



International Covenant on Civil and Political Rights

Distr.: General
20 November 2014

Original: English

Human Rights Committee

List of issues in relation to the third periodic report of the former Yugoslav Republic of Macedonia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please report on measures taken to ensure that the Office of the Ombudsman has the necessary technical, financial and human resources to effectively exercise its mandate in full compliance with the principles relating to the status of national institutions (Paris Principles). In particular, please describe the measures taken to amend the “Law on the Ombudsman” in order to strengthen the mandate and independence of the Ombudsman.
2. Please indicate what procedures are in place for the implementation of the Views of the Committee under the Optional Protocol. Please provide updated information on the implementation of the Committee’s recommendations (CCPR/C/MKD/CO/2, para. 14) regarding the rendition of German national Khaled al-Masri.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please indicate whether the State party plans to amend its anti-discrimination legislation in order to explicitly prohibit discrimination on the basis of sexual orientation and gender identity. Please provide information on measures taken to combat discrimination on the basis of sexual orientation and gender identity and provide information on the investigation and prosecution of acts of violence against lesbian, gay, bisexual, transgender and intersex individuals.
4. Please outline measures taken to combat the discrimination and social exclusion of Roma individuals and ensure their access to employment and health care, and to increase the participation of Roma individuals in public decision-making.
5. Please provide information on efforts to integrate women into areas in which they are underrepresented or disadvantaged, including in political or decision-making positions. Please report on efforts to eliminate the wage gap between men and women and the prevalence of harmful gender stereotypes.

* Adopted by the Committee at its 112th session (7–31 October 2014).



Violence against women and children, including domestic violence (arts. 2, 3, 7, 23, 24 and 26)

6. Please provide information on efforts to strengthen and implement existing criminal and family law addressing all forms of violence against women and children, including sexual and domestic violence and child abuse. Please report on measures taken to: (a) train law enforcement officials on how to address such cases of domestic violence and child abuse; (b) encourage reporting of such cases; (c) increase the availability and effective enforcement of protective orders and the collection of data on domestic violence; (d) increase the number of shelters for victims of domestic violence; and (e) raise awareness about the negative consequences of violence against women and children.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment and treatment of persons deprived of their liberty (arts. 2, 6, 7, 9 and 10)

7. Please respond to concerns that the Law on Termination of Pregnancy and the public campaigns undertaken by the Government limit access to abortion through the introduction of mandatory counselling and a mandatory waiting period for women seeking legal abortion, and provide information on how the law complies with the Covenant. Please report on measures to increase access to contraception methods and reduce the high infant mortality rate. Please respond to concerns of police brutality directed against the Roma community. What measures has the State taken to ensure that members of minority communities are not disproportionately targeted and mistreated by law enforcement officers? Please provide specific information on the investigation and prosecution of allegedly racially motivated crimes, whether committed by members of the public or by police forces.

8. Please provide information on the use of solitary confinement, corporal punishment and the use of batons against minors in educational-correctional institutions. Please describe measures taken to prohibit the use of corporal punishment in all settings, including in correctional institutions and in the home, and to end the use of solitary confinement against minors in correctional institutions.

9. Please report on the health, safety and hygienic conditions in detention facilities, including Idrizovo and Skopje prisons. Please describe measures being taken to ensure that detainees are not subjected to ill treatment or malnourishment, and provide information on penalties for the ill treatment of detainees by staff. Please comment on efforts to ensure that detainees are guaranteed fair hearings for alleged disciplinary offences.

Administration of justice (arts. 14 and 26)

10. Please describe measures taken to ensure the independence of the judiciary. In particular, please comment on the recent change of five members of the Constitutional Court, which has raised concerns about the independence of the court and its ability to issue impartial decisions, including in cases involving freedom of expression.

11. Please respond to concerns that accused persons often encounter difficulties in the exercise of their right to trial without undue delay, particularly in proceedings before first instance courts and the public prosecutor's offices, and that executors retain similar social aid, contrary to the law. Please report on actions being taken to mitigate delays in proceedings before the Administrative Court, including the improvement of communication between the judiciary and the administrative bodies whose acts are in dispute.

Elimination of slavery and servitude (art. 8)

12. Please provide information on measures taken to combat trafficking in adult men and women and children for the purposes of forced labour and sexual exploitation. Please provide data on: (a) the number of reported cases; (b) the investigations and prosecutions initiated and actual convictions; and (c) the availability of victim assistance services, including medical, psychological, social and legal assistance and reintegration services.

Freedom of movement, non-discrimination and the rights of refugees and asylum-seekers (arts. 2, 12, 13 and 26)

13. Please provide information on the implementation of amendments made in 2011 to the Law on Travel Documents, which introduced new grounds for the revocation of an existing passport or the refusal to issue a new passport on the basis of whether an individual has violated the immigration laws of another country. Please respond to allegations of ethnic profiling, particularly against Roma persons, limiting the freedom of movement across State borders. What measures has the State taken to implement the decision of the Constitutional Court that certain provisions of the Law on Travel Documents are unconstitutional?

14. Please describe measures taken to ensure adequate safeguards for asylum seekers, including accelerating the adjudication process, providing access to an effective appeals process and ensuring that appeals processes consider the substance of a claim of asylum. Please describe efforts to ensure that minors seeking asylum, including unaccompanied and separated minors, are treated in accordance with their specific needs and best interests, including with regard to health care and education.

Freedom of religion or belief, expression and association (arts. 18, 19 and 22)

15. Please provide information on the instruction of religion in public education and any restrictions on the use of religious symbols in public. What measures have been taken to ensure that provisions are made for non-discriminatory exemptions or alternatives accommodating the wishes of parents or legal guardians who wish to remove their children from public education that includes instruction in a particular religion or belief?

16. Please describe the measures taken to ensure that all religious groups, regardless of size or substantive content of belief, are permitted to engage in worship, erect places of worship and enjoy other privileges normally accorded to such groups.

17. Please respond to concerns regarding the involvement of the State in the media, including the following: (a) the selective allocation of public funds to media outlets, with pro-governmental media allegedly favoured; (b) the introduction of Government-appointed members to the State broadcasting council, which may negatively affect the independence of that body; and (c) the reestablishment of the Macedonian Journalists Association, which obstructs the work of journalists. Please also provide information on the State's response to the expulsion of journalists from Parliament on 24 December 2012.

18. Please describe the measures taken to implement the decriminalization of slander and insult, adopted in 2012, particularly in relation to pending cases involving journalists accused of defamation or slander. What measures has the State taken to ensure that article 319 of the Criminal Code, which criminalizes acts inciting national, racial or religious hatred, is not subject to arbitrary interpretation or application by authorities?

Rights of minors (art. 24)

19. Please describe efforts to ensure that all children are provided with registration and identity documentation, particularly children belonging to minorities (especially Roma) and children living on the street. What measures has the State taken to ensure that children lacking identity documents are not refused access to education, health or public services?

20. Please provide information on any measures taken to protect minors from institutional and de facto discrimination, especially children who are members of minority communities, children in correctional institutions or street situations, children with disabilities or children in conflict with the law.

Rights of persons belonging to ethnic, religious or linguistic minorities (art. 27)

21. Please describe efforts to increase the ability and quality of education in minority languages, particularly with regard to Roma and Vlach communities. In particular, please provide information on any measures taken to train educators and develop curricula tailored to minority communities.

22. Please provide information on measures taken to ensure that the electoral list is complete and up to date.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

23. Please provide information on the steps taken to disseminate to all categories of public officials information on the Covenant and the Optional Protocols, the third periodic report and the concluding observations of the Committee, as well as on training and education on the Covenant and the Optional Protocol. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparation of the report.
