

**Republic of North Macedonia**

**Ministry of Foreign Affairs**

***CHeck AGAINST delivery***

**Address of H.E. Ambassador Igor Dzundev, Director for Multilateral Relations**

**at the Ministry of Foreign Affairs of the Republic of North Macedonia**

**at**

**the 46TH session of the UN Human Rights Council**

**Universal Periodic Review Working Group**

**Geneva, 2 May 2024**

Mr. President,

Excellencies and distinguished delegates,

Ladies and Gentlemen,

As Head of Delegation, it gives me both a distinct honour and pleasure to be able to take part of in this exceptionally important and unique process.

North Macedonia attaches particular importance to the Human Rights Council and its mechanisms, from the aspect of it monitoring, addressing and alerting about the state of human rights and freedoms in the world when not observed or violated.

The Universal Periodic Review, as one of those mechanisms, stands out with its unique function, especially due to the possibility it offers for equal treatment of each country within the Council forum in terms of monitoring the human rights situation.

In 2019, North Macedonia was one of the countries which were reviewed under the Third Cycle of the Universal Periodic Review, with this having resulted in a total of 169 recommendations. Of these, a total of 167 were accepted, and 2 rejected after extensive national consultations.

 The Fourth National Report was drafted by the Expert Working Group operating under the Interdepartmental Body for Human Rights, in cooperation with all relevant institutions, as well as in consultation with civil society. In that context, and with a view to reaffirming the UPR process itself and its transparency, in cooperation with the Office of the UN High Commissioner for Human Rights and the Office of the UN Resident Coordinator in the country, a series of informal consultations were held in June 2023. These consultations saw the first ever involvement of the Parliament, which took active part in them as the national legislature. They also included representatives from civil society, from in-line government institutions, as well as the members of the Expert Working Group.

 The Report itself refers to the recommendations from the previous cycle received and accepted, listing the activities carried out and planned for the future in that regard, as well as taking stock of the degree to which they have been implemented with a view towards their full realization.

 Ladies and gentlemen,

Let me now briefly list the most noteworthy achievements the country has made in some of the areas referred to in the report, as well as to provide an answer to the questions put forward in this reporting cycle by several countries.

In the last reporting period, the Government worked committedly on the observance and protection of human rights.

When it comes to international obligations assumed under treaty bodies and the cooperation with holders of special mandates, the country has completed the following:

In 2022, an interactive dialogue was held with the Committee on the Rights of the Child. In 2023, the Fifth Periodic Report under the International Covenant on Economic, Social, and Cultural Rights, and the Fourth Periodic Report under the International Covenant on Civil and Political Rights were prepared and submitted.

In June 2023, the country was visited by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism. In the meantime, we have received a request and interest expressed in visiting the country from the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which we are to respond positively.

In October 2023, a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) paid its 7th visit to the country. In November 2023, North Macedonia accepted the procedure on automatic publication of the CPT’s reports, thus becoming the 15th country that has accepted this procedure, all with a view to ensuring greater transparency.

Moreover, to commemorate the 75th anniversary of the Universal Declaration of Human Rights, the country presented five national commitments.

March 2023 saw the ratification of Protocol 16 to the European Convention on Human Rights and Fundamental Freedoms. The International Convention for the Protection of All Persons from Enforced Disappearances is in the process of ratification, with a ratification analysis being underway as we speak.

**In reply to the question by Liechtenstein, the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure will be ratified by the end of the year.**

At national level, when it comes to judiciary reforms, all activities taken were aimed at improving access to justice for all citizens and the trust in the legal system. The new Law on Criminal Procedure and the Criminal Code are in the final stage of drafting.

**Regarding the question by Sweden on how political influence in the process of appointing office holders in the judiciary is being addressed,** we inform that with the amendments to the Law on Courts and the new Law on the Judicial Council from 2019, the new Law on the Public Prosecutor’s Office, the amendments to the Law on the Council of Public Prosecutors from 2020 and the by-laws adopted by the Judicial Council and the Council of Public Prosecutors, strengthened, objective, and measurable criteria have been introduced regulating the selection and promotion of judges and public prosecutors. The Council has the legal authority to decide on the election, office termination, and dismissal of a judge. Articles 60-73 of the Law on the Judicial Council regulate the grounds and procedure on establishing responsibility of a judge or court president.

Furthermore, December 2023 saw the adoption of the Justice Sector Development Strategy (2024 – 2028) with corresponding Action Plan. The strategy is a roadmap for restoring citizens' trust in the judiciary.

At the end of last year, the Ministry of Justice established a working group tasked to draft amendments to the Law on the Judicial Council, in order to incorporate the recommendations of the EU Assessment Mission.

**Regarding the question by Spain on the duration of court proceedings, the Law on Criminal Procedure from 2013 is still in force** which introduced strict time limits to be observed for conducting investigations, as well as when considering criminal charges filed. Monitoring the efficiency of the judiciary as per the indicators established under the EU Justice Scoreboard (List of Results), CEPEJ, and other international standards was a strategic goal of the 2017-2022 Justice Sector Reform Strategy. The report on the implementation of the Strategy demonstrates that: the courts continued to be prudent in their operations during 2022.

**Regarding the question by Sweden, the UK, and the USA on the measures taken to deal with corruption, strengthen transparency. and prevent corruption** in government institutions, I would like to hereby take this opportunity to reaffirm the position that dealing with these issues is our key national priority. In its capacity of national preventive body, the State Commission for Prevention of Corruption is proactive in dealing with cases of nepotism, cronyism, and political influence in the process of recruiting employees in the public sector and in appointing members of supervisory and executive boards.

A new Law on the Prevention of Corruption and Conflicts of Interest, Law on Free Access to Public Information and Law on Lobbying have been adopted. They introduce instruments for efficient verification of reports of corruption and conflict of interest, as well as for efficient verification of asset and interest declarations, including the State Commission being given access to the electronic databases of 17 institutions and carrying out anti-corruption regulation inspections.

In February 2022, the Deputy Prime Minister for Good Governance was in charge of monitoring the implementation of the Code of Ethics by members of the Government cabinet and officials appointed by the Government. The Secretariat General of the Government is entrusted with responsibilities for training members of the Government cabinet and officials appointed by the Government in keeping with the Continuous Training Program.

In 2023, the Office of the Deputy Prime Minister for Good Governance conducted integrity tests across the above categories of persons (118 individuals in total).

At the 95th plenary session of GRECO, the Second Addendum to the Second Compliance Report was adopted, which completes the **Fourth Evaluation Round Report[[1]](#footnote-2),** whereby out of a total of 19 recommendations, 14 recommendations have been fully implemented, 4 recommendations have been partially implemented and 1 recommendation remains unimplemented. The report has been submitted to the Government for approval of its publication.

In its **Fifth Evaluation Round Report[[2]](#footnote-3)**(Second Compliance Report adopted in June 2023), GRECO concludes that North Macedonia has implemented 13 out of 23 recommendations at a satisfactory level, while of the remaining recommendations, 9 are partially implemented and 1 not at all.

In the Situation Report, which is to be submitted by 30 September 2024, GRECO will be informed about the measures and activities taken to implement the remaining recommendations.

**As regards the question by Sweden about the activities taken to carry out the National Strategy on the Development of the Penitentiary System**, we inform that the Directorate for the Execution of Sanctions is taking several steps. In March of this year, the Law amending the Law on Execution of Sanctions was adopted. Work is underway to improve the material conditions in penitentiary institutions. The Department for Conducting Expert Supervision at the Directorate for the Execution of Sanctions has been fully staffed. An appropriate change was made to the systematization in certain institutions. A program for initial and continuous training of prison staff was adopted, and the Strategy on the Training of Prison Staff (2023-2027) was revised. All Standard Operative Procedures regulating prison police work have been revised. A draft version of the SOP for post-penal assistance to convicted persons has also been prepared.

Eleven (11) probation offices are operating with a total of 29 probation officers as staff. Compared to previous years, there is an increase in the number of probation cases, and currently 600 active probation cases are being processed.

**On the question by Germany, we inform that the state of crisis in Idrizovo Prison** was declared under a decision of the Government voted in Parliament and being scheduled to proceed until 10 August 2024. The period has been extended for security reasons, considering the upcoming election process in the country. 192 employments have been completed in the penitentiary system, of which 125 in Idrizovo Prison only in order to overcome the crisis situation in the institution caused by the lack of staff.

 **Regarding the question by the UK, USA, and Belgium, we inform that improving conditions** in penal institutions remains one of the top priorities for the country. Namely, the project for the Reconstruction of the Penitentiary Institutions is being carried out in two parts; the first in the period 2019-2024 fand aiming to improve material conditions in nearly all penitentiary institutions, and the second which is scheduled to be completed by 2027 and is divided into three stages. In the first stage of this second part of reconstruction, facilities will be constructed in the Closed Regime Section of Idrizovo Prison, a completely new detention section with accompanying facilities and complete infrastructure. In the second stage, additional construction of 4 new facilities to accommodate convicted persons in the closed regime section is expected, while the third stage is to see the construction of workshops, a sports hall, as well as the reconstruction of the Women's Section.

With the Law on Health Insurance, convicted, detained and minors who are serving a correctional sentence or are sent to an correctional facility, are now insured. A "Suicide Prevention Strategy" and "Standard Operative Procedure for Health Care in Prisons" were also adopted.

 Since June 2019, the Directorate for the Execution of Sanctions regularly pays its contributions to the Health Fund to pay for the health insurance of convicted, detained, and minors who are serving a correctional sentence.

 Medical equipment was purchased for penitentiary institutions in the approximate amount of 50,000 euros. A collective agreement was adopted that provides a 30% increase in the salaries of healthcare workers working in penitentiary institutions.

 Most of the penitentiary institutions have employees who provide legal assistance to convicted persons. With some of the non-governmental organizations that provide legal assistance, the Directorate concluded memoranda for cooperation in order to enable them to provide legal assistance to convicted persons. Otherwise, Article 71 of the Law on Criminal Procedure stipulates that "All persons suspected of or convicted for having committed a criminal offence has the right to a lawyer during the entire criminal proceedings against them", while according to Article 74 "The convicted must be assigned a defence lawyer if sent to pretrial detention for the entire duration of the detention”.

 **In relation to the part of the question by Belgium regarding the overstepping of official powers by the Ministry of the Interior**, we inform that great attention is paid to the respect of human rights in the application of police powers and inhuman and degrading treatment of persons whose right of movement is restricted is prohibited. As part of the numerous trainings, in the last 3 years, such have been held on the following topics: respect for fundamental human rights during police action, border surveillance with respect for human rights, the Roma and the police - effective policing in line with human rights, as well as gender-responsible policing. In cooperation with the Center for Integrity in the Defence Sector of the Kingdom of Norway (CIDS), together with which the Ministry of the Interior has developed the project titled "Promotion of Integrity and Good Governance in the Countries of the Western Balkans", for the past 3 years trainings have been held on the topic of use of physical force by police officers. In the 2020-2024 period, the Department for Internal Control, Criminal Investigations, and Professional Standards acted on 255 submissions complaining of physical force being used by police officers against citizens.

 In the period from 2020 to 2023, the reconstruction and rehabilitation of the premises for the detention of persons in a large number of police stations of general jurisdiction was carried out. The need to maintain hygiene in the premises for detained persons in police stations, their numbering, keeping all records in order, providing food/meals for detained persons, notification of the reasons for detention, instruction on their rights, especially on hiring defence lawyers, and conducting interviews with detainees without the use of means of coercion and without forced confessions.

 **Regarding the question by Spain, we inform that, in keeping with Article 58 of the Law on Internal Affairs, authorized to conduct internal control over illegal and unprofessional work by employees of the Ministry of the Interior is the Department for Internal Control, Criminal Investigations, and Professional Standards. Pursuant to Article 59 of the Law on Internal Affairs, external control** over the work of the Ministry of the Interior is carried out by the Ombudsman.

 **On the question by the USA,** we inform that the Law on Monitoring of Communications regulates the procedure for implementing a special investigative measure: monitoring and recording of telephone and other electronic communications; the conditions and procedure for implementing the measures for monitoring communications for the purpose of protecting the security and defense interests of the state; obligations for OTA (Operational Technical Agency) and operators, as well as supervision and control over the implementation of measures to monitor communications.

 This Law stipulates that production, offering for sale, sale, import, export, re-export or possession of means for monitoring communications cannot be carried out without an approval issued by the Ministry of the Interior. Misdemeanour charges have been introduced for failing to adhere to the provisions of this Law.

**As regards freedom of expression, and in reply to the question by the UK, USA, and Belgium**, we inform that, with the amendments to the Criminal Code from February 2023, new criminal offences have been defined such as “preventing journalists from performing their professional tasks" and “attack on journalists in the performance of their professional duties", and in certain criminal offences a qualifying form is prescribed if the crime is committed against a journalist, resulting in stricter penalties being issued.

One of the key novelties introduced under the Law on Civil Liability for Defamation and Insult from 2022 is the significant reduction of the maximum amounts that the court can award as compensation for non-material damage caused by insult or defamation by a journalist in the exercise of the journalistic profession.

In February 2023, a Memorandum for Cooperation was signed between the Association of Journalists of Macedonia and the Judicial Media Council. In 2023, the Skopje Public Prosecutor's Office appointed a prosecutor to monitor proceedings in cases involving attacks on journalists.

As the regulatory body competent on matters subject to the Law on Audio and Audiovisual Media Services, the Agency for Audio and Audiovisual Media Services takes care of the following: provision and development of audio and audiovisual media services; promoting freedom of expression; development of independent production; encouraging, promoting, and protecting the cultural identity, language, and tradition of communities, respecting cultural and religious differences, and encouraging the culture of public dialogue between citizens with the aim of mutual understanding and tolerance for purposes of improving relations between different communities. These aspects are elaborated in the 2019-2023 Strategy for the Development of Audio and Audiovisual Activity and in the 2024-2028 Strategic Plan of the Agency for Audio and Audiovisual Media Services.

**On the question by Canada and the UK, we inform that in keeping with relevant legislation (2020 Law on the Prevention of and Protection against Discrimination), discrimination is prohibited in both the public and private sectors in the country**. Racial discrimination is considered the same offence, with it appearing significantly less in practice in the country, while hate speech is prohibited in all audio and audio and visual media services. However, there is room for improvement in terms of the current regulation of online media, where hate speech against the Roma is most often detected, as well as in strengthening the capacities of law enforcement agencies in order to sanction cases of hate speech in the digital sphere.

 In 2022, the Government adopted the 2022 - 2030 National Strategy on Roma Inclusion. This is a comprehensive strategic document that combines general and specific goals on preventing discrimination against Roma, including eliminating forms of manifestation of anti-Gypsyism and reducing discrimination against Roma. Among the specific objectives for achieving this strategic goal are support for victims of discrimination, access to justice and suppression and preventing of systematic discrimination against the Roma.

Among other things, the measures stipulated include support and assistance in reporting hate crime, hate speech, discrimination and being afforded access to justice, and programs to support victims of anti-Gypsyism speech and discrimination.

Together with the Employment Agency, every year, including 2024, the Ministry of Labor and Social Policy prepares an Operational Plan on Active Programs and Measures for Employment and Services on the Labor Market. During the implementation of employment programs and measures, the principle of diversity and inclusiveness for all social categories, the principles of fair and adequate representation of ethnic, gender, religious, racial or any other vulnerable category of citizens are respected, in accordance with standards and practices. of the UN and the International Labour Organization.

 **Regarding the question by the UK and Belgium, we inform that the Criminal Code does not distinguish a specific offence of "hate speech".** However, criminal legal prosecution is ensured by providing for several special incriminations in which the element of hate speech exists in its legal nature. One of these crimes is: Article 394-d: Spreading racist and xenophobic material through a computer system Article 394-d. This offence includes more than 20 legally incriminating discriminatory grounds, but discrimination on the grounds of sexual orientation and gender identity are not part.

In spite of that, three verdicts, the last one being in March 2024, have been passed sanctioning hate speech against sexual orientation based on the victims belonging to a marginalized group (the LGBTI+ community).

The draft version of the new Criminal Code recognizes sexual orientation and gender identity as punishable grounds of discrimination.

**On the question by Spain in relation to LGBTI persons, we inform that the 2022-2026 National Strategy on Equality and Non-Discrimination** aims at effectively preventing and protecting against discrimination by observing the principle of equality and the prohibition of discrimination against any person or group of persons based on their personal features, and especially the vulnerable social groups, including LGBTI persons.

In its and the implementation of the corresponding National Action Plan, in 2023 attention was paid to capacity building and education of public sector staff - a Manual for Trainers on the Principle of Non-discrimination and the Duty to Pursue Equality in the Public Sector was drafted; a program was created for capacity building and training of local government staff; and several workshops were hosted on the matter. A draft 2023 Annual Report has also been prepared on the implementation of the Action Plan, and it is to be adopted by the National Coordinating Body for Monitoring the Status of Non-Discrimination and the Implementation of Laws, By-laws And Strategic Documents in the Area (NCT). By all means, at its first session, this body discussed establishing a special strategic goal of ensuring protection of LGBTI+, which is to be included as annex to the 2022 - 2026 National Strategy on Equality and Non-Discrimination.

Four Pride Parades have been held in the country to date resulting in improvements in the exercise of freedom of assembly as demonstrated in the high degree of security ensured by the authorities at public events related to LGBTI rights. The Ministry of Labour and Social Policy provides financial support to the shelter center opened for the very first time for LGBTI victims of violence, the very first LGBTI SOS telephone was also opened with the support of the Ministry of Labour and Social Policy.

From March 2023 to 1 February 2024, the Committee for the Prevention of and Protection against Discrimination registered a total of 12 cases of discrimination against persons from the LGBTIQ community on several grounds such as gender identity, sexual orientation and belonging to a marginalized group. All of the cases of discrimination established by the Committee relate to public media and public information, i.e. to social media.

**Regarding the question by Slovenia, we inform that the Agency for Audio and Audiovisual Media Services too** has acted on cases of hate speech in broadcaster programs, having established responsibility for the broadcasters in question, with such or similar cases not being recorded in television and radio outlets in the country since 2019. Moreover, in 2018, the Law on Audio and Audiovisual Media Services provided for a fine for televisions and radios if having been found to have spread or incited hate speech and discrimination on a number of grounds (sex, gender, gender identity, sexual orientation, belonging to a marginalized group). The agency continuously takes steps aimed at prevention and education, advocating on this matter as part of its efforts aimed at further developing media literacy and encouraging social inclusion.

 In 2019, a network against hate speech was established at the initiative of the Media Ethics Council and with the support of the OSCE Mission in Skopje, all with a view to preventing the spread of hate speech in the public domain, strengthening professionalism and ethics in journalism and raising the awareness of the wider population on this issue.

 In October 2023, with the support of ODIHR, the Agency for Audio and Audiovisual Media Services promoted the Elections and Referenda Online Code of Conduct. Compliance with the principles and standards put forward under this Code will be monitored by a Coordinating Body composed of representatives of the initiators of the Code, who have also signed a Memorandum of Cooperation to that end. The website www.izborenkodeksonline.mk is purpose-built to familiarize the public with the Code .

 **Regarding the question by Portugal, we inform that, under a Decision of the Government,** an Interdepartmental Body for Human Rights was established **in 2012**, which functions as a National mechanism for reporting on, monitoring, and overseeing the process of implementation of recommendations received from human rights treaty bodies. It is chaired by the Minister of Foreign Affairs, and its members are State Secretaries at government institutions, while the Secretariat of the body is at the Ministry of Foreign Affairs. The body has an expert working group that works directly on the preparation of the reports to treaty bodies and monitoring the implementation of the recommendations received. Namely, a systemized work plan on all recommendations received has been prepared identifiying further the competences of each of the institutions separately, and according to which each of them has the obligation to refer quarterly on the progress achieved, thus enuring the monitoring of the process of implementation of recommendations. This body, i.e. the Expert Working Group, also cooperates with civil society consulting it in the course of preparing national reports, as well as holding joint workshops with civil society to strengthen mutual cooperation.

**Regarding the question by Germany on the cases involving the registration application by the Bektashi community in the country***,* we inform that *a procedure is* *underway before Skopje II First Instance Court*.

**On the question by Belgium**, we inform that the Law on Prevention of and Protection against Violence against Women and Domestic Violence provides for the adoption of 10 by-laws, as well as a reintegration protocol and program. To date, 7 by-laws and a Protocol for Cooperation between Relevant Entities in Taking Measures for Prevention of and Protection against Violence against Women and Domestic Violence have been adopted. 3 more by-laws (rulebooks) and the Program for the Reintegration of Women Victims of Gender-based Violence and Domestic Violence are still at the stage of drafts, being expected to be adopted by the end of 2024.

In January 2024, a working group was established to draft the 2025-2032 National Strategy on the Prevention of and Protection against Gender-based violence against Women and Domestic Violence, with representatives of in-line institutions and civil society involved.

The Ministry of Labour and Social Policy does not operate a special sub-program on women victims of violence and domestic violence, and funds for this purpose are distributed through several other budget sub-programs. The Program for Ensuring Social Protection, which is carried out on an annual basis, lists several sub-programs covering social protection rights, the funding of the existing social services, which include specialized services for women victims of violence and domestic violence, as well as services afforded to perpetrators of domestic violence. The Ministry provides funds to licensed providers of specialized services in order to finance the Center for Victims of Human Trafficking and the Center for Victims of Gender-Based Violence.

**Regarding the question by Slovenia, we inform that the rights of the elderly are guaranteed** and primarily defined under the national legislation, i.e. the Constitution, numerous laws, regulations, and rulebooks.

 The Social Security Law of 2019 regulates the social security benefits received by the elderly of over 65 years of age, with the aim of promoting and maintaining the social security of the elderly, preventing their social exclusion, and improving their quality of life by leading an independent, active, and productive life. The Active Aging Action Plan in force since 2017 defines the following three priority areas for the elderly: promotion of healthy lifestyle and active participation by the elderly in social life; reducing the negative impact of social factors on their health, and strengthening the capacities of all institutions within the system affecting the human rights of the elderly.

**Regarding the question by Spain, we inform that the adoption in 2023** of the Law on Persons Unregistered in Registers of Birth and of the amendments to the Law on Civil Registry created the necessary legal framework for systemicly resolving and preventing cases of unregistered persons and persons possessing no personal documents, thus establishing solid grounds for North Macedonia becoming the first country in the region and Europe to have succeeded in completely eradicating statelessness on its territory.

Ladies and gentlemen,

As much as the time prescribed for this meeting allows, I tried to focus on some of our country’s most prioritized issues, keeping in mind the questions received prior to it and I hereby would like to offer my appreciation to all delegations making submissions.

I would further like to emphasize that North Macedonia is fully committed to the promotion and protection of human rights and today's dialogue offers an opportunity to take stock of all our activities to date and note the progress achieved to that end, as well as to outline the direction in which we should be heading in the future, as well as in terms of the implementation of the SDGs and especially SDGs 16, 5, 4, 3, and 10.

It is always possible to do better and it is always possible to do more.

I am looking forward to a fruitful and constructive discussion, and I would like to thank you all for your attention.

1. The fourth evaluation round titled "Prevention of Corruption among MPs, Judges and Prosecutors"), [↑](#footnote-ref-2)
2. The fifth evaluation round (titledc: "Prevention of Corruption and Promotion of Integrity in Central Government - Highest Executive Offices and Law Enforcement Authorities") [↑](#footnote-ref-3)