



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/5/MKD/2  
11 March 2009

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fifth session  
Geneva, 4-15 May 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**The former Yugoslav Republic of Macedonia**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

---

\* Late submission.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 January 1994	None	Individual complaints (article 14): Yes
ICESCR	18 January 1994	None	-
ICCPR	18 January 1994	None	Inter-State complaints (article 41): No
ICCPR-OP 1	12 December 1994	None	-
ICCPR-OP 2	26 January 1995	None	-
CEDAW	18 January 1994	None	-
OP-CEDAW	17 October 2003	None	Inquiry procedure (articles 8 and 9): No
CAT	12 December 1994	None	Inter-State complaints (article 21): No Individual complaints (article 22): No Inquiry procedure (article 20): /No
CRC	2 December 1993	None	-
OP-CRC-AC	12 January 2004	Binding declaration under article 3: 18 years	-
OP-CRC-SC	17 October 2003	None	-
<i>Core treaties to which the former Yugoslav Republic of Macedonia is not a party: OP-ICESCR,<sup>3</sup> OP-CAT (signature only, 2006), ICRMW, CRPD (signature only, 2007), OP-CRPD, CED (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol <sup>4</sup>		Yes	
Refugees and stateless persons <sup>5</sup>		Yes, except 1961 Convention	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>		Yes	
ILO fundamental conventions <sup>7</sup>		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. In 2006, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged the former Yugoslav Republic of Macedonia to consider ratifying the ICRMW.<sup>8</sup> In 2008, the Committee against Torture (CAT) encouraged the State to ratify OP-CAT, CRPD and CED.<sup>9</sup>

### B. Constitutional and legislative framework

2. A 2005 UNHCR report noted that the enactment of the revised Citizenship Law in March 2004 was a milestone for legislative reform, significantly strengthening the country's institutional framework.<sup>10</sup>

3. In 2008, CAT welcomed the amendments in the Criminal Code in 2004 and notably the incorporation of the crime of torture in domestic legislation.<sup>11</sup>

### **C. Institutional and human rights infrastructure**

4. In 2008, the Human Rights Committee (HR Committee) welcomed the establishment of the Office of the National Ombudsman, but noted that it is not fully in accordance with the Paris Principles. It recommended that the State ensure that the Office of the National Ombudsman is fully in accordance with the Paris Principles and that it is also completely independent in terms of funding.<sup>12</sup> Also in 2008, CAT recommended that the State consider strengthening and extending the mandate of the Ombudsman, including the capacity to investigate acts committed by police officers; in addition, adequate follow-up should be given to the Ombudsman's recommendations by all relevant authorities.<sup>13</sup> As of 20 February 2009, the former Yugoslav Republic of Macedonia does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>14</sup>

5. A 2008 UNICEF report noted the establishment in December 2007 of an inter-ministerial national commission on child rights, to provide a single mechanism responsible for the coordination and evaluation of CRC implementation. The Commission will also be responsible to ensure that the provisions and principles of the CRC are reflected, applied and enforced in State policies and administrative practices.<sup>15</sup>

### **D. Policy measures**

6. In 2005, the former Yugoslav Republic of Macedonia adopted the United Nations Plan of Action (2005-2009) for the World Programme for Human Rights Education (WPHRE) focusing on the national school system. The Unit for Education for Peace and Children's Rights of the Ministry of Education and Science was assigned to coordinate initiatives related to the implementation of the first phase of the WPHRE.<sup>16</sup>

7. A 2007 UNICEF report mentioned that the Government's strategic documents and legislation demonstrate a willingness to protect the rights of children. However, most official policy documents are not accompanied by appropriate implementation frameworks. Consequently, accountabilities and progress towards child rights indicators are extremely difficult to monitor.<sup>17</sup>

8. In 2007, the Committee on the Elimination of Racial Discrimination (CERD) commended the State on the adoption of the National Strategy on Roma, aiming at promoting empowerment and the further integration of Roma in the socio-economic sphere. CERD also welcomed the efforts made to involve Roma communities in the development and implementation of policies and programmes that affect them, and the adoption, in January 2007, of a strategy on equitable representation of members of ethnic communities in the State administration and public enterprises.<sup>18</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>19</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	June 2007	-	Eighth to tenth reports due in 2010
CESCR	2005	November 2006	-	Combined second to fourth reports due in 2008
HR Committee	2006	April 2008		Third report due in 2012
CEDAW	2004	February 2006	-	Combined fourth and fifth reports due in 2011
CAT	2006	May 2008		Third report due in 2012
CRC	1997	January 2000	-	Second report overdue since 1998, submitted in 2008 and scheduled for consideration in 2010
OP-CRC- AC	-	-	-	Initial report overdue since 2006
OP-CRC- SC	-	-	-	Initial report overdue since 2005, submitted in 2008 and scheduled for consideration in 2010

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Representative of the Secretary-General on the situation of human rights defenders (27 – 30 January 2003) <sup>20</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of religion or belief, tentatively scheduled 27-29 April 2009
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, requested in 2004.
<i>Facilitation/cooperation during missions</i>	The Special Representative expresses her gratitude to the Government of the former Yugoslav Republic of Macedonia for its invitation and for facilitating the preparation of the visit and for its cooperation throughout the visit. <sup>21</sup>
<i>Follow-up to visits</i>	Special Representative of the Secretary-General on the situation of human rights defenders (23-25 September 2007) <sup>22</sup>
<i>Responses to letters of allegations and urgent appeals</i>	One letter of allegation was sent during the period under review regarding one male journalist. The Government did not reply to this communication.
<i>Responses to questionnaires on thematic issues<sup>23</sup></i>	The former Yugoslav Republic of Macedonia responded to 1 of the 13 questionnaires sent by special procedures mandate holders during the period under review, <sup>24</sup> within the deadlines. <sup>25</sup>

#### 3. Cooperation with the Office of the High Commissioner for Human Rights

9. OHCHR has been present in the former Yugoslav Republic of Macedonia since the 1990s. In 2007, this presence took the form of a human rights adviser within the United Nations Country Team (UNCT).<sup>26</sup> The human rights adviser works with United Nations and national partners on a range of activities including integrating human rights education in schools; contributing to a dialogue on strengthening of the Ombudsman's Office; establishing a comprehensive anti-discrimination framework and external law enforcement oversight;<sup>27</sup>

strengthening capacities for treaty body reporting and follow-up to recommendations of treaty bodies and special procedures; revising legal provisions governing violence against women; and assessing rights-based analysis and planning of United Nations agencies in the context of the quinquennial planning exercise for 2010-2014.<sup>28</sup> The United Nations Voluntary Fund for Victims of Torture approved a grant for a project in the country.<sup>29</sup>

10. From 2002 until 2006, OHCHR had been working in the country based on a five-year comprehensive technical cooperation programme developed further to a request from the Government in 2001. The programme aimed to address the weaknesses of national human rights protection institutions and challenges in the areas of good governance, administration of justice and the rule of law.<sup>30</sup> The State made a financial contribution to the Voluntary Fund for Victims of Torture in 2008.<sup>31</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

11. In 2006, CEDAW expressed concern that the legislation of the former Yugoslav Republic of Macedonia does not contain either a definition of discrimination against women, or the principle of equality of men and women. CEDAW encouraged the State to incorporate in its Constitution or other appropriate national legislation the definition of discrimination, encompassing both direct and indirect discrimination.<sup>32</sup> It also encouraged the effective implementation of temporary special measures to accelerate the achievement of the de facto equality between women and men in all areas of the Convention.<sup>33</sup>

12. CEDAW was also concerned that rural women, as well as ethnic minority women, particularly Roma and Albanian women, remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life.<sup>34</sup> The Committee on Economic, Social and Cultural Rights (CESCR) in 2006<sup>35</sup> and the CERD in 2007 expressed similar concerns, in particular concerning the difficulties that some Roma experience in obtaining personal documents necessary for the enjoyment of their economic, social and cultural rights.<sup>36</sup>

13. CERD was concerned that, in accordance with article 9 of the Constitution, only citizens are equal before the law and entitled to exercise their freedoms and rights without discrimination of any kind, and recommended that the State review its legislation in order to guarantee equality between citizens and non-citizens in the enjoyment of the rights set forth in the ICERD to the extent recognised under international law.<sup>37</sup>

### **2. Right to life, liberty and security of the person**

14. In 2008, CAT recommended that the State complete a thorough investigation of the cases of disappearances occurred during the conflict in 2001, and prosecute and punish the perpetrators of those crimes.<sup>38</sup>

15. The HR Committee noted in 2008 the long-standing concerns about the behaviour of certain elements of the police forces, including ill-treatment of detainees, as well as reports of deficiencies in the current police internal oversight mechanisms.<sup>39</sup> The HR Committee<sup>40</sup> and CAT<sup>41</sup> both in 2008 were concerned about reports of police violence against members of minority groups, in particular against Roma, and the lack of effective investigation and

punishment of such cases. The HR Committee <sup>42</sup> and CAT <sup>43</sup> recommended that the State strengthen its efforts to combat ill-treatment of and discrimination against persons belonging to ethnic minorities, in particular Roma.

16. In 2004, the Special Rapporteur on the question of torture sent communications related to physical abuse by police of civilians of Albanian ethnicity.<sup>44</sup> The Government replied in 2005 justifying the acts of the police in accordance with relevant domestic rules and regulations on the use of force. Only in one case, internal disciplinary measures were initiated.<sup>45</sup>

17. In 2005, the Special Representative of the Secretary-General on the situation of human rights defenders sent to the Government a follow-up communication to two communications issued in 2004 regarding the case of a journalist who was investigating corruptions cases and who was reportedly attacked and injured. The Special Representative regretted that no response to the communications had been received.<sup>46</sup>

18. The Committee on the Rights of the Child (CRC) in 2000 <sup>47</sup> and CAT in 2008 <sup>48</sup> noted that corporal punishment of children is not explicitly prohibited in all settings and that it is a common and accepted means of childrearing. CRC and CAT recommended that the State adopt and implement legislation prohibiting corporal punishment in all settings, supported by the necessary awareness-raising and public education measures.

19. CESCR in 2006, <sup>49</sup> CEDAW in 2006 <sup>50</sup> and CAT in 2008 <sup>51</sup> were concerned about the high prevalence of violence against women, including domestic violence. The State was requested to enact a specific law criminalizing domestic violence,<sup>52</sup> and effectively implement this legislation so as to ensure that perpetrators are effectively prosecuted and punished, and that victims receive adequate protection and assistance.<sup>53</sup> The State was also requested to implement educational and awareness-raising measures on violence against women.<sup>54</sup>

20. In 2008, CAT was concerned about the material conditions of detention and the problems of overcrowding in the places of deprivation of liberty. It recommended that the State ensure the urgent implementation of the penitentiary system reform and improve the material conditions of detention in places of deprivation of liberty, in particular with respect to hygienic conditions and medical care.<sup>55</sup>

21. CEDAW in 2006 and CAT in 2008 were concerned about the persistence of trafficking in women and girls, the exploitation of prostitution and the lack of measures aimed at rehabilitating women victims of trafficking. CEDAW called on the State to take all appropriate measures to suppress the exploitation of prostitution in the country.<sup>56</sup> CAT recommended that the State also conduct nationwide awareness-raising campaigns as well as training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation.<sup>57</sup> CESCR in 2006 <sup>58</sup> and HR Committee in 2008 <sup>59</sup> made similar conclusions or recommendations.

### **3. Administration of justice, including impunity and the rule of law**

22. In 2008, the HR Committee <sup>60</sup> and CAT <sup>61</sup> recommended that the former Yugoslav Republic of Macedonia ensure that the Law on Amnesty adopted in 2002, which includes in its scope “all criminal acts related to the 2001 conflict”, is not applied to the most serious human

rights violations or violations that amount to crimes against humanity or war crimes, and that human rights violations are thoroughly investigated, those responsible brought to justice and adequate reparation made to the victims and their families. The HR Committee also recommended that the State continue its efforts to reduce the backlog of court cases, decrease the delays in the proceedings, and increase the training of translators and interpreters for the Albanian, Romani, Turkish and other minority languages.<sup>62</sup> CAT further recommended the prohibition of admissibility and use in criminal proceedings of any evidence obtained as a result of torture or ill-treatment.<sup>63</sup>

#### **4. Right to privacy, marriage and family life**

23. In 2000, CRC was concerned that there are still children who are not registered at birth and at the fact that a large proportion of unregistered births are of Roma children. It recommended making every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation.<sup>64</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

24. In 2004, the Special Rapporteur on the freedom of religion or belief sent a communication on police interruption and arrest of members of the Serbian Orthodox church and a foreign student during a religious celebration. Allegedly, all those arrested were held in custody for 24 hours. The Archbishop performing the ceremony was re-arrested and sentenced to “investigative detention”, the student was deported and banned from the country for two years and the other members were allegedly charged with “disturbance of public peace and order”. The Government sent a detailed response to the communication informing that freedom of religion and belief is guaranteed by the Constitution and that the actions taken by the authorities were in compliance with the law and also relating to previous charges to the same individuals.<sup>65</sup>

25. In her 2006 report, the Special Representative of the Secretary-General on the situation of human rights defenders expressed concern about the legislative support available to human rights defenders and the serious impact of corruption and politicization on defenders as well as about the conduct of the police, the independence of the judiciary and the security of defenders. She noted that during her first visit in the country in 2003, many defenders reported to her that corruption was a major obstacle preventing them from conducting their work effectively as it had negative effects on the functioning of State institutions.<sup>66</sup> In her 2008 report, she noted that since her first visit in the country in 2003, there has not been much progress on consultation processes with civil society, which still take place on an ad hoc rather than systematic basis and mainly because of the efforts made by civil society organizations or because of the pressure of international organizations.<sup>67</sup> She also recognized that an area of major progress has been in legislation, with the adoption of several laws and strategies relevant to the work of human rights defenders, including the abolition of prison sentences for the offence of defamation. However, the implementation of these laws is often not satisfactory. Enforcing and monitoring mechanisms that defenders can use to report cases of non-compliance and protect affected victims are still lacking, are insufficient or do not function properly. This has created an environment in which Government responsiveness is limited or absent.<sup>68</sup>

26. According to the United Nations Statistics Division, the proportion of seats held by women in the national Parliament increased from 19.2 per cent in 2005 to 29.2 in 2008.<sup>69</sup>

27. While welcoming the adoption of the Law on Equal Opportunities for Men and Women and the increasing number of women holding higher positions in the private sectors, the HR Committee in 2008 remained concerned at the level of participation and representation of women in governmental institutions as well as by the way women are perceived in society. It recommended that the State continue to promote the participation and representation of women in governmental and private sector; implement positive measures in accordance with article 6 of the law to this end; and undertake educational campaigns to change the perception of women in stereotypical roles in the society.<sup>70</sup>

## **6. Right to work and to just and favourable conditions of work**

28. In 2006, CESCR recommended that the former Yugoslav Republic of Macedonia adopt special measures to ensure that women, in particular Roma and other minority women as well as women living in rural areas, have the same access to the regular labour market as men, including to senior positions, and that the principle of equal remuneration for work of equal value is implemented in practice.<sup>71</sup>

29. In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations expressed concerns about some provisions of the Labour Relations Law of 2005 regarding the indication of duration of strikes, the possibility for an employee to be dismissed if he or she organized or participated in a strike, and the fact that a trade union or an employers' association could terminate its activities if, without any important and justified reasons, it did not hold a meeting of its highest executive body for a period exceeding twice the period provided for in its statutes. The Committee requested the Government to take measures to amend these provisions.<sup>72</sup> On the same issue, CESCR had recommended in 2006 that the State consider repealing any limitations on the right to strike which are incompatible with article 8 of ICESCR.<sup>73</sup>

## **7. Right to social security and to an adequate standard of living**

30. A 2006 UNDP report noted that the existing health-care system provides citizens with access to adequate medical care, but that the organization and financing of the health-care system need rethinking and reform because the system appears to be financially unsustainable and fails to provide appropriate incentives both to the providers of health care services and to those who pay for and utilize these services.<sup>74</sup>

31. In 2006, CESCR recommended to combat the phenomenon of children living in streets and to protect their families, inter alia, by constructing low-cost housing; providing basic infrastructure and amenities; opening additional day centres in cooperation with NGOs; and providing medical counselling and basic medication.<sup>75</sup>

32. A 2008 UNDP report noted that unemployment, coupled with the lack of alternative sources of income, has created a relatively huge pool of socially vulnerable and/or socially excluded people within Macedonian society. This problem has been tackled through policy measures but still remains persistent.<sup>76</sup>

33. A 2008 UNICEF report noted that the Centres for Social Work, which are the main service providers on the ground, are understaffed, lack professional staff and face problems relating to inadequate management. There is also evidence of the frequent misuse of social benefits by its administrators and/or the beneficiaries themselves. Important reforms are



underway but a serious discrepancy between policy and policy implementation continues to undermine children's access to social protection services, especially, incongruously, for the poorest children.<sup>77</sup>

## **8. Right to education and to participate in the cultural life of the community**

34. CEDAW in 2006, CESCR in 2006, CERD in 2007, the HR Committee in 2008 and a 2008 UNICEF report<sup>78</sup> expressed concerns at the high dropout rate in primary and secondary education, low school enrolment and attendance in rural areas and among Roma children, Roma and Ashkali refugee children, girls from certain Albanian communities, and children with disabilities, as well as about the high illiteracy rate in the country.<sup>79</sup> CEDAW recommended implementing measures to decrease dropout rates among Roma girls and girls living in rural areas and to reintegrate them into the educational system.<sup>80</sup> CESCR recommended ensuring free primary education for all children and gradually reducing the costs of secondary education; to promote universal school attendance and other special programmes to address the specific needs of less performing pupils; and to conduct literacy campaigns for adults.<sup>81</sup> CERD recommended intensifying efforts to increase the levels of education of members of Roma communities.<sup>82</sup> The Human Rights Committee made similar recommendations.<sup>83</sup>

35. A 2008 UNICEF report mentioned that access to any form of organized early childhood education (pre-school education for 3-6 year old) is extremely low. This impacts on later learning achievements and has broad ranging ramifications for the country's social development in general. Access to both primary and secondary education also tapers off markedly in relation to wealth quintiles, the education levels of parents and for ethnic minority populations.<sup>84</sup>

36. While aware of the State's efforts to integrate children with disabilities into formal education and regular recreation programmes, CRC in 2000 was concerned that children with disabilities remain excluded from many of such activities. It recommended that the State continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools; review the facilities and assistance available to children with disabilities and in need of special services; and improve these services in accordance with the provisions and spirit of the Convention.<sup>85</sup>

## **9. Minorities and indigenous peoples**

37. In 2006, CESCR was deeply concerned at reports that 70 per cent of the Roma live in informal settlements, which often lack basic infrastructure and services and that most Roma are without legal title to the places where they reside and are exposed to a constant threat of eviction.<sup>86</sup> CESCR recommended that the State ensure that all Roma have access to adequate and affordable housing, security of tenure, electricity, adequate drinking water, sanitation and other essential services, including safe access to roads. It also recommended that the State ensure that adequate alternative housing is provided whenever forced evictions take place.<sup>87</sup>

38. In 2008, the independent expert on minority issues was informed that after independence, the State implemented an extremely restrictive citizenship law giving rise to a number of categories of excluded groups, most notably ethnic Albanians and Roma. Widely touted amendments in 2004 failed to remedy the underlying problem that Macedonian officials fail to acknowledge the legitimate ties of a number of categories of persons to the country.<sup>88</sup>

39. A 2008 UNICEF report noted that Roma populations in particular experience high levels of poverty and unemployment and therefore are especially vulnerable to economic exploitation and to being forced into prostitution by economic necessity. Multiple Indicator Cluster Survey data show that girls and women from Roma communities have less knowledge about HIV/AIDS.<sup>89</sup> It also noted that Roma and Albanian populations face difficulties accessing their social welfare rights because they lack the educational or employment certificates that are needed to register as unemployed; they may not have been granted citizenship rights; and/or lack the means, literacy or will to negotiate with Government authorities. Institutional blockages both perceived and real become deterrents to accessing services, and to the efficiency of government service delivery.<sup>90</sup>

### **10. Migrants, refugees and asylum-seekers**

40. A 2006 UNHCR report noted that at the beginning of 2005 the country hosted more than 2,200 refugees and asylum-seekers. The vast majority were granted a form of complementary protection on humanitarian grounds. However, less than 2 per cent of this group were granted refugee status under the 1951 Convention.<sup>91</sup>

41. In 2008, CAT was concerned at the inadequate functioning of the system for processing and determining asylum claims, especially with respect to those claims channelled through the so-called “accelerated procedure”. CAT recommended that the State ensure that a thorough review of each individual case is provided for asylum claims, and that effective remedies are available to challenge the decision not to grant asylum, especially when the claim is channelled through an accelerated procedure. Such remedies should have in any case the effect of suspending the execution of the above decision, i.e. the expulsion or deportation.<sup>92</sup> On the same issue, the HR Committee recommended in 2008 to ensure that return is always fully voluntary and not enforced where return in safety and dignity cannot be assured; and that an effective system of appeal is in place.<sup>93</sup>

### **11. Internally displaced persons**

42. In 2008, the HR Committee was concerned that many of the internally displaced persons (IDPs), so many years after the events leading to their displacement, still remain in collective shelters. It recommended that the State find, without further delay, durable solutions for all IDPs in consultation with the remaining displaced persons.<sup>94</sup>

### **12. Human rights and counter-terrorism**

43. In 2008, the HR Committee noted the investigation undertaken by the State and its denial of any involvement in the rendition under suspicion of terrorism of Khaled al-Masri, a German citizen of Lebanese origin, to a third country for purposes of detention and interrogation.<sup>95</sup> The Committee recommended that the State consider undertaking a new and comprehensive investigation of the allegations made by Mr. al-Masri, taking into account all available evidence and seeking the cooperation of Mr. al-Masri himself; to provide him with appropriate compensation if the investigation concludes to a violation by the State of the ICCPR and protected rights of Mr. al-Masri; and to review the State’s practices and procedures whereby it would never perpetrate acts such as those alleged by Mr. al-Masri.<sup>96</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

44. A 2007 UNDP report noted with regard to the analysis on political and institutional stability that in 2006 a positive change was seen, which could be a result of the confidence in the Government that may be addressing the primary concerns of the citizens, which according to the report are sluggish economy and unemployment.<sup>97</sup>

45. A 2007 UNHCR report noted that its interventions had a positive impact in the legislative field by improving provisions for refugees and asylum-seekers in the new Law on Aliens, and by ensuring the incorporation of asylum safeguards in the Ministry of Interior's Instructions on the Identification and Assistance of Victims of Trafficking.<sup>98</sup>

46. A 2008 UNDP report noted that despite the positive trend observed with regard to proportional representation of all ethnic communities in public administration, evidence pointed to the continued phenomenon of ethnocentrism in politics and education and, to some extent, segregation along the lines of ethnicity. It suggests that strengthening the power of ethnically mixed organizations, united around common civil, professional and business interests, should be seen as a crucial element in the efforts to combat ethnocentrism.<sup>99</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **Specific recommendations for follow-up**

47. In 2007, CERD recommended that the State provide, within one year, information on the way it has followed up on the Committee's recommendations concerning the discrimination in the workplace and the equal effective enjoyment of labour rights for all; the implementation of the National Action Plan and Operational Plan on Housing for Roma; and the low attendance and high drop-out rate from primary school by Roma children.<sup>100</sup>

48. In 2008, the HR Committee recommended that the State submit, within one year, information on the follow-up to the Committee's recommendations concerning, inter alia, the application of the Law on Amnesty and durable solutions for all IDPs.<sup>101</sup>

49. In 2008, CAT requested the State to provide, within one year, information in response to the Committee's recommendations concerning the independence of the Public Prosecution Office; asylum claims; the cases of disappearance; and ill-treatment and discrimination against persons from minorities.<sup>102</sup>

50. In 2008, the Special Representative of the Secretary-General on the situation of human rights defenders recommended institutionalizing interaction and consultation processes with civil society in drafting legislation and policies, in reporting to international human rights mechanisms, and in other relevant areas of Government action. The Special Representative also recommended establishing enforcement and monitoring mechanisms that defenders can use to report non-compliance with legislation and human rights abuses.<sup>103</sup> She further recommended removing the legal and administrative constraints that prevent human rights defenders from accessing detention centres and police stations and ensure that such access is given; ensuring tax exemption for voluntary organizations and expediting the legal and procedural requirements for this purpose; and taking appropriate measures to ensure that freedom of association of trade unions in the private sector is respected, so that activities for the promotion of labour rights are protected.<sup>104</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

51. In 2008, the ILO Committee of Experts noted the Government's indication that it intended to begin a "Twinning project" in October 2007 to review the existing labour legislation in order to harmonize it with European Union legislation. In the framework of this project, the issue of representativeness will be examined. The duration of the project is 15 months; therefore, the Government expected that the necessary changes would be introduced into the legislation by the end of year 2008.<sup>105</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem

(Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MKD/CO/3), para. 38.

<sup>9</sup> Concluding observations of the Committee against Torture (CAT/C/MKD/CO/2), paras. 23-24.

<sup>10</sup> UNHCR, *Global Report 2004*, p. 417, available at: <http://www.unhcr.org/static/publ/gr2004/gr2004toc.htm>.

<sup>11</sup> CAT/C/MKD/CO/2, para. 3.

<sup>12</sup> Concluding observations of the Human Rights Committee (CCPR/C/MKD/CO/2), para. 7.

<sup>13</sup> CAT/C/MKD/CO/2, para. 7.

<sup>14</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>15</sup> UNICEF, *Children in FYR Macedonia, A Situation Analysis*, Skopje, February 2008, p. 10, available at: [http://www.unicef.org/tfymacedonia/SITAN\\_FinalPrint\\_ENG\\_web1.pdf](http://www.unicef.org/tfymacedonia/SITAN_FinalPrint_ENG_web1.pdf).

<sup>16</sup> See GA resolution 59/113B and HRC resolution 6/24. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, accessible at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

<sup>17</sup> UNICEF, *Child Poverty Study in FYR Macedonia*, Skopje, 2007, p. 102, available at: <http://www.unicef.org/tfymacedonia/Child-Poverty-Study-ENG-1gg4.pdf>.

<sup>18</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/MKD/CO/7), paras. 7- 8.

<sup>19</sup> The following abbreviations have been used for this document.

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

<sup>20</sup> E/CN.4/2004/94/Add. 2

<sup>21</sup> *Ibid.*, para. 3.

<sup>22</sup> A/HRC/7/28/Add. 4

<sup>23</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>24</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e)

---

report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

<sup>25</sup> The questionnaire on issues related to forced marriages and trafficking in persons sent in 2006 by the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23).

<sup>26</sup> See 2006 OHCHR *Annual Report*, p. 83.

<sup>27</sup> 2007 OHCHR *Report on Activities and Results*, p. 106.

<sup>28</sup> 2008 OHCHR *Report on Activities and Results*.

<sup>29</sup> 2007 OHCHR *Report on Activities and Results*, p. 132.

<sup>30</sup> 2006 OHCHR *Annual Report*, p. 151 and 152.

<sup>31</sup> 2008 OHCHR *Report on Activities and Results*.

<sup>32</sup> CEDAW/C/MKD/CO/3, paras. 9-10.

<sup>33</sup> *Ibid.*, para. 17.

<sup>34</sup> *Ibid.*, para. 27.

<sup>35</sup> E/C.12/MKD/CO/1, para. 12.

<sup>36</sup> CERD/C/MKD/CO/7, para. 14.

<sup>37</sup> *Ibid.*, para. 10.

<sup>38</sup> CAT/C/MKD/CO/2, para. 13.

<sup>39</sup> CCPR/C/MKD/CO/2, para. 11.

<sup>40</sup> *Ibid.*, para. 12.

<sup>41</sup> CAT/C/MKD/CO/2, para. 20.

<sup>42</sup> CCPR/C/MKD/CO/2, para. 11.

<sup>43</sup> CAT/C/MKD/CO/2, para. 20.

<sup>44</sup> E/CN.4/2005/62/Add. 1, paras. 1738-1742.

<sup>45</sup> E/CN.4/2006/6/Add. 1, paras. 487-490.

<sup>46</sup> E/CN.4/2006/95/Add. 5, para. 962

<sup>47</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 118), paras. 23-24.

<sup>48</sup> CAT/C/MKD/CO/2, para. 21.

<sup>49</sup> E/C.12/MKD/CO/1, para. 19.

<sup>50</sup> CEDAW/C/MKD/CO/3, para. 23.

<sup>51</sup> CAT/C/MKD/CO/2, para. 19.

<sup>52</sup> E/C.12/MKD/CO/1, para. 39.

<sup>53</sup> CEDAW/C/MKD/CO/3, para. 24.

<sup>54</sup> Ibid., para. 24.

<sup>55</sup> CAT/C/MKD/CO/2, para. 15.

<sup>56</sup> CEDAW/C/MKD/CO/3, para. 22.

<sup>57</sup> CAT/C/MKD/CO/2, para. 22.

<sup>58</sup> E/C.12/MKD/CO/1, paras. 20 and 40.

<sup>59</sup> CCPR/C/MKD/CO/2, para. 13.

<sup>60</sup> Ibid., para.12.

<sup>61</sup> CAT/C/MKD/CO/2, para. 5.

<sup>62</sup> CCPR/C/MKD/CO/2, para. 17.

<sup>63</sup> CAT/C/MKD/CO/2, para. 18.

<sup>64</sup> CRC/C/15/Add. 118., paras. 21-22.

<sup>65</sup> E/CN.4/2005/61/Add. 1, paras. 241-257.

<sup>66</sup> E/CN.4/2006/95/Add. 5, paras. 964-965.

<sup>67</sup> A/HRC/7/28/Add. 4, para. 65.

<sup>68</sup> Ibid., paras. 90-92.

<sup>69</sup> United Nations Statistics Division coordinated data and analyses, available at:  
<http://mdgs.un.org/unsd/mdg/Data.aspx>

<sup>70</sup> CCPR/C/MKD/CO/2, para. 9.

<sup>71</sup> E/C.12/MKD/CO/1, para. 33.

<sup>72</sup> ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva, Doc. No. 092008MKD087, paras. 1-2.

<sup>73</sup> E/C.12/MKD/CO/1, para. 37.

<sup>74</sup> UNDP, *Blue Ribbon Report, 2006*, p. 82, available at:  
<http://www.undp.org.mk/Default.asp?where=news&id=351&start=1> .

<sup>75</sup> E/C.12/MKD/CO/1, para. 41.

<sup>76</sup> UNDP, *People Centered Analysis Report*, Skopje, 2008, p. 22, available at:  
<http://www.undp.org.mk/datacenter/publications/documents/PCAEngV.pdf>.

<sup>77</sup> UNICEF, *Children in FYR Macedonia*, op. cit., p. 10.

<sup>78</sup> Ibid., pp. 9-10.

<sup>79</sup> E/C.12/MKD/CO/1, para. 27.

<sup>80</sup> CEDAW/C/MKD/CO/3, para. 28.

<sup>81</sup> E/C.12/MKD/CO/1, para. 47.

<sup>82</sup> CERD/C/MKD/CO/7, para. 18.

<sup>83</sup> CCPR/C/MKD/CO/2, para.16.

<sup>84</sup> UNICEF, *Children in FYR Macedonia*, op.cit., p. 10.

<sup>85</sup> CRC/C/15/Add. 118, paras. 33 - 34.

<sup>86</sup> E/C.12/MKD/CO/1, para. 23.

<sup>87</sup> Ibid., para. 43.

<sup>88</sup> A/HRC/7/23, para. 67.

<sup>89</sup> UNICEF, *Children in FYR Macedonia*, op.cit., p. 50.

<sup>90</sup> Ibid., p. 53.

<sup>91</sup> UNHCR, *Global Report 2005*, p. 371, available at: <http://www.unhcr.org/publ/3b7b87e14.html>.

<sup>92</sup> CAT/C/MKD/CO/2, para. 8.

<sup>93</sup> CCPR/C/MKD/CO/2, para. 16.

<sup>94</sup> Ibid., para. 15.

<sup>95</sup> See also CERD/C/MKD/CO/7, para. 12.

<sup>96</sup> CCPR/C/MKD/CO/2, para. 14.

<sup>97</sup> UNDP, *Early Warning Report*, Skopje, June 2007, p. 7, available at: <http://www.ewr.org.mk/reports/EWR%20June%202007%20-%20ENG.pdf>.

<sup>98</sup> UNHCR, *Global Report 2006*, p. 427, available at: <http://www.unhcr.org/publ/PUBL/4666d2560.pdf>.

<sup>99</sup> UNDP, *People Centered Analysis Report*, op.cit., p. 8.

<sup>100</sup> CERD/C/MKD/CO/7, para. 24.

<sup>101</sup> CCPR/C/MKD/CO/2, para. 21.

<sup>102</sup> CAT/C/MKD/CO/2, para. 27.

<sup>103</sup> A/HRC/7/28/Add. 4, paras. 94-95.

<sup>104</sup> Ibid., paras. 96-98.

<sup>105</sup> ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva, Doc. No. 062008MKD098, para. 5.

-----