



**Republic of Macedonia**  
**Ministry of Foreign Affairs**

**Statement by**

**H.E. Ambassador Igor Djundev, Director for Multilateral Affairs**

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

**26<sup>TH</sup> Regular Session of the Human Rights Council**

**Agenda Item 6 – Universal Periodic Review**

**Adoption of the Outcome of the UPR of the Republic of Macedonia**

**Geneva, 20 June 2014**

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

It is my great pleasure to be here again after the presentation of the National Report of the Republic of Macedonia for the second UPR cycle and the interactive dialogue held during the 18<sup>th</sup> session of the UPR Working Group.

Before presenting our comments on some of the recommendations given by the delegations on that occasion, let me first reaffirm the strong commitment of the Republic of Macedonia to the Universal Periodic Review and to once again highlight the importance we attach to this unique mechanism. We regard it as a mobilizing, continuous and collaborative process of different stakeholders, aimed at providing internal review of the overall human rights situation in the country, sharing of best practices among States and securing improvements in the needed areas.

Mr. President,

We appreciate the discussion during the interactive dialogue and I would like to thank the delegations for their comments.

One of the most important traits of this mechanism is that it gives an opportunity for self-evaluation which does not stop with the

interactive dialogue. On the contrary, one might argue that it begins afterwards, during the process of consideration of the recommendations and the subsequent implementation of the accepted ones.

Having said that, let me inform you that during the past few months, we had a number of consultations with government institutions on all 104 recommendations received during the second UPR cycle. The UPR outcome was also discussed at the meeting of Inter-Sectoral Body for Human Rights, chaired by the Minister of Foreign Affairs.

The outcome of this process showed that most of the recommendations enjoy the full support, whereas only a few are accepted in part and just two do not enjoy the support of the Government. It is important to note that many recommendations correspond with the established national priorities and undertakings, so most of the accepted recommendations are being implemented, some have already been implemented and only a few are yet to be implemented.

Ladies and Gentlemen,

Without going into details about the acceptability of every single recommendation that you can find in our written replies, allow me to

highlight several points that might give you further assurances regarding our dedication and commitment to the human rights file.

As regards the recommendations on the international instruments, I would like to inform you that the ratification of the International Convention on the Protection of All Persons from Enforced Disappearance is in the pipeline, but more time is required considering the thorough analysis and the need for harmonization of the national legislation with the provisions of the Convention.

Regarding the ratification of the Kampala Amendments to the Rome Statute, the necessary harmonization of the Criminal Code has already been made and the Law on the Ratification is expected to be adopted by the Assembly by the end of the year.

A number of recommendations relate to the Ombudsman Office, the focus being on its accreditation with an "A" status in line with the Paris principles. A working group was established in December 2013 and tasked with the drafting of the amendments to the Law on the Ombudsman. The draft Law takes into account the recommendations provided by the International Coordinating Committee for National Human Rights Institutions and is expected to be adopted by the end of this year.

The implementation of the Ohrid Framework Agreement and fostering of good inter-ethnic relations are the key priorities of the

Government of the Republic of Macedonia. A lot has been achieved in this regard. As it was already mentioned, 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 follow-up to the recommendations contained in it is a priority in the second stage. The recommendation No.8 is accepted in part due to the deadline mentioned in it.

All of the recommendations concerning the Roma rights are acceptable and many are already being implemented in accordance with the Strategy for Roma and the 2005-2015 Decade for Roma Inclusion. Only part of the recommendation No. 34 concerning the establishment of a National Observatory against Racism is not regarded as necessary, having in mind the existing independent national human rights institutions.

#### **Recommendation related to hate speech**

On several occasions the Government of the Republic of Macedonia publicly condemned all kinds of hate speech regardless of the individuals who expressed it or the targeted individuals and groups and underlined the consequences of such acts prescribed by the relevant laws.

#### **Recommendations related to Anti-discrimination:**

As it was already explained, on 8 April 2010, the Macedonian Parliament adopted the Law on the Prevention of and Protection against Discrimination, which explicitly prohibits direct and indirect discrimination and also contains an open-ended list of discriminatory grounds. The Commission for the Prevention of and Protection against Discrimination acts upon complaints on ground of sexual orientation and has confirmed discrimination on such ground. Therefore the recommendations 42 and 43 to explicitly include a specific prohibition of discrimination based on sexual orientation and gender identity in the anti-discrimination legislation, is considered unnecessary.

The recommendations 44, 45 and 46 are only accepted in part and are being implemented in regard to the undertaking of appropriate measures to end impunity for violence and intimidation of the LGBT community and to prevent and combat incidents of violence on the grounds of sexual orientation. The Ministry of Interior undertakes activities in order to clarify incidents related to LGBT activists, as well as to identify and bring the perpetrators before justice.

All of the recommendations concerning **gender equality** enjoy the support of the Government and most of them are already being implemented through the various activities based on the Law for Equal Opportunities, the Law for Prevention and Protection against Discrimination, the 2013-2020 Strategy and the 2013-2016 National

## Action Plan on Gender Equality and the 2012-2015 Strategy on Gender Responsive Budgeting.

In addition, let me inform you that the drafting of a new Law on Prevention of and Protection against **Domestic Violence** is underway.

Mr. President,

I would like to reiterate that the Government is strongly committed to the full realization of the **reform of the penitentiary system**. The set of activities and measures undertaken are many, so I will highlight only few:

- The main focus is placed on 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. The construction of one prison is already finished and the remaining facilities are envisaged to be finished by the end of 2018.

- The National Strategy on the Development of the Penitentiary System is developed under the IPA 2009 Project entitled "Capacity Building of the Law Enforcement Agencies for Appropriate Treatment of Detained and Sentenced Persons". It is expected to be adopted by October 2014. Among the main goals of the Strategy are the establishment of more effective mechanisms for tackling cases of inappropriate treatment of detained and sentenced persons by the staff





and cases of violence among detained and sentenced persons. Numerous trainings were conducted for the high level prison staff with an aim to improve the prison management. An expert mission made an assessment of the training needs of the Directorate for Execution of Sanctions and the prison staff with a view to improve its professionalism and develop a Strategy/Report for trainings focused on human rights and management. A reconstruction of one Training Centre is also envisaged. Furthermore, in February and March this year several workshops and training for trainers concerning Protocols in the area of the health care and their implementation in prison conditions were organized. The Directorate for Execution of Sanctions was reinforced with an additional staff.

- With an aim for a development of the professional management approach within prisons, amendments to the Law on Execution of Sanctions were made in March 2014. These amendments provide a compulsory requirement for public announcement for the positions - Head of the Directorate for Execution of Sanctions and Heads of the penitentiary institutions, including reinforced requirements for the candidates.

- Regarding the improved access to healthcare, education and recreational activities, new sport facilities are being planned within the Project for reconstruction/construction of penitentiaries. With the

amendments to the Law on Execution of Sanction from December 2013, the healthcare at the penitentiaries is taken over by the public health institutions thus creating conditions for improved quality of the health services, in accordance with the European prison rules.

- The draft Law on Probation envisages to reduce the prison population by 10 to 20% one year upon the establishment of the probation service.

Mr. President,

The Government of the Republic of Macedonia is strongly committed to the **justice system reforms**.

The rule of law and the separation between the legislative, executive and judicial power are fundamental principles contained in the Constitution. The Judicial Council is an independent body of the judicial system that acts towards providing full independence of the judiciary, by preventing political influence, electing judges with qualified majority and assessing their work. It is important to note the Minister of Justice who is also a member of the Council, does not have a right to vote. The national legislation provides for review of indictments and sentences in court procedures through regular and extraordinary legal remedies. The right to file an individual application before the Court in Strasbourg is also guaranteed. Moreover, the Law on Criminal Procedure provides a possibility for reopening of a

procedure in the interest of a convicted person, if a final judgment of the European Court for Human Rights found a violation of the Convention rights during the procedures before the domestic courts.

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. The Academy also provides continual training for judges and prosecutors.

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

The system for evaluation of judges was fully established, under which the work of judges is qualitatively and quantitatively evaluated, based on the overall results of their work, and by direct monitoring of their judicial performance.

In the context of improved efficiency of the judiciary, the inflow of cases is managed and the backlog of cases has been reduced, by the implementation of the 2010 Law on the Management of the Case Flow in Courts.

The **detention** can be ordered only in accordance with the legally proscribed conditions. The relevant law provisions demand that the decision for detention is taken with due consideration for the gravity of

the crime, the proscribed sentence for such crimes and the necessity for the detention. It is compulsory for the court to give comprehensive explanations in the decisions for detention. The new Law on Criminal Procedures provides for all guaranties for protection against the abuse of the detention. The Law is applied since December 2013 and the expectations from its implementation are high.

Mr. President,

The advancement of the **freedom of the media and freedom of expression** is of the utmost importance for the Government of the Republic of Macedonia, which accepted all recommendations in this sphere. It is important to note that most of them are already being implemented and some are implemented.

As we already informed, last year a wide consultation process with all stakeholders regarding the Media Law and the Law on Audio and Audio-Visual Media Services was conducted. Expertise and opinions were received and properly incorporated from the Council of Europe, OSCE and the European Commission through TAIEX. The Parliament adopted the Laws in December 2013. 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 main purpose of the Law on Media is to ensure the freedom of expression and freedom of media. It sets forth the fundamental

principles and conditions that media outlets need to fulfill in order to perform their activities. The adopted amendments further clarify that aim of the law is not to regulate the content published in the media. The amendments exclude electronic publications from the Law, liability for publication of certain information and the obligation to adopt statutes of the 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, to encourage the culture of public dialogue between citizens from different communities in order to enhance mutual understanding and tolerance. 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 regulatory body in the area of audio and audiovisual medium services. It also 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 adopted amendments specifically promote and encourage freedom of expression, revise the list of authorized

bodies to propose members of the Council to the Agency on Audio and Audio-Visual Services, 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.

Mr. President,

The Government is committed to continuation of the dialogue with the media representatives in order to address the outstanding issues, including the governmental campaigns, strengthening the role of the public broadcaster as well as increasing the standards in journalism. The two most representative associations of journalists were invited to take part in the meetings for drafting the by-laws, as well as for ensuring more efficient and independent financing of the public broadcaster. In the recent period, several meetings concerning the improved financing of the public broadcaster were organized with representatives of the two largest associations of journalists and relevant governmental institutions chaired by the Minister for Information Society and Administration.

In October 2013, the publication "Collective judgments of the European Court of Human Rights under Article 10 - freedom of expression," was promoted, containing 70 judgments and decisions of

the ECtHR related to Article 10 from the Convention translated into Macedonian.

Trainings on Art.10 of the Convention, for civil liability for defamation and insult and the practice of the ECtHR related to Article 10 were provided for judges from the civil department of the courts in the country, tasked to deal with defamation cases. The training Catalogue for 2014, foresees total of 4 trainings regarding the application of the Law on Civil Liability for defamation and insult.

Mr. President,

Due to the time limitations, in response to the remaining recommendations, I would like to point out that many of the raised issues have been addressed in the Macedonia's National Report, in the Opening Statement and responses made by the Macedonian delegation during the interactive dialogue.

I thank you.

