



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the fourth periodic report of North Macedonia*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations,¹ including examples of cases in which the provisions of the Covenant have been referred to by national courts. With reference to the Committee's previous concluding observations (para. 6),² please provide information about any measures taken to raise awareness of the complaints procedure under the Optional Protocol.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Recalling the Committee's previous concluding observations (para. 5), please describe the measures taken to bring the Office of the Ombudsman fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please include information about the status and material scope of any planned amendments to the Law on the Ombudsman; the human and financial resources provided to the Office of the Ombudsman during the reporting period; and the steps taken to ensure consistent implementation of the Ombudsman's recommendations.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information about: (a) the legal and institutional frameworks in place to prevent corruption, including the Law on Prevention of Corruption, as well as the status of the special public prosecutor and the work of the State Commission for Prevention of Corruption; (b) the efforts made to investigate, prosecute and convict perpetrators of corruption, including information about the status of the case against the former Minister for Transport and Communication Mile Janakieski and any other high-level public officials

* Adopted by the Committee at its 133rd session (11 October–5 November 2021).

¹ [CCPR/C/MKD/CO/3](#).

² Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/MKD/CO/3](#).



being prosecuted for corruption and related charges; and (c) the specific steps taken to tackle corruption within the police, the judiciary and the prison system.

Non-discrimination (arts. 2, 19–20 and 26)

4. Please describe the legislative and other measures taken during the reporting period to prevent and combat discrimination on the basis of grounds such as sexual orientation, sex, gender identity, disability, socioeconomic status, age, race, ethnicity, religion, HIV status and/or nationality. Please include information about the efforts made to amend and implement the Law on Prevention of and Protection against Discrimination of 2010, as well as any steps taken to ensure the independent and effective functioning of the Commission for Prevention of and Protection against Discrimination.

5. Bearing in mind the Committee’s previous concluding observations (para. 7), please discuss whether progress has been made during the reporting period to ensure that any reforms to the Law on the Prevention of and Protection against Discrimination 2010 include explicit prohibition of discrimination on the basis of sexual orientation and gender identity. Please also describe the efforts made during the reporting period to prevent and punish hate crime and hate speech against lesbian, gay, bisexual, transgender and intersex persons, including any training and public awareness raising campaigns organized to address stigma and discriminatory attitudes and any measures taken to ensure an adequate number of investigations, prosecutions and convictions for such crimes.

6. Recalling the Committee’s previous concluding observations (para. 8), please: (a) provide information about the results of the strategy for Roma for the period 2014–2020 and clarify whether a new strategy has been put in place; (b) describe what specific progress has been made to increase the participation of Roma in political and public life; and (c) respond to reports indicating that the structural discrimination faced by Roma has affected their situation during the coronavirus disease (COVID-19) pandemic, including in terms of not being able to access government financial support, of being required, in certain cases, to adhere to stricter public health protocols than non-Roma and of facing barriers to access to health care and vaccines.

Gender equality (arts. 3 and 26)

7. Bearing in mind the Committee’s previous concluding observations (para. 9), please provide information about: (a) the measures taken by the State party to improve women’s participation in the labour market and public life, particularly in leadership positions, including any temporary measures and/or steps taken to address barriers to women’s participation and the results achieved; (b) whether progress in narrowing the gender pay gap has been achieved during the reporting period; and (c) how the COVID-19 pandemic has affected equality between men and women and any targeted measures taken to prevent, mitigate and/or remedy any such effects.

Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)

8. With reference to the Committee’s previous concluding observations (para. 10), please provide information about: (a) disaggregated data on the number of complaints, investigations, prosecutions and convictions for all forms of violence against women during the reporting period, including the legal basis for convictions and whether the Penal Code has been reformed to include all forms of violence against women and girls, including marital rape and femicide, as specific crimes; (b) the steps taken to provide assistance and access to justice for victims of violence against women, including the number of shelters available and whether girls aged between 16 and 18 years, as well as refugees and migrant women, can access such provisions; and (c) any targeted measures taken to protect women from gender-based violence, including domestic violence, during the COVID-19 pandemic.

State of emergency (art. 4)

9. Please provide information about the measures taken by the State party to address the COVID-19 pandemic and the legal basis of any such measures. In particular, please specify whether any such measures derogate from the State party’s obligations under the Covenant.

If so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.³

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–8)

10. Recalling the Committee's previous concluding observations (para. 11), please discuss any measures taken during the reporting period to facilitate women's access to safe and legal abortions. Please include information about the material scope and implementation of the Law on Abortion (Termination of Pregnancy) of 2019, as well as any steps taken to destigmatize abortion within the State party. Please also respond to reports indicating that women were not able to access government sexual and reproductive health services during some stages of the COVID-19 pandemic.

Torture and excessive use of force (arts. 6–7, 10 and 21)

11. Bearing in mind the Committee's previous concluding observations (para. 12), please: (a) respond to allegations of torture and ill-treatment by police officers, including in relation to the excessive use of force during arrests, in police detention, for example to extract forced confessions, while policing protests, including during a June 2018 protest in Skopje against the Prespa agreement, and in the context of policing the State party's borders; (b) provide information about the legal framework and complaints mechanisms that are in place for victims to report all forms of torture and ill-treatment, including data about the number of complaints, investigations, prosecutions, convictions and remedies provided to victims; and (c) respond to reports that members of minority groups, particularly Roma, have been disproportionately targeted by perpetrators of torture and ill-treatment. Please also provide information on the role of the Office of the Ombudsman, as the national mechanism for the prevention of torture, since it began fulfilling that role in 2011.

Treatment of persons deprived of their liberty (art. 10)

12. Recalling the Committee's previous concluding observations (para. 13), please: (a) provide information about efforts made during the reporting period to reduce overcrowding and improve prison conditions, including the status of the national strategy on the development of the penitentiary system in North Macedonia for the period 2021–2025; (b) respond to reports of continued overcrowding, particularly in closed units, of poor sanitation, of inadequate access to health care and of high levels of violence between individuals in prisons; and (c) discuss how the detention system has responded to the COVID-19 pandemic, including by providing information about measures taken to protect detainees from the virus, how the effective monitoring and oversight of facilities have been maintained and the impact of measures to control the virus on detention conditions, including the possibility for detainees to have visitors.

Liberty and security of person (art. 9)

13. Please provide the Committee with information about the legal framework governing pretrial detention in the State party. Please clarify whether current legal standards allow for detention prior to indictment for a maximum period of 180 days and pretrial detention after indictment for a maximum period of two years and discuss the compatibility of such provisions with the Covenant. Please also respond to reports indicating that remand prisoners are held in unsuitable conditions in some facilities, such as Skopje prison, where they spend up to 23 hours a day in their cells and have limited visitation rights.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)

14. Recalling the Committee's previous concluding observations (para. 15) and the report on follow-up to the concluding observations of the Committee, please: (a) provide information on the status of the draft national strategy for combating human trafficking and

³ CCPR/C/128/2.

illegal migration, its implementation in practice and any results achieved to date, and describe the financial, human and technical resources that have been provided to the police and the Office for Prosecuting Organized Crime and Corruption; (b) respond to reports indicating that police officers and other public officials are complicit in trafficking, which creates a climate of impunity and impairs the effective investigation of trafficking offences; and (c) provide information on the measures taken to identify victims and provide them with compensation, rehabilitation and legal protections, including by protecting the right of foreign victims not to be deported before the end of the two-month reflection period, and up-to-date data on the number of complaints, investigations, prosecutions and convictions for trafficking, including convictions of public officials who have been found to be complicit in trafficking offences.

Freedom of movement (arts. 2, 12 and 26)

15. Bearing in mind the Committee's previous concluding observations (para. 16) and the report on follow-up to the concluding observations of the Committee, please: (a) provide information on whether border management policies and practices that prevent nationals from leaving the country are still in effect and comment on their compatibility with the provisions of the Covenant; and (b) respond to allegations of discriminatory targeting and ethnic profiling of Roma people at borders that unduly limit their freedom of movement.

Treatment of aliens, including migrants, refugees and asylum seekers, and statelessness (arts. 7, 9, 12–13, 24 and 26)

16. Recalling the Committee's previous concluding observations (para. 17), please: (a) respond to reports of the continued detention of asylum seekers, including women and children, in the reception centre for foreigners in Gazi Baba, Skopje, and in the Vinojug transit centre, for example in cases of children being detained for the purpose of securing their testimony in the context of smuggling investigations, and describe the legal basis and degree of judicial oversight of such detention; (b) provide information about the legal framework in place governing asylum provisions, including the legal basis and judicial oversight of immigration detention and the material scope and implementation of the new law on administrative disputes; and (c) respond to reports indicating that migrants and asylum seekers have been expelled from the State party's territory, including to Greece, without individualized assessments having been carried out, in violation of the principle of non-refoulement.

17. Recalling the Committee's previous concluding observations (para. 20), please provide information about measures taken to prevent and address statelessness within the State party during the reporting period. Please include information about: (a) efforts made to retrospectively identify and register individuals not registered at birth; (b) any measures taken to protect the rights of individuals, such as Roma and migrants, at high risk of statelessness; and (c) steps taken to ensure access to and simplify civil registration procedures, including any awareness-raising programmes, to update and effectively implement legal provisions, including the Law on Foreigners of 2019 and the 2020 law on undocumented persons in the birth registry book.

Access to justice, independence of the judiciary and right to a fair trial (arts. 2 and 14)

18. Bearing in mind the Committee's previous concluding observations (para. 14), please provide information about: (a) the efforts made to improve the independence and overall functioning of the judicial system, including the results to date of the strategy for reforming the justice system for the period 2017–2022 and the associated action plan, as well as the status of reforms to the legal framework governing the judiciary and the prosecution services, including the draft law on the termination of the validity of the Law on the Council for Establishment of Facts and Initiation of Proceedings for Determination of Accountability for Judges, the draft law amending the Law on the Judicial Council, the draft law amending the Law on Witness Protection and the Law on the Public Prosecutor's Office; (b) processes to uphold the right to a fair trial without delay, and elaborate on whether the COVID-19 pandemic has affected the ability of the courts to uphold the law; and (c) measures taken to

ensure that judges are appointed and promoted in accordance with objective merit-based criteria.

Right to privacy (arts. 17 and 19)

19. Recalling the Committee's previous concluding observations (para. 23) and the report on follow-up to the concluding observations of the Committee, and in the light of the large-scale wiretapping operations revealed in 2015, please provide information on the institutional and legal safeguards that have been put into place to ensure that all surveillance activities comply with the principles of legality, proportionality and necessity and that any persons who are unlawfully monitored are informed thereof and have access to adequate remedies. Please also describe the steps taken, following the wiretapping operation, to rebuild trust in public institutions and ensure that such events do not have a chilling effect on freedom of expression. Please also provide information about the outcomes of the "target fortress" trial and the circumstances under which special prosecutor Katica Janeva, who was appointed to investigate allegations of large-scale wiretapping, was arrested and convicted of extortion.

20. Please describe the regulatory framework governing the collection, storage, use and retention of people's personal data, by both State and non-State actors. Please include information about: (a) the material scope and implementation of the Law on Personal Data Protection promulgated in 2020; and (b) the protections in place to ensure that protocols for the collection of DNA samples in the context of criminal investigations are compatible with the right to privacy as set out in the Covenant.

Freedom of conscience and religious belief (arts. 2, 18, 22 and 26)

21. Please provide information about the State party's system for the registration of religious organizations, which has resulted in five religions being recognized in the Constitution and therefore being able to receive public benefits, whereas others have to apply for registration. Please describe how independent and effective oversight of the registration of religious organizations is ensured and provide information about the status of the registration of the Orthodox Archbishopric of Ohrid and the Bektashi (Tetovo) Community.

Freedom of expression (arts. 19–20)

22. With reference to the Committee's previous concluding observations (para. 18), please: (a) respond to reports of threats, harassment, including on social media, and attacks against journalists during the reporting period and provide information about the investigation and prosecution of such crimes and whether remedies have been provided to victims; (b) provide information about the status and material scope of reported legal reforms to increase the criminal penalties for attacking journalists and to lower the fines paid by journalists and media organizations for defamation; and (c) clarify whether steps have been taken during the reporting period to increase the transparency and fairness with which public funds are allocated to media organizations and to improve the independence of the State Broadcasting Council.

Rights of the child (arts. 2, 7, 23–24 and 26–27)

23. Recalling the Committee's previous concluding observations (para. 21), please provide information about the results achieved during the reporting period to address all forms of institutional and de facto discrimination against children, particularly Roma children. Please address reports that Roma children face different forms of institutional and societal discrimination, including being segregated from other children within State schools, facing barriers to health care and experiencing ethnic profiling by private businesses.

24. Please respond to allegations that children with disabilities within State-run care facilities are subjected to ill-treatment, including the use of physical restraints and the lack of provision of appropriate care. Please provide information about: (a) the procedural safeguards in place to identify and investigate cases of ill-treatment of children in residential care facilities, including the number of complaints made during the reporting period and a summary of their outcomes; (b) steps taken to ensure that victims of ill-treatment in State-run care facilities can gain access to remedies, including compensation, psychosocial support

and guarantees of non-repetition; and (c) steps taken to prevent future institutional abuse of children with disabilities, including through the implementation of the national deinstitutionalization strategy for the period 2018–2027.

Participation in public affairs (arts. 25–26)

25. Bearing in mind the Committee’s previous concluding observations (para. 22), please provide information about amendments to the legislative framework governing elections, including by responding to reports indicating that reforms published on the eve of the announcement of parliamentary elections did not address the barriers to voting faced by persons with disabilities and persons in detention facilities. Please also indicate whether the State party intends to undertake further reforms of the legal framework governing elections.

Rights of minorities (arts. 25 and 27)

26. Please: (a) describe the measures taken during the reporting period to uphold an inclusive and multi-ethnic society, in accordance with the Ohrid Framework Agreement, including in relation to linguistic plurality, children’s opportunity to gain an education in their mother tongue, non-discriminatory access to public resources and political representation; (b) describe the legal and institutional framework in place to uphold the rights of ethnic minorities and implement the provisions of the Ohrid Framework Agreement; and (c) respond to reports indicating that key bodies working on these issues, such as the Agency for Community Rights Realization, the directorate for education in communities’ languages and the directorate for the promotion of communities’ cultures, lack adequate funding and staff.
