



**Republic of Macedonia
Ministry of Foreign Affairs**

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**Address of H.E. Ambassador Igor Dzundev, Director for Multilateral Relations
at the Ministry of Foreign Affairs of the Republic of Macedonia
at
the 18TH session of the UN Human Rights Council
Universal Periodic Review Working Group**

Geneva, 30 January 2014

Mr. President,
Excellencies and distinguished delegates,
Ladies and Gentlemen,

It is a great pleasure to be here today and discuss with you the human rights record of the Republic of Macedonia.

Before going into details about the developments in the sphere of human rights in Macedonia since the first UPR cycle, allow me to say a few words on the importance we attach to the UN Human Rights Council and its Universal Periodic Review.

The Republic of Macedonia strongly believes in the pivotal role of human rights multilateral system to monitor the performance of states in implementing their international treaty obligations and to help them live up to the standards they signed up to.

The Republic of Macedonia has been a committed supporter of the effective and credible Human Rights Council, as the principal pillar of the United Nations human rights machinery. This forum, a home of human rights, should continue to be a place of interactive dialogue and a standard-setter when it comes to the human rights file worldwide. Guided by these beliefs, we ran for the seat on the Council and on 12 November last year we were tremendously honored to become part of it.

We give crucial importance to the role of the Universal Periodic Review and we strongly believe that the peer review of the overall situation with the human rights among the countries can contribute greatly towards the sacred goal for their equal and full realization universally.

Macedonia underwent the first cycle of the UPR process in 2009 resulting in 42 recommendations, among which 41 have been accepted fully or partially by our side.

The Government approached their consideration and implementation very systematically. In March 2012 we submitted, on a voluntary basis, a Mid-Term Universal

Periodic Review. The report was a result of consultations with in-line ministries and the non-governmental sector.

In April 2012 the Government also established the Inter-Sectoral Commission for Human Rights, composed of government representatives and independent human rights institutions, chaired by Minister of Foreign Affairs, whose task is, among others, to coordinate the national human rights policy and to follow up on the recommendations of the treaty bodies, and to streamline national efforts in this area. Since its establishment it has reviewed on a number of occasions the implementation of the recommendations from the first UPR cycle.

The national report on the second cycle was drafted by the Ministry of Foreign Affairs in coordination with all relevant government stakeholders. Before being sent to the Government for endorsement, one day consultations were held with the representatives of civil society.

Ladies and Gentlemen,

I will now focus on the issues we deem particularly important for today's dialogue and in that context on a number of questions sent by delegations in advance. Some of the answers will be provided by other members of the delegation during our inter-active dialogue.

Justice system reform has been high on the Government's agenda.

The questions on this issue were raised by Germany, the Netherlands, Sweden and the UK.

The aim of the reform has been to develop the legal framework to further strengthen the independence and efficiency of the judiciary. To that end, the Law on Criminal Procedures has been amended in 2010 and entered into force in December 2013. The amendments to the Civil Procedure Code entered into force in 2011, which greatly contributed to improving the court efficiency.

For the purpose of enhancing the independence of the judiciary, new provisions on election, accountability, and evaluation of judges were introduced.

Since January 2013, following the entry into force of the amendments on the Law on Courts, all newly appointed first instance judges must be graduates of the initial training of the Academy for judges and prosecutors. Up to now, a total of 76 out of 80 candidates who have graduated from the Academy have been recruited as judges or public prosecutors.

Since July 2013 the amendments regarding the reinforcements of the professional requirements for recruitment in higher instances also entered into force.

Capacities to generate relevant court statistics on the length of court proceedings were strengthened, by creating software for judicial statistics that became operational as of June 2013.

The activities in the period to follow will be concentrated on the implementation of the Framework for further development of the judiciary in 7 priority areas: Strengthening of independence, impartiality, and professionalism in judiciary; 2. Improvement of administrative law; 3. Further reforms in the criminal system; 4. Development of the civil legal system; 5. Alternative dispute resolution (mediation); 6. Access to Justice; 7. Introduction of e-justice (improved IT infrastructure, interconnection, and interoperability, websites, databases and statistics, e-services, e-delivery of documents). The Framework was adopted by the Government on 2 September 2013. An action plan with activities and timeframe for the implementation is to be prepared in the upcoming period. Furthermore, EU support will be used for the development of the justice sector strategy aimed at conducting thorough assessment of the performance of the justice sector in the light of the EU Justice Scoreboard, the Council of Europe CEPEJ and other international indicators. All mentioned measures aim to secure efficiency and independence, but above all to ensure equal access to justice for all and to increase the public trust in the justice system.

The national legislation provides for review of indictments and sentences in a regular court procedure through regular and extraordinary legal remedies, before the appellate, supreme and administrative court. At the same time, Macedonia is a high contracting party to the European Convention on Human Rights and court decisions may be challenged before the European Court of Human Rights. The same applies for treaty bodies individual complaint procedures.

Anti-discrimination—The delegations of Belgium, Mexico and UK raised questions in this context.

On 8 April 2010, the Macedonian Parliament adopted the Law on the Prevention of and Protection against Discrimination. The Law explicitly prohibits direct and indirect discrimination, on the grounds of sex, race, skin color, gender, belonging to marginalized group, ethnic origin, language, citizenship, social origin, religion or confession, other types of belief, education, political belonging, personal or social status, mental and physical disability, age, family or marital status, property status, health condition and other grounds, whereby the list of discriminatory grounds becomes non-exhaustive.

Under the Law the Commission for Protection against Discrimination was established in January 2011. It is composed of seven members, appointed by the Assembly of the Republic of Macedonia to a five-year term, with the right to one re-appointment.

In line with the amendments to the 2009 Law on the Ombudsman, its mandate has been strengthened with the establishment of separate departments for protection of children's rights and rights of persons with disabilities, for protection of citizens against discrimination, torture and other cruel, inhuman or degrading treatment or punishment and a department for equitable representation. The Ombudsman and the Commission cooperate closely on discrimination issues.

The 2012-2015 National Strategy on Equality and Non-Discrimination on Grounds of Ethnic Affiliation, Age, Mental and Physical Disability and Gender was adopted, as well as the 2013 Operative Plan for its implementation.

The Republic of Macedonia has a solid legal basis in the area of **equal opportunities of women and men**. The new Law on Equal Opportunities which explicitly prohibits all forms of discrimination against women in all spheres of the society, was adopted in January 2012. The 2013-2020 Strategy and the 2013-2016 National Action Plan on Gender Equality have been adopted in line with this Law. Furthermore, the 2012-2015 Strategy on Gender Responsive Budgeting has been adopted, under which, state administration bodies have the duty of mainstreaming the principle of equal opportunities for men and women in their strategic plans and budgets.

As regards the gender equality institutional framework, the Ministry of Labor and Social Policy established a Sector for Equal Opportunities. It also appointed a State Counselor for equal opportunities, who acts as a legal representative in presenting evidence of unequal gender treatment, perpetrated by entities both in the public and in the private sector. Furthermore, every ministry has a coordinator and deputy coordinator for equal opportunities to oversee the implementation of the Equality Strategy.

Gender mechanisms locally are made up of Commissions and Coordinators for equal opportunities of women and men.

The Commission for Equal Opportunities of Women and Men at the Assembly also has an important role in this context, as well as the Women MP's Club.

Speaking in figures, women represent 30.8% of the total number of MP's at the Assembly, while out of 19 Ministers at the Government, two are women, and there are four women Deputy Ministers.

Going to another important issue, **domestic violence**, let me inform you that the Government adopted the 2012-2015 National Strategy for the Prevention of and Protection against Domestic Violence. The Government has also established a National Coordination Body, composed of representatives of in-line ministries, MP's and representatives of the National Network against Domestic Violence (made up of NGOs working on this issue).

The Law on Social Protection introduces new forms of non-institutional protection, such as Centre for Victims of Domestic Violence. There are 4 state-run regional centres and 2 run by NGOs. The Centres provides daily and provisional reception and accommodation of victims, counselling services, alimentation, daytime accommodation, care, facilities for maintenance of hygiene and cultural and entertainment activities. Services within the Social Work Centres for work with victims of domestic violence and a network of regional shelters for victims of domestic violence have been established.

Enhancing the regulatory framework in the area of freedom of expression was another important task for the Government. The delegations of the Czech Republic, Belgium, Slovenia, Sweden, the Netherlands and the UK sent advance questions in this area.

In close cooperation with the Association of journalists and with the expertise of the Council of Europe and the OSCE, the Law on civil liability for Defamation and Insult was adopted in late 2012. Accordingly, the acts of defamation and insult were removed from the Criminal Code.

In the period from April to July 2013 the Ministry of Information Society and Administration conducted a wide consultation process with all stakeholders regarding the Media Law and the Law on Audio and Audio-Visual Media Services. The consultation process included online consultations and public hearings. Expertise and opinions were received and properly incorporated from the Council of Europe, OSCE and the European Commission through TAIEX. The public hearing on the laws continued after their entry into parliamentary procedure with the participation of experts.

As a result of lengthy consultative process and accepted amendments, the Parliament adopted the Law on Media and the Law on Audio and Audio-Visual Media Services in December 2013.

The main purpose of the Law on Media is to ensure the freedom of expression and freedom of media.

The goal of the Law on Audio and Audio-Visual Media Services is to ensure the development of the audio and audiovisual medium services, the development of the independent production, to encourage, upgrade and protect the cultural identity, minority languages and traditions in Macedonia, the respect of cultural and religious differences, to encourage the culture of public dialogue between citizens from different communities in order to enhance mutual understanding and tolerance, to encourage the educational and scientific development. Furthermore this Law aims at providing protection of the interests of the users, especially minors, development of the media literacy, and ensuring a transparent, independent, efficient and accountable public broadcaster and transparent, independent, efficient and accountable regulatory body in the area of audio and audiovisual medium services.

The new Law on Audio and Audio-Visual Media Services provides that all government institutions are obliged to spend its funds for advertising in a non-discriminatory, objective and transparent way in accordance with the provisions of the Law for public procurements.

The dialogue with the journalists further continued after the laws were adopted. This resulted in a number of amendments adopted by Parliament this January.

The adopted amendments to the Law on audio and audiovisual media services specifically promote and encourage freedom of expression, revise the list of authorized bodies to propose members of the Council, including two most representative associations of journalists, ensures protection against court decision for dismissal of the Director of the Agency. The amendments also provide that restriction on media content should comply with the case-law of the European Court of Human Rights.

The adopted amendments to the Media Law are specifying the Article concerning the subject of the Law, in order to be clearly established that the object of this law is not the content published in the media and no provision of this Law shall be interpreted in a way that means regulation of content. The amendments exclude electronic publications

from the Law, liability for publication of certain information and the obligation to adopt statutes of the media.

In the area of self-regulation, in December 2013 the Council for media ethics was established as the first self-regulatory media body. It is independent, collective body of editors, journalists, media owners and members of the public.

The Government is committed to continuation of the dialogue with the media representatives in order to address the remaining open issues, including the governmental campaigns, strengthening the role of the public broadcaster as well as increasing the standards in journalism. A working plan that will address all the remaining challenges is being developed.

The Broadcasting Council, under the previous Broadcasting Law and currently the Agency for Audio and Audio-Visual Services, monitored on a continual basis, the compliance of the broadcasters with the provisions contained in the Law on Broadcasting. It improved its enforcement record regarding illegal concentration of ownership and conflict of interest. In all the cases of illegal medium concentration discovered during 2013, the same were removed in the legally prescribed deadline. The New Broadcasting Strategy covering the period 2013-2017 was adopted by the Broadcasting Council.

Ladies and gentlemen,

The Government continues its reforms in the penitentiary system in line with the recommendations of the UN Committee against Torture and of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The Project for reconstruction/construction of penitentiaries, implemented with funds provided from the national budget and a loan from the Council of Europe Development Bank, is ongoing.

With a view to alleviating the problem of over-crowded prison facilities, a Strategy on the Establishment of a Probation Service was adopted. Under IPA 2010, funds have been allocated for the drafting of a Law on Probation and for the establishment of this Service.

The IPA 2009 Project entitled "Capacity Building of the Law Enforcement Agencies for Appropriate Treatment of Detained and Sentenced Persons" started in January 2013. A National Strategy on the Development of the Penitentiary System will be developed.

The Guidelines on Supervision of Prisons have been developed to improve the quality of supervisory process in prisons by the Directorate for Execution of Sanction and for the purpose of efficient internal control, the Instructions on Internal Control System in Prisons and in Educational Correctional Institutions have been applied as of 1 December 2012.

Specialized trainings are organized for prison staff.

The same applies to police officers who are organized trainings in human rights. In addition to the provisions of the Law on Police, under the Code of Police Ethics, police officers are to act in line with the specific needs of certain categories of persons, such as children, minors, women, old and feeble persons, and persons with health problems.

As far as the external control of police work is concerned, it is performed by the Assembly of the Republic of Macedonia and the Ombudsman. In line with their competences the Public Prosecutor's Office and courts may also control the work of the Ministry of Interior.

As far as the Sector for Internal Control and Professional Standards is concerned, a number of actions have been taken to enhance its capacities, including normative framework and training. The Sector conducts unannounced visits to police stations and inspects the detention facilities and the records of persons whose freedom has been deprived on any ground. The Sector also conducts inspections with the Ombudsman and the NGO called "All for Fair Trials".

Ladies and Gentlemen,

In reply to the delegations of the Czech Republic and the UK in the area of **minority rights** I would like to underline the following.

Fostering good inter-ethnic relations founded on the principles of mutual tolerance and respect, equal treatment of all before the law, and implementation of the Ohrid Framework Agreement are the long-term priorities of the Government. We have established a set of guarantees for full protection of the ethnic, cultural, linguistic, and religious identity of all communities in Macedonia.

In July 2012 a comprehensive Report on the status of implementation of all policies deriving from the Ohrid Framework Agreement (non-discrimination, education, equitable representation, use of languages and decentralization) was published. The second stage is ongoing with the aim to ensure a follow-up to the recommendations contained in it.

The following focus areas have been identified:

- Allocation of public funds ;
- Strengthening the mechanisms for monitoring the implementation of the Laws on languages and flags ;
- Reconciliation and re-socialization of the participants in the 2001 conflict
- Equitable representation in certain institutions, with a focus on medium and high-level positions.

Aware that education plays a crucial role in enhancing social cohesion, the Strategy for Integrated Education was adopted in 2010.

As regards the ratification of the European Charter for Regional or Minority Languages, let me inform you that the ratification process is pending until completion of inter-governmental consultations.

Mr. President,

The delegation of Belgium raised the issue of Roma.

Let me in this context underline that the position of Roma is particularly vulnerable and major efforts have been made to remedy the situation. The main policy papers in the area are the National Strategy for Roma in the Republic of Macedonia and the 2005-2015 Decade of Roma Inclusion. Implementation is focused on National Action

Plans in the areas of education, housing, health care, and employment. Municipalities with majority Roma population have prepared local action plans, which they implement depending on their available budget.

Let me in this context mention the most significant actions:

- Inclusion of Roma children in pre-school education continued. In the 2012-2013 academic year, 459 Roma children at the age of 3.8 to 5.7 years were included in pre-school education in 18 municipalities.
- School attendance rate increased (for both primary by 22% and secondary education by 57% compared to the period 2005-2013).
- Establishment of Roma Information Centres (12 in total)
- Employment measures targeting Roma (for instance, 40 Roma employed under active measures project)
- Appointment of Roma health care mediators (16 in 8 municipalities)
- Mobile legal assistance officers (3 lawyers and 4 legal assistants)
- Housing project
- Providing identity documents (out of 430 non-registered persons, 110 have been provided documents).

Given particular vulnerability of Roma women, in 2010 the Government adopted the II National Action Plan for advancement of the social status of Roma Women in Macedonia, covering the period from 2011 to 2013. The Action Plan covers four priority areas of action: employment, health care, education, and human rights.

Indicators for the monitoring and the evaluation of the activities undertaken by the in-line ministries regarding the implementation of the National Strategy and 2005-2015 Decade of Roma, were developed in cooperation with UNDP.

In the context of the right of children, let me inform that in September 2012, the Government adopted a revised 2012-2015 National Action Plan on Children's Rights. The NAP was prepared in cooperation with UNICEF. The revised Action Plan recognizes the

progress achieved in particular in the health care sector and education. The Action Plan has the aim of dealing with remaining challenges by strategically focusing on equity, inclusion and efficiency, areas where additional efforts are required.

As regards the questions raised by Belgium in this area, I would like to inform that the new Law on Child Protection adopted in February 2013 prohibits all forms of sexual exploitation and sexual abuse of children, violent pandering, sale or trafficking in children, physiological or physical violence and ill-treatment, punishment or other degrading treatment, all forms of exploitation, commercial exploitation and abuse of children. Sanctions for non-implementation of the provisions of the Law have been made stricter and fines have been introduced.

Whenever there is a reported case on sexual abuse of children and pedophilia, the Centers for Social Work undertake all the necessary measures in order to provide the most adequate protection of the child. Also in these Centers, the child victim receives initial psychological and social support provided by team of experts. Furthermore, the Government is working on the development of specialized foster families for children victims of sexual abuse and pedophilia.

In 2008 a new crime was introduced in the Criminal Code – trafficking in children, which explicitly prohibits sale of children. The same year the child pornography was criminalized and with the amendments in 2009 the sanctions for the production and distribution of child pornography through the computer system were increased.

On the issue of unaccompanied minors, raised by Mexico, the Law on Asylum and Temporary Protection prescribes that asylum applications for them are signed by legal representative. For that purpose, in accordance with the Law on Family, unaccompanied minors are assigned a guardian as soon as possible. The Ministry of Interior undertakes all necessary measures to find family members of unaccompanied minors and the best interest of the child is taken into consideration when an asylum application is processed. Unaccompanied minors are accommodated in Asylum Center where legal counseling is available on a daily basis.

Special focus is placed on the application of the Law on Juvenile Justice, implemented as of 30 June 2009. In this context, the IPA Project Justice for Children was implemented from 2010 to 2012, under which there were activities for advancement of the legal framework and standards for the application of the Law, activities for strengthening the institutional capacities required for the proper implementation of the Law, and activities for designing plans and instruments for prevention of juvenile offences.

The State Council for Prevention of Juvenile Delinquency started operating in 2009. The Council has adopted a National Strategy for the Prevention of Juvenile Delinquency.

The rights of persons with disabilities, in addition to a number of strategic documents, the Government undertakes a number of activities to ensure better living conditions for persons with disabilities, including deinstitutionalization, establishment/co-funding of daily centers for persons with mental disability, employment (300 persons to be employed on an ongoing employment announcement), increased benefits for different types of disabilities, including for parents of a child with developmental disabilities, improved access to public buildings, etc. There is a strong partnership with NGOs on various projects in this area. The Government plans to further this partnership by authorizing credible NGOs in this area to provide services locally, while the Government would provide funding and oversight.

On the state of play of the implementation of the recommendations made by the 2011 ODIHR Observation Mission raised by the Czech Republic, I am pleased to inform that this January the ruling and opposition parties reached an agreement on the amendments to Electoral Code, which are addressing the recommendations and are aimed at providing the international standards for fair, democratic and transparent elections. The amendments were adopted by the Assembly on 23 January 2014.

Working on the domestic turf, did not prevent us from working on our **international obligations**. We have continued to cooperate closely with international and

regional human rights bodies. We have submitted all reports to the treaty bodies, but 1, on the International Covenant on Economic, Social and Cultural Rights. It was endorsed by the Government on 22 January and will be submitted shortly. Detailed information on the ratification/ signature of international human rights treaties and on cooperation with the human rights bodies is contained in the state report.

Ladies and Gentlemen,

Given the restricted time available, my presentation focused on a number of priority issues for the Government. We are making enormous efforts to continue with the set reforms for the sake of right holders in the Republic of Macedonia. And we will continue along this path aware that where human rights are concerned there is always room to do more and do better.

We see today's event and our frank dialogue as instrumental to our efforts in this regard. We are ready to answer other questions to be raised by the delegations.

Thank you.

