



**International covenant
on civil and
political rights**

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LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF THE FORMER
YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)
(CCPR/C/MKD/2)

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

1. Please indicate whether the State party envisages establishing a National Human Rights Commission in compliance with the Principles relating to the status of national institutions (Paris Principles) adopted by General Assembly resolution 48/134 of 20 December 1993.
2. What progress has been achieved in fighting corruption, which is allegedly widespread in all sectors of society in the State party, and in raising public awareness that corruption must not be accepted as a fact of life? Please provide information on any special efforts undertaken to ensure that government officials are appointed in a non-discriminatory and transparent manner.

Discrimination against women and domestic violence (arts. 2 (1), 3, 7, 26)

3. Please clarify whether the Law on Equal Opportunities for Men and Women (report, para. 26) envisages temporary special measures to overcome de facto discrimination of women and provide examples of cases where such measures have been implemented successfully. Please also provide information on the measures taken to promote the representation of women in senior positions in the Government and the private sector (para. 32).

4. Please provide more detailed information on the measures taken to ensure that acts of domestic violence (para. 63) are effectively investigated and perpetrators prosecuted and punished. Please also provide information on the outcome of the investigations in the cases of domestic violence registered since 2004 (para. 67), including specific examples, the types of sanctions imposed on the perpetrators and any compensation provided to the victims. Does the State party intent to remove the requirement of proof of penetration and active resistance by victims for convictions of rape?

Accountability, right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 2, 6 and 7)

5. Please comment on reports that allegations of police killings and excessive use of force against members of ethnic minorities, such as Roma, are often not properly investigated, that there is no independent internal mechanism to investigate such complaints, and that the statute of limitations is too restrictive in respect of police misconduct and sanctions imposed on perpetrators too lenient. Please provide detailed information on the types of criminal and disciplinary sanctions imposed on police officers found guilty of such acts.

6. Please provide detailed information on the grounds on which the police officers involved in the extrajudicial killing of one Indian and six Pakistani citizens at Rashtanski Lozja on 2 March 2002 were acquitted by the Skopje Appellate Court. Please also provide information on the outcome of the appeal that the public prosecutor filed in the Supreme Court to challenge the legality of the acquittal.

7. Please report on the progress achieved in investigating the fate of the 13 ethnic Macedonians, six ethnic Albanians and one Bulgarian citizen who “disappeared” or were abducted during the armed conflict in 2001. Please indicate whether any indictments have been issued in connection with the disappearances of the ethnic Albanians and provide information on the outcome of the trial that began in October 2005 against a former commander of the Albanian National Army (ANA) in connection with the abducted ethnic Macedonians.

8. Please provide detailed information on the scope of application and the effects of any amnesty laws covering crimes committed during the armed conflict in 2001.

Elimination of slavery and servitude (art. 8)

9. Please provide information on the measures taken to raise awareness among the general public on the issue of trafficking in human beings, as well as on the number of convictions and the types of sanctions imposed on perpetrators under articles 418(a) (trafficking in human beings) and 418(c) (organizing and inciting trafficking in human beings) of the Criminal Code (paras. 100-105 and 109). Please also provide information on cases where property acquired through trafficking was seized and compensation was provided to victims of trafficking (para. 118), on the amounts awarded, and on the number of trafficking victims who benefited from social rehabilitation measures (para. 124).

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

10. What measures is the State party taking to put an end to the alleged practices of forcefully escorting suspects and witnesses to police stations for informative talks, without informing them of their rights, and of transferring suspects from one police station to another in order to avoid exceeding the 24 hours limit after which they must be brought before a judge. Please provide detailed information on the existing judicial procedures to review the lawfulness of detentions (para. 235).
11. Please indicate whether the State party has carried out an independent and effective investigation into the alleged ill-treatment during detention and transfer to a third country of Mr. Khaled al-Masri, a German national of Lebanese origin, under suspicion of terrorism. Please also indicate whether Mr. al-Masri received compensation for his treatment during detention and for his rendition and subsequent transfer to Kabul, Afghanistan, and whether the agents of the State party implicated in these acts were brought to justice.
12. Please provide more information on measures taken to combat ill-treatment of detainees and remand prisoners, e.g. by strengthening internal accountability procedures and ensuring effective access to lawyers and doctors from the moment of apprehension, and to improve the material conditions of detention in police stations and prisons (para. 249). What measures have been taken to investigate the causes of suicides and other deaths in prison registered between 2003 and 2005, and to ensure adequate visiting arrangements, mental health services, professional training and other out-of-cell activities for prisoners?

Freedom of movement and protection from expulsion (arts. 12 and 13)

13. Please provide updated information on the number of internally displaced persons (IDPs) in the State party. What progress has been achieved in resolving the situation of the remaining IDPs who claim to be unable to return to their pre-armed conflict places of residence on account of security concerns and who are reportedly sometimes subject to coercive measures such as forced de-registration and pressure to leave accommodation centres?
14. Please indicate whether full refugee status is given to the more than 2.000 refugees from Kosovo, predominantly Roma, Ashkali and Egyptian, and, if not, why not. Please comment on reports that there is no effective system of appeal for rejected refugee or asylum applicants, and that Roma applicants are significantly discriminated against in the refugee status determination process.

Right to a fair trial (art. 14)

15. Please provide information on the measures taken to fight corruption in the judiciary. Please also provide more detailed information on measures taken, and their effectiveness,

to address the substantial backlog of court cases (para. 296), reduce delays in court proceedings (paras. 2 and 297), and remedy the lack of court translators and interpreters for Albanian, Romani, Turkish and other local languages that may, under certain circumstances, be used in court proceedings (paras. 617 et seq.).

Freedom of religion (art. 18)

16. Please clarify the procedure for registration of religious communities in the new Law on Religious Communities and Religious Groups (para. 353) and, in particular, please explain the rationale behind the prohibition in articles 5 and 8 of the Law of more than one religious community within any confession.

Freedom of opinion and expression, incitement to racial hatred (arts. 19 and 20)

17. Please provide information with regard to allegations that journalists and publishers, who are critical of the Government, have been sentenced to prison terms for alleged terrorist activities or excessively fined under libel provisions in the State party in the recent past.

18. Please respond to allegations that only a small number of cases are prosecuted under articles 137 (injury to the equality of citizens), 319 (causing national, racial or religious hate, discord or intolerance) and 417 (racial or other discrimination) of the Criminal Code, and that sentences are frequently lenient. What has been the experience with the Code of Ethics of Journalists in combating hate speech in the media?

Right to take part in the conduct of public affairs (art. 25)

19. Please indicate whether the reported irregularities during the local elections in April 2005 (paras. 503-504), including unauthorized presence of public officials and political party members in polling stations, double or multiple voting, stuffing of ballot boxes, violations of secrecy of vote, absence of names from voting lists, irregular vote counts and voting protocols, inadequate translation of ballot papers into Albanian, inappropriate “assistance” of illiterate and disabled persons, and proxy voting on behalf of female family members in some ethnic communities, have been investigated by an independent body. Please also provide information on the number of persons who were found guilty of such acts, and on the types of sanctions imposed, as well as on measures taken to prevent the recurrence of such irregularities in the future.

20. Please indicate whether the application of article 3(a) of the Law on Civil Servants (2002), requiring an adequate and equitable representation of citizens belonging to all communities, and of the prohibition of discrimination in article 40 of the Law on the Courts (2003) has resulted in a more adequate representation of ethnic minorities, including the Roma and numerically smaller minorities, in senior positions in the Government, police, judiciary, and the public service (paras. 547 et seq.).

Right to be equal and equality before the law (arts. 2, 26)

21. What steps is the State party taking to issue all Roma applicants with personal documents in order to ensure their equal enjoyment of human rights, such as the right to vote, as well as equal access to social insurance, health care and other benefits?

Rights of persons belonging to minorities (art. 27)

22. Please provide information on any problems encountered in guaranteeing the right to use a minority language and its corresponding alphabet as an official language in local units of self-government where at least 20 percent of the population speak that particular language (para. 599). Are there any cases in which local authorities have exercised their discretion to use minority languages as an official language even below the 20 percent threshold (para. 599)?

23. Please provide more detailed information on the measures taken to enhance the opportunities for members of national minorities, including the Roma, to receive instruction in their language and on their culture at the primary and the secondary levels, subject to sufficient demand. In particular, what steps are being taken to monitor the quality of instruction in minority language schools and to ensure the adequate training of teachers instructing in minority languages or teaching Macedonian as a second language (paras. 660 et seq.)?

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

24. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the present report in all official languages. Please also provide information on the involvement of representatives of ethnic and minority groups and of civil society in the preparatory process.