our priority areas. Our country will continue to be acknowledged and recognized outside of our borders and will keep the leadership in the region in the overall institutional response to combating trafficking in human beings.

Awareness raising and education

NGO ‘Open Gate’, NGO ‘For a Happy Childhood’, NGO ‘For Equal Opportunities – Semper’ from Bitola, the Network ‘Awakening’, the Macedonian Red Cross and the Association for Equal Opportunities ‘Ezerka’ from Struga, conducted the following activities aimed at awareness-raising and education:

- Awareness-raising campaigns in 8 urban and 8 rural areas.
- 4 focus groups with teachers and psychologists from the primary schools in Bitola were held, aimed at identifying the potential victims of trafficking in human beings among the primary school students.
- A peer education on prevention of trafficking in human beings was conducted, which included training of 15 new peer educators.
- Provision of education on prevention of trafficking in human beings to 373 students from the Faculty of Pedagogy in Stip, Tetovo and the Faculty of Philosophy in Skopje (Institute for Social Work and Social Policy, Institute for Psychology, Institute for Pedagogy and Institute for Defectology).
- The peer educators conducted a total of 48 workshops in 8 cities throughout the country, which were attended by 1189 pupils.



- A total of 106 preventive lectures on human trafficking were carried out in the primary and secondary schools in Bitola, Skopje and Demir Hisar, which included 3299 pupils and 37 teachers and relevant professionals.
- Screening of educational and prevention movies: 'You are alive', 'Lilija Forever', 'Sisters', and 'Two girls' in the primary, secondary schools and Culture Halls, aimed at awareness-raising among the young population.
- Artistic creations on the topic of trafficking in human beings were organized in 10 primary schools in Bitola, which resulted with 98 artistic creations made by seventh and eighth grade students from the primary schools in Bitola.
- Approximately 13.450 of educational and prevention leaflets were disseminated among children, pupils and students throughout Macedonia.
- A total of 14 forum theater plays and one school competition were organized in 15 secondary and primary schools in 9 cities of Macedonia.
- Training of 15 volunteers of the Macedonian Red Cross from 7 cities.
- Surveys on awareness of human trafficking phenomenon were conducted and included 517 students from 7 secondary schools and 620 students from 10 primary schools in the Municipalities of Bitola and Demir Hisar.
- The SOS Helpline provided information, emotional and psychosocial support and assistance to 354 clients.
- A total of 21 workshops on the topic of trafficking in human beings were delivered and included training of 43 representatives of different institutions, 44 NGOs – members of the National Network "Awakening" and representatives of local self-government and Local Prevention Councils of the Sectors for Internal Affairs from 10 cities of Macedonia. Two workshops were delivered to Trade Unions (UNASM) and NGOS working on prevention of trafficking in human beings, attended by 37 participants.
- Preventive workshops and public debates were held with 28 representatives of the local institutions and police and aimed at raising the awareness on trafficking in human beings at local level.
- On the occasion of 18th of October - the European Day for Combating Trafficking in Human Beings and the 'Week Against the Human Trafficking', the National Commission held a press conference with Ms. Gordana Jankulovska, Minister of Internal Affairs, and also organized many activities targeted towards prevention of trafficking in human beings and children, in partnership with the international and non-governmental organizations:
- A total of 55 events (preventive lectures, forum theater plays, open calls for art and literature, roundtables, coordination meetings, art exhibition on the topic of trafficking in human beings, debate forums attended by local self-government, police, social workers, NGOs, labour inspectors, media, health workers, Unit for prevention of the Mol, customs, border police and public prosecution;) dissemination of educational materials at frequent points throughout 10 cities in Macedonia.
- In 2010, the NGO 'Semper' implemented the project "Cross border local partnerships fighting against human trafficking in Macedonia, Albania and Bosnia and Herzegovina", in partnership with CISS Italy, NGO 'Emanuel", Albania and Human Rights Office, Tuzla. The Project has been implemented with support of EU, in the framework of IPA Programme for Cross-Border Cooperation. The main project goal is: to help decreasing human trafficking in the Albanian - Macedonian border area through common action of both countries local actors. The Project should encourage

the local actors to undertake responsibilities for dealing with this phenomenon and identify decentralized measures for this crime. A Joint Committee for Combating Trafficking in Human Beings in Bitola and Korca, Albania was also established in the framework of this project.

Recommendation n°62: Consider the possibility to conduct a mid-term evaluation of the Action Plan on the rights of the child. (Recommended by Morocco)

IRI: -

TFCEWM response:

The National Action plan for children in Republic of Macedonia (2011-2015) is still in procedure and is a replacement for the National Children Rights action (2006-2015) adopted by the Government of Republic of Macedonia (March, 2006). This refined plan of action follows the previous plan concerning recommendations and final reviews of the Committee on Children Rights of UN directed to the Government of Republic of Macedonia in June, 2010. The National Commission on the rights of the children in Macedonia monitored and determined the National Action Plan for children (2011-2015) and that puts the situation on opinion waiting list from competent institutions. With adding of the changes, this opinion making list will be in a written form presence. The plan would be given on review to the Government following by an adoption afterwards. The Commission is consisted from ministry representatives, state institutions, Ombudsman and representatives from two civic organizations which also participated in the NAP. The membership of the Commission was extended and now the total number of civic organizations in the commission is four.

Government of the FYR Macedonia response:

The Commission on the Rights of the Child carries out annual evaluations of the implementation of the Action Plan. Revision of the Plan, supported by UNICEF, is ongoing. The revised Plan should be submitted to the Government for approval.

Recommendation n°64: Implement measures for the early detection and prevention of domestic violence against women and children, including sexual abuse or harassment. (Recommended by Netherlands)

IRI: *partially implemented*

Polio Plus response:

There is a lack of measures for the early detection and prevention of domestic violence against women and children with disability, as well as rehabilitation measures.

Government of the FYR Macedonia response:

See response to recommendation n° 31.

Recommendation n°75: Develop judicial assistance and protection mechanisms for victims of domestic violence. (Recommended by Spain)

IRI: *partially implemented*

Government of the FYR Macedonia response:

See notes on Recommendations 17, 31, 43, 55, 64, 66.



Recommendation n°77: *Increase the level of protection of minors, particularly those who find themselves in a situation of lack of protection and outside of the compulsory schooling system. (Recommended by Spain)*

IRI: *partially implemented*

TFCEWM response:

The country made certain efforts in order to assure that the children will attend school on regular basis. Additional changes have been made in the Law for primary education which states that the parents or the guardians will be referred to counselling with psychologist or a counsellor if the student has more than 10 unjustified or 100 excused absences. It is expected that this will provide certain results because it will be implemented at the beginning of the process in order to resolve the situation and prevent going out of control.

At the end of 2011, The First Children's Embassy in the World - Megjashi visited 20 municipalities in the Republic of Macedonia and directly met representatives from the municipalities, employees from schools, members from the centres for social work, police representatives from the municipalities' area. They addresses that the municipalities' educational inspectors follow the situation including the work of the children involved in the regular educational system and if they state that some child is not enrolled in school or its parents/guardians use him/her for work in order to acquire resources for the family and that is the reason for not attending school, they file criminal charges in the competent court. They also emphasized that the judges often reject those charges because the parents/guardians against whom the charges are submitted are not financially able to pay the penalty. Also was pointed as well, welfare is given to people even though it is not regularly monitored if the children in the family are enrolled in the educational system on a regular basis. However, for those parents that take welfare, it was suggested that the welfare should be provided if the children regularly attend school, otherwise the welfare will be taken from them. This will preventively protect the children from the worst forms of abuse and increase their involvement in schools as one of their fundamental rights.

Government of the FYR Macedonia response:

See notes on Recommendations 4, 12, 14, 15, 16, 23, 26, 51, 60, 76, 85, 91.

Recommendation n°91: *Focus more resources on ethnic reconciliation in the education of school-aged children to foster tolerance and appreciation for diversity in the next generation. (Recommended by United States)*

IRI: *fully implemented*

NGO Coalition response:

See response to recommendation n° 4.

TFCEWM response:

The First Children's Embassy in the World-Megjashi conducted a research which included providing surveys with over 2234 students, children aged 10-18 from 41 elementary schools in 7 cities and 24 secondary schools in 6 cities in Macedonia (June, 2009).



The general conclusion of the research states that violence is present in enormously high percentage everywhere. (Within the families, in schools, on the street, between peers etc.) The violence is present at elementary and secondary schools.

To the question: “Are you witnessing violence in your school?”, 56% of the children confirmed, while 14% confirmed such occurrence as on everyday basis.

According to the research, the violence is 6% more frequent in secondary schools than in elementary schools. The violence occurs not only in the student-student relation, but also in the student-teacher relation as well. 57 of the participating students know children that have been hit by a teacher and 35% said that they know students who had violent approach to a teacher.

The data from the S.O.S children’s help line of Megjashi claims a rapid growth of children violence. In addition, the number of calls regarding abuse and violence of children is in growth.

The education system in Macedonia can adopt topics concerning: non-violent communication, constructive conflict management, stereotype and prejudice. The peace education should become a part of the school curricula, as well as teaching about violence as an occurrence and the possibility of its transformation in a constructive and non-violent way.

The pedagogical staff needs to be trained for non-violent elaboration of conflicts and the education should be applicable to all children, teachers at all education level, starting in kindergartens.

Government of the FYR Macedonia response:

See response to recommendation n° 4.

Other

Recommendation n°3: *Consider taking appropriate measures to ensure the institution of the Ombudsman is in conformity with the Paris Principles or eventually envisage the establishment of a national human rights institution in conformity with those principles. (Recommended by Algeria)*

IRI: *partially implemented*

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Recommendation n°10: *Take all necessary measures to ensure that the Office of the National Ombudsman complies with what is set out in the Paris Principles. (Recommended by Argentina)*

IRI: *partially implemented*

Polio Plus response:

There is a need for measures for changing the Law for Ombudsman so it would be able to meet the needs of Paris Principles. This year the Ombudsman created the Special Department for children and people with disability. Still it is not enough for Ombudsman as institution to meet the needs of the citizens in protection of their civil rights. Besides so many years spent on lobby still the premises of Ombudsman are



not accessible and available for the people with disability. At the same time, the institution of Ombudsman lack of capacity for the issue of disability.

NGO Coalition response:

The Law on Ombudsperson was amended enlarging its mandate as National Preventive mechanism and to harmonize its provisions with Paris Principles. However, to ensure bigger financial independence of the Ombudsperson institution additional changes might be done and the Ombudsperson's Budget to be proposed by the Parliament.

Government of the FYR Macedonia response:

A reply to the application by the Ombudsman Office to the International Coordinating Committee of National Institutions for the promotion and protection of Human Rights is pending. The mandate of the Ombudsman as regards anti-discrimination is determined in the Law dated 2003. Pursuant to the new Law on Protection against Discrimination (Article 33), the Commission for Protection against Discrimination cooperates with the Ombudsman in particular cases of discrimination. With respect to the budget necessary for the functioning of the national preventive mechanism, the Ombudsman Office has no separate budget intended for this purpose, however, funds from the unified budget are used for this purpose.

Recommendation n°11: Take all necessary measures to ensure that the Office of the National Ombudsman is totally independent in terms of its funding. (Recommended by Argentina)

IRI: not implemented

Polio Plus response:

It is necessary for taking measures for complete independence.

Government of the FYR Macedonia response:

See response to recommendation n° 3.

Recommendation n°21: Establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. (Recommended by Brazil)

IRI: partially implemented

Polio Plus response:

It is established according the Law for antidiscrimination, but does not meet the Paris principles, and none of the institutions in Macedonia, including the Ombudsman have not received accreditation. In this line there is a need for legislative changes which will allow the Ombudsman or the Commission for protection from discrimination to become fully independent according to the Paris principles.

NGO Coalition response:

See response to recommendation n° 3.

Government of the FYR Macedonia response:

See response to recommendation n° 3.

Recommendation n°22: *Accomplish progressively the human rights goals as set forth in Human Rights Council resolution 9-12. (Recommended by Brazil)*

IRI: *fully implemented*

Government of the FYR Macedonia response:

Pursuant to Resolution 9/12 on human rights voluntary goals adopted by the Human Rights Council in 2008, the Republic of Macedonia undertakes all measures to realize the 10 human rights voluntary goals and to promote the realization of the Universal Declaration of Human Rights. See notes under Recommendation 67. Progress of their implementation is contained in the Final Observations of UPR and its recommendations (accepted). Further progress will be reflected in the second cycle pursuant to Resolution 16/21, Annex, paragraph 15, and pursuant to Resolution 9/12.

Recommendation n°25: *Adopt and implement the Law on Protection from Discrimination and ensure effective access to judicial remedies for victims of discrimination. (Recommended by Canada)*

IRI: *fully implemented*

Polio Plus response:

The Law is adopted, lacking the judicial remedies according to the Paris principles.

NGO Coalition response:

See response to recommendation n° 1.

Government of the FYR Macedonia response:

See response to recommendation n° 1.

Recommendation n°28: *Adopt comprehensive antidiscrimination legislation. (Recommended by Croatia)*

IRI: *fully implemented*

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Recommendation n°35: *Take further concrete measures to strengthen relevant legislation to combat discrimination. (Recommended by Czech Republic)*

IRI: *fully implemented*

Polio Plus response:

There is a need of measures and action not just to strength the relevant legislation but only measures to increase the capacity on the institutional level, but also on local level, including cultural and family level. Have in mind the multiple discrimination based on disability.

NGO Coalition response:

See response to recommendation n° 1.

Government of the FYR Macedonia response:

See response to recommendation n° 1.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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