



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-seventh session

3–28 August 2015

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

## List of themes in relation to the combined eighth to tenth periodic reports of the former Yugoslav Republic of Macedonia (CERD/C/MKD/8-10)

### Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### 1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 2, 5 and 6)

(a) Detailed information, including concrete examples, regarding the implementation of the Law on the Prevention of and Protection against Discrimination, in particular cases of discrimination examined by the courts (CERD/C/MKD/CO/7, para.19, CERD/C/MKD/8-10, paras. 8–10);

(b) Information on the results achieved through the National Strategy on Equality and Non-Discrimination, 2012-2015 (CERD/C/MKD/8-10, para. 15) and examples of its implementation, especially on the grounds of ethnic affiliation and gender;

(c) Information on measures taken to eliminate misbehaviour on the part of the police and ill-treatment towards ethnic minorities, including Roma, as well as between ethnic Macedonians and Albanians, when either group forms the minority in a given area; information on measures taken to ensure the independence of the Sector for Internal Control, which is currently under the Ministry of the Interior (CERD/C/MKD/8-10, paras. 38–45);



(d) Updated information on complaints about discrimination received and processed by the Constitutional Court, the Commission for Prevention of Discrimination and the Office of the Ombudsman; detailed information on efforts to increase the Commission's efficiency and independence (CERD/C/MKD/8-10, paras. 31–35).

**2. Discrimination against national, ethnic and religious minorities (arts. 2–7)**

(a) Reported discrimination based on ethnic lines and stereotyping in public discourse, including by politicians and the media, especially between ethnic Macedonians and Albanians; lack of implementation of legal provisions prohibiting and punishing hate speech crimes committed through the media (CERD/C/MKD/CO/7, para. 9; CERD/C/MKD/8-10, para. 123);

(b) Efforts to reduce ethnic disparities in access to education, housing, health and employment;

(c) Double discrimination experienced by women from ethnic minorities, particularly Albanian and Roma women; frequent reported early marriages of Roma girls;

(d) Information on the implementation of the Ohrid Framework Agreement regarding the recognition of minority groups and their representation in public bodies, in particular smaller minorities;

(e) Update on progress made to provide appropriate legal translation and interpretation services for minorities who are neither ethnic Macedonians nor ethnic Albanians to enable their access to the justice system; updated information on measures taken to implement and systematically apply legislation on the use of “non-majority” languages in civil, criminal and administrative proceedings (CERD/C/MKD/CO/7, para. 13; CERD/MKD/8-10, paras. 140 and 141);

(f) Reports of discrimination and violence against religious minorities as well as incidents of damage to places of worship of religious minorities (A/HRC/13/40/Add. 2, paras. 22, 42–46);

(g) Lack of personal documents, such as identity cards and birth certificates, by some members of minority groups and the ensuing impact on their enjoyment of social, economic and cultural rights;

(h) Updated information on the implementation of the constitutionally guaranteed right to education in one's mother tongue for persons belonging to various ethnic communities (CERD/C/MKD/8-10, para. 103);

(i) High school drop-out rate of children from the Albanian and Turkish communities (CERD/C/MKD/CO/7, para. 17).

**3. Situation of non-citizens, including migrants, refugees and asylum seekers (arts. 5 and 6)**

(a) Administrative detention of asylum seekers and irregular migrants, reportedly including children, in the Gazi Baba Reception Centre for Foreigners, where conditions of detention are reportedly amounting to inhuman and degrading treatment (CAT/C/MKD/CO/3, para.17); access to social services, including education, by irregular migrants (CERD/MKD/8-10, para. 93);

(b) Reported practice of denying or revoking the applications of refugees and asylum seekers on the grounds of “threat to national security” without the possibility for the applicant to challenge those decisions; reported practice of expulsions without conducting an adequate assessment of the risk of refoulement (CAT/C/MKD/CO/3, para. 17);

(c) Further information on the amendments made to the Law on Asylum and Temporary Protection (CERD/C/MKD/CO/7, para. 11; CERD/C/MKD/8-10, paras. 129–133); updated information on the number of rejected asylum applications (CERD/C/MKD/CO/7, para. 11) and on the safeguards in place to prevent refoulement;

(d) Information on the implementation of the ruling of 15 July 2014 by the Constitutional Court declaring certain amendments to the Law on Travel Documents of Citizens of Macedonia unconstitutional; information on any case in which the issuance of a passport was denied.

#### **4. Situation of Roma (arts. 2–7)**

(a) Additional information on the measures taken to improve access by Roma to education, employment, housing and health care; update on the implementation of the National Strategy on Roma and on the State party's participation in the regional initiative, Decade of Roma Inclusion, 2005-2015; update on the efforts made to involve Roma communities in the development and implementation of policies and programmes that affect them (CERD/C/MKD/CO/7, paras. 7 and 16; CERD/C/MKD/8-10, paras. 20 and 21);

(b) Information on any safeguards in place to ensure that implementation of the Law on Legalization of Illegal Buildings and of the local spatial planning concerning, in particular, the informal settlements in Kumanovo, Prilep, Bitola and Skopje does not render the predominantly Roma inhabitants homeless;

(c) High school drop-out rate and low attendance of children from Roma communities (CERD/C/MKD/CO/7, para. 18; CERD/C/MKD/8-10, paras. 176–181, 189–208); the overrepresentation of Roma children in education facilities for pupils with mental disabilities;

(d) Reported ethnic stereotypes in school textbooks, particularly regarding Roma.

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