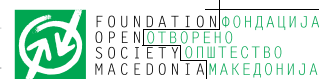


# REFORMS VERSUS RIGHTS



## UN HUMAN RIGHTS BODIES AND THEIR OBSERVATIONS AND RECOMMENDATIONS FOR THE REPUBLIC OF MACEDONIA \*

The Republic of Macedonia has acceded to the **most important international human rights treaties of the United Nations**. Implementation of international commitments assumed under these international treaties is monitored by **UN Human Rights Council (HRC) and seven committees**.

HRC is an inter-governmental body and is responsible for promotion and protection of human rights in the world. On the other hand, treaty committees are non-political bodies comprised of independent experts. HRC and the committees monitor the manner in which the state fulfils its obligations from international treaties and issue **recommendations** for full implementation of said commitments.

After accession to UN international treaties on human rights, member states are obliged to submit **initial report and periodic reports** to the relevant treaty committees.

Preparation and submission of national reports does not only mean compliance with reporting obligations towards the UN, but also possibility for the state to assess respect for human rights on their territories.

For successful reporting and implementation of recommendations arising from concluding observations of UN human rights bodies, the states should have established **national mechanisms**. These mechanisms are often seated within or linked to the ministries of foreign affairs.

In 2006, the Government of the Republic of Macedonia took a decision on establishing the **Interdepartmental Body on Human Rights**. Until 2012, management of the Interdepartmental Body was entrusted to the Ministry of Justice, but by means of new decision the Government transferred this competence to the Ministry of Foreign Affairs.

With its decision on establishment of the Interdepartmental Body, the Government **did not establish an administrative service** that would support the work of this body, but instead established an **expert working group**, comprised of expert level representatives (civil servants).

\* This text represents a summary of the key findings and recommendations of the analysis. Full version of the analysis is available [here](#)

For the purpose of effective management of the Interdepartmental Body on Human Rights on the part of the Minister of Foreign Affairs, coordination of activities among its all members is performed by MFA's Department on Human Rights and Cooperation with NGOs. This department employs **only four civil servants, one of which is graduated lawyer. Two civil servants**, overseen by the assistant director, work on matters concerning reporting to the UN on fulfilment of commitments assumed by the Republic of Macedonia.

The Interdepartmental Body has not held a single session in 2016, which renders this national mechanism on reporting and monitoring the situation in relation to human rights and freedoms **ineffective**.

Recommendations from UN human rights bodies for the Republic of Macedonia, in general, are not implemented or they are implemented only in **formal-legal manner**, but are void of any essence. There are areas in which the Republic of Macedonia, instead of promoting, is actually **limiting human rights and freedoms** (for example, amendments to the Law on Abortion).

One recommendation made by majority of human rights bodies implies **urgent organization and implementation of population census** in Macedonia. According to them, census results are not used only for the purpose of establishing the population's demographic composition, but also for adequate development and complementation of **database** in various areas (human trafficking, domestic violence, etc.), which would allow UN human rights bodies to obtain precise and complete image about relevant state-of-affairs in the state.

Activities of the state in terms of implementation of international obligations in the field of human rights and freedoms are utterly **non-transparent**. Involvement of the **civil society** in the process on development of periodic reports and monitoring implementation of recommendations is on very **low level**.

According to observations and recommendations made by UN human rights bodies, areas in which the Republic of Macedonia most often **fails to implement its international obligations** include:

- **STATUS OF ROMA PEOPLE** (especially discrimination, torture, child marriages, segregation, street children and health care);
- **DOMESTIC VIOLENCE** (especially corporal punishment of children);
- **HUMAN TRAFFICKING** (especially sexual exploitation and non-existence of centres for protection and re-integration, and victims database);
- **IMPUNITY OF POLICE OFFICERS** (especially torture and abuse, ineffective investigations, excessive use of force and Sector on Internal Control);
- **LGBTI COMMUNITY** (failure to promote their rights, prevention and protection against violence);
- **REFUGEES AND MIGRANTS** (conscious non-compliance with national and international law);
- **EQUAL TREATMENT OF WOMEN AND MEN** (especially women stereotypes, education and health services in rural areas, and abortion);
- **JUDICIARY AND THE INTERCEPTION AFFAIR** (especially its independence, judicial reforms, appointment and promotion of judges, and treatment of the Special Prosecution Office);
- **OMBUDSMAN** (especially human resources and non-cooperation on the part of state institutions);
- **PRISONS** (especially overcrowded facilities, living conditions, medical services and violence);
- **AMNESTY FOR WAR CRIMES**, and
- **JOURNALISTS AND THE MEDIA** (especially decline in freedom of reporting, selective financing, hate speech and protection of journalists).



## RECOMMENDATIONS

One of the key recommendations for Macedonia made by UN human rights bodies is to continue **timely preparation and submission of national reports**, recommendations to be implemented **in their essence**, not only in formal-legal manner, and to organize **urgent population census**. In that regard, recommendations also target the Interdepartmental Body on Human Rights and ratification of relevant conventions and protocols.

**Recommendations for the Interdepartmental Body on Human Rights:** to schedule and hold four sessions annually; to appoint representative from the civil society as external member to this body; to involve the civil society in development and submission of national reports; to adopt action plan; to create database, information management system and website; to secure more funds and human resources; and to work on public awareness and public relations.

**Conventions and protocols that need to be ratified:** 2006 International Convention on Protection of All People from Forced Disappearance; Optional Protocol to 1966 International Covenant on Economic, Social and Cultural Rights from 1966; Optional Protocol on Submission of Complaints to 1989 Convention on Rights of the Child.

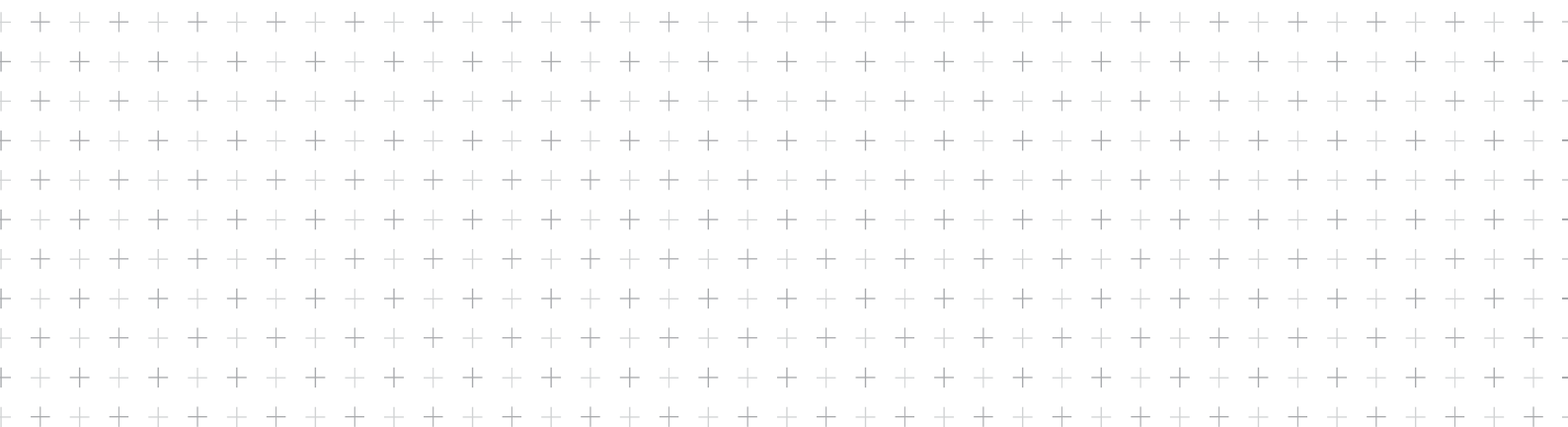
**Conventions that need to be signed and ratified:** 1990 International Convention on Protection of Rights of Migrant Workers and Their Families.

**Withdrawal of state declaration:** to withdraw the declaration made to 1965 International Convention on the Elimination of All Forms of Racial Discrimination by means of which the state does not admit complaints from natural persons or groups of people to be submitted to the Committee on Elimination of Racial Discrimination.

## RECOMMENDATIONS MADE BY UN HUMAN RIGHTS BODIES FOR THE REPUBLIC OF MACEDONIA

AREAS IN WHICH MACEDONIA DOES NOT COMPLY WITH ITS INTERNATIONAL COMMITMENTS	RECOMMENDATION IS NOT IMPLEMENTED	MEASURES TAKEN ARE NOT CONDUCTIVE TO IMPLEMENTATION OF THE RECOMMENDATION	MEASURES ARE TAKEN TO IMPLEMENT THE RECOMMENDATION
<b>ROMA PEOPLE</b>	Discrimination, torture and abuse Roma women and girls Child marriages Street children Health care	Freedom of movement Personal identification documents	Early drop-out from education Segregation in education
<b>DOMESTIC VIOLENCE</b>	Corporal punishment of children	Low awareness Non-reporting of domestic violence Database Non-punishment of perpetrators Centres for assistance to victims Stricter penal policy	Training
<b>HUMAN TRAFFICKING</b>	Sexual exploitation Centres for protection and reintegration Indemnity for victims Database Protection		Stricter penal policy Training and education State Strategy
<b>THE PUBLIC IS UNAWARE OF THE CONVENTIONS</b>	Promotion Information for the public Involvement of the non-governmental sector Dissemination		

<p><b>IMPUNITY OF POLICE OFFICERS</b></p>	<p>Torture and abuse Effective investigations Excessive use of force Sector on Internal Control Indemnity for victims of violence</p>	<p>Citizens' trust</p>	<p>Job suspension External control mechanism Training</p>
<p><b>LGBTI</b></p>	<p>Abuse Protection Effective investigations Legislative changes Discrimination Public campaigns</p>		
<p><b>REFUGEES AND MIGRANTS</b></p>	<p>Living conditions at reception centres Right to freedom and security Illegal detention Asylum procedure Non-persecution Closure of borders</p>	<p>Smuggling</p>	
<p><b>EQUAL TREATMENT OF WOMEN</b></p>	<p>Women stereotypes Education in rural areas Health services in rural areas Abortion</p>	<p>Equal opportunities for men and women Participation in political and public life Equal pay</p>	



<p><b>JUDICIARY AND INTERCEPTION</b></p>	<p>Judiciary independence Appointment and promotion of judges Effective investigation</p>	<p>Special Prosecution Office Judicial reforms</p>	
<p><b>OMBUDSMAN</b></p>	<p>Human resources Non-cooperation on the part of state institutions</p>	<p>Political independence Protection of rights of the children National prevention mechanism</p>	<p>Paris Principles Financial independence</p>
<p><b>PRISONS AND LAW ON AMNESTY</b></p>	<p>War crimes Violence Medical services Living conditions Overcrowded facilities</p>	<p>Construction and reconstruction of prisons</p>	
<p><b>THE MEDIA AND JOURNALISTS</b></p>	<p>Declined freedom of reporting Selective financing Hate speech Protection for journalists Detention of journalists</p>		<p>Broadcasting Council (Agency for Audio and Audiovisual Media Services)</p>

