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

The former Yugoslav Republic of Macedonia*

The present report is a summary of 13 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the state under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. Joint Submission 2 (JS2), Joint Submission 4 (JS4) and Joint Submission 6 (JS6) noted that the country had not ratified the ICRMW and the OP-ICESCR in line with the recommendations under the first Universal Periodic Review (UPR).²³ Amnesty International (AI), JS6, JS2 and the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) called for ratification of the CPED.⁴

2. CoE-Commissioner recommended accession to the European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes.⁵

3. Macedonian Young Lawyers Association (MYLA), JS6, JS2 and CoE-Commissioner recommended ratification of the Convention on the Reduction of Statelessness.⁶ CoE-Commissioner also recommended accession to the Council of Europe (CoE) Convention on the Avoidance of Statelessness in Relation to State Succession.⁷

4. JS2 noted that the country signed the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) in 2011, but had not ratified it.⁸

5. The European Committee against Racism and Intolerance (CoE-ECRI) recommended ratification of the European Charter for Regional or Minority Languages and the CoE Convention on the Participation of Foreigners at Local Level.⁹

6. CoE reported that the country ratified the CoE Revised European Social Charter in 2012 and noted that it had signed the Additional Protocol to the Charter but had neither signed nor ratified the Additional Protocol Providing for a System of Collective Complaints.¹⁰

2. Constitutional and legislative framework

7. CoE-ECRI recommended the review of article 9 of the Constitution so that it unequivocally guarantees the principle of equality in law for non-citizens as well as citizens.¹¹

8. CoE-ECRI recommended that the authorities identify why article 9 of the Constitution had not been successfully pleaded in discrimination cases and, where applicable, take appropriate measures regarding reliance on this provision in judicial proceedings.¹²

9. JS2 noted that the Government's review of the conformity of legislation with the CRC, following the first UPR, had shown significant alignment with the convention, but implementation was weak and, despite the primacy of international treaties over domestic law, the authorities rarely applied international regulations.¹³

3. Institutional and human rights infrastructure and policy measures

10. JS2 observed that the protection of human rights was fragmented and implemented by politically dependent and inadequately staffed institutions. The competences of different institutions overlapped in some areas and some institutions were inaccessible, especially for citizens outside the capital.¹⁴

11. JS6 mentioned weaknesses in the country's efforts to harmonize legislation with the international human rights instruments and called for the competent body, the Inter-Governmental Coordinating Body on Human Rights, to be supported and its cooperation with civil society and academics enhanced.¹⁵

12. The Ombudsman stated that an opinion had been submitted to the Government on the need for further amendments to legislation to bring the institution into compliance with the Paris Principles. It highlighted the need to separate its expert service from the staff of the public administration.¹⁶

13. JS6 and JS2 noted that the Ombudsman continued to hold B status and mentioned concerns about the lack of transparency in the appointment process of the Ombudsman.¹⁷ JS2 also noted the institution's lack of financial independence, its lack of competence over the private sector and the lack of multi-disciplinary expertise among its staff.¹⁸ JS6 noted the limitation of pluralism in the selection process to ethnicity only and also highlighted the need for enhanced cooperation with civil society, universal and regional human rights bodies.¹⁹ The CoE-Commissioner and JS6 called for the necessary support and resources to be provided to the Ombudsman.²⁰

14. CoE Committee for the Prevention of Torture (CoE-CPT) indicated that the Ombudsman had been designated as the National Preventive Mechanism (NPM) in accordance with article 17 of Optional Protocol to the Convention against Torture. It noted that the three staff members within the NPM unit of the institution were insufficient to cover all places of detention in the country. It urged that the NPM be able to call upon specialists with medical and social service backgrounds and to ensure that it receives all necessary resources.²¹ The Ombudsman reported that in 2013 the NPM had secured external expertise, but there was a need for additional human resources.²²

15. JS2 praised the authorities' consultations with NGOs during the drafting of the revised National Plan of Action Plan Children's Rights for 2012-15, which followed the recommendations of the Committee on the Rights of the Child, and called for adequate funds to be allocated to its implementation.²³ JS6 noted that relevant NGOs were excluded from the consultations on the Government's Anti-Discrimination Strategy which was adopted in 2012.²⁴

B. Cooperation with human rights mechanisms

Cooperation with treaty bodies

16. JS2 and JS6 stated that reporting to treaty bodies was undertaken with delays and JS2 that stakeholder participation was minimal.²⁵

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

1. Equality and non-discrimination

17. Several submissions commented on the 2010 Law on Prevention and Protection against Discrimination (LPPD). CoE-ACFC noted the inclusion of the shifted burden of proof in the law, while JS2 noted that, contrary to this principle, the party claiming violation of the right to equality is obliged to provide evidence to justify his or her claim.²⁶ AI, Joint Submission 5 (JS5), JS2, JS4 and JS6 called for the law to be amended to list sexual orientation and/or gender identity as specific grounds for discrimination.²⁷ JS6 noted that the reporting of discrimination cases to the courts and other bodies increased following the adoption of the law, but that reporting rates appeared low in comparison with other

types of complaint filed with those institutions. It also noted the reluctance of the Constitutional Court to find discrimination in cases submitted to it and considered that, in combination with the weaknesses of the other mechanisms, potential applicants may be dissuaded from filing cases.²⁸

18. JS6, JS2, Joint Submission 3 (JS3), JS5, AI and CoE-Commissioner variously expressed concerns about the independence, impartiality, expertise, efficiency or resourcing of the Commission for the Protection against Discrimination (CPAD) which was created under the LPPD.²⁹ JS6 noted that the commissioners worked part-time without any dedicated assistance. JS3, JS5, JS6 and JS2 mentioned that some of the CPAD commissioners are also employed full-time by State institutions.³⁰ JS6 noted that some commissioners had little or no human rights experience.³¹ The CPAD premises were shared with the Ministry of the Interior, creating psychological barriers to access, and were also inaccessible to persons with physical disabilities.³² JS3 mentioned that several NGOs had called upon the parliament to reject the 2012 CPAD annual report, complaining, *inter alia*, that the institution was avoiding determining the existence or non-existence of discrimination in complaints.³³

19. JS2 and JS6 noted that in relation to discrimination the Ombudsman and CPAD mandates overlapped and complainants could be confused as to which institution to address.³⁴

20. JS6, CoE-Commissioner and JS2 called for campaigns to raise public awareness of legal protection against discrimination.³⁵ JS3 and JS6 recommended campaigns on preventing discrimination against Roma targeting the Roma and the wider public.³⁶ JS4 and JS5 called for the promotion of tolerance towards lesbian, gay, bi-sexual and transsexual (LGBT) people.³⁷

21. Joint Submission 1 (JS1) mentioned tensions between groups in the country and those in neighbouring states in online and offline media which render journalists susceptible to using hate speech and inciting discrimination. It noted that the Ministry of the Interior has stated that it monitors online social networks to block such content, but that the response to hate speech and discrimination had been unclear. It noted further that some social media presences setup up by non-violent movements against police brutality in 2011, the March for Peace and in 2012 and the movement for social and economic justice had been shut down.³⁸

22. JS5 noted that the police had not acted when a case of homophobic hate speech on social networks was reported to it and that the public prosecutor had rejected prosecution of another case. It also noted that Parliament had not voted on proposals to include sanctions against hate speech on grounds of sexual orientation or gender identity within the Criminal Code.³⁹ CoE-ECRI recommended that the authorities systematically denounce expressions of intolerance by opinion leaders and prosecute when the cases come within the criminal law as well as increased monitoring of the Internet for racist or hate-based content.⁴⁰

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

23. The Ombudsman stated that the number of complaints of abuses by the police, including the use of force, received by the institution had decreased but there were still cases.⁴¹ CoE referred to the CoE-CPT finding that a significant number of persons alleged ill-treatment by police officers and its recommendation that the authorities continue to take action to combat ill-treatment by the police, including an effective investigation into every allegation.⁴²

24. JS3 provided details of seven cases documented between May 2011 and May 2013 involving the use of excessive force or physical ill-treatment by police officers against Roma victims, including women and minors. In one case the complainant was too scared to

report the case to the police and, in an additional case, a police officer refused to record the complaint of an assault by a non-Roma civilian.⁴³

25. JS2 mentioned protests following the death of an individual in Skopje in 2011 as a result of disproportionate use of force by the police. The protestors demanded external supervision of the police and the establishment of responsibility for his death. It stated that there was an urgent need for public and expert discussions on the most adequate form of external supervision over the police.⁴⁴

26. JS2 Mentioned that the State Commission for Supervision over Penitentiary and Correctional Facilities was inactive and did not perform its functions. With the exception of the Ombudsman, there were no mechanisms for the supervision of prisons and the Directorate for the Execution of Sanction, whose recommendations and observations would be binding. It recommended the immediate appointment of the Commission and ensuring that it is fully functional.⁴⁵

27. The Ombudsman was concerned that there were cases of torture of detained persons.⁴⁶ It also noted that the NPM found that there had been a lack of efficient investigations when assault or violence was suspected in prisons.⁴⁷ CoE-CPT indicated that the illegitimate use of force by staff against prisoners in Idrizovo prison was frequent, uncontrolled and directed against vulnerable inmates and that prisoners were convinced that complaining would aggravate their situation or lead to retaliation.⁴⁸ It also noted that inter-prisoner intimidation/violence remained a problem in the prison.⁴⁹

28. CoE referred to deplorable living conditions reported by CoE-CPT in Idrizovo, the country's largest prison, with inmates crammed together in a dilapidated, unsafe and unhygienic environment. Remand prisoners in Skopje and Tetovo Prisons were kept in overcrowded and poor material conditions without activities and limited exercise.⁵⁰ The Ombudsman and JS2 had similar information and mentioned the lack of re-socialization and re-integration programmes and noted that the prison rebuilding projects were delayed, contributing to the overcrowding.⁵¹

29. CoE referred to the CoE-CPT's findings on allegations of ill-treatment of patients by staff and inter-patient violence at three psychiatric hospitals. It recommended measures which included a zero-tolerance policy, increased staffing and putting in place an independent complaint and inspection system.⁵²

30. JS2 referred to the 2012 National Strategy on Prevention and Protection against Domestic Violence (2012-2015). It mentioned, inter alia, the absence of a financial plan and adequate funds and that overcrowded shelters were forcing victims to move cities and causing difficulties in attending court. It noted that there were few grants of legal aid up until 2011, but that new free legal aid services for domestic violence were to be piloted in 2013. Awareness-raising campaigns were organized only by NGOs. Domestic violence against Roma and ethnic Albanian women tended to be underreported and some Roma women had been excluded from shelters. JS2 also recommended amending the Law on Criminal Procedure to ensure that victims of domestic violence enjoyed special rights as other vulnerable persons under the law, including the right to be interviewed by police and other officials of the same gender.⁵³

31. JS2 called for the active implementation of the National Strategy for the Fight against Human Trafficking and Illegal Migration (2013-2016), especially in relation to the provision of free needs-based services for victims. It noted that the number of victims of human trafficking identified by the authorities was low compared to data from the region and that this raised concerns about the capacity of the authorities to identify victims. Services for victims were mainly provided by NGOs which contributed their own resources.⁵⁴

32. JS5 and AI noted that two LGBT activists were physically attacked by a masked man in the main square of Skopje during celebrations of International Tolerance Day in 2012.⁵⁵ JS5 indicated that there was no public condemnation of the violence by officials on this occasion or on other occasions when threats were made against the LGBT persons. Both submissions referred to other physical attacks on LGBT activists.⁵⁶

33. The Global Initiative to End All Corporal Punishment of Children and CoE noted that corporal punishment is not explicitly prohibited in the home and in institutions.⁵⁷

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

34. JS2 recommended strict application of the legal criteria for the appointment and promotion of judges stating that the delayed enforcement of new criteria had been abused to promote judges who decided cases with a political background. It also called for the Public Prosecutor to act in cases of abuse of public office for interfering with or applying pressure on judges.⁵⁸

35. AI stated that the authorities continued to fail to address impunity for crimes under international law which occurred during the armed conflict of 2001. AI and CoE-Commissioner noted that Parliament's 2011 authentic interpretation of the 2002 Amnesty Law meant that cases which had been returned to the national jurisdiction from the International Criminal Tribunal for the former Yugoslavia (ICTY) were included in the amnesty. AI referred to the interpretation as being part of a post-election deal between the Macedonian and ethnic-Albanian parties in the governing coalition. It stated that the action was inconsistent with international law and the State's international obligations and that it raised questions about interference in the work of prosecutors.⁵⁹ CoE-Commissioner and AI also noted that the Constitutional Court rejected a challenge to the constitutionality of the authentic interpretation by relatives of abducted persons.⁶⁰

36. JS2 noted that the implementation of the 2010 Law on Criminal Procedure should have started in 2012, but that it had been delayed until the end of 2013. In the meantime, other legislation had not been harmonized with it and the prosecutors, courts and lawyers were not equipped or prepared to implement it. It recommended greater commitment and increased funding and called for changes to the law in order to bring it into compliance with European Union directives.⁶¹

37. JS2 noted improvements in the situation at the law enforcement agencies since 2009, it recommended that training for police, penitentiary and court officers continued to increase education on human rights and improve professionalism. The State needed to support of the process financially and involve civil society.⁶²

38. The CoE noted the CoE-CPT's criticism of the treatment of juveniles held on remand and its recommendation that action be taken to offer them educational and recreational activities and to ensure that they are never held in a situation of de facto solitary confinement.⁶³ The Ombudsman noted that only two police stations had special rooms for interviewing juveniles in accordance with the law and had other concerns relating to the detention of juveniles.⁶⁴

39. JS2 mentioned that the stringent criteria for legal aid meant few applications for free legal aid were granted. The 2009 Law on Free Legal Aid was not contributing to better access to justice for vulnerable groups and it called for the immediate amendment of the legislation to eliminate procedural and other barriers denying access to justice for the poor.⁶⁵

4. Right to privacy

40. JS1 referred to changes to the Law on the Interception of Communications in 2012 which expanded the number of State bodies able to use surveillance technology and noted the absence of implementation of public oversight and controls on the use of surveillance.⁶⁶

5. Freedom of movement

41. The CoE referred to the CoE-Commissioner's concerns relating to measures to control emigration. Between 2009, when visa-free travel was granted to EU member states, and 2012, about 7,000 citizens, mainly Roma, were not allowed to leave the country and had their travel documents confiscated. Such measures interfered with the internationally established right to leave a country and undermine the right to seek asylum.⁶⁷ It, JS3 and AI indicated that attempts to leave the country were an indicator of the lack of progress in guaranteeing the social and economic rights of Roma.⁶⁸ Among other concerns, JS3 noted that, as well as being denied access to EU or Schengen states, those affected were also unable to exit the country to visit family members or undertake business in the neighbouring non-EU countries.⁶⁹

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

42. RSF, JS2, JS1 and AI variously indicated that, despite the state's acceptance of the relevant recommendations under the first UPR, freedom of expression or freedom of the press had deteriorated since 2009.⁷⁰

43. RSF and JS2 indicated that in 2011 the Government had increased its control of the media by nominating additional members for the Broadcasting Council.⁷¹ The Organization for Security and Co-operation in Europe - Office for Democratic Institutions and Human Rights (OSCE-ODIHR) recommended that priority should be given to the professionalism and impartiality of prospective members of the Broadcasting Council, rather than political affiliation.⁷²

44. JS2 stated that the public broadcasting service had no institutional autonomy and its editorial policy depended on the ruling parties.⁷³ RSF had similar information.⁷⁴ RSF indicated that in contravention of the law, two TV stations were owned by politicians, one a member of the ruling party.⁷⁵ AI indicated that the media organizations close to the government had received lucrative Government-funded advertising while independent or opposition media found it impossible to attract advertising.⁷⁶ JS1, RSF and JS2 had similar information.⁷⁷

45. RSF, AI and JS2 indicated that several printed publications and the A1 TV channel had been forced to close because of the financial burden of heavy fines for defamation or alleged financial irregularities.⁷⁸ JS1 stated that fear of heavy fines and arbitrary judgments had resulted in increased self-censorship in the media.⁷⁹

46. AI and RSF noted the case of a journalist who was arrested in June 2013 for allegedly revealing the name of a protected witness in a criminal case in 2008 and expressed concern about the right to be able to carry out investigative journalism.⁸⁰ RSF stated that the witness did not have protected status at the time of the alleged offence.

47. JS1, RSF and JS2 noted that in December 2012 the journalists were forcefully expelled from the Parliament before the vote on the state budget.⁸¹

48. CoE highlighted CoE-ECRI's concern that the media was separated according to their ethno-linguistic affiliations and that ethnically-tinged reporting of events was widespread.⁸²

49. JS2 stated that the “Orthodox Archbishopric of Ohrid”, which is close to the Greek and Serbian churches, had persistently been denied registration as a church since 2004 and had registered as an NGO in 2011 in order to gain legal personality. It noted that in 2012, 19 monks and supporters were prosecuted for alleged money laundering of donations to the NGO and called for the State to discontinue prosecution of the entity and allow its registration as a church or religious group.⁸³

50. CoE-Commissioner expressed concerns about the proportionality and constitutionality of the lustration process. It called upon the authorities to ensure that relevant decisions of the Constitutional Court are respected and reflected in any future policy discussions on the topic. It stated that lustration should follow strict criteria to ensure equality of arms and should never be used for political or personal purposes.⁸⁴ JS2 noted that the third Law on Lustration, adopted in 2012, included civil society as well as public officials and that the Criminal Code had been amended to include NGO representatives within the provisions for sanctioning abuse of office.⁸⁵

51. JS2 reported that human rights activists and organizations were subject to pressure and attacks by the ruling party and pro-government media and the Public Prosecutor did not act upon criminal charges against pro-government journalists who persecuted human rights activists. It called for the securing of unhindered conditions for NGOs and human rights activists.⁸⁶

52. OSCE-ODIHR stated that the Parliamentary Elections of June 2011 were competitive, transparent and well-administered throughout the country. It noted that certain aspects required attention, including the need for an audit of the voter list in light of doubts about its accuracy. It also noted that majority of broadcasters followed partisan editorial policies frequently blending fact and editorial comment, and that, in contravention of its legal obligations, the public broadcaster significantly favoured the governing parties.⁸⁷ JS2 noted that a significant proportion of the 2011 OSCE-ODIHR and CoE Venice Commission joint recommendations to improve the electoral legislation were not implemented.⁸⁸ JS2 recommended restructuring the State and municipal election commission and committees into non-partisan bodies and made related recommendations.⁸⁹

53. JS2 noted that there were only two female ministers out of 22 and 3 deputy ministers out of 15. There were no female mayors among the 85 municipalities between 2009 and 2013 and only three were elected in 2013. It mentioned that gender quotas had not yielded the expected results, especially at the local level.⁹⁰

7. Right to work and to just and favourable conditions of work

54. CoE referred to the Conclusions of the European Committee of Social Rights (CoE-ECSR) that it had not been established that employment creation efforts have been adequate in combating unemployment and promoting job creation and that the requirements to enter negotiations infringe the right to bargain collectively.⁹¹

55. The Ombudsman found that discrimination was present in all aspects of employment and was most frequently based on ethnicity.⁹² JS2 noted a lack of results from active employment measures and lack of monitoring and the absence of gender disaggregated data. It referred to the absence of policies on work-life balance, in particular those concerning early childhood education and care. Estimated kindergarten capacity could only provide for 16 per cent of pre-school age children.⁹³

8. Right to social security and to an adequate standard of living

56. JS2 welcomed the Law on the Legalization of Illegally Constructed Buildings, but had concerns. It mentioned, *inter alia*, that Roma often depended on municipalities changing urban plans to allow them to legalize properties, but the municipalities did not

change them under the excuse of a lack of funds. It called for equitable application of the Law and effective enforcement of related policies with enhanced efforts by municipalities.⁹⁴

9. Right to health

57. JS4 noted a trend in producing laws, policies and plans which did not result in progress in the enjoyment of human rights, including with regard to health rights. It stated that the new Laws on Healthcare and Termination of Pregnancies were adopted in 2012 and 2013 respectively in shortened legal procedures with limited participation of civil society, health professionals and academics.⁹⁵

58. JS4 stated that the mechanisms for the reporting of violations of patients' rights envisaged in the Law on the Protection of Patients in 2008 had not been established and that the Ombudsman was not sufficiently used in this sphere.⁹⁶ JS6 had similar information and referred to the lack of reaction from the State or institutions when complaints were filed involving cases of medical errors and malpractice affecting Roma patients.⁹⁷

59. JS4 noted that health statistics were not disaggregated by ethnicity, but its own research showed poor health status and life expectancy for the Roma compared to the majority population. It indicated that the poor health of the Roma was affected by the lack of data for the planning of sustainable measures.⁹⁸ CoE-Commissioner mentioned that infant mortality among Roma was double that of the general population.⁹⁹

60. JS4 and JS6 noted the non-implementation of the National Action Plan on Health for Roma which was to be completed by 2011.¹⁰⁰ Among the planned measures, JS4 noted that only four municipalities had adopted local plans for the health of the Roma and JS6 that only eight of a planned 16 municipalities had introduced Roma health mediators.¹⁰¹ CoE-Commissioner noted that 16 additional health mediators were to be appointed by the end of 2013 and that their presence had led to significantly increased visits to medical centres by Roma women and children. It called for sustainability of the programme to be ensured.¹⁰²

61. In relation to Roma mothers and children JS4 noted insufficient provision of preventive healthcare, including immunization and health education and of antenatal healthcare. It noted low rates of the use of contraceptives and high abortion rates in comparison with the majority population.¹⁰³

62. JS4 referred to the problems of discrimination in healthcare against Roma women, including cases where women were refused registration as patients, were overcharged or made to pay for services which should have been free.¹⁰⁴

63. JS4 noted that from 2011 preventive activities under the National Strategy on HIV/AIDS were drastically reduced. It highlighted problems in the availability of anti-retroviral and other medicines, including the non-availability of paediatric formulations.¹⁰⁵

64. JS4 stated that LGBT people hid their identities and avoided requesting health services because of the attitudes of health workers towards them. It noted that there were no training programmes for health workers that took into account the needs and dignity of the LGBT population and textbooks were in use at the Faculty of Medicine which classified their sexual orientation or gender identity as a disease. It also highlighted the absence of protocols for the healthcare and treatment of transgender people and of an adequate legislative framework for intersex people.¹⁰⁶

65. JS4 noted inadequate access to treatment for drug users in Skopje and recommended easy and safe access to treatment. It also called for a protocol and training for medical staff to treat children addicted to drugs.¹⁰⁷

10. Right to education

66. CoE-Commissioner recognized the well-developed opportunities for non-majority communities to receive education in their own language, but referred to the need to address the negative impact of ethnic segregation in schools including lack of mutual comprehension and social cohesion.¹⁰⁸ CoE-ECRI recommended strengthening pluri-lingual teaching, more common activities and policies to promote mixing and interaction between children of all linguistic and ethnic backgrounds.¹⁰⁹

67. CoE-Commissioner and CoE-ACFC noted the lack of opportunities for Roma children to attend pre-school education which affects negatively their acquisition of the Macedonian language and jeopardises their future education. Both indicated that a shortage of teachers speaking the Romani language exacerbated the problem.¹¹⁰ JS2 stated that the Government's efforts to increase the number of Roma in pre-school education were insufficient and risked discontinuation upon the donor's completion of the project.¹¹¹

68. JS3 stated that the special education system violated CRPD and the disproportionate number of Roma children in these schools suggested discrimination on basis of ethnicity. It noted that pupils were isolated in special schools or special classes and offered a sub-standard curriculum.¹¹² CoE-Commissioner expressed concern about the issue and CoE-ECRI also made related recommendations.¹¹³ JS3 mentioned that many Roma children start their education in mainstream schools but are transferred to special education due to a lack of support and poor performance.¹¹⁴ Parents were not informed of the possibility of challenging a child's categorization.¹¹⁵ It referred to cases where children were enrolled into special education without any testing for alleged disabilities.¹¹⁶

11. Persons with disabilities

69. JS2 mentioned that in 2011 the Government had identified legal amendments required following the ratification of the CRPD but the amendments had not yet been adopted and information on the implementation of other measures was not publicly available. The Government had failed to carry out then the 2012 Census and, hence, there was no official data on the number of citizens with disabilities. It recommended comprehensive measures and the allocation of sufficient funds for the implementation of the CRPD. Social allowances for persons with disabilities should not be reduced on attaining 26 years of age and legislation on needs-based allowances should be introduced.¹¹⁷

70. CoE referred to the conclusions of the CoE-ECSR that the anti-discrimination legislation for persons with disabilities is inadequate and that it had not been established that their rights to mainstream education and training and equal access to employment are guaranteed.¹¹⁸

12. Minorities

71. JS6 noted that the Agency for the Realization of the Rights of Communities, which has a mandate to advance the rights of the smaller ethnic communities, was underfunded and unable to exercise its full competencies, despite an increase in its budget in 2013.¹¹⁹

72. CoE-Commissioner mentioned that statelessness and the lack of civil and personal identity documents constituted serious obstacles to the enjoyment by many Roma of social and economic rights. It noted progress and new measures in addressing cases of statelessness.¹²⁰ JS2 referred to the need for a legal solution for stateless persons born in the country and JS6 noted the consequences included a lack of access to health insurance.¹²¹ MYLA called for simplified procedures in relation to obtaining citizenship, registering births and obtaining personal documents, noting that the problems of those affected by statelessness or a lack of documentation were being carried on to the next generation.¹²²

13. Migrants, refugees and asylum-seekers

73. MYLA noted that many asylum-seekers were never issued identification documents.¹²³ There was limited access to health care.¹²⁴ Unaccompanied minors were not always accommodated separately from adults and legal guardians appointed to them failed to establish contact with them.¹²⁵ No asylum seeker applied to the State's legal aid programme because of obstacles such as their lack of documents and a lack of information as to where to apply.¹²⁶ MYLA noted that all the services and processes for asylum seekers were limited by a lack of interpreters for the appropriate languages.¹²⁷

74. MYLA observed that there had been around 2,000 new asylum seekers in recent years, but that no one had been recognized and only one person had been granted status of subsidiary protection under the national legislation. For most the procedure was terminated when they left the reception centre.¹²⁸ It noted that between 2011 and June 2013, 10 applications had been rejected at first instance on grounds that the applicant represented a threat to national security and that in the 12 appeals heard no evidence was adduced because the first instance decision had been made on the basis of confidential documents of the State Security Bureau which were not accessible to the asylum seekers or their legal representatives.¹²⁹ MYLA mentioned that despite the statutory deadline of two months, appeals were not ruled upon for 262 days on average.¹³⁰

14. Internally displaced persons

75. While welcoming the authorities' commitments to identify durable solutions for the remaining internally displaced persons from the 2001 conflict, the CoE-Commissioner underlined the need to find solutions for the small number still living in collective centres.¹³¹

15. Human rights and counter-terrorism

76. AI and the CoE noted that the Committee of Ministers was awaiting an action plan or report from the State on the case of Khaled El-Masri. In December 2012 the Grand Chamber of the European Court of Human Rights held that the state was responsible for his torture and ill-treatment in the country itself in and after his transfer to other authorities in the context of an extra-judicial "rendition" in 2003-4.¹³²

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society*Individual submissions

AI	Amnesty International (London, United Kingdom);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (London, United Kingdom);
MYLA	Macedonian Young Lawyers Association (Skopje, the former Yugoslav Republic of Macedonia);
RSF	Reporters Without Borders International (Paris, France);

Joint submissions

JS1	Joint Submission 1: Metamorphosis (Skopje, the former Yugoslav Republic of Macedonia) and the Association for Progressive Communications (Johannesburg, South Africa);
JS2	Joint Submission 2: the Ad Hoc Coalition for UPR Submission, consisting of: Foundation Open Society, Helsinki Committee for Human Rights of the Republic of Macedonia, Association of Journalists in Macedonia; Association for Emancipation, Solidarity and Equality of Women; Centre for Support of Persons with Intellectual Disability - Poraka, Civil – Centre for Freedom; Coalition All For Fair Trials, Coalition for Sexual and Health Rights of Marginalized Communities, First Children’s Embassy in the World <i>Megjashi</i> , Health Education and Research Association - HERA., Healthy Options Project – HOPS, Institute for Human Rights, Izbor, Macedonian Young Lawyers Association, Metamorphosis, National Network to End Violence Against Women and Domestic Violence, National Roma Centrum, NGO Info-Centre, Open Gate – La Strada, Reactor - Research in Action, Roma Organization for Multicultural Affirmation - ROMA SOS Prilep and Youth Cultural Centre (all from the former Yugoslav Republic of Macedonia);
JS3	Joint Submission 3: European Roma Rights Centre (Budapest, Hungary), National Roma Centrum (Kumanovo, the former Yugoslav Republic of Macedonia);
JS4	Joint submission 4: Association for Emancipation, Solidarity and Equality of Women ESE with Citizen Association KHAM, Coalition sexual and health rights of marginalized communities, Health Education and Research Association - HERA, HOPS- Healthy Options Project Skopje, LGBTI Centre for support – Helsinki Committee for Human Rights of the Republic of Macedonia, National Roma Centrum, Republic centre for support of persons with intellectual disability – Poraka, Roma Resource Centre, Roma Organization for Multicultural Affirmation - ROMA SOS Prilep and Open Gate – La Strada, (all from the former Yugoslav Republic of Macedonia);
JS5	Joint Submission 5: the Coalition Sexual and Health Rights of Marginalized Communities and LGBTI Support Centre (both from Skopje, the former Yugoslav Republic of Macedonia);
JS6	Joint Submission 6: Centre for Regional Policy Research and Cooperation ‘Studiorum’, Roma Organization for Multicultural Affirmation SOS and Association of Education Workers and Protection of the Rights of Women and Children ‘LIL’ (all from the former Yugoslav Republic of Macedonia).

National human rights institution

Ombudsman	<i>Naroden Pravobranitel</i> (Ombudsman) (Skopje, the former Yugoslav Republic of Macedonia).
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Regional intergovernmental organizations

CoE	Council of Europe (Strasbourg, France) Attachments: (CoE-CM) Contribution to the 18th Session of the Universal Periodic Review
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(UPR) (referring to cases pending before the Committee of Ministers of the Council of Europe under Article 46, § 2, of the European Convention on Human Rights);

(CoE-Commissioner) Report by Nils Muižneks, Commissioner for Human Rights of the Council of Europe following his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, Strasbourg, 9 April, 2013, CommDH(2013)4;

(CoE-ECRI) European Committee against Racism and Intolerance, Report on “the former Yugoslav Republic of Macedonia” (fourth monitoring cycle), 15 June 2010, CRI(2010)19;

(CoE-CPT(2010)), Report to “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 from 21 September to 1 October 2010, CPT/Inf (2012) 4;

(CoE-CPT(2011)), Report to “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 (CPT) from 21 September to 24 November 2011, CPT/Inf (2012) 38;

(CoE-ECSR(2010)) European Committee of Social Rights, Conclusions XIX-3 (2010), “the former Yugoslav Republic of Macedonia”, Articles 2, 5 and 6 of the Charter;

(CoE-ECSR(2011)) European Committee of Social Rights, Conclusions XIX-4 (2011), “the former Yugoslav Republic of Macedonia”, Articles 7, 8, and 17 of the Charter;

(CoE-ECSR(2012)) European Committee of Social Rights, Conclusions XX-1 (2012), “the former Yugoslav Republic of Macedonia”, Articles 1 and 15 of the 1961 Charter;

(CoE-ACFC) Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on “the former Yugoslav Republic of Macedonia” adopted on 30 March 2011, ACFC/OP/III(2011)001.

OSCE-ODIHR Organization for Security and Co-operation in Europe - Office for Democratic Institutions and Human Rights (Warsaw, Poland)

Attachments:

(OSCE Election Observation Mission 2011) The former Yugoslav Republic of Macedonia, Early Parliamentary Elections, 5 June 2011, OSCE/ODIHR Election Observation Mission Final Report;

(OSCE-CoE Joint Opinion) Council of Europe European Commission For Democracy Through Law (Venice Commission) and OSCE Office for Democratic Institutions And Human Rights (OSCE/ODIHR), Joint Opinion on the Revised Electoral Code of “the former Yugoslav Republic of Macedonia”, Strasbourg, 17 October 2011, CDL-AD(2011)027.

² The following abbreviations used in this report to refer to international instruments and mechanisms:

UPR	Universal Periodic Review;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance;
CRC	Convention on the Rights of the Child;
CESC-OP	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CAT-OP	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

³ JS6, paras. 3, 8, JS2, paras. 7-8, JS4, para. 2.1.

⁴ AI, pp. 1, 5, JS2, paras. 7-8, CoE-Commissioner, p. 14, JS6, paras. 3, 8.

⁵ CoE-Commissioner, p. 14.

⁶ MYLA, para. 4.1.2, JS2, paras. 7-8, JS6, paras. 4, 8, CoE-Commissioner, p. 28.

- 7 CoE-Commissioner, p. 28.
- 8 JS2, paras. 7-8.
- 9 CoE-ECRI, para. 2.
- 10 CoE, p. 7.
- 11 CoE-ECRI, para. 5.
- 12 CoE-ECRI, para. 6.
- 13 JS2, para. 9.
- 14 JS2, para. 11.
- 15 JS6, paras. 5, 8.
- 16 Ombudsman Annex I, p. 2.
- 17 JS6, para. 11, JS2, para. 11.
- 18 JS2, para. 11.
- 19 JS6, para. 11.
- 20 JS6, paras. 11, 18, CoE-Commissioner, p. 16.
- 21 CoE-CPT(2011), p. 26.
- 22 Ombudsman Annex, p. 2.
- 23 JS2, paras. 15-16.
- 24 JS6, para. 24. The full title is the National Strategy on Equality and Non-discrimination on Grounds of Ethnic Affiliation, Age, Mental and Physical Disability and Sex.
- 25 JS2, para. 7, JS6, para. 6.
- 26 CoE-ACFC, para 50, JS2, para. 22.
- 27 AI, p. 5, JS5, para. 43, Section i (recommendations), JS2, paras. 23-24, JS6, para. 28, JS4, para. 5.4.
- 28 JS6, paras. 21-23.
- 29 JS6, paras. 12-16, JS2, paras. 22-24, JS3, p. 4, JS5, paras. 28-29, AI, p. 1, CoE-Commissioner, p. 15.
- 30 JS3, p. 4, JS5, para. 29, JS2, para. 23, JS6, para. 12.
- 31 JS6, para. 12.
- 32 JS6, para. 13.
- 33 JS3, p.4.
- 34 JS2, paras. 22, 24, JS6, para.16.
- 35 JS2, para. 24, CoE-Commissioner, p. 3, JS6, para. 28.
- 36 JS3, p. 13, JS6, para. 28.
- 37 JS5, p. 7, JS4, para. 5.4.
- 38 JS1, para. 12.
- 39 JS5, paras. 23-26.
- 40 CoE-ECRI, paras. 72, 76.
- 41 Ombudsman, Annex, p. 14.
- 42 CoE, p.1. See also CoE-CPT(2010), p. 11.
- 43 JS3, pp. 11-13.
- 44 JS2, paras. 45-46.
- 45 JS2, paras. 45-46.
- 46 Ombudsman Annex, pp. 4-5.
- 47 Ombudsman Annex, p. 11.
- 48 CoE-CPT(2011), p. 10.
- 49 CoE-CPT(2011), p. 11.
- 50 CoE, p. 1.
- 51 Ombudsman Annex, pp. 8, 11, JS2, para. 20.
- 52 CoE, p. 1. See also CoE-CPT(2010), p. 54.
- 53 JS2, paras. 35-36.
- 54 JS2, paras. 39-40.
- 55 JS5, para. 22, AI, p. 4.
- 56 JS5, paras. 20-27. AI, p. 4.
- 57 GIEACPC, para. 1.2 , CoE, p. 8. See also CoE-ECSR(2011), p. 18.
- 58 JS2, paras. 41-42.
- 59 AI, p. 2.
- 60 CoE-Commissioner, p. 13, AI, p. 2.
- 61 JS2, para. 33.

- ⁶² JS2, paras. 43-44.
- ⁶³ CoE, p. 1. See also CoE-CPT(2011), p. 20.
- ⁶⁴ Ombudsman Annex, p. 12.
- ⁶⁵ JS2, paras. 25-26.
- ⁶⁶ JS1, para. 9.
- ⁶⁷ CoE, p. 6. See also CoE-Commissioner, pp. 23-25.
- ⁶⁸ JS3, pp. 9-11, CoE, p. 6, AI, p. 4.
- ⁶⁹ JS3, p. 11.
- ⁷⁰ RSF, p. 1, JS2, para. 47, AI, p. 3, JS1, paras. 4-5.
- ⁷¹ RSF p. 2, JS1, para. 5, JS2, para. 47.
- ⁷² OSCE Election Observation Mission 2011, p. 22.
- ⁷³ JS2, para. 47.
- ⁷⁴ RSF, pp. 2-3.
- ⁷⁵ RSF, p. 3.
- ⁷⁶ AI, p.3.
- ⁷⁷ JS1, para. 5, RSF, p.5, JS2, para. 56.
- ⁷⁸ AI, p. 3, RSF, pp. 1-2, 5, JS2, para 47.
- ⁷⁹ JS1, para. 8.
- ⁸⁰ RSF, p.3, AI, p.3.
- ⁸¹ JS1, para. 7, RSF, p. 4.
- ⁸² CoE, p. 3. See also CoE-ECRI, p.7 and para 67.
- ⁸³ JS2, paras. 49-50.
- ⁸⁴ COE-Commissioner, pp. 17-18.
- ⁸⁵ JS2, para. 54.
- ⁸⁶ JS2, para. 53.
- ⁸⁷ OSCE Election Observation Mission 2011, pp. 1-3, 20. See also JS2, para. 56.
- ⁸⁸ JS2, para. 51. See also OSCE-CoE Joint Opinion.
- ⁸⁹ JS2, para. 52.
- ⁹⁰ JS2, para. 31.
- ⁹¹ CoE, pp. 7-8. See also CoE-ESCR(2012), p. 5, CoE-ECSR(2010), p.12.
- ⁹² Ombudsman Annex, p. 6.
- ⁹³ JS2, para. 31.
- ⁹⁴ JS2, paras. 27-28.
- ⁹⁵ JS4, para. 3.2.
- ⁹⁶ JS4, para. 3.3.
- ⁹⁷ JS6, para. 36.
- ⁹⁸ JS4, para. 4.1.
- ⁹⁹ CoE-Commissioner, p. 19.
- ¹⁰⁰ JS4, para. 4.1, JS6, para. 35.
- ¹⁰¹ JS4, para. 4.1, JS6, para. 35.
- ¹⁰² CoE-Commissioner, p. 19.
- ¹⁰³ JS4, paras. 4.2-4.3, 5.2.
- ¹⁰⁴ JS4, paras. 4.3-4.4.
- ¹⁰⁵ JS4, paras. 4.6-4.9.
- ¹⁰⁶ JS4, paras. 4.10-4.14.
- ¹⁰⁷ JS4, paras. 4.16, 5.5.
- ¹⁰⁸ CoE-Commissioner, p. 11.
- ¹⁰⁹ CoE-ECRI, para. 37.
- ¹¹⁰ CoE-Commissioner, p. 22, CoE-ACFC, paras. 142-143.
- ¹¹¹ JS2, para. 58.
- ¹¹² JS3, p. 5.
- ¹¹³ CoE-Commissioner, p. 4, CoE-ECRI, para. 48.
- ¹¹⁴ JS3, p. 6.
- ¹¹⁵ JS3, p. 7.
- ¹¹⁶ JS3, p. 6.
- ¹¹⁷ JS2, para. 5.

- ¹¹⁸ CoE, p. 8. See also CoE-ECSR(2012), pp. 15, 18.
¹¹⁹ JS6, paras. 17, 32, 39.
¹²⁰ CoE-Commissioner, p. 27.
¹²¹ JS2, para. 19, JS6, para. 38.
¹²² MYLA, paras. 4.1.2-4.1.3.
¹²³ MYLA, para. 4.1.1.
¹²⁴ MYLA, para. 4.2.
¹²⁵ MYLA, para. 4.3.
¹²⁶ MYLA, para. 4.4.
¹²⁷ MYLA, paras. 4.2, 4.3, 4.4.
¹²⁸ MYLA, para. 4.5.
¹²⁹ MYLA, para. 4.6.
¹³⁰ MYLA, para. 4.7.
¹³¹ CoE-Commissioner, pp. 13-14.
¹³² AI, pp.2-3, CoE-CM, pp 2-3.
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