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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review*

The former Yugoslav Republic of Macedonia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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

**REPLIES OF THE REPUBLIC OF MACEDONIA TO THE RECOMMENDATIONS
PRESENTED DURING THE INTERACTIVE DIALOGUE WITH THE
UN HUMAN RIGHTS COUNCIL**

1. The recommendations presented during the interactive dialogue are generally acceptable for the Republic of Macedonia. Considering the limited scope of the comments, the Republic of Macedonia will provide additional information about some of the recommendations, underlining that some of the recommendations have been commented on during the interactive dialogue (document A/HRC/WG.6/5/L.14). Some of the recommendations are not commented herewith, but are fully acceptable.

Recommendation No. 1

2. On 29 July 2009, in New York, the Republic of Macedonia signed the Optional Protocol to the Convention on the Rights of Persons with Disabilities. A working group consisting of representatives of the in-line ministries and of NGO's has been established at the Ministry of Labour and Social Policy charged with undertaking all necessary activities for the ratification of the Convention and its Protocol.

Recommendation No. 3

3. The Republic of Macedonia co-sponsored the Resolution on the adoption of the Protocol to the International Covenant on Economic, Social and Cultural Rights. The procedure for its signing and consequent ratification is expected to commence in the near future.

4. There are possibilities considered for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Recommendations Nos. 4 and 7

5. At its session held on 10 September 2009, the National Commission on the Rights of the Child adopted the Report on the level of implementation of the (2006-2015) National Action Plan on the Rights of the Child in the period from 2006 to 2009. The provisions of the Convention on the Rights of the Child are taken in full consideration in the process of assessing the applicable and in adopting new legislation. This especially applies to the amendments to the Law on the Family, the newly adopted Law on Juvenile Justice, etc. The UNICEF Office in the Republic of Macedonia is consulted and involved in the process of adoption of the relevant legislation.

Recommendation No. 5 and part of Recommendation No. 34

6. Aiming at the consistent implementation of the provisions of the Law on the Ratification of the Optional Protocol to the Convention against Torture, the amendments to the Law on Ombudsman are in Parliamentary reading. These amendments are focused on strengthening the role and the financial independence of the Ombudsman and create the possibility of establishing the Ombudsman as the national prevention mechanism for the protection of rights of persons deprived of freedom. In addition, these amendments will enable the Ombudsman to conduct regular unannounced visits to places of detention, ensuring also unimpeded access to all relevant documents and information. The said amendments also envisage the formal establishment of a separate department for the rights of the child at the Ombudsman's Office (such a department has been de facto functioning for several years). Finally, these amendments set forth additional

protection for persons with disabilities. The new Law will ensure financial independence in pursuance with the Paris Principles.

Recommendations Nos. 6, 14 and 41

7. The Ohrid Framework Agreement remains a priority for the Government. All envisaged laws regulating rights of non-majority communities have been adopted. The recruitment procedures for persons belonging to the non-majority communities are pursued following the envisaged dynamics.

8. A Committee of Ministers has been established to monitor the implementation of the Ohrid Framework Agreement. This Committee is headed by the Deputy Prime Minister of the Republic of Macedonia in charge of the implementation of the Ohrid Framework Agreement.

9. Currently, the Deputy Prime Minister of the Republic of Macedonia in charge of the implementation of the Ohrid Framework Agreement is conducting a monitoring process in municipalities in order to establish the level of implementation of the Ohrid Framework Agreement at the local level.

10. There is also a series of projects implemented, among which a UNDP project supported by the Spanish Government centred on improvement of inter-ethnic dialogue and cooperation among communities, aiming at increasing the capacities of the central and local bodies for resolution of problems through consensus building on the priorities of communities.

11. In cooperation with the OSCE Mission in Skopje, and acting upon recommendations of the OSCE High Commissioner for National Minorities, the Ministry of Education and Science is currently drafting a strategy of integrative processes among students of different ethnic affiliation in primary and in secondary schools in the Republic of Macedonia.

12. The four national Action and Operative Plans under the Roma Decade and Strategy have been revised. Coordinating closely with the UNDP Office in Skopje, the Ministry of Labour and Social Policy has designed a system of indicators to monitor the success in the implementation of the Roma Decade and Strategy.

13. Supported by Norway, the Government of the Republic of Macedonia will start the implementation of a project intended for women in rural areas. The goal is to inform women in rural areas about their rights and how to exercise them. Special attention will be paid to women belonging to different ethnic communities.

Recommendation No. 8

14. The Law on Birth, Marriage and Death Registers, sets forth the obligation of registering the birth of a child born in a medical facility and the birth of a child born at home. No fees are charged for documents and procedures for registration and entry of data in the Registers of Births, Marriages and Deaths. It has been established that the Roma population has the greatest problems with the registry records. Therefore, a large number of educational and information meeting and debates have been organized by governmental and non-governmental organizations. Aiming at better informing the Roma population about the exercise of their rights and obligations regarding the entry in the Registers, and for purposes of better explaining the procedures for registering the place of residence and procedures for issuance of personal identification cards, brochures in the Roma language have been published and informative spots

are broadcast at the state Television and at local TV stations broadcasting programs in the Roma language.

Recommendations Nos. 9, 19, 21, 27, 28, 30, 31, (part of 32), 33 and 34

15. Following the recommendations of the European Committee for the Prevention of Torture, the penitentiary reform is aimed at improving the conditions in penitentiaries and at ensuring more efficient enforcement of sanctions in pursuance with international standards. The reform consists of two components as follows: Improvement of the accommodation facilities for convicted prisoners, for remand prisoners and for juveniles (the existing prison and remand prison facilities have been reconstructed or new ones have been constructed, and there are plans for additional activities regarding the prison and remand prison facilities funded under the Budget of the Republic of Macedonia or with external funds), then there are plans for activities to improve the working conditions for the staff at penitentiaries and at correctional institutions and to increase the staff number in penitentiaries and in correctional facilities (214 persons were recruited in 2008 and there are recruitment procedures underway for employment of additional 88 persons). A Sector for Training and Education of the staff at penitentiaries and correctional institutions and been established at the Directorate for Execution of Sanctions. A Training and Education Program has been adopted, as well as an Operative Plan for staff training. The Project entitled "Piloting prison reforms in accordance with EU required standards" will be implemented with support of foreign partners.

16. Under the 2009 IPA, funds have been requested for preparation of a national Prison System Development Strategy, as well as for the assessment and implementation of a Prison Health Care Strategy, and funds for study stays, prison management training on prison organizational set-up, prison planning and management, and similar.

Recommendations Nos. 13 and 18

17. The Draft Law on Protection against Discrimination is in Government procedure. The final draft of the Law has taken into consideration the opinions and recommendations of the Venice Commission, of the ODIHR and of NGO's. The public debates and consultations with the NGO sector will continue until the adoption of the Law by the Parliament of the Republic of Macedonia.

18. In mid June, a series of non-discrimination trainings started, organized in cooperation with NGO's, intended for civil servants and social workers. The goal of the trainings, organized under the program "Macedonian without Discrimination", supported by the EU PROGRESS program, is to enhance the capacities of state institutions for promotion of equal opportunities and of non-discrimination.

19. A series of public awareness raising campaigns about discrimination related issues have been implemented in the period thus far.

20. Sexual orientation based discrimination, as well as gender discrimination have been explicitly referred to as grounds of prohibited discrimination in the draft Law on Protection against Discrimination.

Recommendation No. 18 (b)

21. At this stage, this recommendation is not acceptable for the Republic of Macedonia.

Recommendations Nos. 15, 16 and 17

22. The implementation of the Law on Equal Opportunities and of the Gender Equality Action Plan is expected to help continue the positive trend in the representation of women in all spheres of social life. There are activities under way to amend and supplement the legislation from the gender perspective, in accordance with the Law on Equal Opportunities for Women and Men.

23. These amendments and supplements will make the basis for the changes to the curricula, especially in primary education aiming at avoiding stereotype contents and illustrations that could affect the perception of children of the roles of women and men.

24. In accordance with the recommendations of the Committee on the Rights of Women, in cooperation with the Ministry of Justice and the Academy for Training of Judges and Public Prosecutors, the Ministry of Labour and Social Policy has started implementing trainings intended for judges, public prosecutors, the staff at the Ombudsman's Office and for attorneys at law.

25. Analysis of the relevant legislation is prepared and citizens logs are designed in cooperation with Roma women's NGO's and the Ombudsman's Office in the context of activities to overcome unequal treatment and access of Roma, especially of Roma women, to state institutions.

Recommendations Nos. 20 and 22

26. There are activities underway for implementation of the 2008-2011 National Strategy for Protection against Domestic Violence, in cooperation with foreign and domestic non-governmental organizations.

27. The protection system is improved through the introduction of counselling services to provide assistance to victim of domestic violence, then through preparation of their program of work and expansion of network. Victim assistance and support are provided through the established protection system, which covers measures undertaken by social work centres, accommodation of victims in shelters, where they are provided with psychosocial treatment, reception of calls through the national SOS line and urgent accommodation of persons in state and in NGO's facilities, motions for court decisions for provisional protection measures against perpetrators of domestic violence.

28. Legal assistance and representation are provided in cooperation with the NGO sector.

29. All relevant institutions and ministries undertake preventive measures in the context of improving the level of informing, the sensitizing and raising the expertise level of the relevant professionals. Measures are undertaken to improve public informing about legal measures to protect victims of domestic violence.

Recommendation No. 24

30. An Action Plan is implemented aiming at the effective implementation of the Law on Juvenile Justice, which has been in force since 30 June 2009.

31. Bylaws envisaged under the Law on Juvenile Justice have been adopted and initial and continual trainings have been organized for judges, public prosecutors, attorney's at law, all

teams at Social Work Centres, police, then for educators at education-correctional institutions and in juvenile prisons, as well as for the security services at these institutions.

32. Programs for specialized trainings of all involved institutions have been prepared.

Recommendation No. 25

33. The Republic of Macedonia continually improves the coherency of the activities of various institutions, non-governmental and international organizations which work on the detection and prevention of trafficking in human beings. In April 2009, the Republic of Macedonia ratified the European Convention on Action against Trafficking in Human Beings.

34. The National Referral Mechanism for victims of trafficking in human beings is successfully functioning. In the last period, three times more cases of trafficking in human beings have been detected. 300 police officers, social workers, doctors, labour inspectors and journalists have been trained and there have been information presentations organized for students in more than 20 municipalities throughout Macedonia.

35. New national 2009-2012 Action Plan has been adopted, as well as a new Strategy.

Recommendation No. 26

36. The reform of the judiciary and the promotion of its independence and efficiency remain major priorities the Republic of Macedonia. The 2004 Reform Strategy has been fully implemented. Currently, an Action Plan is prepared in cooperation with the EC for further reforms in this area. The judiciary budget has been increased by 11% also in the context of strengthening its independence.

Recommendation No. 28

37. According to the relevant legislation, in the Republic of Macedonia there are independent and external mechanisms for control of the work of the police: the Public Prosecutor's Office of the Republic of Macedonia, the Permanent Survey Committee for the protection of human rights and freedoms at the Parliament of the Republic of Macedonia, the Ombudsman (see reply to recommendation No. 5 above), the non-governmental sector and the judiciary.

38. The control of the enforcement of sanctions is exercised by the Directorate for Execution of Sanctions- Inspector for Execution of Sanctions, judge for execution of sanctions, and the State Commission for Execution of Sanctions in pursuance with the provisions of the Law on Execution of Sanctions.

Recommendations Nos. 29 and 34

39. The Internal Control and Professional Standards Sector objectively and professionally examines all allegations of abuse by the police. In the last period a project called "Strengthening the capacities of the Internal Control and Professional Standards Sector" and the project entitled "Implementation of the Action Plan of the Internal Control and Professional Standards Sector" have been implemented in the last period with a focus on strengthening the capacities of the Ministry of the Interior and of the police for control of the work of the police. The two projects are funded by the European Commission, through the European Agency for Reconstruction – funds under the CARDS program.

40. Aiming at advancing the efficiency and effectiveness of the Internal Control and Professional Standards Sectors, great attention is paid to the Sector's staff training. Part of the trainings has been implemented in cooperation with the OSCE. The cooperation with the Department against Organized Crime, then with Basic Public Prosecutor's Offices, with courts and with the Ombudsman and NGO's has been intensified.

Recommendation No. 37

41. The Republic of Macedonia will fully implement the recommendations contained in the OSCE/ODIHR Monitoring report of the presidential and local elections in 2009, which involve further reform of the election legislation, then of the legislation closely linked with the election process, as well as revision of the Voters' List.

Recommendation No. 40

42. In cooperation with non-governmental organizations, the Ministry of Education and Science pursues a mentor project which helps pupils and parents to enrol their children in school and follow up their progress. This Ministry has further awarded 650 scholarships for secondary school Roma students and has lowered by 10% the secondary school enrolment criteria (points) for Roma students.

43. For three years now, the Ministry of Labour and Social Policy has been contributing to pre-school education, implementing projects covering Roma children a year before starting primary education. In the 2008/2009 and in the 2009/2010 school year this Project has been jointly pursued by the Ministry of Labour and Social Policy, the Roma Education Fund and 19 units of local self-government. For the first time, the 19 units of local self-government where the project is implemented provide financial support to the project covering part of the costs for accommodation, food and transportation of Roma children within the municipality. In the previous two years, this Project was implemented with funds from the Ministry of Labour and Social Policy and the Roma Education Fund, in Budapest.

44. In the four year project period, 1196 Roma children will be covered and 19 Roma kindergarten teachers will be recruited to work in kindergartens where the project is implemented.
