



**International Convention on the  
Elimination of All Forms of Racial  
Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventieth session

SUMMARY RECORD OF THE 1799th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 27 February 2007, at 10 a.m.

Chairperson: Mr. de GOUTTES

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*The meeting was called to order at 10.10 a.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 6) *(continued)*

Fourth to seventh periodic reports of the former Yugoslav Republic of Macedonia  
(CERD/C/MKD/7) *(continued)*

1. *At the invitation of the Chairperson, the members of the Macedonian delegation took places at the Committee table.*

2. Ms. GELEVA (the former Yugoslav Republic of Macedonia) said that the participation of the Macedonian Government in the Roma Decade initiative (2005-2015), which concerned most Eastern European States, formed part of the measures taken by the Republic to speed up the Roma integration process. A steering committee for the Decade had been set up which had defined four priority areas of action: education, employment, health and housing. National action plans had been drawn up for that purpose by each of the countries, setting out concrete objectives and describing in detail activities to be carried out over the next 10 years. The National Strategy on Roma and a national action plan for that group had been adopted by the Macedonian Government in January 2005. The country was the only one in Eastern Europe to have adopted, for the Decade, a national action plan for the Roma.

3. With regard to the housing problems encountered by the Roma, she said that a national action plan for housing had been adopted, aimed in particular at establishing urban planning services in the Roma communities and building social housing for the most vulnerable groups. In 2005, the Government had given Roma the possibility of acquiring housing built illegally before 1998. The decentralization process undertaken should also make it easier to carry out the action plan for the Roma at the local level.

4. The efforts made to integrate the Roma into Macedonian society were not an attempt to assimilate that minority but were aimed merely at reducing the gap between the Roma and the rest of the population. The Macedonian Government had no intention of making the Roma give up their traditions, their culture or their language.

5. In response to questions on the Ashkali, she said that the members of that minority, which originated from Egypt, had settled in the Balkans at the time of Alexander the Great. Their mother tongue was Macedonian and, although they saw themselves as Egyptians, they often in private described themselves as Roma.

6. There were indeed differences between official statistics on the Roma, obtained by census, and NGO estimates. According to official figures, there were 54,000 Roma in the Republic, representing 2.67 per cent of the population, whereas according to NGOs, between 80,000 and 130,000 Roma lived in the country. The Government was not able to explain why a substantial number of Roma refused to acknowledge that they were members of that minority but considered that, on the whole, it was due to the fact that the Roma were unaware of the rights available to them under the Constitution.

7. The Government had made significant efforts to improve the situation of the Roma in the field of education. An education programme for them had been

developed in 2005 and a Roma education fund had been set up, with a budget of 1.5 million euros. That programme sought to encourage preschool education, strengthen education programmes for parents and facilitate access to secondary school and university scholarships.

8. Ms. KAMBERI (the former Yugoslav Republic of Macedonia) said that Egyptian refugees in Kosovo enjoyed a special status and the protection of the Office of the United Nations High Commissioner for Refugees. The official position of the Government was to allow them to remain in the country so long as their safe return was not guaranteed.

9. The question of ethnic identification in census operations had been highly politicized and had even led to some people calling into question the results of the last census organized in the Republic of Macedonia. Contrary to what had been alleged in some quarters, the Macedonian authorities did not exercise any pressure on citizens to induce them to declare their ethnic origins and were indeed willing to examine the reasons why a considerable number of persons refused to do so.

10. Ms. DEMIROVSKA (the former Yugoslav Republic of Macedonia) said that the current educational level of the Roma was not satisfactory. UNICEF studies had shown that, in 2000, 45 per cent of Roma women had been illiterate, as against 19 per cent of men, and that 30 per cent of women had not completed primary education, as against 20 per cent for men. The low school enrolment rate of Roma children was due to a poor command of Macedonian. The National Strategy on Roma and the national action plan for the Roma were among the measures that the Government had taken to address the problem of educational failure among Roma children and illiteracy among Roma parents. Compulsory courses to improve inter-ethnic understanding had also been introduced into the secondary school curriculum and teachers were required to undergo training on respect for cultures and measures to combat stereotypes and prejudice. She rejected the view that the measures taken for the education and integration of the Roma would lead to their assimilation; on the contrary, education helped to protect community identity.

11. Macedonian was the official language of education but some courses were also given in Albanian, Turkish or Serbian. In addition, minorities who so desired could request the inclusion of their mother tongue as an optional subject for their children at primary school. Lastly, at the request of a given language community and with the agreement of the Ministry of Education after study of the file, the entire curriculum could be taught in the language of the community in question.

12. Ms. KIKEREKOVA (the former Yugoslav Republic of Macedonia) said that, in accordance with the provisions of the European Convention on Human Rights and other relevant conventions ratified by her country, any person brought to court had the right to be informed immediately in their own language of the charges against them. That principle was enshrined in the 1996 amendment to the Macedonian Criminal Procedure Code. For further information on the laws adopted to give effect to the provisions of Amendment V to the Constitution concerning the use of community languages in court proceedings, namely, the laws amending the law on criminal procedure, the law on civil procedure and the law on administrative disputes, she referred Committee members to paragraphs 70 to 102 of the report.

13. Ms. GORGIEVA (the former Yugoslav Republic of Macedonia) said that the State party had included in its Criminal Code the new offence of crimes against

humanity, thereby meeting its obligations under the Rome Statute of the International Criminal Court, to which it was a party. The national courts could henceforth try the perpetrators of such crimes under the principle of universal jurisdiction.

14. Ms. KIKEREKOVA (the former Yugoslav Republic of Macedonia) said that her country was firmly resolved to implement the standards set out in the international instruments to which it was a party, including in the field of criminal law. It had accordingly acceded to the Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, adopted by the Council of Europe in 2003. In accordance with the provisions of article 6 of that Protocol, under which States were required to adopt such legislative measures as might be necessary to establish as criminal offences "distributing or otherwise making available, through a computer system to the public, material which denies, grossly minimizes, approves or justifies acts constituting genocide or crimes against humanity", the Republic of Macedonia had included such offences in its criminal law. The new provisions applied to anyone, regardless of nationality, who had committed such an offence in Macedonian territory but also to any person of Macedonian nationality guilty of such conduct abroad.

15. Ms. DONEVA (the former Yugoslav Republic of Macedonia) said that, according to the latest statistics, 94 per cent of those whose applications for asylum had been dismissed were Roma, Ashkali and Egyptians. They had been turned down because they had not met the criteria laid down in the relevant law, not because of ethnic origins.

16. A child born of a Macedonian parent and a foreign parent automatically acquired Macedonian nationality, unless the parents requested by common agreement that the child should take the nationality of the foreign parent. In cases where the foreign parent was living illegally in Macedonian territory, that in no way affected the status of the child, nor the child's right to request Macedonian nationality.

17. The Code of Police Ethics regulated the conduct required of law enforcement officers in the performance of their duties, which consisted in ensuring the security and protecting the lives of citizens. In the rare event of excessive use of force, the Ethics Code provided that the matter should be referred for investigation to the unit within the Ministry of the Interior responsible for combating reprehensible practices of every kind. If the unit found that the police officer had violated human rights in the performance of his duties, it referred the case to an internal oversight mechanism which then issued binding recommendations to the competent authorities within the Ministry of the Interior; they in turn took disciplinary measures against the offending officer.

18. The Balkans had always been a region marked by the presence of large numbers of weapons - hundreds of thousands according to some non-governmental organizations. The phenomenon had been further exacerbated by the crisis that had beset the region in the past decade. Several sets of measures to collect weapons had been adopted, by NATO in particular, before the national authorities had themselves taken over by adopting strict legislation in that field.

19. The Republic of Macedonia had not yet ratified the Optional Protocol to the Convention against Torture, which it had signed in September 2006, because the process of accession to the European Union was taking up a good deal of its time. However, it would not have signed if it had not intended to go on to ratify it.

20. In the *Khaled al-Masri* case, Parliament was currently thinking of setting up an independent commission to consider the matter more closely.

21. Relations among the various communities were harmonious and, even at the worst moment in the history of the country in 1991, the situation had not been as disastrous as the media and politicians had suggested. The various communities had been living together in the country for centuries on the most cordial terms.

22. In accordance with the Law on the Use of Flags, the fact that a minority flew a flag other than the Macedonian flag was regarded primarily as an expression of the ethnic specificity of the minority in question rather than an assertion of its national identity. Consequently, that posed no problem in the country.

23. Exit visas were a formality stipulated in the Law on Travel Documents which was applied only in emergency situations, particularly in the event of an epidemic, which was why the relevant provisions had never been implemented.

24. Although it could not be denied that, in some cases, the erection of religious buildings in the immediate vicinity of places of worship of other religious communities had been the subject of stormy debate, the words uttered in that that connection had never gone beyond certain limits and, generally speaking, the thin dividing line between freedom of expression and incitement to religious or racial hatred had never yet been crossed in the country.

25. Mr. BILALI (the former Yugoslav Republic of Macedonia) said that one of the milestones in the implementation of the Ohrid Framework Agreement had been the adoption, in January 2007, of a strategy to ensure the equitable representation of all communities within the civil service; that strategy formed part of the public policy measures taken to combat discrimination against ethnic minorities in the employment sector. It was clear, however, that, since 2002, only modest progress had been achieved in the matter of minority representation, due in particular to a lack of resources.

26. Ms. GELEVA (the former Yugoslav Republic of Macedonia) stressed that the Ohrid Framework Agreement was in three parts: the first concerned amendments to be made to the Constitution; the second covered changes to domestic legislation resulting from those amendments; and the third dealt with the measures to restore trust between communities. The content of the Framework Agreement was therefore not directly applicable by the courts, but it was applicable indirectly through being incorporated into the Constitution and domestic law.

27. In 2005, the Office of the Ombudsman had received four petitions concerning violations of minority rights, submitted respectively by two Albanians, one Bosniak and one person of unknown nationality. He had found that those rights had been violated in only one case and the institution concerned had taken measures to give effect to his recommendations. He had also received six complaints of discrimination in the broad sense and had found there to be a violation in two of those cases. However, the public authorities had not yet followed up on the Ombudsman's recommendations regarding those cases.

28. Mr. AMIR requested further information in the form of disaggregated statistics on the economic, employment and housing situation of minorities. Noting from the report that in 2002 there had been 674,015 Muslims in the State party, he wished to know what law was applicable to that community and, in particular, whether the principles of sharia law were incorporated into domestic law so that they could be relied on by members of that community. It would also be interesting to know whether some of the Supreme Court and appeal court judges were Muslim and, if so, whether their representation was proportional to the percentage of Muslims within the Macedonian population. Lastly, in its eighth periodic report, the State party might wish to provide details regarding the provisions of the Criminal Procedure Code, particularly concerning the indictment procedure, investigation, and the role of the police in the inquiry.

29. Mr. PROSPER asked why the issuance of identity papers to members of the Roma community was a problem in the State party and how the authorities intended to settle it.

30. Mr. LINDGREN ALVES, Country Rapporteur, said that, in his two visits to the State party, he had been struck by the considerable number of Roma street children in Skopje. According to people he had asked, most of them were from Kosovo and did not wish to return there. He wished to know what had become of those children and whether the Government had found a solution to that problem.

31. Mr. PILLAI, referring to the information provided in the written reply to question 10 on the list of issues, asked whether the 18 complaints for violation of article 137 of the Criminal Code were still pending. In the event of those complaints having been set aside, he wished to know why none of the persons charged had been convicted

32. The CHAIRPERSON, speaking as a member of the Committee, asked the delegation to say what official languages other than the Macedonian could be used in criminal proceedings and to give examples of the application of the Law on Religious Communities and Religious Groups.

33. Mr. ABOUL-NASR said that he took it that, according to the information provided by the delegation, there were Egyptians living in the State party; he found that surprising. Clarifications would therefore be appreciated. Furthermore, recalling that Islam was a religion, he asked the delegation to explain why it had used the term of race to refer to Muslims.

*The meeting was suspended at 12.10 p.m. and resumed at 12. 20 p.m.*

34. Ms. GELEVA (the former Yugoslav Republic of Macedonia) said that there had indeed been no convictions in the cases relating to article 4 of the Convention as the prosecutor had found there to be no tangible evidence to substantiate the complaints. The fact that no complaints had been filed for racial discrimination was due to a variety of factors, including the population's lack of awareness in regard to the question of discrimination and ignorance of its basic rights. The Republic of Macedonia had provided statistics disaggregated by ethnic or racial origin concerning employment and housing in its report to the Committee on Economic, Social and Cultural Rights (E/C.12/MKD/1); he asked interested members to refer to it. Moreover, that report dealt in detail with the situation of the Roma community. The Republic of Macedonia was a secular State where persons of many different denominations held very high-level posts. The Law on Religious Communities and

Religious Groups, which contained provisions to prevent discrimination against religious minorities in the Republic, had so far never been invoked before the courts. In addition to Macedonian, only Albanian could be used in court proceedings as it was spoken by at least 20 per cent of the population (provision of the Law amending the Law on Criminal Procedure). In reply to Mr. Aboul-Nasr, she said that some Macedonians defined themselves as Egyptians and described themselves as descendants of Alexander the Great.

35. Ms. DONEVA (the former Yugoslav Republic of Macedonia) said that the Roma were not victims of discrimination in her country and were encouraged to apply for Macedonian nationality. The provisions concerning the acquisition of nationality applied in the same way to all citizens, regardless of ethnic or racial origin. Clearly, specific practical problems did arise from time to time but the Ministry of the Interior did its best to settle them. Booklets issued in various languages (Serbian, Albanian, Turkish and Roma) described the procedure to be followed and the conditions to be met by those who wished to acquire Macedonian nationality.

36. Ms. KAMBERI (the former Yugoslav Republic of Macedonia ) said that her country was fully aware of the magnitude of the problem of street children and that the Ministry of Labour and Social Policy had established a special service to address the needs of street children on a priority basis. Under the revised Law on Social Protection, shelters had been provided for street children since 2004. In December 2005, 500 street children had been received into such shelters every day.

37. Mr. LINDGREN ALVES, Country Rapporteur, welcomed the dialogue established between the State party and the Committee and noted with satisfaction that the delegation had replied very frankly and precisely to the many questions of the experts.

*The meeting rose at 1 p.m.*