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

**The former Yugoslav Republic of Macedonia**

The present report is a summary of nine stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. The Commissioner for Human Rights of the Council of Europe (The Commissioner/COE) noted that The former Yugoslav Republic of Macedonia ratified the European Social Charter in 2005 but the Revised Charter remains neither signed nor ratified, though the Government has a dialogue with the European Committee on Social Rights on the issue.<sup>2</sup> The former Yugoslav Republic of Macedonia has neither signed nor ratified the Council of Europe Convention on the Legal Status of Migrant Workers.<sup>3</sup> He encouraged early ratification and implementation of the recently adopted Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>4</sup>

2. The Commissioner/COE indicated that the country ratified the Rome Statute of the International Criminal Court on 6 March 2002 but has signed Article 98 agreements with the United States of America which excludes the extradition of United States' citizens and military personnel from The former Yugoslav Republic of Macedonia.<sup>5</sup>

### **B. Constitutional and legislative framework**

3. International treaties are directly enforceable by domestic courts and their status superior to the domestic law, as indicated by the Commissioner/COE.<sup>6</sup>

4. The Helsinki Committee for Human Rights of the Republic of Macedonia (HC) noted that since the ratification of the Convention on the Rights of the Child (CRC), there has not been an appropriate review of all laws and bylaws and this has not led to significant changes in the reality children are facing. In the 2000 - 2007 period, the country has undertaken but a few activities in response to the recommendations issued by the Committee on the Rights of the Child.<sup>7</sup> The Coalition 'Macedonia Without Discrimination' (MWD) reported that in various laws there are five different definitions of a child and there is a lack of unified terminology.<sup>8</sup>

5. Amnesty International (AI) noted that Articles 8 and 54 of the Constitution guarantee "the basic freedoms and rights of the individual and citizen, recognised in international law and set down in the Constitution", without discrimination on "grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status"; Article 9 guarantees equality under the law and the Constitution, and Article 50 guarantees the right to an effective legal remedy in the protection of these rights and freedoms. However, no effective mechanism has been established in law or practice to ensure that such remedies can be provided.<sup>9</sup>

6. The Commissioner/COE reported that Article 9 of the Constitution guarantees citizens equality to enjoy their freedoms and rights irrespective of a number of grounds. Sexual orientation, however, does not appear expressis verbis nor is there scope for its interpretation as no other status reference exists. This lack of possibility to identify sexual orientation as ground for discrimination is a distinct shortcoming and results in lacking protection for lesbian, gay, bisexual and transgender (LGBT) persons.<sup>10</sup> MWD further noted that the terms "invalid persons" and "physical and intellectual impairment" are used in the Constitution and other laws and are found to be deeply humiliating.<sup>11</sup>

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

7. MWD reported that during a consultation process with stakeholders (including Governmental representatives) held in 2007, the lack of an existing independent national body in accordance with the Paris Principles was identified.<sup>12</sup>

8. The Commissioner/COE referred to the Ombudsman institution established in 1997 with a Constitutional mandate, expanded in 2003 to cover the monitoring of penitentiary facilities.<sup>13</sup> MWD indicated that the scope and mandate of the Ombudsman, as well as the lack of confidence of the citizens' results in small number of submissions related to discrimination and equal representation.<sup>14</sup> The Commissioner/COE recommended the authorities to review the role and mandate of the Ombudsman, particularly in the area of non-discrimination and police misconduct and to guarantee that he has resources to fulfil his mission effectively.<sup>15</sup>

9. The Commissioner/COE further referred to the Sector for Internal Control and Professional Standards (SICPS) within the Ministry of Interior which is responsible for the internal control of the work of the police and the initial investigation of alleged misconduct and abuse.<sup>16</sup> In this regard, he noted that the Ombudsman may only enter at a later stage, at which point evidence might be more difficult to collect, damaged or actually lost. The Commissioner/COE noted that it would seem preferable that the Ombudsman has a clear mandate to interview complainants, witnesses and public officers as well as to collect documentation and request independent forensic opinions in cases of severe injuries or death, and in line with a proposal put forward by an international expert working group.<sup>17</sup>

### **D. Policy measures**

10. The Commissioner/COE welcomed the development of a number of national strategies and action plans to address human rights challenges in the areas of the judiciary, Governmental cooperation with the civil sector, Roma and children's rights, gender equality and trafficking in human beings. However, he noted that these plans have not always been coupled with the provision of sufficient resources.<sup>18</sup> The Commissioner/COE recommended considering drafting a comprehensive national action plan for human rights to be coupled with a review of efficiency and effectiveness of the Inter-Ministerial Human Rights coordination body established in 2006.<sup>19</sup>

11. The Commissioner/COE reported on a 2007-2011 Strategy for Cooperation of the Government with the Civil Sector and encouraged the Government to fully implement the strategy together with civil society.<sup>20</sup>

12. The Commissioner/COE indicated that the country has made significant efforts to comply with its obligations under the CRC. A National Commission for the Rights of the Child was formed in 2007, an action plan for the period 2008 to 2015 was adopted and a national coordination body for the protection of children's rights was set up.<sup>21</sup>

13. AI noted that the country joined the Decade of Roma Inclusion 2005-2015<sup>22</sup> and in 2004 produced a National Roma Strategy and National Action Plan, (under revision at the time of writing). Yet the Government has failed to implement any of the measures set out in such plans.<sup>23</sup>

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

### **A. Cooperation with human rights mechanisms**

14. AI made reference to the Committee on the Elimination of Racial Discrimination (CERD) General Comment No. 27 on Discrimination against Roma, in which it recommended a series of specific measures for States to adopt in order to combat discrimination. AI noted that the failure of the authorities to meet these obligations has been highlighted in successive reviews by the treaty monitoring bodies.<sup>24</sup>

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

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

15. Implementation of the Law on Equal Opportunities for Men and Women (LEOMW) is progressing, though slowly on the local level, as indicated by the Commissioner/COE.<sup>25</sup> The Commissioner/COE noted that there are limited specific legal protection provisions available for discrimination on the basis of sexual orientation but not on the basis of gender identity.<sup>26</sup>

16. AI indicated that although Article 417 of the Criminal Code prohibits racial discrimination or incitement to such discrimination and Article 319 criminalizes the promotion of national, racial or religious hatred, discord or intolerance, there is no overall comprehensive anti-discrimination legislation.<sup>27</sup> A “Proposal for Adoption of a Law on Protection against Discrimination”, was drafted by NGOs in 2005; however, it was rejected by the Government. Another draft law was completed by the Ministry of Labour and Social Policy in October 2008 and is due for presentation to Parliament. AI considered that the current draft does not provide a sufficiently robust framework by which discrimination on the grounds of ethnicity might be prohibited; lacks a definition of discrimination in accordance with international standards; fails to prohibit discrimination in the private sphere; does not provide access to effective judicial remedies; does not include effective measures to prevent and provide protection against discriminatory acts nor does it include any mechanism to monitor its implementation.<sup>28</sup>

17. According to the Commissioner/COE, the country is rife with low-scale but tangible inter-ethnic tensions which fuels societal discrimination and intolerance at many levels. Minorities, Roma and persons with disabilities suffer most explicitly from this. The Commissioner/COE also indicated that the LGBT community is afforded less protection, and a certain stigma is still attached to being openly LGBT within certain parts of society, particularly within rural communities.<sup>29</sup>

18. According to MWD, the 2006 Draft Law on Protection of the Rights and Dignity of Persons with disabilities is still pending before the Ministry of Finance where the costs for its implementation are being calculated.<sup>30</sup> As noted by the Commissioner/COE, discrimination against persons with disabilities manifests itself not only through prejudice and ignorance but also an inaccessible environment.<sup>31</sup> In 2001, the Government adopted a national strategy on achieving equal rights for persons with disabilities; still, the impact of this strategy has been limited.<sup>32</sup>

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

19. The International Commission of Jurists (ICJ) reported that despite clear legal prohibitions of torture and cruel, inhuman or degrading treatment or punishment, frequent instances of ill-treatment of suspects by police during arrest, interrogation or detention in police

custody have been reliably documented, including in successive reports of the Council of Europe Committee on the Prevention of Torture (CPT) and the Council of Europe Commissioner for Human Rights.<sup>33</sup> ICJ noted that the Human Rights Committee and the Committee Against Torture (CAT) have also expressed their concerns at levels of police violence and ill-treatment during interrogations, in particular against Roma suspects. According to ICJ, there have been particularly numerous allegations of violence and ill-treatment by the non-uniformed Special Mobile Police Units (“Alfa”), which operate in the Skopje area.<sup>34</sup> ICJ recommended to urge the Government to enhance supervision and oversight of arrest and police detention, in particular by non-uniformed police, including the “Alfa” unit, whose operation should be suspended; provide for prompt and independent medical examinations of detainees who allege ill-treatment; ensure effective review by judicial bodies of the legality, necessity and proportionality of arrest and police detention; ensure the prompt and effective investigation by appropriate officers, including prosecutors and judges supervising police detention, to allegations of ill-treatment by detainees; ensure that suspects are in practice afforded prompt, effective and confidential access to a lawyer.<sup>35</sup>

20. ICJ noted that ill-treatment by police during arrest, interrogation or detention is exacerbated and perpetuated by the lack of thorough, prompt and independent investigations.<sup>36</sup> The SICPS is insufficiently independent to meet the duty of effective and independent investigation and in practice, investigations by the prosecutor’s office into allegations of police ill-treatment have been characterised by inaction and long delays.<sup>37</sup> ICJ recommended implementing reforms of the prosecutorial system to ensure effective, independent and impartial investigations of allegations of torture or ill-treatment by law enforcement authorities and to ensure prosecutions.<sup>38</sup> The Helsinki Committee for Human Rights of the Republic of Macedonia (HC) indicated that in pursuance with the OP-CAT, it is envisaged to establish a mechanism for prevention and elimination of torture and other inhuman and degrading treatment or punishment. HC is actively lobbying that this mechanism also includes an NGO.<sup>39</sup>

21. The Commissioner/COE made reference to a high prevalence of violence against women and encouraged the Government to review existing legislation and practices to identify and effectively address possible legal gaps or procedural obstacles to effective investigation, prosecution and punishment of perpetrators, as well as to ensure victim protection and support.<sup>40</sup> MWD reported on the low capacity of the shelter centres for victims of domestic violence, indicating that there is only one State shelter centre which is not specifically for the victims of domestic violence but also for homeless people.<sup>41</sup>

22. The Global Initiative to End All Corporal Punishment of Children (GIEACP) made reference to the Committee on the Rights of the Child concluding observations in 2000 and the CAT’ ones in 2008, expressing concern at corporal punishment of children in all contexts and recommending its prohibition by law.<sup>42</sup> The GIEACP also indicated that provisions against violence and abuse in the Law on Protection of Children Act, the Criminal Code, the Family Law and the Constitution are not interpreted as prohibiting corporal punishment in childrearing.<sup>43</sup>

23. AI noted that Roma NGOs have reported a high level of domestic violence against Roma women within their community. Roma women seeking assistance from the authorities report further discrimination by social workers. While the Government adopted both a Gender Action Plan and a National Action Plan for the Advancement of Roma Women in 2007 and 2008, respectively, specific measures to address domestic violence against Roma women have not been implemented.<sup>44</sup>

24. HC reported on overcrowded conditions in prisons; bad material conditions in the old building of the Idrizovo and in the Skopje Prison; the need to urgently improve living conditions of patients at the Demir Hisar Psychiatric Hospital and at the Negorci Psychiatric Hospital.<sup>45</sup> The Commissioner/COE indicated that the Law on Execution of Sanctions (LES) entered into force in 2006. This law contains *inter alia* provisions relating to rehabilitation and reintegration, such as the right of prisoners to have the opportunity to work, education and leisure activities, as well as the right to two hours of out-door activities per day and family visits. The Commissioner/COE noted however that the Ombudsman has since 2003 followed the situation in prisons and other places where persons are deprived of their liberty and has concluded that the system does not function in accordance with LES, nor does it live up to international standards. Reference was also made by the Commissioner/COE to the CPT's concerns related to the practice of using chains and handcuffs to fix prisoners in bed or to other objects for prolonged periods as well as the lack of separate registration of the use restraints.<sup>46</sup>

25. The Commissioner/COE made reference to the situation in the Educational-Correctional Institution located on the Skopje prison premises, which is an institution for boys and young male adults between 14 and 23 years of age, serving court sentences. The facilities were moved from the original juvenile detention facility in Tetovo damaged in 2001, noting that the location in Skopje prison was supposed to be a temporary solution. There is an urgent need to find a viable solution to remedy this situation. The material conditions in the current facilities are substandard, particularly the sanitary facilities. Juveniles and adults share the outdoor areas.<sup>47</sup>

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

26. In 2004, the Government adopted a strategy for the reform of the judiciary to strengthen the independence and efficiency of the judiciary through substantial legal reforms and to bring their work more in line with international human rights standards, as reported by the Commissioner/COE. A number of reform measures have taken place, however, a main problem remains the backlog of over one million cases and the lack of confidence in the judiciary constitute a serious problem.<sup>48</sup> The Commissioner/COE encouraged the Government to continue the work towards the adoption of a comprehensive law on legal aid and maintain an inclusive approach taken due consideration to input from civil society.<sup>49</sup>

27. According to the HC, investigative judges persistently prescribe pre-trial detention issuing decisions on the continuation of this measure with the bare explanation that the conditions envisaged under Article 199 of the Law on Criminal Procedure are fulfilled, without going into a more detailed and formal explanation of the decisions.<sup>50</sup>

28. The Commissioner/COE also made reference to five individual cases from the 2001 conflict which had been brought before the International Criminal Tribunal for the former Yugoslavia (ICTY) and which were deferred back by the ICTY to The former Yugoslav Republic of Macedonia under its completion strategy and for which none of the alleged perpetrators reached the level of responsibility required for an indictment to be issued in the event there was sufficient evidence to link them to the crimes committed. All documents and evidence are currently being analysed and thereafter the prosecutor general will decide on how to proceed. In this regard, the Commissioner/COE reiterated the principle that individuals suspected of crimes against humanity, genocide and war crimes should be brought before justice.<sup>51</sup>

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

29. The Commissioner/COE noted that there should be a possibility of legal recognition of same sex partnership.<sup>52</sup>

30. The Sexual Reproductive Initiative (SRI) made reference to harmful traditional practices and violations of sexual rights of begging Romani children, youth and women, including early and arranged marriages, as early as 12 years for both girls and boys and the discussion and practices to check on the women's virginity prior and after marriage.<sup>53</sup>

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

31. The Institute on Religion and Public Policy (IRPP) referred to the 1997 Law on Religious Communities and Religious Groups which established a mandatory registration requirement for religious organizations and only permitted one organization per religious confession to register, indicating that within a year after the law's enactment, the Constitutional Court struck down several provisions, resulting in inconsistent enforcement and confusion over which provisions remained enforceable.<sup>54</sup> A new Law on the Legal Status of Churches, Religious Communities, and Religious Groups, was approved and went into effect on May 1, 2008, removing some restrictions. According to IRPP, although many saw this law as a breakthrough in enhancing the freedom of religion, the ambiguity of many sections and potential for abuse leaves many Macedonian religious communities skeptical and fearful.<sup>55</sup>

32. IRPP also reported that since 2004, the State Commission for Relations with the Religious Communities and Groups (SCRRCG), has repeatedly denied the registration application of the "Orthodox Archbishopric of Ohrid" (OAO).<sup>56</sup> The OAO appealed the SCRRCG's denial to the Supreme Court in 2005 where they lost their legal battle. OAO members claim undue Government interference with and harassment of their religious beliefs and activities.<sup>57</sup> IRPP further indicated that in 2006, the Supreme Court, applying the 1997 religion law, upheld the decision by the SCRRCG rejecting the Reformist Movement of Adventists' registration application.<sup>58</sup>

33. IRPP stressed the unresolved issue of the dispute over property owned by religious communities that was expropriated by the Socialist Federal Republic of Yugoslavia.<sup>59</sup> IRPP further reported on cases of sectarian violence, such as: claims in 2006 by the Jehovah's Witnesses of discrimination and harassment by the police;<sup>60</sup> reports in 2007 by Jewish leaders on a number of instances in which Nazi symbols were spray painted in graffiti in towns around the country;<sup>61</sup> and incidents of damage to religious property.<sup>62</sup>

34. MWD referred to the way media report on issues affecting Roma, noting that when media report often use pejorative terms, and when reporting on criminal cases in which Roma are involved, their names and their ethnicity are reviled and the term "alleged" is not used.<sup>63</sup>

35. According to the Commissioner/COE, there appeared to be limits on the freedom of access to information for investigative journalists and civil society representatives. The 2006 Law on Free Access to Information of Public Character is not being effectively implemented.<sup>64</sup>

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

36. AI noted that discrimination in access to education leads to the exclusion of more than half of Roma women, and a significant number of Roma men, from formal employment, including in State institutions where a certificate of completion of primary education is required. Without such documentation, Roma are ineligible to register with unemployment offices. In addition, Roma face both direct and indirect discrimination, including discriminatory working conditions and rates of pay, if they enter the labour market.<sup>65</sup> The majority of Roma women and men work in the informal economy, where they earn little money, are not protected by labour or health and safety laws, and are not eligible for social protection, including social assistance payments and, in practice, health care.<sup>66</sup>

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

37. According to MWD, sex workers are discriminated against with regard to access to health care. The medical treatment is being denied only because of their status or job. MWD also reported on the discrimination in regard to access to medical assistance in cases of prisoners who are drug users.<sup>67</sup>

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

38. The Commissioner/COE was encouraged to learn that during the 2005/2006 school year, 95 percent of children of primary school age (ages 7-14) were attending primary school, with little noticeable difference between rural/urban populations or between male/female. This is indeed a commendable achievement and demonstrates a determination to ensure all children receive at least primary education.<sup>68</sup> However, he also indicated that retention rates between primary and secondary school cycle illustrate a problem. While in principle education is free, in reality there are many associated costs which may inhibit parents' ability to send their children for continued education.<sup>69</sup>

39. AI reported that while under the law primary education is said to be free, in practice Roma children may be excluded from education because their parents cannot afford school books or because transportation to school is unavailable. Roma girls may also be discouraged from attending school because of their teachers' low expectations of them.<sup>70</sup> The Commissioner/COE reported on a low level of education among the Roma community, particularly in the rural areas and on the practice of segregation of Roma students from others.<sup>71</sup> MWD indicated that there have been instances where Roma children with learning difficulties were transferred to special institutions for children with mental disorders, thus raising concerns about segregation and unlawful discrimination.<sup>72</sup>

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

40. The Commissioner/COE noted that The former Yugoslav Republic of Macedonia has ratified the Framework Convention on the Protection of National Minorities and, as of yet, only signed the European Charter for Regional or Minority Languages. Article 48 of the Constitution guarantees rights of national minorities, such as the right to develop and foster identity and the right to instruction in their language in primary and secondary education.<sup>73</sup> Despite still tangible ethnic tensions, the country has successfully embarked on a difficult process to overcome the effects of the 2001 ethnic conflict and the threats for good and fruitful inter-ethnic relations stemming from it, as noted by the Commissioner/COE.<sup>74</sup>

41. The Commissioner/COE informed that much has been done in developing both the legislative framework and institutional capacity to reach the current situation where participation of minorities has greatly increased. In particular, the Albanian minority is better represented in local and national politics and State administration, whereas the participation of other minorities is progressively increasing.<sup>75</sup>

42. According to current legislation regarding official languages, in municipalities where 20 per cent of inhabitants are from a minority with a language other than Macedonian, their language becomes the second official language with equal status in correspondence and other interaction with authorities. In practice, the Commissioner/COE noted that there appeared to be difficulties with regard to the adequate implementation of this framework and the general public's understanding of the dimension of these provisions<sup>76</sup>

43. Roma constitute 2.6 per cent of the total population in the country, as indicated by SRI<sup>77</sup> According to AI, Roma are disproportionately represented among stateless persons and those without citizenship. Roma face a variety of obstacles in obtaining citizenship, including a lack of personal documentation such as birth certificates.<sup>78</sup> The Commissioner/COE noted that Roma are recognised as an ethnic minority in the Constitution, however Roma remain on the margins of society and continue to face obstacles in realising their economic and social rights particularly.<sup>79</sup> MWD indicated that Roma are excluded from the society without opportunity to be included into the educational, health care or social protection system. They do not have proper housing conditions and are not in a position to function within the Macedonian legal system.<sup>80</sup>

44. AI noted that the poor health of Roma is in many cases linked to the denial of other rights, including the right to adequate housing. Under a local initiative, the water supply, sewage system and road infrastructure have been renewed in the predominantly Roma municipality of Suto Orizari. However, Government plans to improve and legalize informal Roma settlements, including measures to ensure adequate water supplies, to date remain unimplemented.<sup>81</sup> AI also noted that a disproportionate number of both Roma men and women suffer from chronic illnesses, and many cannot afford the "participation fee" imposed on almost all medical treatment and on basic medicines.<sup>82</sup> They may not be eligible for health insurance, because of discrimination in access to formal employment which renders them ineligible for social protection, or because they lack the necessary documentation. They also face direct discrimination, including verbal abuse or being refused medicines by health workers. Roma women also report discrimination in access to reproductive rights and maternal care, including in some cases access to treatment during childbirth.<sup>83</sup>

45. SRI made reference to the reproductive rights of Roma, noting the prevalence of abortions in unsafe conditions, the low level of risk awareness about sexually transmitted diseases and HIV/AIDS but also a certain dose of reluctance to using condoms.<sup>84</sup>

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

46. The Commissioner/COE, indicated that the country acceded to the 1951 Refugee Convention and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless persons and the International Covenant on Civil and Political Rights (ICCPR) on 18 January 1994 by succession. The country has made no progress in the direction of acceding to the 1961 United Nations Convention on the Reduction of Statelessness. The Commissioner/COE commended the amendment of certain legal provisions which provide safeguards against refoulement. The Commissioner/COE noted that according to UNHCR, some 1,800 Kosovo refugees remained in

the country as of 1 January 2008. The majority are ethnic Roma and other minorities who were forcibly displaced from Kosovo during the 1999 crises. Having met with a number of these persons, the Commissioner/COE was informed of their poor living conditions, lacking possibilities for education, training and employment, and dubious position regarding identity documents. The Commissioner/COE reiterated the necessity for persons to hold valid legal identity and status documents, and stressed the need to reassess the legal status of these persons urgently, appropriately and with due regard for their particular circumstance and already long-term residency in the country. Considerable progress has been otherwise made to reduce the possibility of de facto statelessness.<sup>85</sup>

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

47. The Commissioner/COE welcomed the efforts taken by the Government leading to solutions for the vast majority of the internally displaced persons (IDPs) from the 2001 conflict. He expressed however concerns about the persons that still remain in temporary accommodations. Noting that the legal procedures take time, he encouraged the Government to cooperate with the persons concerned to find practical solutions to their problems. He also noted that measures should respect basic principles regarding the individual's choice to return or settle where they have been placed as a result of the conflict. Future legislation against non-discrimination also needs to protect this group against discriminatory practices.<sup>86</sup>

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

48. ICJ referred to the case of Mr. Khaled al-Masri, a German national of Lebanese origin, who was detained at the Macedonian border in January 2004, and was allegedly, following his detention and interrogation in Skopje, driven to an airport where he was blindfolded, beaten and drugged, then transferred to a third country, where he was subjected to further interrogation and ill-treatment in secret detention, and to enforced disappearance, before his eventual release in another country in May 2004.<sup>87</sup> ICJ noted that both the Human Rights Committee and the CAT have expressed their concern at the lack of thorough and independent investigation into Mr. Khaled al-Masri's case, and have recommended that a new and thorough investigation be initiated. ICJ also noted that the Council of Europe Commissioner for Human Rights has made a similar recommendation, and that the CERD has also expressed its concern regarding the case.<sup>88</sup> ICJ recommended the Working Group on the Universal Periodic Review to call on the Government to: institute a thorough, independent investigation of Mr. al-Masri's detention and transfer from the country's territory, and the role of Macedonian intelligence in these events and if evidence of criminal offences is established, to bring to justice those responsible; provide full reparations to Mr. al-Masri; co-operate fully with international and national investigations into Mr al-Masri's case; institute a review of laws, policies and practices regarding the compliance of the intelligence services with the international human rights obligations of the State, and the mechanisms for supervision or review of cooperation in intelligence operations with other States.<sup>89</sup>

49. The Commissioner/COE also supported the opinion of the Human Rights Committee that a full and independent investigation of the treatment of Mr. al-Masri during his stay in The former Yugoslav Republic of Macedonia be undertaken. Full cooperation with the Munich Prosecutors Office during this process is also strongly recommended. After reviewing domestic practices and procedures for combating terrorism, appropriate safeguards and scrutiny procedures should be established to prevent and investigate such allegations.<sup>90</sup>

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

50. IRPP reported on some positive trends, including the amendment made in 2007 to the education law allowing religious education in public schools to start in the 6th year of primary school.

51. IRPP also highlighted, as positive trends, the completion of the negotiations between the Jewish community and the Government for the full restitution of individual property confiscated by the former Yugoslav Government and the agreement by the Government to pay \$26.3 million in restitution for all heirless Jewish property in December 2007.<sup>91</sup>

52. In addition, as also noted by IRPP, the Government strengthened its efforts to reach out to religious communities to help resolve issues with local authorities, which were applauded by many including the Jehovah's Witness community. Reference was also made to the hosting of the World Conference on Dialogue among Religions and Civilizations in October 2007.<sup>92</sup>

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

N/A.

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

#### Notes

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

#### *Civil society*

AI	Amnesty International, London* (England)
GIEACP	Global Initiative to End All Corporal Punishment of Children
HC	Helsinki Committee for Human Rights of the Republic of Macedonia, Skopje
ICJ	International Commission of Jurists*, Geneva (Switzerland)
IRPP	Institute on Religion and Public Policy
MWD	Coalition Macedonia Without Discrimination: the Association for Democratic Initiatives – ADI, First Children's Embassy in the world-MEGJASHI, Humanitarian and Charitable Association of Roma in Macedonia -Mesecina, Healthy Options Project Skopje – HOPS, Macedonian Association for Free Sexual Orientation - MASSO, Macedonian Centre for International Cooperation – MCIC*, Macedonian Woman Rights Centre –MWRC, Polio Plus – movement against disability, Union of Woman Organizations of Macedonia –SOZM and Roma rights forum “Arka, Skopje
SRI	Sexual Rights Initiative

#### *Regional intergovernmental organization*

COE	Council of Europe, Directorate of Monitoring, Strasbourg (France)
	Report to the Government of ‘the former Yugoslav Republic of Macedonia’ on the visit to ‘the former Yugoslav Republic of Macedonia’ carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 14 to 18 June 2007
	European Commission against Racism and Intolerance (ECRI)

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European Committee of Social Rights, Fact Sheet 2005

Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) : 2nd Opinion and Resolution.

The Commissioner/CoE Council of Europe, Office of the Commissioner for Human Rights, Strasbourg (France)

<sup>2</sup> The Commissioner for Human Rights of the Council of Europe, para. 9. See also the European Committee of Social Rights, Fact Sheet 2005.

<sup>3</sup> The Commissioner for Human Rights of the Council of Europe, para. 97.

<sup>4</sup> The Commissioner for Human Rights of the Council of Europe, para. 97.

<sup>5</sup> The Commissioner for Human Rights of the Council of Europe, para. 14.

<sup>6</sup> The Commissioner for Human Rights of the Council of Europe, para. 11.

<sup>7</sup> HC, p. 1.

<sup>8</sup> Coalition Macedonia without Discrimination, p. 3.

<sup>9</sup> AI, p. 1.

<sup>10</sup> The Commissioner for Human Rights of the Council of Europe, paras. 123 to 128. See also Coalition Macedonia without Discrimination, p.1 and 2.

<sup>11</sup> Coalition Macedonia without Discrimination, p. 3.

<sup>12</sup> Coalition Macedonia without Discrimination, p. 4.

<sup>13</sup> The Commissioner for Human Rights of the Council of Europe, paras. 19 and 20.

<sup>14</sup> Coalition Macedonia without Discrimination, p. 3.

<sup>15</sup> The Commissioner for Human Rights of the Council of Europe, para. 22.

<sup>16</sup> The Commissioner for Human Rights of the Council of Europe, para. 21. See also report of ICJ.

<sup>17</sup> The Commissioner for Human Rights of the Council of Europe, para. 21.

<sup>18</sup> The Commissioner for Human Rights of the Council of Europe, para. 15.

<sup>19</sup> The Commissioner for Human Rights of the Council of Europe, para. 15.

<sup>20</sup> The Commissioner for Human Rights of the Council of Europe, paras. 23 to 28.

<sup>21</sup> The Commissioner for Human Rights of the Council of Europe, paras. 130 and 131.

<sup>22</sup> AI, p. 1. See also the Commissioner for Human Rights of the Council of Europe, paras. 87 to 90. See also report from SRI, para. 9.

<sup>23</sup> AI, p. 1. See also the Commissioner for Human Rights of the Council of Europe, paras. 87 to 90.

<sup>24</sup> AI, p. 4.

<sup>25</sup> The Commissioner for Human Rights of the Council of Europe, paras. 101 to 105. See also Coalition Macedonia without Discrimination, p. 2.

<sup>26</sup> The Commissioner for Human Rights of the Council of Europe, paras. 123 to 128. See also report from SRI.

<sup>27</sup> AI, p. 2. See also reports from the Coalition Macedonia Without Discrimination, p. 1 and 2; the Commissioner for Human Rights of the Council of Europe, para. 99.

<sup>28</sup> AI, p. 2. See also the Commissioner for Human Rights of the Council of Europe, para. 99.

<sup>29</sup> The Commissioner for Human Rights of the Council of Europe, paras. 98 and 101 to 105. See also report of Coalition Macedonia without Discrimination, p. 6. See also Coalition Macedonia without Discrimination, p. 5.

<sup>30</sup> Coalition Macedonia without Discrimination, p. 2.

<sup>31</sup> The Commissioner for Human Rights of the Council of Europe, paras. 99 and 100.

<sup>32</sup> The Commissioner for Human Rights of the Council of Europe, paras. 109 to 113.

- <sup>33</sup> ICJ, p. 1. See also reports of AI, p. 6 and 7; the Council of Europe Commissioner for Human Rights and the Council of Europe Committee on the Prevention of Torture.
- <sup>34</sup> ICJ, p. 1. See also reports of AI, p. 6 and 7; the Council of Europe Commissioner for Human Rights and the Council of Europe Committee on the Prevention of Torture.
- <sup>35</sup> ICJ, p. 2.
- <sup>36</sup> ICJ, p. 3. See also reports from the CPT; the Commissioner for Human Rights of the Council of Europe, paras. 56 to 58.
- <sup>37</sup> ICJ, p. 3. See also report of the Council of Europe Commissioner for Human Rights.
- <sup>38</sup> ICJ, p. 3.
- <sup>39</sup> HC, p. 3-4. See also report for cases cited.
- <sup>40</sup> The Commissioner for Human Rights of the Council of Europe, paras. 106 to 108. See also report of the Coalition Macedonia without Discrimination.
- <sup>41</sup> Coalition Macedonia without Discrimination, p. 9.
- <sup>42</sup> GIEACP, p. 2.
- <sup>43</sup> GIEACP, p. 2.
- <sup>44</sup> AI, p. 6.
- <sup>45</sup> HC, p. 5.
- <sup>46</sup> The Commissioner for Human Rights of the Council of Europe, paras. 59 to 64. See also report from CPT.
- <sup>47</sup> The Commissioner for Human Rights of the Council of Europe, paras. 65 to 67.
- <sup>48</sup> The Commissioner for Human Rights of the Council of Europe, paras. 29 to 43.
- <sup>49</sup> The Commissioner for Human Rights of the Council of Europe, para. 36.
- <sup>50</sup> HC, p. 2 to 3.
- <sup>51</sup> The Commissioner for Human Rights of the Council of Europe, paras. 44 to 46.
- <sup>52</sup> The Commissioner for Human Rights of the Council of Europe, para. 129.
- <sup>53</sup> SRI, p. 4 and 5.
- <sup>54</sup> IRRP, para. 5.
- <sup>55</sup> IRRP, para. 6.
- <sup>56</sup> IRRP, para. 7.
- <sup>57</sup> IRRP, para. 7.
- <sup>58</sup> IRRP, para. 8.
- <sup>59</sup> IRRP, para. 9.
- <sup>60</sup> IRRP, para. 10.
- <sup>61</sup> IRRP, para. 11.
- <sup>62</sup> IRRP, para. 12. See also paras. 13 and 14.
- <sup>63</sup> Coalition Macedonia without Discrimination, p. 6. See also report from the Commissioner for Human Rights of the Council of Europe, para. 77.
- <sup>64</sup> The Commissioner for Human Rights of the Council of Europe, para. 78.
- <sup>65</sup> AI, p. 5.
- <sup>66</sup> AI, p. 6.
- <sup>67</sup> Coalition Macedonia without Discrimination, p. 6.
- <sup>68</sup> The Commissioner for Human Rights of the Council of Europe, para. 132.

<sup>69</sup> The Commissioner for Human Rights of the Council of Europe, paras. 133 and 135.

<sup>70</sup> AI, p. 5.

<sup>71</sup> The Commissioner for Human Rights of the Council of Europe, paras. 92 and 93.

<sup>72</sup> Coalition Macedonia without Discrimination, p. 6.

<sup>73</sup> The Commissioner for Human Rights of the Council of Europe, para. 80.

<sup>74</sup> The Commissioner for Human Rights of the Council of Europe, para. 81. See also the Advisory Opinion and Resolution on the implementation of the Framework Convention for the Protection of National Minorities.

<sup>75</sup> The Commissioner for Human Rights of the Council of Europe, paras. 82 and 83. See also the Advisory Opinion and Resolution on the implementation of the Framework Convention for the Protection of National Minorities.

<sup>76</sup> The Commissioner for Human Rights of the Council of Europe, paras. 84 to 86. See also Advisory Opinion and Resolution on the implementation of the Framework Convention for the Protection of National Minorities.

<sup>77</sup> SRI, p. 1.

<sup>78</sup> AI, p. 4.

<sup>79</sup> The Commissioner for Human Rights of the Council of Europe, paras. 87 to 90. See also SRI.

<sup>80</sup> Coalition Macedonia without Discrimination, p. 5.

<sup>81</sup> AI, p. 6.

<sup>82</sup> AI, p. 6.

<sup>83</sup> AI, p. 6.

<sup>84</sup> SRI, p. 4. See also report from the Coalition Macedonia without Discrimination.

<sup>85</sup> The Commissioner for Human Rights of the Council of Europe, paras. 155 to 159.

<sup>86</sup> The Commissioner for Human Rights of the Council of Europe, paras. 160 to 163.

<sup>87</sup> ICJ, pages 3 and 4.

<sup>88</sup> ICJ, p. 3 and 4. See also report of the Commissioner for Human Rights of the Council of Europe, paras. 74 to 76.

<sup>89</sup> ICJ, p. 5. See also report of the Council of Europe Commissioner for Human Rights.

<sup>90</sup> The Commissioner for Human Rights of the Council of Europe, paras. 74 to 76.

<sup>91</sup> IRPP, para. 15.

<sup>92</sup> IRPP, para. 15.