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# Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

## The former Yugoslav Republic of Macedonia

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the United Nations Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

# I. Background and framework

## A. Scope of international obligations[1]

**International human rights treaties**[2]

| | *Status during previous cycle* | *Action after review* | *Not ratified/not accepted* |
|---|---|---|---|
| *Ratification, accession or succession* | ICERD (1994)<br>ICESCR (1994)<br>ICCPR (1994)<br>ICCPR-OP 2 (1995)<br>CEDAW (1994)<br>CAT (1994)<br>OP-CAT (2009)<br>CRC (1993)<br>OP-CRC-AC (2004)<br>OP-CRC-SC (2004)<br>CPED (signature only, 2007) | CRPD (2011) | ICRMW<br>CPED |
| *Reservations, declarations and/or understandings* | – | | |
| *Complaint procedures, inquiry and urgent action*[3] | ICERD, art. 14 (1999)<br>ICCPR-OP 1 (1994)<br>OP-CEDAW, art. 8 (2003)<br>CAT, art. 20 (1994) | OP-CRC-IC (signature only, 2012)<br>OP-CRPD art. 6 (2011) | OP-ICESCR<br>ICCPR, art. 41<br>CAT, arts. 21 and 22<br>ICRMW<br>CPED |

1. In 2013, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and in 2010, the Committee on the Rights of the Child (CRC) encouraged the State to consider ratifying ICRMW.[4]

2. CEDAW encouraged the State to accept the amendment to article 20(1) of the Convention.[5]

3. CRC and the United Nations High Commissioner for Refugees (UNHCR) urged ratification of the 1961 Convention on the Reduction of Statelessness and CRC urged ratification of the Council of Europe Convention on the avoidance of statelessness in relation to State succession.[6]

4. CRC recommended ratification of CPED.[7]

5. CEDAW urged ratification of the Council of Europe Convention on Preventing and Combating Violence against Women.[8] CRC recommended ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2010).[9]

6. CRC recommended that the State consider ratifying Hague Conventions No. 23 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, No. 24 on the Law Applicable to Maintenance Obligations, and No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.[10]

7. CRC recommended ratification of the European Charter for Regional and Minority Languages.[11]

## B. Constitutional and legislative framework

8. CRC urged the State to complete the harmonization of its legislation with the Convention and review all relevant legislation, regulations, judicial and administrative procedures to ensure that the best interests of the child and the right of the child to be heard are incorporated.[12]

## C. Institutional and human rights infrastructure and policy measures

**Status of national human rights institutions**[13]

| *National human rights institution* | *Status during previous cycle* | *Status during present cycle*[14] |
|---|---|---|
| Ombudsman | n/a | B (2013) |

9. CEDAW recommended improvements to the visibility, accessibility and transparency of the Commission for the Protection against Discrimination (CPAD) and the Ombudsman.[15] The United Nations Children's Fund (UNICEF) noted that CPAD needed strengthening.[16]

10. CEDAW and CRC recommended that the State ensure that the Ombudsman institution is fully in line with the Paris Principles.[17]

11. UNICEF noted that the National Child Rights Commission lacked a dedicated budget and secretariat.[18] CRC urged the State to ensure that the Commission take the lead in policy planning and priority setting for the implementation of the Convention, and to provide it with adequate resources.[19] It urged the State to consider designating this Commission to be in charge of coordination and evaluation of all activities to implement OP-CRC-SC.[20]

12. While welcoming the adoption of the 2006-2015 National Plan of Action on Children's Rights (NPA) and the development of local action plans for the implementation of the Convention by 53 (out of 83) municipalities, CRC recommended that the State accelerate the implementation of the NPA and encourage the remaining municipalities to adopt local plans.[21] It further urged allocating or earmarking funds for NPA implementation.[22]

13. CRC recommended the development of a national plan of action aimed at addressing all issues covered under OP-CRC-SC.[23]

14. CRC regretted the absence of measures and programmes targeting vulnerable children, in particular girls, Roma, children in street situations or in residential care, child refugees and unaccompanied or separated children.[24]

15. CRC encouraged the strengthening of international cooperation, especially with neighbouring countries, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for offences covered under OP-CRC-SC.[25]

16. CRC recommended the inclusion of peace education in the school curricula, with special reference to awareness of the crimes covered by OP-CRC-AC.[26]

# II. Cooperation with human rights mechanisms

17. In 2012 the State under review submitted a mid-term report on the implementation of the recommendations accepted under the 2009 Universal Periodic Review (UPR).[27]

## A. Cooperation with treaty bodies[28]

### 1. Reporting status

| *Treaty body* | *Concluding observations included in previous review* | *Latest report submitted since previous review* | *Latest concluding observations* | *Reporting status* |
|---|---|---|---|---|
| CERD | March 2007 | – | – | Eighth to tenth reports overdue since 2010 |
| CESCR | November 2006 | – | – | Second to fourth reports overdue since 2008 |
| HR Committee | April 2008 | 2013 | – | Third report pending consideration |
| CEDAW | February 2006 | 2011 | March 2013 | Sixth report due in 2017 |
| CAT | May 2008 | 2013 | – | Third report pending consideration |
| CRC | January 2000 | 2008 (CRC) / 2009 (OP-CRC-AC) / 2008 (OP-CRC-SC) | June 2010 (CRC/ OP-CRC-SC/OP-CRC-AC) | Third and fourth reports due in 2017 |
| CRPD | – | – | – | Initial report due in 2014 |

### 2. Responses to specific follow-up requests by treaty bodies

**Concluding observations**

| *Treaty body* | *Due in* | *Subject matter* | *Submitted in* |
|---|---|---|---|
| CERD | 2008 | Measures to combat discrimination in the workplace; housing situation of Roma; and education of Roma children.[29] | – |
| HR Committee | 2009 | Scope of Law on Amnesty; investigation of an individual case; and Internally Displaced Persons.[30] | 2009 and 2011[31] |
| CEDAW | 2014 | Domestic violence; data collection of violence against women; and education of women and girls.[32] | – |
| CAT | 2009 | Independence of the Public Prosecution Office; asylum procedure; investigation of enforced disappearances cases in 2001; and combatting ill-treatment of and discrimination against ethnic minorities, in particular Roma.[33] | 2009 and 2011[34] |

## B. Cooperation with special procedures[35]

| | *Status during previous cycle* | *Current status* |
|---|---|---|
| *Standing invitation* | Yes | Yes |
| *Visits undertaken* | Human rights defenders (27–30 January 2003) | Freedom of religion (26–29 April 2009) |
| | Human rights defenders (23–25September 2007) | Freedom of opinion and expression (18–21 June 2013) |
| *Visits agreed to in principle* | Freedom of religion or belief, tentatively scheduled 27–29 April 2009 | – |

| | *Status during previous cycle* | *Current status* |
|---|---|---|
| *Visits requested* | Freedom of opinion and expression (request in 2004) | Extreme poverty (request in 2012) |
| *Responses to letters of allegations and urgent appeals* | During the period under review four communications were sent. The Government replied to two of these communications. | |

18. In 2013, the Special Rapporteur on freedom of opinion and expression recommended that the State invite the Special Rapporteur on the independence of judges and lawyers to visit the country in the near future.[36]

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

19. Since 2007, OHCHR has been present through a human rights adviser within the United Nations Country Team (UNCT). The human rights adviser works with United Nations and national partners on a range of activities which in the period 2010–2012 included: (a) technical advice for drafting of the Gender Equality Law and the National Strategy on Gender Equality, which were adopted in 2012; (b) support to the Government for the coordination of reporting to the Treaty Bodies, including the preparation of the Common Core Document, and follow-up to recommendations; and (c) advice and trainings on the implementation of the CPRD.[37]

# III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

## A. Equality and non-discrimination

20. CEDAW called upon the State to amend the gender equality and anti-discrimination laws in order to explicitly prohibit all forms of discrimination against women, in accordance with its pledge at the last UPR.[38]

21. CEDAW urged the State to adopt temporary special measures in all areas where women were underrepresented or disadvantaged.[39]

22. CRC was concerned that the new Law on Prevention and Protection against Discrimination did not explicitly cover certain grounds for discrimination and that it provided a long list of exceptions from what constituted discrimination.[40]

23. CEDAW recommended implementation of measures to eliminate discrimination against rural women and enhance their economic and political empowerment, including by reviewing the causes of the low percentage of women who owned land and had access to credit.[41]

24. CEDAW was concerned about the continuing marginalization of Roma women and the intersecting forms of discrimination they faced.[42]

25. CRC was concerned about the de facto discrimination of children who (a) belonged to minorities, especially Roma; (b) were in institutions or in street situations; (c) had disabilities; and (d) were in conflict with the law.[43]

26. The Special Rapporteur on freedom of opinion and expression noted information regarding episodes of attacks against the lesbian, gay, bisexual and transgender communities, and stated that it was crucial to ensure that any episode of hostility motivated by discrimination on the grounds of sexual orientation was investigated. He was also disturbed by allegations regarding statements made by high-level public authorities who openly reinforced discriminatory stereotypes against these communities.[44]

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

27. CRC was deeply concerned about allegations of solitary confinement, corporal punishment and use of batons in the Educational-Correctional Institution. It recommended that the State abolish the use of corporal punishment and review or limit as much as possible the use of solitary confinement in the Institution.[45] It also recommended the prohibition of corporal punishment in the home.[46]

28. CEDAW remained concerned that the 2008 Family Law did not protect all victims of violence. It urged the State to (a) strengthen existing criminal and family law or adopt a comprehensive law addressing all forms of violence against women; (b) raise public awareness and provide mandatory training for law enforcement officials and the judiciary; (c) encourage women to report incidents of domestic and sexual violence; and (d) increase the number of shelters.[47]

29. CRC recommended that the State enforce the relevant legislation, punish perpetrators of physical and sexual abuse in the home and in schools, and ensure that child victims have access to specialized services for recovery, rehabilitation and family reintegration.[48] It made similar recommendations regarding child victims of offences covered under OP-CRC-SC and OP-CRC-AC.[49]

30. CRC was concerned that the legislation focused almost exclusively on trafficking to the detriment of other aspects of the sale of children.[50] CRC recommended revision of the Criminal Code to include the crime of sale of children and to prohibit all forms of possession of child pornography.[51]

31. CRC recommended that the State (a) implement legislation against trafficking in persons; (b) conduct capacity-building programmes for law-enforcement officers, judges and prosecutors; (c) investigate and prosecute all cases of sale and trafficking; and (d) carry out awareness-raising activities, in order to make both parents and children aware of the dangers and consequences of these crimes.[52] CEDAW recommended addressing the root causes of trafficking and exploitation of women and girls. [53]

32. CRC was concerned about the reported rise in the number of cases of child sexual abuse and exploitation, that only children younger than 14 years were protected under article 188 of the Criminal Code and that in cases of rape the burden of proof fell on the victim above the age of 14 years.[54]

33. While noting that, under the Law on Labour Relations, the minimum age for admission to employment was 15 years and persons employed under the age of 18 years were entitled to special protection, CRC was concerned about the weak implementation of child labour laws and policies, and about the incidence of child labour in the informal sector, in particular begging and street vending at intersections, on street corners and in restaurants.[55]

34. CRC recommended that the State ensure the continuity of a toll-free, 24-hour helpline, increase its accessibility, and recognize it as a source of information and data for policy and legislation on children's rights, and as a tool for early intervention and prevention.[56]

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

35. The Special Rapporteur on freedom of opinion and expression was concerned that the recent change of five members of the Constitutional Court appeared to have seriously harmed the independence of this body, and delayed and compromised decisions, including cases related to the right to freedom of expression. He further noted that the court did not have the administrative and financial autonomy to perform its tasks with the required independence.[57]

36. The Special Rapporteur on freedom of religion and belief noted statements by certain religious leaders and politicians in April 2009 criticizing judges in the Constitutional Court. She emphasized that the independence of the judiciary had to be fully respected and welcomed the Government's affirmation in the first UPR that the promotion of the judiciary's independence remained a major priority.[58]

37. UNICEF reported difficulties in the implementation of juvenile justice legislation, including poor harmonization between legislation, confusion arising from continuous legislative amendments, and a need for continuous training.[59] It also noted that free legal aid was not provided to children in conflict with the law, although it was mandatory.[60] CRC recommended that the State (a) ensure that children under the age of criminal responsibility are not punished in any manner for criminal actions; (b) review practices to ensure that children are not treated as adult offenders in the administration of juvenile justice; (c) ensure the separation of juvenile and adult offenders; (d) ensure that children are deprived of their liberty only as a measure of last resort; and (e) abolish the practice of compulsory drug testing in the Educational-Correctional Institution**.**[61]

38. CRC recommended that the State revise its criminal legislation to establish and exercise extraterritorial jurisdiction over crimes covered by OP-CRC-SC and OP-CRC-AC, without the criterion of double criminality, and consider these Protocols to be a legal basis for extradition without the condition of the existence of a bilateral treaty.[62]

39. CRC recommended that the State ensure that all children victims and/or witnesses of crimes are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.[63] It was concerned that in some cases courts had allegedly allowed the confrontation of child victims with the accused.[64]

## D. Right to privacy, marriage and family life

40. CEDAW urged the raising of awareness among Roma and Albanian communities about the prohibition of child marriage and the investigation and prosecution of cases of forced and early marriage. It also called upon the State to adopt measures to register all marriages, including those taking place within Roma and Albanian communities.[65] CRC made similar recommendations.[66]

41. CRC recommended that the State take measures to respect the privacy of children in the media by strengthening implementation of existing legislation and awareness.[67]

42. CRC was concerned that there remained a number of children who lacked registration and identity documentation. These included many who were in street situations,

as well as many Roma children. It urged the State to (a) take immediate measures to ensure retroactive birth registration and issuance of documents for these children; (b) ensure that children lacking identity documents not be refused access to education, health, and public services, including child allowances.[68]

43. CRC recommended that the State ensure the preservation of information on the origin of adopted children and ensure that children be informed about the fact of their adoption and have access to such information at the appropriate age and level of development.[69]

44. CRC recommended that the State develop safeguards to ensure respect for the "subsidiarity principle" so that the intercountry adoption of a child was only considered after all possibilities for domestic adoption had been exhausted.[70]

45. CRC recommended removal of the competence of the social work centres to limit and suspend parental rights and ensure that the suspension of parental rights was only done by a competent judge and only when required for the immediate protection of the child and for the protection of the child's best interests.[71]

46. CRC recommended that the State identify alternative measures for the recovery of maintenance from solvent parents who refused to pay and consider establishing a national fund while enforcement measures were enacted.[72]

## E. Freedom of religion or belief, expression and association, and right to participate in public and political life

47. In 2009, the Special Rapporteur on freedom of religion observed that there was by and large a high level of tolerance in society and that the Government had shown respect for religious diversity and freedom of religion or belief.[73] Nonetheless, she noted contentious issues in the public debate which included religious instruction in primary schools, the wearing of religious symbols and the construction of places of worship.[74] She indicated that public education, which included instruction in a particular religion or belief, was only consistent with article 18, paragraph 4, of the ICCPR if provision were made for non-discriminatory exemptions or alternatives accommodating the wishes of parents and legal guardians.[75] She also stated, with regard to restrictions on the wearing of religious symbols, that these should not be applied in a discriminatory manner. Limitations had to be directly related and proportionate to the specific need on which they were predicated.[76]

48. The Special Rapporteur on freedom of religion reminded the Government of its obligations to remain neutral and non-discriminatory, especially concerning the registration procedure. Registration should not be a precondition for practising one's religion, but only for the acquisition of a legal personality and related benefits. In the latter case, registration procedures should be easy and quick, and not depend on extensive formal requirements in terms of the number of members or the time a particular religious group existed. Registration should not depend on reviews of the substantive content of the belief, the structure or the clergy. In addition, no religious group should be empowered to decide about the registration of another religious group.[77]

49. The Special Rapporteur on freedom of religion also emphasized that the 2007 Law on the Legal Status of a Church was in line with international human rights standards. However, she noted that its implementation had not so far not been streamlined, for example with regard to registration issues, and reportedly small religious communities faced obstacles in practice when applying for building permits for their places of worship. She referred to the Government's acceptance of the recommendation received during the UPR for it to 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.[78]

50. CRC recommended that the State ensure that religious education was optional, taking into consideration the best interests of the child, and was conducted in a manner that contributed to a spirit of understanding, tolerance and friendship among all ethnic and religious groups.[79]

51. The Special Rapporteur on freedom of opinion and expression commended some legal improvements recently made aligning laws of the State under review to international standards regarding freedom of expression. He noted in particular the decriminalization of defamation, completed in 2012, and the Law on Free Access to Public Information adopted in 2006.[80]

52. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that a media self-regulatory mechanism had not yet been developed in the country and that the authorities had increased their power over the media in 2011 by adding government-appointed members to the Broadcasting Council had undermined the Council's independence.[81] The Special Rapporteur on freedom of opinion and expression had similar observations.[82] He also noted concerns by the national and international human rights community regarding the preparation of the draft Law on Media and Audiovisual Services. He shared concerns already expressed by the experts of the Organization for Security and Co-operation in Europe and Council of Europe, and emphasized the need to secure an open debate on the final drafting of this proposal. He added that such an important law must never be designed and adopted without proper consultation with civil society, in particular, the journalists associations and human rights organizations.[83]

53. The Special Rapporteur on freedom of religion, noting the vague formulation of article 319 of the Criminal Code which criminalized acts that caused or incited national, racial or religious hatred, urged the Government to review this provision with a view to preventing any arbitrary interpretation and application by the authorities.[84] The Special Rapporteur on freedom of opinion and expression repeated the observation.[85]

54. The Special Rapporteur on the right to freedom of opinion and expression referred to allegations of the use of various legal instruments to intimidate journalists and the independent media, and observed that the arbitrary enforcement of legal instruments to harass critical media risked silencing important voices in the country. He observed that the closure of a television station and four newspapers due to accusations of tax evasion and money laundering appeared to be a clearly disproportionate response to the offences committed. He welcomed the decriminalization of defamation, but observed that the fines prescribed by the law on Law on Civil Liability for Defamation and Libel appeared too high in relation to the journalists' average salaries.[86]

55. The Special Rapporteur on freedom of opinion and expression noted claims that public advertising budgets tended to favour media that was uncritical of the Government and observed that there should be close scrutiny to avoid the misuse of public resources to the detriment of critical voices.[87]

56. CEDAW remained concerned that women continued to be underrepresented in ministerial positions, in high-ranking posts in the diplomatic service, at the municipal level and in mayoral positions. It recommended that the State increase the number of women in decision-making positions, including by adopting temporary special measures, and to create an enabling environment for political participation of women.[88]

57. UNESCO recommended promotion of awareness and better implementation of the Law on Free Access to Public Information.[89] The Special Rapporteur on freedom of opinion and expression commended the adoption of this law but noted that there were long delays in

the response to requests for public information, with inconsistent application of exemptions.[90]

## F. Right to work and to just and favourable conditions of work

58. CEDAW recommended that the State (a) eliminate occupational segregation; (b) implement the principle of equal pay for work of equal value; (c) close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women; (d) increase the access of women, including Roma women and women belonging to other disadvantaged groups, to formal employment and entrepreneurship, and improve their possibilities to combine working life with family responsibilities.[91]

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

59. UNICEF reported that only one in five children from the poorest quintile received child allowances, indicating the measure's inadequacy. It also reported evidence of discrimination in the award of social benefits, which was mainly directed towards Roma, but other ethnicities such as Albanians or Macedonians were also affected. It noted improvements in data collection systems.[92]

60. CRC recommended that the State prioritize the protection of an adequate standard of living for children in vulnerable situations – including in forthcoming legislation, strategies and programmes for social protection, and particularly in the distribution of child allowances – and ensure that this is observed in practice by the relevant State institutions. The State should remove all forms of discrimination in the distribution of child allowances and other forms of social welfare.[93]

61. CRC recommended that the State (a) provide adequate protection and assistance for recovery and reintegration to children in street situations and develop a comprehensive strategy addressing the root causes; (b) raise public awareness of their rights and needs and combat misconceptions and prejudices; and (c) ensure that they be consulted when planning programmes designed to enhance their living conditions and improve their development.[94]

## H. Right to health

62. UNICEF noted that planning, budgeting and implementation of public health programmes pertinent to mother and child health needed to be improved at both national and local levels, but progress could be noted in the modernization and improved management of the programmes.[95]

63. CEDAW remained concerned about the high rate of abortion and the low use and availability of modern forms of contraception. It was also concerned about the financial, cultural and physical barriers to gynaecological services faced by Roma and rural women. It was further concerned about the lack of education programmes on sexual and reproductive health and rights in schools, the lack of gender perspective in national HIV and other health policies.[96] CRC had similar concerns.[97]

64. CRC was concerned about the absence of prevention measures and rehabilitation services for children using drugs or alcohol.[98]

65. UNICEF noted that, after decreases in 2009-2011, infant mortality increased 30 per cent in 2012 to 9.7. Roma and ethnic Albanian children had a 25 per cent higher rate. Limited progress had been made to determine and address the causes of infant mortality.[99]

CRC was concerned that that perinatal mortality was the highest in the region, and that refugee children who lacked proper documentation had been refused medical treatment.[100]

66. CRC recommended that the State (a) prevent and reduce infant mortality among the Roma community; (b) increase the quality and availability of health services to eliminate urban–rural disparities; (c) provide medical assistance and health care to all children, with emphasis on the development of primary health care and; (d) raise the quality of prenatal and postnatal health care for mothers, with a view to preventing perinatal mortality.[101]

67. CRC regretted (a) the declining rate of exclusive breastfeeding; (b) that the paediatric association, which controlled breastfeeding guidelines, accepted sponsorship from the baby food industry; and (c) that baby food products were marked "for 4 months" and were widely promoted by and available from private enterprises. It recommended that the State enforce existing legislation, promote exclusive breastfeeding practices and comply with the International Code of Marketing of Breast-milk Substitutes.[102]

68. UNICEF noted progress in child nutrition over the past decade, but that stunting among Roma children was unchanged since 2005 at 16.5 per cent and was three times the national average.[103]

69. CRC recommended the development of child and adolescent mental health policy, prevention of mental disorders in primary care, and outpatient and inpatient health services, with a view to improving mental health and emotional well-being of children.[104]

## I. Right to education

70. CEDAW urged the State to address barriers to the education of women and girls, to reduce their dropout rates.[105] UNESCO had similar recommendations.[106]

71. UNICEF noted increased awareness of the importance of education among the Roma, but noted that there were still discrepancies such as secondary school attendance rates of 42 and 35 per cent for Roma boys and girls respectively (compared to the national averages of 84 and 81 per cent).[107] It also noted that only 65 per cent of ethnic Albanian girls attended secondary school.[108]

72. CRC recommended that the State (a) ensure that children not be denied access to education on any grounds; (b) develop specialized services to prepare children in street situations for reintegration into the school system; (c) invest in teachers training and curricula development; (d) promote the integration of Roma children in mainstream education; (e) ensure access to early childhood development and education; and (f) implement plans to introduce reproductive education in both primary and secondary school.[109]

73. UNICEF noted that discriminatory practices led to incidences of non-acceptance of children with disabilities in regular schools and that Roma children were overrepresented in the Special Schools.[110] CEDAW urged addressing the recommendations of the Ombudsman, which called for the regulation and review of findings made by institutions authorized to determine the level of children's disabilities and special measures, including those of Roma girls.[111] CRC recommended that the State ensure that the decision to refer children to special schools be based on objective criteria.[112]

74. UNICEF mentioned that, in terms of inter-ethnic relations in education, the trend of increasing separation by ethnicity in schools continued and activities aimed at inter-ethnic education were mainly donor-supported.[113] CRC recommended that the State work with the communities to encourage the enrolment of children in ethnically-mixed schools and provide in practice possibilities for children from the different communities to learn about one another.[114]

## J. Persons with disabilities

75. UNICEF mentioned the absence of any data on the number of children with disabilities and the types of disabilities and the lack of any budget, or institution responsible for, the collection of this data. It also noted the lack of flexibility in the categorization system, but progress was being made in changing the system.[115]

76. CRC was concerned at the persisting inadequacy of educational, social and health services for children with disabilities and their families in their own living environment. It recommended that the State (a) develop a policy for their protection and their equal access to social, educational and other services; (b) ensure that children with disabilities are able to exercise their right to education to the maximum extent possible; (c) create the conditions for their participation in the elaboration, execution and evaluation of specific programmes; and (d) provide training for professional staff working with children with disabilities.[116]

## K. Minorities

77. The Special Rapporteur on freedom of opinion and expression commended the authorities for the measures taken to ensure the functioning of media services controlled by or serving various minority groups.[117]

78. While appreciating that mother tongue education was available for most communities – namely in the Macedonian, Albanian, Turkish and Serbian languages and the introduction of "Romani language and culture" – CRC regretted the limited availability and lower quality of education in the language of certain minorities, particularly the Roma and Vlach communities. It recommended that the State (a) protect the rights of children belonging to minority groups, respect their culture and guarantee their enjoyment of the rights enshrined in the national constitution; and (b) train educators and develop curricula, textbooks and other aides in order to increase the availability and raise the quality of minority language education, particularly for Roma (for all those groups who are using their own language) and Vlach children.[118]

## L. Migrants, refugees and asylum-seekers

79. UNHCR welcomed the adoption in 2012 of amendments to the Law on Asylum and Temporary Protection (LATP), which included most of its recommendations, as well as the inclusion of persons granted asylum as beneficiaries under the Health Insurance Law.[119] It recommended, inter alia (a) accelerating the adjudication process and providing efficient protection to asylum-seekers throughout the entire process; (b) ceasing rejection of claims based merely on grounds of the "threat to national security"; (c) improving judicial safeguards for persons in need of protection by providing access to a court hearing review cases on appeal; and (d) ensuring the Courts consider the substance of a the asylum claim on appeal rather than merely the procedural aspects.[120]

80. CEDAW called upon the State to integrate a gender-sensitive approach in all asylum and refugee processes, including at the application stage.[121]

81. UNHCR was concerned that there was no procedure in place for determining the best interests of the child. Legislation and procedures were absent for unaccompanied and separated children. Among the problems was that temporary guardians were not appointed to all children and they usually never appeared before the authorities during the procedure.[122] CRC recommended that the State ensure that unaccompanied and separated children be appointed a guardian and be accommodated separately from adults, and that

children among refugees and asylum seekers be assured of access to education, health care, social protection and housing.[123]

82. CRC urged the State to (a) ensure that the status of children among refugees and persons under subsidiary protection be documented and certified; and (b) continue fulfilling its international obligations and raising protection standards with regard to stateless children, in particular by establishing a specific statelessness determination procedure.[124]

83. CRC recommended that the State continue cooperating with partners, including UNHCR, and implement the provisions of the LATP regarding the examination of asylum applications and family tracing. It further recommended the establishment of mechanisms to identify children who had been involved in armed conflict in order to ensure adequate protection, recovery and reintegration, and the establishment of a mechanism to follow up with unaccompanied and separated children once they left a reception centre.[125]

*Notes*

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the former Yugoslav Republic of Macedonia from the previous cycle (A/HRC/WG.6/5/MKD/2).

[2] 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; |
| OP-ICESCR | Optional Protocol to ICESCR |
| 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 |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| 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 CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance |

[3] A table in the previous UPR compilation contained the following information under Recognition of specific competences of treaty bodies: Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art.33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art.30.

[4] CEDAW/C/MKD/CO/4-5, para. 45, CRC/C/MKD/CO/2, para. 86.

[5] CEDAW/C/MKD/CO/4-5, para. 41.

[6] CRC/C/MKD/CO/2, para. 33 (d). UNHCR Submission for the Universal Periodic Review (2013), p. 7.

[7] CRC/C/MKD/CO/2, para. 86.

[8] CEDAW/C/MKD/CO/4-5, para. 23.

[9] CRC/C/MKD/CO/2, para. 74.

[10] *Ibid.*, para. 46 (b).

[11] *Ibid.*, para. 85 (e).

[12] *Ibid.*, paras. 9, 29.

[13] According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[14] For the list of national human rights institutions with accreditation status granted by the International

Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[15] CEDAW/C/MKD/CO/4-5, para. 13 (a).

[16] UNICEF Report to the second cycle of the UPR – The former Yugoslav Republic of Macedonia, p. 5.

[17] CRC/C/MKD/CO/2, para. 15 (a); CEDAW/C/MKD/CO/4-5, para. 13.

[18] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 4.

[19] CRC/C/MKD/CO/2, para. 11.

[20] CRC/C/OPSC/MKD/CO/1, para. 15.

[21] CRC/C/MKD/CO/2, paras. 12 and 13.

[22] *Ibid.*, para.17.

[23] CRC/C/OPSC/MKD/CO/1, para. 13.

[24] *Ibid.*, para. 27.

[25] *Ibid.*, para. 39.

[26] *Ibid.*, para. 8.

[27] See http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/MK/FYRM_mid-termreport.doc, (accessed 8 November 2013).

[28] The following abbreviations have been used for this document:

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|---|---|
| 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 |
| CRPD | Committee on the Rights of Persons with Disabilities. |

[29] CERD/C/MKD/CO/7, para. 24.

[30] CCPR/C/MKD/CO/2, para. 21.

[31] CCPR/C/MKD/CO/2/Add.1, 2009.

[32] CEDAW/C/MKD/CO/4-5, (advance unedited version), para. 46.

[33] CAT/C/MKD/CO/2, para. 27.

[34] CAT/C/MKD/CO/2/Add.1, 15 September 2009.

[35] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[36] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).

[37] OHCHR Annual Report, 2011, http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/index.html, pp.353-355. OHCHR Annual Report 2012, http://www2.ohchr.org/english/ohchrreport2012/web_en/index.html, pp. 262-263.

[38] CEDAW/C/MKD/CO/4-5, para. 11.

[39] *Ibid.*, paras. 18 and 19.

[40] CRC/C/MKD/CO/2, para. 26.

[41] CEDAW/C/MKD/CO/4-5, para. 36.

[42] *Ibid.*, para. 38 (a).

[43] CRC/C/MKD/CO/2, para. 26.

[44] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).

[45] CRC/C/MKD/CO/2, para. 39.

[46] *Ibid.*, para. 41.

[47] CEDAW/C/MKD/CO/4-5, paras. 22 and 23.

[48] CRC/C/MKD/CO/2, para. 51.

[49] CRC/C/OPSC/MKD/CO/1, para. 38; CRC/C/OPAC/MKD/CO/1, paras. 15 and 16.
[50] *Ibid.*, para. 10.
[51] *Ibid.*, para. 30.
[52] CRC/C/MKD/CO/2, para. 76.
[53] CEDAW/C/MKD/CO/4-5, para. 26.
[54] CRC/C/MKD/CO/2, para. 73.
[55] *Ibid.*, para. 69.
[56] *Ibid.*, para. 78.
[57] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[58] A/HRC/13/40/Add.2, paras. 28, 56
[59] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 6.
[60] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 6.
[61] CRC/C/MKD/CO/2, para. 80.
[62] CRC/C/OPSC/MKD/CO/1, para. 32; CRC/C/OPAC/MKD/CO/1, paras. 11 and 12.
[63] CRC/C/MKD/CO/2, para. 82.
[64] CRC/C/OPSC/MKD/CO/1, para. 35.
[65] CEDAW/C/MKD/CO/4-5, para. 40.
[66] CRC/C/MKD/CO/2, para. 62.
[67] *Ibid.*, para. 83.
[68] *Ibid.*, paras. 32 and 33.
[69] *Ibid.*, para. 35.
[70] *Ibid.*, para. 49.
[71] *Ibid.*, para. 44.
[72] *Ibid.*, para. 46.
[73] A/HRC/13/40/Add.2, para. 49.
[74] A/67/357, paras. 23-48, 52.
[75] A/HRC/13/40/Add.2, para. 55.
[76] *Ibid.*, para. 57.
[77] *Ibid.*, para. 58.
[78] *Ibid.*, para. 35.
[79] CRC/C/MKD/CO/2, para. 66 (i).
[80] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[81] UNESCO Submission to UPR eighteenth session – The former Yugoslav Republic of Macedonia, para. 19.
[82] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[83] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[84] A/HRC/13/40/Add.2, paras. 47 and 60.

[85] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[86] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[87] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[88] CEDAW/C/MKD/CO/4-5, paras. 27 and 28.
[89] UNESCO Submission to UPR eighteenth session – The former Yugoslav Republic of Macedonia, para. 31.
[90] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E ( accessed 4 November 2013).
[91] CEDAW/C/MKD/CO/4-5, para. 32.
[92] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, pp. 5, 7.
[93] CRC/C/MKD/CO/2, para. 64.
[94] *Ibid.*, para. 72.
[95] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 8.
[96] CEDAW/C/MKD/CO/4-5, para. 33.
[97] CRC/C/MKD/CO/2, para. 58.
[98] *Ibid.*, para. 58.
[99] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 7.
[100] CRC/C/MKD/CO/2, para. 54.
[101] *Ibid.*, para. 55.
[102] *Ibid.*, paras. 56 and 57.
[103] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 8.
[104] CRC/C/MKD/CO/2, para. 60.
[105] CEDAW/C/MKD/CO/4-5, para. 30 (b).
[106] UNESCO Submission to UPR eighteenth session – The former Yugoslav Republic of Macedonia, paras. 27, 28.
[107] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 9.
[108] *Ibid.*, p. 9.
[109] CRC/C/MKD/CO/2, 23 June 2010, para. 66.
[110] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 5.
[111] CEDAW/C/MKD/CO/4-5, 22 para. 30.
[112] CRC/C/MKD/CO/2, para. 66.
[113] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 9.
[114] CRC/C/MKD/CO/2, para. 66.

[115] UNICEF Report to the second cycle of the UPR, June 2013 – The former Yugoslav Republic of Macedonia, p. 10.
[116] CRC/C/MKD/CO/2, paras. 52 and 53.
[117] Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue at the end to his visit to the former Yugoslav Republic of Macedonia, at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E (accessed 4 November 2013).
[118] CRC/C/MKD/CO/2, paras. 84 and 85.
[119] UNHCR Submission for the Universal Periodic Review (2013), p. 2.
[120] *Ibid.*, p. 5.
[121] CEDAW/C/MKD/CO/4-5, 22 March 2013, para. 38
[122] UNHCR Submission for the Universal Periodic Review (2013), p. 5.
[123] CRC/C/MKD/CO/2, para. 68.
[124] *Ibid.*, para. 33.
[125] CRC/C/OPAC/MKD/CO/1, para. 14.