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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**The former Yugoslav Republic of Macedonia**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. METHODOLOGY**

1. The present report of the Republic of Macedonia for the Universal Periodic Review has been prepared in pursuance with the guidelines set forth in the Human Rights Council Resolution 51/1, dated 18 June 2007 and the General Guidelines for Preparation of Information in the framework of the Universal Period Review (A/HRC/6/L.24). Information and recommendations of international human rights mechanisms have been taken into consideration in the preparation of this document, and there have been inter-ministerial consultations, as well as preliminary consultations on the possible elements of the report with civil sector organizations working on human rights protection and promotion. The report having been finalized, it was sent for comments to the NGOs involved in the preliminary consultations.

2. The present report has been prepared by the Ministry of Foreign Affairs in cooperation with the Ministry of Justice, Ministry of Labor and Social Policy, the Ministry of the Interior, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture, the Commission for Religious Communities and Religious Groups and the Secretariat for Implementation of the Framework Agreement.

## **II. LEGAL AND INSTITUTIONAL FRAMEWORK FOR HUMAN RIGHTS PROMOTION AND PROTECTION**

### **A. The Constitution of the Republic of Macedonia**

3. The Constitution of the Republic of Macedonia was adopted by the Assembly of the Republic of Macedonia on 17 November 1991, after the Referendum held on 8 September 1991, at which the decision for the establishment of independent and sovereign Republic of Macedonia was adopted. The Constitution has been amended and supplemented on several occasions.

4. According to Article 1 of the Constitution, the Republic of Macedonia is sovereign, independent, democratic and welfare state in which the sovereignty derives from the citizens and belongs to the citizens. Affirming citizens as sovereign holders of power, the Constitution of the Republic of Macedonia sets forth a system of parliamentary democracy as a form of political system.

5. The civic concept of the Constitution of the Republic of Macedonia is the pillar of the body of human rights and freedoms and forms the basis upon which citizens' rights promotion process builds, both in terms of individual and in terms of collective rights. Basic human rights and freedoms: civil and political rights and freedoms, economic, social and cultural rights and the guarantees for the basic freedoms and rights are contained in Chapter 2 of the Constitution of the Republic of Macedonia.

6. The fundamental values of the constitutional order of the Republic of Macedonia are stipulated in Article 8 of the Constitution: basic freedoms and rights of the individual and citizen recognized in international law and set down in the Constitution, the free expression of national identity and others. Equality of citizens and the non-discrimination principle are also set forth. Hence, the Constitution stipulates that "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law." The Constitution sets forth that the human right to life, physical and moral integrity and freedom are irrevocable. The death penalty may not be imposed on any grounds whatsoever in the Republic of Macedonia and any form of torture, inhuman or degrading treatment or

punishment is prohibited. Freedom of religion, free and public expression of religion is guaranteed. Citizens are guaranteed the freedom of association to realize and protect their political, economic, social, cultural and other rights and beliefs. Citizens have the right to social security and social insurance, while the state provides social protection. The state guarantees the right to assistance to infirm and citizens unfit for work and provides special protection for disabled persons, as well as conditions for their involvement in social life. Persons belonging to the communities have the right to freely express, foster and develop their identity and the characteristics of their communities and use the symbols of their communities. The state guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities. Furthermore, persons belonging to the communities have the right to instruction in their own language in primary and secondary education. The Constitution envisages equal protection of all citizens setting forth that each citizen may invoke the protection of freedoms and rights envisaged in the Constitution before the courts and the Constitutional Court in a procedure based on the principles of priority and urgency. The limitations of freedoms and rights may not discriminate on grounds of gender, race, color of skin, religion, national and social origin, property or social status.

### **B. International obligations of the Republic of Macedonia**

7. The Republic of Macedonia has ratified the main international legal human rights instruments: International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of all Forms of Racial Discrimination; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Elimination of all Forms of Discrimination Against Women and the Optional Protocol to the Convention for Elimination of all Forms of Discrimination Against Women; the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Convention on the Prevention and Punishment of the Crime of Genocide; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity; International Convention on the Suppression and Punishment of the Crime of Apartheid; Geneva Conventions and additional Protocols, the Rome Statute of the International Criminal Court. Furthermore, the Republic of Macedonia has ratified a large number of conventions of the International Labor Organization and of UNESCO.

8. The Republic of Macedonia is a signatory to the Convention on the Rights of Persons with Disabilities and it is also planned that the country signs the Optional Protocol. Furthermore, there are activities undertaken in cooperation with the non-governmental sector regarding the early ratification of both instruments.

9. The Republic of Macedonia is a party to the European Convention for the Protection Human Rights and Fundamental Freedoms, the European Social Charter, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Framework Convention for the Protection of National Minorities, and other relevant conventions of the Council of Europe.

### **C. The status of international law in the domestic legal order**

10. According to Article 118 of the Constitution, international treaties, ratified in accordance with the Constitution are part of the internal legal order of the Republic of Macedonia and may not be amended by law or another act. This constitutional provision has been implemented in Article 98 of the Constitution, according to which courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. Consequently, in adopting their decisions, courts are free to directly apply the provisions of an international convention ratified by the Assembly of the Republic of Macedonia. In this context a series of relevant conventions are directly applicable in the Republic of Macedonia<sup>1</sup>.

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

11. The Republic of Macedonia cooperates under international procedures and mechanisms for human rights protection and promotion. In this respect, in 2004 the Republic of Macedonia extended an open standing invitation to special representatives of the United Nations to visit the Republic of Macedonia.

12. In September 2007, Mrs. Hina Jilani, United Nations Special Representative on Human Rights Defenders visited the Republic of Macedonia. There are plans also for the visit by Mrs. Asma Jahangir, the Special Rapporteur on freedom of religion or belief of the United Nations Human Rights Council in April this year. The Republic of Macedonia has also been visited by independent institutions of regional organizations of which the country is a member: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ad hoc visit in July 2004; III regular visit in May 2006; periodical ad hoc visit in October 2007; follow up visit in July 2008),<sup>2</sup> the OSCE High Commissioner for National Minorities (May 2004, May 2007, January 2008, January 2009). In November 2006, the Republic of Macedonia was also visited by a delegation of the Advisory Committee on the Framework Convention for National Minorities for purposes of preparing an Opinion in the context of the second monitoring cycle under the Framework Convention for National Minorities. In February 2008, the Council of Europe Human Rights Commissioner, Mr. Thomas Hamarberg paid his first visit to the Republic of Macedonia.

13. All elections held during the reporting period have been monitored by international monitoring missions led by OSCE/ODIHR.

14. In the period from 2004 to 2008, the Republic of Macedonia submitted the following reports under international human rights conventions: Initial Report of the Republic of Macedonia under the International Covenant on Economic, Social and Cultural Rights, submitted in July 2005 and reviewed in November 2006; the IV, V, VI, VII Periodical Report of the Republic of Macedonia under the Convention for the Elimination of all Forms of Racial Discrimination, submitted in January 2006, and considered in February 2007; Combined Initial, II, and III Periodic Report of the Republic of Macedonia under the Convention for the Elimination of all Forms of Discrimination Against Women, submitted in May 2004, and considered in January 2006; II Periodic Report of the Republic of Macedonia under the International Covenant on Civil and Political Rights, submitted in October 2006 and considered in March 2008. The II Periodic Report of the Republic of Macedonia under the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment was submitted in May 2006 and considered in May 2008.

15. The II Periodic Report of the Republic of Macedonia on the Convention on the Rights of the Child was submitted to the relevant United Nations Committee on the Rights of the Child in June 2007; the Initial Report of the Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography was submitted in January 2008; the Initial Report of the Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict was submitted in December 2008- the consideration of these reports is pending.

### **III. INSTITUTIONAL FRAMEWORK FOR HUMAN RIGHTS PROTECTION AND PROMOTION**

#### **A. Judiciary**

16. According to Article 50 of the Constitution of the Republic of Macedonia: “Every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency.” Judicial protection of the legality of individual acts of state administration, as well as of other institutions carrying out public mandates, is guaranteed. The citizen has the right to be informed on human rights and basic freedoms, as well as actively to contribute, individually or jointly with others, to their promotion and protection. “

17. This constitutional provision has been appropriately incorporated in the Law on Courts and the Law on Administrative Disputes.

18. The judicial system of the Republic of Macedonia has 27 first instance courts, 4 Courts of Appeal, the Administrative Court, and the Supreme Court of the Republic of Macedonia.

#### **1. Justice system reforms**

19. There have been certain shortcomings, inefficiency of the judiciary, slow processes of exercise of rights and lack of trust by citizens noticed in the procedures for realization of rights before the courts in the Republic of Macedonia.

20. In light of the above stated, in November 2004, the Government of the Republic of Macedonia adopted the Strategy for Justice System Reform, which is primarily focused on ensuring functional and efficient justice system, supporting the exercise and protection of human rights and freedoms, based on European legal standards. In addition to the sections dedicated to the judiciary, the structural and the reforms of the procedural legislation make an integral part of this Strategy.

21. The reform of the procedural legislation guarantees prompt access to justice and more efficient exercise of rights and interests of citizens and legal entities, by ensuring procedural safeguards for their protection in the context of the justice system mechanisms.

22. The 2004 amendments and supplements to the Law on Criminal Procedure and the 2005 amendments to the Civil Procedure Law incorporate solutions for accelerating the procedure and for realization of the right to a trial within reasonable period, and by this for efficient implementation of court protection of rights of citizens and legal entities in the procedures.

23. In the context of the implementation of judgments of the European Human Rights Court versus the Republic of Macedonia regarding the right to a trial within reasonable period, in

March 2008 there were relevant amendments and supplements adopted to the Law on Courts for purposes of operationalization of the national level protection of the right to a trial within reasonable period.

24. In the context of more efficient resolution of disputes, the Law on Mediation is implemented.

25. The Law on Extrajudicial Procedure adopted in 2008 introduces the possibility of transferring part of the non-contentious proceedings to notaries and other public services, in order to free the courts from such cases, by which the notaries as commissioned by the court, undertake legal actions and adopt decisions in inheritance procedure.

26. The Law on Enforcement, adopted in May 2005 introduces the system of enforcement agents who perform public competences and who are outside the courts.

27. The Law on the Public Prosecutor's Office and the Law on the Council of Public Prosecutor were adopted in December 2007. The Law on the Public Prosecutor's Office enhances the role of the Public Prosecutor in the criminal law system, consolidating the competence of the Public Prosecutor's Office in the preliminary investigative procedure. The Law on the Council of Public Prosecutor's regulates the composition and competences of the Council of Public Prosecutors. This Council appoints and dismisses Public Prosecutors following a strictly prescribed procedure and criteria. The Council of Public Prosecutors was established in 2008 in accordance with the above referred to legal provisions.

## **2. Independence and autonomy of the judiciary**

28. One of the priority objectives recognized in the Strategy for Justice System Reform is the need for enhancing the independence of the judiciary. In accordance with the Action Plan for Implementation of the Strategy for Justice System Reform, in December 2005 the Assembly of the Republic of Macedonia adopted Amendments XX to XXX to the Constitution of the Republic of Macedonia, which concern the justice system. The primary goal of these amendments is enhancing the independence of the judiciary.

29. In particular, they put special emphasis on the system of election of judges, which has shown certain weaknesses in the hitherto practice. These amendments to the Constitution envisage that the election and dismissal of judges be conducted by the Judicial Council of the Republic of Macedonia, instead of the hitherto provision, which envisaged that they be elected and dismissed by the Assembly of the Republic of Macedonia. According to Amendment XXVIII, the Judicial Council is an autonomous and independent institution of the judiciary, and it ensures and guarantees the autonomy and independence of the judiciary. The Council is composed of fifteen members.

30. As regards the election of judges and their independence, it should be noted that the Law on the Academy for Training of Judges and Public Prosecutors was adopted in 2006. Since its opening, the Academy for Training of Judges and Public Prosecutors has fully implemented the programs for continuous professional development of judges and public prosecutors, as well as the programs for training of the other target groups, in compliance with the Framework Program 2007-2009. The elementary training of judges and public prosecutors is also implemented efficiently.

31. The Strategy for Information and Communication Technology in Courts 2007-2010 and the Strategy for Reform of the Penal Law are being realized.

### **B. The Constitutional Court**

32. According to Article 108 of the Constitution of the Republic of Macedonia, the Constitutional Court is a state body that protects the constitutionality and legality.

33. According to Amendment XXV, the judges of the Constitutional Court are elected by the Assembly. The Assembly elects six judges with a majority vote of the total number of MPs. The Assembly elects three judges with a majority vote of the total number of MPs, with a requirement for majority vote of the total number of MPs who are members of communities which are not majority in the Republic of Macedonia. Judges are elected for a term of office of nine years without the right to re-election. As a specific institution for the protection of constitutionality and legality, in its area of competence, the Constitutional Court performs several functions, among which resolution of disputes on the protection of human rights and freedoms. However, this does not include all human rights and freedoms in general, but only those referred to in the Constitution as part of its area of competence, such as the rights concerning the freedom of belief, conscience, thought and public expression of thought, political association and activity, and the prohibition of discrimination against citizens on the grounds of sex, race, religious, national or social affiliation.

### **C. The Ombudsman**

34. According to the Constitution, the institution of the Ombudsman of the Republic of Macedonia has a mandate of protecting the constitutional and legal rights of the citizens and other individuals. The competences and methods of work of the Ombudsman are stipulated in the Law on the Ombudsman of 2003. State institutions are obliged to cooperate with and provide information to the Ombudsman for the purpose of determining the factual situation of the cases that are investigated. The Ombudsman is independent and autonomous in the performance of the office, and the activities under his competence are performed on the basis of and within the Constitution, the law and ratified international agreements. In 2003, the Ombudsman received a mandate to also monitor the penitentiary institutions. The legal framework provides a solid institutional basis for advancement and monitoring of most human rights areas.

35. Under Amendment XI to the Constitution of the Republic of Macedonia, the Ombudsman has an obligation to pay special attention to protecting the principles of non-discrimination and equitable representation of the communities at public bodies at all levels and in other areas of public life. This amendment to the Constitution has been transposed into the Law on the Ombudsman, which introduces a new competence according to which the Ombudsman undertakes actions and measures to protect the principle of non-discrimination of persons belonging to the communities which are not majority in the Republic of Macedonia and their equitable representation in state administration bodies, in the units of local self-government and in public institutions and agencies.

36. In compliance with the Law on the Ombudsman, at the end of 2004, 6 local offices were opened in Kumanovo, Kicevo, Stip, Bitola, Tetovo and Strumica, which became operational in 2005. On 15 July 2005, the Assembly of the Republic of Macedonia elected the Deputy Ombudsmen at the local offices.

#### **D. Other institutions for human rights protection and promotion**

37. For the purpose of protecting human rights and freedoms, a Standing Survey Committee for Protection of Human Rights and Freedoms (Article 76, paragraph 4 of the Constitution) has been established at the Assembly of the Republic of Macedonia.

38. The Committee for Relations among the Communities has been established in accordance with Article 78 of the Constitution. The Committee is composed of 19 members, of whom: seven members from the MPs at the Assembly of the Republic of Macedonia from the Macedonian community, seven from the Albanian community, as well as one member each from the ranks of the MPs from the Turkish, Vlach, Roma, Serbian and Bosniak communities. If a community in the Republic of Macedonia is not represented through an MP, the Ombudsman, upon consultation with relevant representatives of the community concerned, proposes the other member of the Committee. The members of the Committee are elected by the Assembly of the Republic of Macedonia and their competence is focused on issues concerning the relations among the communities in the Republic of Macedonia. The Law on the Committee for Relations among the Communities was adopted in December 2007.

39. In compliance with the Law on Equal Opportunities, a Committee for Equal Opportunities of Men and Women was formed at the Assembly of the Republic of Macedonia in September 2006. 13 coordinators for equal opportunities of men and women have been appointed at the government ministries of the Republic of Macedonia. At the local level, 79 Commissions for Equal Opportunities of Men and Women have been formed at the units of local self-government (of the total 84 units of local self-government).

40. By a Decision of the Government, a National Commission for Fight against Trafficking in Human Beings and Illegal Migration was formed in 2001. It is coordinated by the Ministry of the Interior and has prepared a National Strategy and an Action Plan for fight against trafficking in human beings. In 2004, a Sub-Group for Fight against Trafficking in Children was formed. The office of the National Mechanism for Referral of Victims of Trafficking in Human Beings at the Ministry of Labor and Social Policy has been functioning since September 2005.

41. In 2006, an Inter-Ministerial Body for Human Rights was established in the Republic of Macedonia and its goal is to enhance the coordination in the area of human rights among all competent ministries and bodies in the Government of the Republic of Macedonia, exchange information and data and carry out the recommendations contained in the reports of the competent committees of the United Nations, the Council of Europe and other international organizations, make proposals for advancement of the legislation concerning the human rights area and other proposals for improvement of human rights in the Republic of Macedonia in general.

42. A National Commission for the Rights of the Child was formed in 2007. The National Commission comprises representatives of the Ombudsman of the Republic of Macedonia competent for the rights of the child, the UNICEF and of the citizens' associations - the First Children's Embassy "Megjashi" and the Children's Parliament of Macedonia.

43. In August 2008, for the purpose of more efficient coordination of the activities for realization of the projects related to the rights of the smaller communities, the Law on Advancement and Protection of the Rights of the Communities Which Are Less Than 20 per cent of the Population in the Republic of Macedonia was adopted. Pursuant to the Law, an Agency

for the Rights of the Ethnic Groups Which Are Less Than 20 per cent of the Population has been formed.

#### **IV. HUMAN RIGHTS PROMOTION AND PROTECTION**

##### **A. Protection from discrimination**

44. According to Article 9 of the Constitution of the Republic of Macedonia, all citizens have equal rights and freedoms regardless of their sex, race, skin color, national or social background, political affiliation or religious belief, property and social status. This Article also stipulates that citizens are equal before the Constitution and the laws. Regarding the exercise of rights and freedoms, the Constitution, as the highest legal act, is not declarative but contains all prerogatives which ensure efficiency in their exercise and complete protection. Namely, the Constitution envisages a consistent system of protection that ensures and guarantees their exercise and prevents all possible abuses of these rights and freedoms by third persons and by state authorities. Furthermore, specifying the cases in which human rights and freedoms may be restricted, the Constitution envisages that this restriction may not be discriminatory on the grounds of sex, race, skin color, language, religion, national or social background, property or social status.

45. This constitutional guarantee is strengthened with additional provisions in concrete areas, including: employment, education, health care etc. The legislative framework for prevention of discrimination and promotion of complete and effective equality consists of criminal, civil and administrative legislation.

46. Aiming at consolidating and strengthening the anti-discrimination legal provisions, the drafting of a comprehensive Law against Discrimination is in progress and it is expected to be adopted by the end of the first half of 2009. A Department for Prevention of and Protection from Any Type of Discrimination has been formed at the Ministry of Labor and Social Policy.

##### **B. Freedom of expression**

47. The right to free expression is guaranteed by Article 16 of the Constitution of the Republic of Macedonia as a complex right comprising the following components: freedom of belief, conscience, thought and public expression of thought; freedom of speech, public address, public informing and free establishment of institutions for public informing; free access to information, freedom of reception and transmission of information; right to reply through the mass media; right to correction in the mass media; and right to protection of the source of information in the mass media. Furthermore, censorship is prohibited.

48. The Constitution of the Republic of Macedonia guarantees the right to free thought without any restriction and raises it to a level of a fundamental human right, together with the freedom of belief, conscience, and of public expression of thought and religion. In addition, these rights and freedoms enjoy direct constitutional-judicial protection by the Constitutional Court of the Republic of Macedonia.

49. The Criminal Code prohibits in principle any form of coercion and, thus, coercion aimed at changing a certain position or belief of an individual. The political or religious belief may not be a basis for restricting of or depriving from constitutionally guaranteed rights. The violation of this prohibition is a criminal act (Article 137 of the Criminal Code – violation of equality of citizens, which, *inter alia*, sanctions any deprivation or restriction of the rights guaranteed by the

Constitution, law or an international agreement, as well as giving privileges on the grounds of different political affiliation or religious beliefs).

50. The freedom of public expression and public informing and establishment of institutions for public informing is regulated by several laws, such as the Law on Broadcasting, the Law on Telecommunications and the Law on Companies.

### **C. Freedom of religion and belief**

51. Article 19 of the Constitution of the Republic of Macedonia guarantees the freedom of religion.

52. According to Amendment VII to the Constitution of the Republic of Macedonia, the Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, the Jewish Community and the other religious communities and religious groups are separate from the state and are equal before the law. They may establish religious schools and social and charitable institutions, through a procedure envisaged by law.

53. Religious rights and freedoms are also regulated by the Law on the Legal Status of a Church, a Religious Community and a Religious Group. In addition, this law regulates the establishment and legal status of a church, a religious community and a religious group, the performance of religious ceremony, prayer and religious rites, religious instruction and educational activities, the revenues of a church, religious community and religious group and other issues.

54. Article 3 of the Law provides that the right to freedom of belief, thought and conscience includes the freedom to express one's religion or belief, either alone or in community with others in public or private. According to Article 4 of the Law, religious discrimination is prohibited. Article 6 of the Law obliges the state to respect the identity of the churches, religious communities, religious groups and the other forms of religious association, to maintain a relation of continuous dialogue and develop forms of consistent cooperation with them.

55. According to Article 9 of the Law, a church, religious community and a religious group are entered into the Single Court Registry of Churches, Religious Communities and Religious Groups, whereby they acquire legal personality. This means that the registration of a new religious entity as a legal personality no longer falls within the competence of the executive government, i.e. of a state administration body, but is transferred to the judiciary.

56. The Law on the Legal Status of a Church, Religious Community and a Religious Group grants equal legal status of all churches, religious communities and religious groups and provides equal opportunities regarding the registration, the performance of religious services and religious instruction, the establishment of religious education institutions, building religious facilities etc.

57. In 2008, Religious Education and History of Religions, without giving preference to any religion, were introduced as optional subjects in the fifth grade of primary education.

58. An Inter-Religious Council has also been established in the Republic of Macedonia, as an informal body composed of religious leaders that discusses important issues of religious life and religious dialogue. Such a body contributes to the advancement of communication, understanding and continuous dialogue among the members of the different religious communities in the Republic of Macedonia.

#### **D. Prevention of torture and inhuman or degrading treatment or punishment**

59. The reform of the criminal legislation has put special emphasis on upgrading the legal framework concerning the prevention and sanction of torture and inhuman or degrading treatment or punishment. The legal regulations incorporate the recommendations of the United Nations Committee against Torture, the ratified international conventions and the recommendations by the European Committee for the Prevention of Torture.

60. One of the characteristics of the amendments to the Criminal Code which were adopted in March 2004 is the consolidation of the criminal law repression of acts of torture and cruel, inhuman or degrading treatment or torture through:

(a) Introduction of a new criminal act in Article 142: torture and other cruel, inhuman, or degrading treatment and punishment, whereby the range of sanctioned activities is expanded;

(b) Establishment of criminal liability for a person who has committed the acts referred to in Article 142 upon instruction by or consent of an official person.

61. The criminal act of Article 142 in its basic form of paragraph 1 corresponds to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

62. The amendments and supplements to the criminal-procedure legislation of 2004 encompass provisions which provide additional guarantees for proper treatment of remand prisoners. The amendments and supplements to the Law on Criminal Procedure prohibit extradition of a foreigner if there are valid reasons to suspect that he/she may be subjected to torture or other form of cruel, inhuman or degrading treatment or receive the death penalty. Similar provisions are contained in the Law on Asylum and Temporary Protection. The Law provides that an asylum seeker, recognized refugee or person under humanitarian protection may not be expelled or in any manner forced to return within the borders of a state in which his/her life or freedom would be in danger owing to his/her race, religion, nationality, social status or political affiliation and where he/she would be subjected to torture or inhuman or degrading treatment or punishment.

63. According to Article 41 of the Code on Police Ethics, police officers must refrain, without fear of sanctions, from following through illegal orders which represent commission of criminal act. The police may not cause, incite or tolerate any act of torture, ill-treatment, and inhuman or degrading treatment or punishment (Article 37).

64. At the Ministry of the Interior, the Sector for Internal Control and Professional Standards is a control mechanism whose task is, *inter alia*, to conduct professional control over the legal and professional work of the police and the respect for human rights and freedoms by the police.

65. Concerning the procedures for respecting the rights of detained and apprehended persons in police stations; Standard Operative Procedures for Detaining and Treatment of Detained Persons were prepared in April 2008.

66. In 2006, the Ministry of the Interior adopted a Strategic Plan whereby special attention is dedicated to the training of police officers in the area of human rights and freedoms.

67. In December 2008, the Republic of Macedonia ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Punishment or Treatment and will soon deposit the ratification instrument.

68. The reform of the penitentiary system is in progress and is aimed at improving the conditions at penitentiary-correctional institutions and ensuring more efficient execution of sanctions in pursuance of international standards, as well as of the recommendations from the Committee against Torture.

### **E. Gender equality**

69. The Law on Equal Opportunities for Women and Men was adopted in May 2006. The aim of this Law is to promote the principle of establishment of equal opportunities for women and men in the Republic of Macedonia in the political, economic, social, educational, and other spheres of social life.

70. In September 2006, pursuant to the Law on Equal Opportunities for Women and Men, the Commission on Equal Opportunities for Women and Men was established at the Assembly of the Republic of Macedonia. The main task of the Commission is to review the draft laws proposed by the Government of the Republic of Macedonia in context of gender equality.

71. Pursuant to Article 16 of the Law on Equal Opportunities for Women and Men, the process of establishing commissions on equal opportunities for women and men continues in the units of local self-government. Within the councils of local units of self-government (84 in total), 79 commissions for equal opportunities for women and men have been established and 70 coordinators for equal opportunities for women and men have been appointed, from the ranks of civil servants employed in the municipalities. The ministries are also obliged to appoint coordinators for equal opportunities for women and men.

72. In March 2007, the Ministry of Labor and Social Policy established the Sector for Equal Opportunities of Women and Men. The basic task of the Sector is to implement the Law on Equal Opportunities of Women and Men, and the National Plan on Gender Equality adopted by the Government of the Republic of Macedonia in July 2007. In addition, the Sector for Equal Opportunities of Women and Men implements measures and activities for prevention and protection from any type of discrimination (discrimination based on gender, age, sexual orientation, against persons with special needs, and double discrimination against individuals due to unequal treatment in the field of labor, social protection and social insurance) in accordance with the Law on Equal Opportunities of Women and Men and the Directive 32002L0073.

### **F. Rights of the child**

73. Article 40 of the Constitution of the Republic of Macedonia provides for special care and protection of the family. The Law on Family regulates the legal relations in marriage, family, and common law marriage. Parents have the right and obligation provide care for the supporting and upbringing of their children. The state provides for special care of children without parents and parental care. Children born in wedlock have equal rights as those born outside wedlock.

74. The Government of the Republic of Macedonia adopted the National Action Plan on the Rights of Children (NPA) for the 2006-2015 period. The NPA priorities are: full incorporation of the provisions of the Convention on the Rights of the Child, reducing child poverty, education of the general public on the rights of the child, inclusion of all children in the education process,

improving child health care, adoption of the Law on Juvenile Justice, and protection of children from all types of abuse, violence, and exploitation. The National Commission on the Rights of the Child is in charge of the NPA implementation.

75. In November 2008, the Government of the Republic of Macedonia adopted the Action Plan on prevention and dealing with sexual abuse of children and pedophilia for the 2009-2012 period. This Action Plan provides for measures and activities for provision of assistance to and protection of children from sexual abuse and from pedophilia. It also envisages establishment and promotion of a coordinated system of cooperation among government institutions and between the Government and NGOs, covering thus all fields that deal with this issue.

76. Article 44 of the Constitution of the Republic of Macedonia stipulates that everyone is entitled to education. Education is accessible to everyone under equal conditions. Primary education is obligatory and free of charge. The amendments to the Law on Primary Education envisage 9 year primary education. The April 2007 amendments to the Law on Secondary Education stipulate that secondary education is obligatory and free of charge.

77. The July 2007 Law on Juvenile Justice introduces reforms in the juvenile legislation and helps operationalize standards set forth in ratified international conventions and documents on the rights of the child. The Law is based on the following principles: principle of protection of minors and their rights; socialization and assistance in the treatment of minors; restorative justice and prevention of juvenile delinquency.

78. Aiming at efficient implementation of the Law on Juvenile Justice, a 2008-2009 Action Plan was adopted in February 2008. This Action Plan sets out the activities, deadlines, and competent institutions for the implementation of the Law. In 2008, many activities provided for by this Law were carried out. Reform of the juvenile justice system remains to be one of the priorities of the Government of the Republic of Macedonia.

## **G. Domestic violence**

79. Amendments were made to the Criminal Code in 2004 to incriminate domestic violence.

80. According to the Law, domestic violence is defined as ill-treatment, gross insult, endangering one's safety, afflicting body injuries, gender-based and other psychological or physical violence, which causes feeling of uncertainty, being endangered or fear, towards one's spouse, parents or children, or other persons living in wedlock or common-law marriage or common household, as well as towards one's former spouse or persons who have common child or are involved in close inter-personal relationships.

81. Provisions relating to domestic violence, as qualified forms of the basic criminal offences, are found in the following Parts of the Criminal Code of the Republic of Macedonia: Crimes against Life and Body (crimes of murder; momentary murder, bodily injury and grave bodily injury); Crimes against Freedoms and Rights of Citizens (crimes of coercion; unlawful deprivation of freedom and endangering safety); and Crimes against sexual freedom and sexual morality (crimes of sexual attack upon a child; and mediation in prostitution).

82. The corresponding framework of preventive action and treatment of consequences of domestic violence is governed by Law on Family and the Law on Social Protection. In 2004, amendments were made to the Law on Family, which introduced a separate part in this Law

governing protection from domestic violence. In 2006 and 2008, further amendments were made to this Law the aim of which is to improve the implementation of the Law in this field.

83. The 2004 amendments to the Law on Social Protection provide for new forms of non-institutional protection including, inter alia, Center for domestic violence victims. A network of such centers for domestic violence victims has been established in 6 towns.

84. The Ministry of Labor and Social Policy has established, in cooperation with the Women's Association of the City of Skopje, the National SOS Line to help domestic violence victims.

85. In order to introduce a comprehensive and efficient system for protection and prevention of domestic violence in the Republic of Macedonia, the 2008-2011 National strategy for protection from domestic violence was adopted in April 2008. The main strategic aim of this document is to reduce domestic violence and improve the quality of protection by means of systemic measures in fields of prevention, intervention, education, monitoring and inter-sectorial coordination, in order to efficiently and effectively deal with the problem of domestic violence by having a single position and approach.

#### **H. Protection of rights of disabled persons**

86. Issues relating to disabled persons in the Republic of Macedonia are regulated by: the Constitution of the Republic of Macedonia, the Law on Social Protection, the Law on Child Protection, the Law on Pension and Disability Insurance, the Law on Labor Relations, the Law on Employment of Disabled Persons, the Law on Disabled Veterans, the Law on Organizations of Disabled Persons, etc.

87. In the field of social security, Article 35 of the Constitution of the Republic of Macedonia stipulates that the state provides care of the protection and social security of citizens in accordance with the principles of social justice. The state guarantees the right to assistance to citizens who are feeble and unfit to work. The state provides for special protection of disabled persons and conditions for their social inclusion.

88. The Law on Social Protection stipulates that the state is the main provider of social protection for citizens and hence the state ensures conditions for its application. This Law regulates the right to home care and assistance; the right to daycare; the right to being accommodated in a foster family; the right to acquiring qualifications employment and productive activity; the right to accommodation in social protection institution; the right to receiving continual financial benefit; the right to receiving financial compensation for being cared and assisted by another person; the right to health care; etc.

89. In January 2008, the Government of the Republic of Macedonia adopted the Strategy on deinstitutionalization in the social protection system (2008-2018). The main aim of this Strategy is to raise the quality of services provided under the social protection system and create conditions to bring these services closer to end user at local level. This aim will be achieved by means of development of the already existing and introducing new non-institutional forms of protection and by means of transformation of the present institutional protection system.

90. The Law on Organizations of Disabled Persons was adopted in 2008. This Law regulates the status, domain of operation, funding, and property rights of organizations of disabled persons.

91. Taking in consideration the need to socially include persons with special needs, special programs in the field of culture are organized for meeting the culture requirements of persons with special needs.

92. Presently, a procedure is under way to establish a new national institution – Library for Blind Persons in the Republic of Macedonia. This Library will provide printing, issuing, and renting textbooks, books, and other ancillary literature, prepared in alternative forms, in Braille system, bigger letters, textbooks recorded on audio cassettes and compact disks.

### **I. Labor, employment, and labor relations**

93. According to Article 32 of the Constitution of the Republic of Macedonia, every person is entitled to work, free choice of employment, safety at work, and unemployment benefit during period of temporary unemployment. Every job is accessible to every person under equal conditions. Every employed person is entitled to corresponding wage and to paid daily and weekly rest, and annual vacation. Employed persons may not renounce these rights.

94. The Law on Labor Relations of the Republic of Macedonia prohibits any discrimination against job applicants or workers on grounds of race, skin color, gender, age, health conditions, i.e., disability, religion, political, or other belief, trade union membership, ethnic or social affiliation, family status, property status, sexual orientation or any other personal circumstance. Both direct and indirect discrimination is prohibited. The Law also prohibits harassment and sexual harassment. In case of discrimination, a job applicant or worker may claim damages and the burden of proof falls on the employer.

95. An employer may not make a public advertisement on a vacancy only for men or only for women, except if a specified gender is necessary requirement in the performance of a given job. An employer may require a job applicant to provide evidence only on meeting the requirements necessary for the performance of a job. The employer may not require information or data that does not directly relate to the job or employment.

96. An employment contract may not determine fewer rights than those stipulated by law; in case there are such contract provisions, they shall be deemed null and void.

97. According to Article 11 of the Constitution of the Republic of Macedonia, forced labor is prohibited.

98. The right of workers, on their free choice, to establish trade unions and become their members is guaranteed in the Republic of Macedonia. Nobody may be put in less favorable position on grounds of being or not being a trade union member, i.e., participating or not participating in trade union activities.

99. The Republic of Macedonia applies active employment measures directed towards most vulnerable groups at the labor market, i.e., young persons under 27 years of age, women, elderly workers, children without parents, single parents, and persons belonging to minorities.

100. The Law on Employment of Disabled Persons regulates the special conditions for employment of and work done by disabled persons.

## **J. Rights of persons belonging to the non-majority communities**

101. The implementation of the policy of promotion and protection of the rights of persons belonging to the non-majority communities in the Republic of Macedonia is a long-term commitment, the basic aim of which development of society with highly expressed sense of integration and inclusion of all citizens and respect for all individual cultural, linguistic, religious, and other rights.

102. Following the adoption of the Ohrid Framework Agreement in 2001, the Republic of Macedonia has undertaken comprehensive reforms in the field of protection and promotion of the rights of persons belonging to the communities, primarily by means of adoption of Amendments to the Constitution of the Republic of Macedonia (V-XVII). These Amendments define the legal framework on the status of persons belonging to the communities; this framework then has been further elaborated in corresponding laws dealing with various aspects of the implementation of the rights of persons belonging to the communities in different fields.

103. Amendment V to the Constitution of the Republic of Macedonia governs the right to use the languages of the communities. Amendment VI relates to equitable representation of citizens belonging to all communities in government bodies and other public institutions at all tiers. Amendment VII relates to equality before the law of religious communities and religious groups. Amendment VIII deals with freedom of expression and development of identity and characteristics of the communities; use of symbols by the communities; establishment of cultural, artistic, educational, and scientific institutions; and the right to instruction in the language of the communities in elementary and secondary education. In accordance with Amendment IX, the state guarantees protection, promotion, and enrichment of the historical and artistic treasure of Macedonia and of all communities in Macedonia. Amendments X to XVII to the Constitution regulate the issue of participation by persons belonging to the communities in the Republic of Macedonia in the work and the decision-making process in the Macedonian Assembly, the Committee on Relations among the Communities, the Security Council of the Republic of Macedonia, the Constitutional Court, and units of local self-government.

104. Seventy-one laws were adopted/amended for purposes of implementing these Amendments to the Constitution.

105. The Secretariat for the Implementation of the Ohrid Framework Agreement has been established as part of the General Secretariat of the Government of the Republic of Macedonia. This Secretariat is tasked with the implementation of strategies and other decisions adopted by the Government.

106. In January 2007, the Government of the Republic of Macedonia adopted the Strategy on equitable representation of the non-majority ethnic communities in the Republic of Macedonia.

107. Persons belonging to the communities have the right to freely express, foster, and develop their own identity and identity of the communities. The state guarantees protection, promotion, and enrichment of the historical and artistic treasure of Macedonia and of all communities in Macedonia, as well as of the values that are part of it regardless of the legal regime applied in their respect. This principle is confirmed in Amendment IX of the Constitution of the Republic of Macedonia.

108. In 2008, the Law on the Assembly Committee on Relations among the Communities was adopted. The Committee is composed of 19 members, as follows: 7 members from the ranks of

ethnic Macedonian MPs and 7 members from the ranks of ethnic Albanian MPs, and one MP from the Turkish community, the Vlach community, the Roma community, the Serbian community and the Bosniak community in the Republic of Macedonia, respectively. If any community in the Republic of Macedonia does not have its own MP in the Macedonian Assembly, then the Ombudsman, upon consultations with the relevant representatives of the concerned community, submits a proposal for members of the Committee of these communities. The Law explains the application of the double-majority mechanism concerning laws that have influence on relations among the communities, by listing all laws planned to be adopted, and the adoption of which requires double-majority vote.

109. In 2008, the Law on Promotion and Protection of the Rights of Communities that Represent Less than 20 per cent of the Population in the Republic of Macedonia and the Law on Use of Languages Spoken by at least 20 per cent of the Population were adopted, as well.

110. Being part of the Ministry of Culture, the Directorate for Affirmation and Promotion of the Culture of the Communities in the Republic of Macedonia provides support for the promotion and expression of the cultural specific features of the non-majority communities.

111. At the Ministry of Education and Science, the Directorate for Development of Education in the Languages of Persons Belonging to the Communities and the Education Development Bureau address the issue of the right to education in the languages of persons belonging to the communities. Instruction, together with textbooks for all subjects intended for students belonging to the Albanian, Turkish, and Serbian communities, in primary and secondary education are delivered in the mother tongues of these communities; instruction, together with textbooks for students belonging to the Bosniak, Vlach, and Roma communities, is delivered in the Macedonian or in one of the aforementioned languages (upon choice made by a student or his/her guardian). Optional subjects that may be chosen by students belonging to these communities include study of the culture and language of their own community (Roma; Bosniak; Vlach).

## **K. Rights of the Roma**

112. Policies and activities for inclusion of the Roma in the Republic of Macedonia have been provided for under the National Strategy on the Roma in the Republic of Macedonia and in the Decade of Roma Inclusion, i.e., under the corresponding National Action Plans and Operative Plans to be implemented in various fields, such as: education; housing; public health; and employment.

113. Many projects are being implemented, with the help of the NGO sector, such as: the Project for inclusion of Roma children in pre-school education; the Project for opening of *Roma Information Centers*, the aim of which is to provide information, assistance, and support to persons belonging to the Roma ethnic community in meeting their practical needs and their prompter integration, in accordance with priority fields referred to in the Roma Decade and the Roma Strategy (as part of this Project, 12 Information Centers have been opened, in cooperation 12 Roma NGOs); the Project for Roma employment- 100 persons employed in 12 towns, etc.

114. For the purpose of increasing the number of Roma pupils in secondary education, the Ministry of Education and Science has obliged secondary-school principals to accept the enrollment of at least one Roma pupil per class, in spite of the fact that they do not fulfill the enrollment criteria.

115. In the course of the 2008/2009 school year, the Ministry of Education and Science has introduced a special program for scholarships for Roma secondary-school pupils. 650 scholarships have been awarded to all Roma secondary-school pupils enrolled in first year in the 2008/09 school year, as a stimulating measure to increase the number of Roma pupils and for successful completion of their education. Free textbooks are provided for Roma pupils whose families receive welfare assistance. The optional subject “Language and Culture of the Roma” has been introduced and it may be taken by pupils from the third to the ninth grade. Two major projects have been initiated – construction of a secondary combined general education school and vocational school in the municipality of Shuto Orizari, where the Roma population is a majority, and establishment of a Department of Roma Studies and a group of Roma language at the pedagogical faculties.

116. In the past period, many activities have also been realized aimed at improving the infrastructure in districts inhabited mainly by Roma population. With funds provided from the Budget of the Republic of Macedonia, the local authorities, as well as from foreign donations, projects are realized for construction and improvement of the water supply and sanitary systems, for drawing urban plans and reconstruction of streets.

117. Programs and activities are also realized for greater inclusion of the Roma population in the health care system and for improvement of the access to the health care services. Activities are undertaken for regular vaccination of Roma children, education about prevention of AIDS/HIV within the Roma community, control of and education about tuberculosis, free gynecological examinations for Roma women, etc.

118. It is planned to prepare action plans for practical realization of the policies for Roma inclusion in areas such as human rights and political participation, Roma culture, and social inclusion.

119. Owing to the specific problems and needs of Roma women, in 2008 an Action Plan was adopted for advancement of the status of Roma women in the Republic of Macedonia, together with operative plans for the years 2008, 2009 and 2010, aimed at their integration in all areas of social life.

#### **L. Trafficking in human beings**

120. The Republic of Macedonia is a party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Air and Sea.

121. Following the signing and the ratification of the *Stabilization and Association Agreement with the European Union*, in 2001 and 2004, respectively, the Republic of Macedonia assumed significant obligations under the part of the Agreement concerning justice and home affairs, aiming at harmonizing the legislation of the Republic of Macedonia for the purpose of efficient cooperation in the fight against trafficking in human beings.

122. In 2001, a National Commission for Fight against Trafficking in Human Beings and Illegal Migration was formed. It prepared a National Action Plan for Fight against Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia for the period 2006-2008. In January 2009, the preparation of a new National Action Plan commenced, with the aim of continuous implementation of the measures under the 2006 National Action Plan.

123. In the substantive part of the criminal legislation, in February 2002 and with the amendments and supplements of 2004, a new criminal act ‘trade in human beings’ was introduced in Article 418-a of the *Criminal Code*.

124. In addition, with the amendments and supplements to the Criminal Code of March 2004, two new criminal acts were introduced: Article 418-b ‘smuggling of migrants’, and Article 418-c ‘organizing and inciting commission of the criminal acts trafficking in human beings and smuggling of migrants’.

125. With the amendments and supplements to the *Law on Criminal Procedure* of October 2004, novelties were introduced for the purpose of enhancing the international criminal-law cooperation, which are also relevant for efficient fight against trafficking in human beings.

126. Within the continuous process of harmonization of the legislation of the Republic of Macedonia with international standards in the area of trafficking in human beings, the amendments and supplements to the Criminal Code adopted by the Assembly on 4 January 2008 strengthen the criminal-law protection of child victims of trafficking in human beings. The terms “victim of a criminal act”, “child pornography”, “computer system” and “computer data” have been defined. A new criminal act – “trafficking in minors” – has been introduced.

127. The establishment of a system for assistance to and protection of victims of trafficking in human beings is a constituent part of the national activities for fight against trafficking in human beings.

128. For the purpose of implementing the right to protection of identity and privacy of the victims of trafficking in human beings, the amendments and supplements to the Law on Criminal Procedure adopted in October 2004 introduced protection of witnesses, collaborators of justice and victims. Aiming at effective implementation of this provision, in May 2005 the Assembly of the Republic of Macedonia adopted the Law on Protection of Witnesses.

129. As of 2001, a Transit Center for Foreigners has been functioning at the Ministry of the Interior, where every person who has been identified as a victim of trafficking in human beings is provided with medical attention, care and control by an IOM medical team. Furthermore, with the mediation of and financial support from this organization, the victims are also provided with appropriate and professional post-traumatic, social-reintegrative, psycho-social therapy and counseling by representatives of the Happy Childhood non-governmental organization, as well as free legal assistance, advice and representation.

130. The office of the National Mechanism for Referral of Victims of Trafficking in Human Beings (NRM) at the Ministry of Labor and Social Policy has been functioning since September 2005.

131. In the course of 2006, the NRM Office prepared a legal analysis of the legislation with the aim of detecting the weakness of the legal system regarding the protection from and prevention of trafficking in human beings and initiating criminal proceedings against perpetrators, as well as of making recommendations to improve the care for victims of trafficking in human beings.

132. In July 2008, amendments were adopted to the Law on Family by which after Article 177 a new Chapter B-a “Guardianship of minor victims of trafficking in human beings” is added, together with sixteen new articles.

133. At present, the Ministry of Labor and Social Policy is drafting amendments and supplements to the Law on Social Protection which envisage non-institutional protection of victims of trafficking in human beings and establishment of a Center for Victims of Trafficking in Human Beings.

134. In 2007, Standard Operative Procedures (SOP) were prepared for treatment of victims of trafficking in human beings and they were endorsed by the Government of the Republic of Macedonia. The SOP were introduced with the aim of providing assistance and protection to all victims of trafficking in human beings through single comprehensive approach based on the human rights of the victims.

135. The project "Economic strengthening of victims of trafficking in human beings", realized by the NGO "Happy Childhood", was completed in the middle of March 2007. For the purpose of more successful realization of the activities envisaged under this project, the Ministry of Labor and Social Policy logistically supported the activities through engagement of the office of the National Mechanism for Referral of Victims of Trafficking in Human Beings. Within these activities, 10 victims of trafficking in human beings were afforded training and education for hair stylists, cosmeticians and computer based accountancy. This was the first project of this type and, considering the results achieved in Skopje and Veles, it is planned to be realized in other towns in the country. Through the Employment Agency and active policies for employment for different target groups, the Ministry of Labor and Social Policy will assist in their further reintegration in the society, through assistance and support for employment.

#### **M. The right to health care**

136. According to the Constitution and the laws of the Republic of Macedonia, every citizen has a right to health care. The right to health services is also ensured for a special category of citizens for whom special national programs are envisaged that include: persons without health insurance on any grounds and certain diseases, mothers and children, persons with special needs, etc.

137. The general goals in respect of the development of health care in the Republic of Macedonia are defined within the health care system of the Republic of Macedonia, i.e. within the prepared strategic plan of the Ministry of Health for the period 2008-2010. The rights in the area of health care are defined by the institutional conditions for reforms in the health care system, the primary and the secondary health care.

138. The basic concept of the reform is defined by the health policy and the vision for development of the health care through: development of the public health care system; primary health care of the population; development of the health care among citizens through direct access of medical teams; selection of family doctor; primary health care system; reorganization of the secondary and tertiary levels through the development of special strategies for vulnerable categories of citizens, such as the Roma population, for whom a Roma Decade Action Plan has been prepared and it envisages health measures for the Roma population.

139. The Law on Protection of Persons with Mental Illnesses has been harmonized with the directives of the WHO.

140. The Ministry of Health, with its bodies, and the Health Insurance Fund are the institutions where citizens can exercise their rights guaranteed by the applicable provisions in the area of health care and the health care system.

#### **N. Refugees, internally displaced persons and asylum seekers**

141. The Republic of Macedonia has acceded to the 1951 Convention relating to the Status of Refugee and to its 1967 Protocol.

142. In 1999, there were 360,000 refugees in the Republic of Macedonia as a consequence of the Kosovo crisis. With the improvement of the security situation in Kosovo, most of these persons have voluntarily returned to their homes, and the number of persons who have remained in the Republic of Macedonia equals to 1,300.

143. In August 2003, the Law on Asylum and Temporary Protection was adopted. Pursuant to the Law, the right to asylum was granted to 2,311 persons. In the subsequent years, the number of submitted asylum applications has decreased significantly and only 26 applications were submitted in 2007.

144. The rights of the refugees in the areas of social protection, health care, education and access to the labor market are regulated by the Law on Asylum and Temporary Protection and by relevant laws in other areas.

145. The rights that these persons may exercise in compliance with the granted status and the valid regulations in the Republic of Macedonia are: the right to stay, the right to employment, the right to pecuniary assistance, the right to accommodation and the right to health care.

146. The amendments to the Law on Social Protection provide that asylum seekers can be sheltered at an appropriate institution for social protection, i.e. at the Reception Center for Asylum Seekers.

147. Taking into consideration the importance of the issue of refugee integration, an Inter-Ministerial Group for Integration of Refugees and Foreigners has been formed, and one of its priorities has been to prepare a Strategy for Integration of Refugees and Foreigners, which was adopted by Government of the Republic of Macedonia in December 2008.

148. When the crisis in the Republic of Macedonia began in March 2001, a large number of citizens from the crisis regions left their homes and demanded that the state shelter them. The number of displaced persons in September 2001 equaled to 74,000.

149. According to data from the Ministry of Labor and Social Policy, as of 1 December 2008 the total number of internally displaced persons in the Republic of Macedonia equals to 736 persons, i.e. 235 families. These persons are provided with accommodation in collective centers, in households that receive pecuniary compensation for their accommodation, as well as in private facilities, the rent for which is paid by the state. In addition, pecuniary compensation is also provided.

150. The internally displaced persons who want to return to their place of residence are provided with a one-off pecuniary assistance for purchasing basic household items.

## **V. PRIORITIES OF THE REPUBLIC OF MACEDONIA FOR ADVANCEMENT OF HUMAN RIGHTS**

### **A. Priorities of the Republic of Macedonia at the national level for human rights promotion**

1. Ratification of international conventions on human rights, including the Convention on the Rights of Persons with Disabilities;
2. Continuous harmonization of the national legislation with the international standards in this area;
3. Adoption and implementation of the Law on Protection from Discrimination;
4. Implementation of the reforms in judiciary aimed at ensuring a functional and efficient justice system for exercise of human rights;
5. Further implementation of the Ohrid Framework Agreement and the strategic priorities arising thereof;
6. Prevention of and fight against torture, and implementation of the penitentiary system reform;
7. Implementation of the Roma Strategy and Action Plans, in compliance with the Strategy and the Decade of Roma Inclusion 2005-2015;
8. Advancement of the rights of women;
9. Advancement of the rights of the child, as the most vulnerable category;
10. Advancement of the rights of persons with disabilities;
11. Prevention of and fight against organized crime and corruption;
12. Enhancing the cooperation with the civil sector for human rights promotion;
13. Publishing national reports, as well as reports and conclusions of the international human rights bodies at the website of the Ministry of Foreign Affairs and strengthening the mechanism for implementation of recommendations.

### **B. Priorities of the Republic of Macedonia at the international level for the advancement of human rights**

1. Further advancement and development of the international human rights norms, as one of the central activities within United Nations;
2. Universal ratification of the human rights conventions;
3. Enhanced cooperation with global and regional organizations related to the issues of human rights promotion and protection;
4. Increasing the efficiency in the work of the Human Rights Council;

5. Full support to the activities of the Office of the High Commissioner for Human Rights;
6. Cooperation with the relevant United Nations mechanisms for human rights;
7. Implementation of the Millennium Development Goals;
8. Contribution to the human rights promotion throughout the world by supporting the initiatives for adopting documents concerning the advancement of human rights and freedoms of the most vulnerable categories.

*Notes*

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<sup>1</sup> The Constitution of the Republic of Macedonia accepts the principle of incorporation of international agreements.

<sup>2</sup> The Republic of Macedonia has given its approval for the publication of Reports adopted in respect of the Republic of Macedonia.

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