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Chairperson: Mr. Salvioli

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of the former Yugoslav Republic of Macedonia (CCPR/C/MKD/3; CCPR/C/MKD/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*
2. **Mr. Ristovski** (The former Yugoslav Republic of Macedonia) said that a Draft Law amending the Law on the Ombudsman was currently before Parliament. The amendments would strengthen the Ombudsman's role in preventing torture, enhance the Office's mandate with respect to the promotion and protection of human rights and ensure its financial independence, in line with the Paris Principles.
3. The Commission for Protection against Discrimination had received 12 complaints of discrimination involving hate speech on grounds of sexual orientation and had confirmed that discrimination had occurred in three of the cases. During the period from 2012 to 2014, persons belonging to the LGBT community had reported to the Ministry of the Interior six criminal offences allegedly involving arson against a facility owned by the lesbian, gay, bisexual and transgender (LGBT) community and damage to the offices of the Helsinki Committee for Human Rights. Two judgements had been handed down. Pursuant to the first judgement, 14 persons had been found guilty under article 385 of the Criminal Code of the crime of participation in a crowd that had committed a crime. Seven had been sentenced to imprisonment, and suspended sentences had been handed down against the others. The case was currently before the Skopje Appeal Court. Pursuant to the second judgement, one person had been found guilty under article 386 of the Criminal Code of the crime of violence and under article 155 of the crime of preventing or hindering a public gathering. The person had been sentenced to 7 months' imprisonment and had filed an appeal. A national network for the fight against homophobia and transphobia, consisting of 15 civil society organizations and informal groups, had been established.
4. In November 2014 the Commission for Protection against Discrimination had signed a Memorandum of Partnership with the Health Education and Research Association on implementation of the project "Fighting for the rights of the LGBT community" during the period from November 2014 to December 2015.
5. The Government had adopted a revised Strategy for the Roma for the period 2014–2020. The 12 Roma Information Centres offered counselling services, advice and logistic support to citizens in the fields of social protection, employment and health care and assistance in obtaining personal identification documents. Members of the Roma community benefited from the Self-Employment Programme, the Programme for Subsidized Employment, and other training and employment programmes.
6. Amendments to the Law on Equal Opportunities for Women and Men aimed at ensuring equality of opportunity at the national and local level had been adopted. The Government had adopted annual plans for the implementation of the Strategy for Gender Equality and the Strategy for Gender Responsive Budgeting. The Ministry of Labour and Social Policy had implemented the project entitled "Strengthening the capacities for integration of women from rural communities into the labour market with a focus on women from ethnic communities".
7. The Law on the Prevention of and Protection against Domestic Violence, adopted in September 2014, established a comprehensive and coordinated system of

activities aimed at combating domestic violence. Specially trained professionals provided victims with assistance and protection. The responsibility of perpetrators of domestic violence was more strictly defined. Social Work Centres were obliged to file criminal charges against a perpetrator who had not complied with a provisional protection measure ordered by a court. Integrated national policies were pursued in accordance with the National Strategy for the Prevention of and Protection against Domestic Violence. Four regional shelters for victims of domestic violence had been opened.

8. In March 2015 a preventive mechanism providing for the provisional or permanent seizure of service weapons in the official possession of authorized officers had been established by law. When officers perpetrated crimes or misdemeanours with elements of violence or were reported to have perpetrated acts of domestic violence, their weapons were seized. Social Work Centres had so far submitted 14 notifications to relevant institutions and at least one officer's firearm had been seized.

9. The Law on Termination of Pregnancy provided for compulsory counselling for women about the possible risks involved in terminating their pregnancy and the possible impact on their health. However, it recognized their right to free choice. Counselling offices had been opened at public health centres, the Guidelines on prenatal care had been revised, and a Centre for Human Reproduction had been established at the Skopje University Clinic for Gynaecology and Obstetrics.

10. The Ministry of the Interior had been taking vigorous action to promote a positive approach by the police towards all citizens regardless of their gender, race, skin colour, national or social origin, and political or religious convictions.

11. The Director of Enforcement of Sanctions had issued several decrees prohibiting the use of disciplinary cells in educational-correctional institutions. With a view to checking compliance with the decrees, a number of supervisory visits had been conducted to ensure that solitary confinement rooms were not in use. Members of the security sectors of educational-correctional institutions did not use truncheons.

12. A number of guidelines, procedures and protocols were applied to guarantee health, hygiene and safety conditions in detention facilities. All institutions had been applying 10 procedures and protocols since November 2011. In the area of health care, 12 instructions had been applied since February 2013 and 5 protocols had been applied since May 2014.

13. Amendments to the Constitution had been drafted with a view to strengthening the independence of the judiciary. It was proposed, for instance, that the Minister of Justice and the President of the Supreme Court should no longer be ex officio members of the Judicial Council and that the number of judges who were members of the Council should be increased. It was also proposed to enable the Constitutional Court to deliberate on appeals against decisions of the Judicial Council and the Council of Public Prosecutors concerning the election of judges and public prosecutors. A Law on the Fact-Finding Council and amendments to the Law on the Judicial Council had been adopted with a view to redefining the concept of disciplinary procedures against judges and clearly defining the different stages of the procedure.

14. Audiovisual equipment had been purchased for 19 Public Prosecutors' Offices to record hearings of indicted persons and witnesses during investigations. A Case Management System had also been established for the Offices.

15. As part of the comprehensive reform of the judicial system, the 2006 Law on Courts, as amended in 2008, introduced a national remedy for the protection of the right to trial within a reasonable time. When the Supreme Court found that the right

had been violated, it set a deadline for the court concerned. Just satisfaction was paid from the court budget within three months of the date of the Supreme Court decision. Articles 370 and 371 of the Code of Criminal Procedure also provided for an acceleration of the procedure.

16. The Office of the National Referral Mechanism cooperated and coordinated with trained social workers at Social Work Centres, labour inspectors, the Ministry of the Interior, the Unit for the Fight against Trafficking in Human Beings and NGOs with a view to affording protection for victims of trafficking in human beings.

17. Efforts to tackle the phenomenon of bogus asylum seekers had continued in 2014 with the same intensity. Measures taken in 2015 had led to 12 criminal charges against 21 persons.

18. The Law Amending the Law on Asylum and Temporary Protection had been adopted on 18 June 2015. Foreigners could express their intention to submit an asylum application at the border crossing point or within Macedonian territory to a police officer of the Ministry of Interior, who would refer them to the Asylum Section of the Reception Centre for Asylum Seekers within 72 hours. Applicants who were denied asylum could institute a dispute with the Administrative Court within 30 days of the date of receipt of the decision.

19. The Law on Primary Education prohibited discrimination on grounds of gender, race, skin colour, ethnic origin, social, political or religious affiliation, and social or property status. Article 11 prohibited political and religious activities in primary schools and displays of religious signs. The Law on Secondary Education also prohibited discrimination, religious education, and displays of political party and religious markings and signs.

20. The Law on Audio and Audiovisual Media Services adopted in December 2013 provided for the establishment of an Agency for Audio and Audiovisual Media Services as a regulatory body. A proposal by the Association of Journalists that the majority of members of the Broadcasting Council should be elected on the basis of proposals by the civil sector had been accepted. Amendments to the Law had therefore been adopted in January 2014.

21. The Law on Civil Liability for Defamation and Insult and the Law amending the Criminal Code had been adopted in November 2012. They decriminalized defamation and insult and most crimes against honour and reputation.

22. The Ministry of Labour and Social Policy had launched an action in 2011 in cooperation with the Ministry of the Interior and the Civil Registry Department to identify persons who had not been entered in the Register of Births. The Working Group established for the purpose had detected 536 people who needed to be provided with personal documents and included in the Register.

23. Social Work Centres were required under Family Law to take immediate steps to protect children's person, rights and interests whenever they had indications of abuse of parental rights or of gross negligence of parental responsibilities. Instigating children to be beggars and abusing children for begging were deemed to be abuse and gross negligence under the 2014 amendments to the Family Law.

24. A two-year "Inclusion of Roma Children in Preschool Education" project had been signed with the Roma Education Fund in September 2014. It provided for the inclusion of 635 children in the 2014/15 academic year. A strategic framework for the introduction of Roma education mediators had been adopted in 2014.

25. The State Election Commission updated the Voters List four times a year. In accordance with Article 48 of the Electoral Code, citizens could inspect the Voters List

throughout the year at local offices of the State Election Commission or at Macedonian diplomatic missions and consular posts abroad. The Working Group for Control of the Voters List had been established to build trust in the List. The controlled and revised Voters List, which was supported by all political parties, had been used for the first time in the 2013 local elections.

26. **Ms. Waterval** enquired about the procedure for becoming a member of the Office of the Ombudsman, the number of staff members and measures to ensure the Office's financial independence. She asked how many recommendations the Ombudsman had made to the authorities and whether they were being implemented. The Committee had been informed that the Office lacked multidisciplinary expertise. She invited the State party to respond to that allegation.

27. In February 2015 the main Macedonian opposition party had alleged that over 20,000 persons, including political figures, members of NGOs and journalists, had been subjected to communication surveillance by the country's security agency. The Government had not denied the existence of the wiretapping but had initially attributed it to a foreign intelligence service. The Committee had been informed that communications had been intercepted for more than four years. Pursuant to article 9 of the Law on monitoring communications, an order for monitoring for investigative purposes could be issued by a competent judge. According to article 260 of the Code of Criminal Procedure, such monitoring could continue for up to 14 months. Pursuant to articles 30, 31 and 33 of the Law on monitoring communications, a monitoring order for the protection of the security and defence of the State could be issued by a judge of the Supreme Court for a period of up to two years. As none of those conditions had been met, the wiretapping had constituted a violation of the right to privacy and had undermined freedom of expression. The United Nations Assistant Secretary-General for Human Rights, who had visited The former Yugoslav Republic of Macedonia in May 2015, had expressed deep concern and urged the authorities to undertake a prompt, comprehensive and impartial investigation. The Committee had also been informed that the leader of the opposition political party who had revealed the wiretapping had been charged with espionage and blackmailing of the Prime Minister. She requested the State party to provide additional information on the issue and on measures taken to investigate the allegations.

28. She was impressed by the action taken to tackle domestic violence, such as the enactment of legislation, the adoption of a National Strategy, measures at the national and local level to protect victims, and the opening of shelters. It was unclear how many shelters had been created, since the periodic report mentioned seven and the replies to the list of issues mentioned only four.

29. The Committee had been informed, however, that children were not properly treated in cases of domestic violence in families or of disagreements between parents. She enquired about the number of cases in which child protection had been demanded under such circumstances. According to paragraph 28 of the replies to the list of issues, 131 children and 722 women had been victims of domestic violence. She noted that young women aged between 16 and 18 could be legally married. However, if they had children and were victims of domestic violence, they could not be placed in shelters since they were considered to be unaccompanied minors. A large proportion of such victims were Roma women.

30. She requested data on the number of perpetrators of domestic violence and on rehabilitation programmes.

31. She also requested information on perpetrators of the crime of trafficking in persons. Victims of trafficking were accorded a wide range of services but, according

to the reply to question 12 of the list of issues, only eight victims had been identified in 2014. She asked whether the existing programmes and services had been evaluated.

32. **Ms. Jelić** said that consideration should be given to amending the Law on the Prevention of and Protection against Discrimination so as to explicitly ban discrimination on the basis of sexual orientation and gender identity.

33. She asked what steps had been taken to protect members of the LGBT community from discrimination and to raise awareness of their rights and of the role and competences of the Commission for the Protection against Discrimination. Information on the results of the implementation of the “Fighting for the rights of the LGBT community” project would be most welcome.

34. She asked for information on indicators relating to efforts to combat discrimination against the LGBT community, the status of a number of complaints of discrimination filed by its members between 2012 and 2014, the number of such cases reported and processed in total, the corresponding rulings, and State cooperation with NGOs working in the field of LGBT rights, including the National Network for the Fight against Homophobia and Transphobia.

35. She asked what affirmative action measures had been taken to improve Roma representation and participation in decision-making processes at all levels and requested information on the results of the “Strengthening the rights of socially disadvantaged groups in the Western Balkans” project.

36. She asked for additional information on the status of women’s integration into the labour force in the light of amendments to the Law on Equal Opportunities for Woman and Men, when those amendments had been adopted and whether any bylaws had been adopted based on the Law. Furthermore, what concrete steps been taken to promote gender equality and provide an effective mechanism to combat gender discrimination and how many complaints of gender discrimination had been filed to date?

37. Lastly, she asked what measures had been taken to address allegations that Roma women living in the municipality of Shuto Orizari had been deprived of access to gynaecological services.

38. **Mr. Iwasawa** asked how the introduction of mandatory filing of a written request for abortion services, mandatory counselling and a mandatory three-day waiting period prior to abortion under the 2013 Law on Termination of Pregnancy could be considered consistent with the recommendations contained in the World Health Organization (WHO) document “Safe abortion: technical and policy guidance for health systems”. What was the State party’s response to claims that the mandatory three-day waiting period constituted gender discrimination because it cast doubt on women’s capacity to make decisions relating to reproduction? He asked who was responsible for deciding whether the health or life of women seeking abortions was in imminent danger, whether those decisions were subject to effective oversight and whether allegations that the State had orchestrated a campaign stigmatizing abortion were true.

39. More information was required on the projects aimed at building trust between the Roma community and police and on the implementation of the guidelines, procedures and protocols on health and hygiene in penitentiary facilities referred to in the replies to the list of issues.

40. He asked what steps had been taken to improve conditions of detention, in line with the recommendations contained in the 2012 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2012) 38) report.

41. Lastly, he asked the State party to comment on allegations that penitentiary officials had been preventing detainees from filing complaints of ill-treatment.

42. **Mr. Muhumuza** asked for information on the use of solitary confinement, corporal punishment and the use of batons against minors in correctional facilities and on measures taken to prohibit such practices in all settings. He asked whether there was a law in place banning corporal punishment and, if so, under what circumstance, how it was being implemented and what the legal definition of corporal punishment was in the State party.

43. He asked for information on measures taken to ensure the independence of the judiciary. Given the importance of security of tenure for judges, he asked the State party to comment on recent changes to the membership of the Constitutional Court that had raised concerns about the body's independence and impartiality.

44. He asked the State party to respond to claims that accused persons often encountered obstacles when attempting to exercise the right to trial without undue delay, particularly in proceedings before first instance courts and public prosecutor's offices and that private individuals empowered by the State to assist in the execution of agreements and court decisions (known as "executors") illegally retained social aid. What measures had been taken to speed up proceedings before the Administrative Court and to improve communication between the judiciary and the administrative bodies concerned?

45. More information was required on steps taken to disseminate information on the Covenant, on the examination of the third periodic report and the Committee's concluding observations, on the provision of training on the Covenant and the Optional Protocol for public officials and on the involvement of representatives of ethnic and minority groups, civil society, NGOs and national human rights organizations (NHRIs) in the preparation of the periodic report.

46. **Mr. Politi** asked whether judges were recruited through a public competitive process in the State party, whether the Judicial Council was responsible for promoting judges, what the exact scope of the proposed measure of a constitutional complaint brought by individuals would be, how soon it would be introduced and whether it would replace or complement the existing constitutional right to request protection of rights and freedoms before the courts.

47. **The Chairperson** said that the State party should do more to promote the Optional Protocol among legal professionals.

48. **Sir Nigel Rodley** said that, in paragraph 40 of the replies to the list of issues, the State party had referred to disciplinary proceedings and criminal charges brought against a number of officers without stating the name of the institution concerned. He asked for clarification in that regard.

49. The branch of the Helsinki Committee for Human Rights operating in the State party had reported that it received over 50 complaints per year from detainees whose right to access to health care and legal counsel was not being respected. He asked how strong the corresponding supervisory measures were and whether sufficient resources had been made available to ensure effective enforcement of detainees' rights.

50. **Mr. Iwasawa** asked whether the Views of the United Nations treaty bodies could be implemented through the Inter-ministerial Commission for enforcement of judgements of the European Court of Human Rights. Lastly, he requested additional information on procedures in place for the implementation of the Views of the Committee under the Optional Protocol.

The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.

51. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the State party had implemented recommendation No. 7 from the second review cycle regarding compliance of the Office of the Ombudsman with the Paris Principles (CCPR/C/MKD/CO/2). The Law amending the Law on the Ombudsman, currently before Parliament, was designed to strengthen the capacities of the Ombudsman's Office in order to raise its accreditation status from B to A. Recruitment of the Ombudsman and the Ombudsman's deputies took place through a transparent process in the form of a public competition, announced in the case of the deputies three months before the end of the Ombudsman's mandate, whereby the candidates were considered and appointments made by the relevant parliamentary committee. The new Law defined the conditions for the termination of the Ombudsman's mandate on retirement or transfer to another public office. Staff in the Ombudsman's Office were recruited in line with the Law on Labour Relations and the Law on Administration. In accordance with the Paris Principles, the independence of the Office would be reinforced through the allocation of funding under a separate budgetary line and the participation of the Ombudsman in the design of the budget. Precise figures concerning the functioning of the Ombudsman's Office would be submitted to the Committee separately.

52. Quarterly reports were prepared on the implementation by State administrative bodies of the Ombudsman's recommendations. Information for the period 2012–2014 showing an implementation rate by ministries of over 90 per cent. The Office recruited professional staff from a number of fields to facilitate a multidisciplinary approach, served as a focal point for cooperation with NGOs, and worked closely with psychological and medical associations and forensic experts.

53. **Mr. Ritovski** (The former Yugoslav Republic of Macedonia) said that, where a State body neglected to implement a recommendation by the Ombudsman's Office, the Government would issue an order requiring it to comply with the Office's recommendation. The Ombudsman was able to participate in parliamentary sessions when the Office's budget was being debated.

54. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the State party had ratified the Optional Protocol to the International Covenant on Civil and Political Rights, including the right to individual petition. It promoted public awareness of the instrument by publishing details of the communications procedure under the Covenant and would welcome the secretariat's technical cooperation in that regard.

55. **Mr. Kasumi** (The former Yugoslav Republic of Macedonia), responding to question posed by Ms. Waterval, said that the Public Prosecutor's Office had instituted three proceedings relating to wiretapping. One case, involving five persons charged with obtaining unauthorized recordings of telephone conversations, had already resulted in the conviction of one person and the trial of four more was in progress. The other cases related to the content of telephone conversations published by a political party. Preliminary investigations were under way to gather evidence and determine whether any criminal activity had taken place.

56. **Ms. Geshkovska** (The former Yugoslav Republic of Macedonia) said that the Public Prosecutor's Office in Skopje had launched 29 investigations with respect to the content of the conversations in the wiretapping case. It was also requesting information from various institutions regarding irregularities and violations during the 2013 elections and had so far found that the Electoral Code had been breached by 32 persons. Furthermore, persons believed to have taken part in the telephone conversations referred to by the previous speaker had been asked to attend the Public Prosecutor's Office to respond to questions.

57. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that, under the Law on the Prevention of and Protection against Domestic Violence, a comprehensive system to prevent domestic violence and protect victims had been established. Under that system, all relevant stakeholders at national and local level, including institutions, officials and experts, were working to raise public awareness of the problem, increase the level of social responsibility and undertake urgent interventions to counter domestic violence and provide adequate and effective support to victims. Assistance to victims took the form of advice on relevant institutions, rights and procedures, support by social workers in following up the complaints procedure and a prohibition on the publication of their identity. Special protection was provided to older persons, those with psychosocial disabilities and child witnesses of domestic violence.

58. A protocol on cooperation between the relevant institutions and NGOs in preventing domestic violence and protecting victims would be finalized shortly. Preventive education programmes for perpetrators of domestic violence had also been launched with support from the World Health Organization and United Nations agencies. Four domestic abuse shelters had been set up together with two offices to provide counselling for underage married girls and implement court measures relating to domestic violence. 722 cases of gender-based violence and 131 cases of secondary violence involving children had been reported in 2014. Statistics for 2013 and 2014 showed a sharp rise in reported incidents of domestic violence.

59. **Ms. Stanchevska** (The former Yugoslav Republic of Macedonia) said that 22 men and 1 woman had been charged in 2014 in four cases involving the crime of trafficking in persons, which covered migrant smuggling, and 2 men had been indicted for child trafficking. In the same year, charges had been brought against eight police officers, two of them senior officials. The Ministry of Labour and Social Policy had a programme, implemented through various agencies and NGOs, for supporting the victims of trafficking and facilitating their reintegration in society. The National Commission for Combating Trafficking in Human Beings was responsible for monitoring application of the programme and for implementing the National Strategy for Combating Human Trafficking and Illegal Migration. In 2014, five persons had been admitted to the Centre for Victims of Trafficking in Human Beings, where they had received comprehensive support and training.

60. **Ms. Ivanova** (The former Yugoslav Republic of Macedonia) said that the Law on the Prevention of and Protection against Discrimination, aimed at preventing discrimination and protecting victims, had been assessed in 2013 and an action plan had been drawn up for its implementation. An analysis had been carried out to detect discriminatory educational practices based on ethnicity, gender and disability and further analyses would be undertaken to identify discrimination in access to housing, financial services, public places and social protection. The National Strategy on Equality and Non-Discrimination would be evaluated in 2015 and a follow-up strategy would be drafted for the ensuing four years.

61. With a view to enhancing the role of the Ministry of Labour and Social Policy in coordinating all anti-discrimination activities, meetings with relevant State institutions had been organized in 2014 to identify gaps and duplication of effort. The Ministry was also providing training on non-discrimination for government employees, with the assistance of the Office of the High Commissioner for Human Rights, and organizing workshops in support of the non-discrimination activities of state bodies. A website was to be designed listing legislation and other texts on non-discrimination and providing links to similar bodies in other countries. No amendments to the law were planned but the Ministry continued to undertake activities to ensure that existing non-discrimination legislation was properly implemented.

62. In November 2014, the Commission for Protection against Discrimination had signed a memorandum of understanding with the Health Education and Research Association on implementation of a project to enhance the rights of the LGBT community. Scheduled to run to December 2015, the project, which was designed to strengthen the capacities of the Commission to combat discrimination had been largely implemented.

63. **Ms. Geshkovska** (The former Yugoslav Republic of Macedonia), referring to two cases relating to the LGBT community, said that 14 persons had been found guilty in the first case, that the judgement had been appealed and that the guilty parties had twice failed to attend the appeal hearings as a group, as required by Appeal Court rules. In the second case, the person charged had been found guilty and had received a cumulative sentence of seven months. The sentence had been appealed and the case was pending.

64. Two other cases had been opened by the Prosecutor's Office: the first concerned arson attacks on an LGBT community in January and October 2013 and the other an attack on a coffee shop in 2014. In the arson case, the public prosecutor's office had not been able to identify the offenders. Investigations into the coffee shop attack were ongoing and international assistance had been sought concerning hate crime material published on social networks. Two other cases, involving accusations of racial hatred lodged by the Sexual and Health Rights of Marginalized Communities, had been dismissed by the public prosecutor's office in accordance with the new Law on Criminal Procedure. In one instance, no complaint had been filed, while in the other the case had been reopened by the Skopje Prosecutor's Office on the instruction of a higher instance Prosecution Authority.

65. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that the "Fighting for the rights of the LGBT community" project had been scheduled to close in June 2015, that it had been extended until the end of September because of its success and that discussions were under way with the German embassy to prolong it further until 2016. The project, aimed at strengthening the capacity of Roma NGOs and information centres, provided for visits to Roma communities by mobile medical and social work teams to offer advice and respond to questions, notably regarding the acquisition of identity documents. The Roma population in Macedonia was well represented in political bodies at local and national level in comparison with other States in the region.

66. **Mr. Kasumi** (The former Yugoslav Republic of Macedonia) said that in 2014 the proportion of ethnic communities employed in public administration was Macedonians 75.6 per cent, Albanians 18.4 per cent, Turks 1.8 per cent, Serbs 1.6 per cent, Roma people 1.2 per cent, Bosniaks 0.5 per cent and other ethnic groups 0.8 per cent. A special programme had been launched to boost equitable representation in the civil service.

67. **Mr. Ritovski** (The Former Yugoslav Republic of Macedonia) said that the bylaws relating to the bill on gender equality had already been adopted.

68. **Mr. Smokovski** (The former Yugoslav Republic of Macedonia) said that all citizens, including the Roma population, were fully integrated at all levels within the national health-care system. There were gynaecological and obstetric experts in some parts of the country at the primary level, and private physicians were contracted by health insurance companies at other levels. The Ministry of Health had opened four posts for gynaecological and obstetric specialists in Shuto Orizari, but no applications had so far been received despite the offer of incentives. A gynaecologist currently visited the Shuto Orizari area at least once a week, and Roma women identified by a

general physician as having gynaecological problems were referred to a specialist clinic in the same way as any other citizen.

69. The Law on Termination of Pregnancy, dating back to 1976, had been superseded. The new legislation adopted in 2013 provided for mandatory filing of a request for abortion services and compulsory counselling. While husbands were entitled to attend counselling sessions under the 1976 law, the 1993 text strengthened women's rights to free choice by omitting any reference to the spouse. Under the new law, the waiting period for consultations, not specified in the earlier law, was set at three days, making it one of the shortest in Europe. The new legislation was compliant with the Covenant and the WHO document on safe abortion.

70. Abortion was unrestricted in Macedonia and could be performed at any time for socioeconomic or personal reasons, even after the tenth week of gestation. The privacy of women was fully protected. Records on abortion were not recorded in the national electronic health-care database, but were archived separately. In October 2014, the Constitutional Court had ruled that, under Macedonian law, women had freedom of choice with regard to abortion. Possible danger to the mother's health in cases of pregnancy was assessed by a specialist. Contrary to the allegations made, the State party had not stigmatized abortion but had simply sponsored campaigns to increase the size of families. The Government's positive stance towards abortion was clearly evidenced by the new Law on Termination of Pregnancy.

71. **Ms. Gavrilovska** (The former Yugoslav Republic of Macedonia) said that reforms to the penitentiary system had focused on improving prison efficiency and the treatment of inmates, promoting the resettlement and successful reintegration of prisoners and improving the material conditions in detention facilities. Refurbishment projects were being implemented in four correctional facilities, funded by the national budget and the Council of Europe Development Bank; a new prison compatible with all relevant standards had been built at Kumanovo in 2013; work had begun in 2014 on increasing the capacity of Macedonia's largest prison at Idrizovo; construction of the juvenile correctional facility in Tetovo had commenced in 2014 and was expected to be completed in 2016; and funds had been allocated to improve the maximum security ward of the Skopje prison. In addition to material improvements, the Government was working on the establishment of an effective probation system, including through the introduction of electronic monitoring bracelets.

72. Guidelines, procedures and protocols on health and hygiene in penitentiary facilities had been introduced to ensure equal treatment for all prison inmates. In cooperation with the Office of the Ombudsman, letterboxes, including special letterboxes for complaints to the Directorate for Execution of Sanctions, had been installed in all prisons at locations accessible to inmates. Inspections carried out by the Directorate had not identified any instances of inmates being prevented from submitting complaints. The fact that the Directorate had received 71 complaints in 2013 and 75 in 2014 was evidence that the complaints system worked.

73. The 2006 Law on the Execution of Sanctions fully incorporated provisions in the Convention relating to corporal punishment, providing as it did for the prevention of torture, preservation of the psychological and physical integrity of inmates and respect for individual dignity and personal security. There was a special procedure for medical staff regarding the identification of signs of torture, instructions existed on the use of coercive methods by penitentiary staff, and solitary confinement for juveniles had been prohibited. The Government had adopted a strategy for the penitentiary system to be implemented from 2015 to 2017.

74. **Mr. Ritovski** (The former Yugoslav Republic of Macedonia) said that his country had an interministerial bureau specifically responsible for overseeing

implementation of judgements of the European Court of Human Rights. He agreed that a similar mechanism for overseeing implementation of the Committee's recommendations would be useful. Efforts had been made to reform the justice system, with particular regard to responsibility for disciplinary measures. There were also plans to improve electronic connections between the Administrative Court and governmental agencies to facilitate the exchange of documents.

75. **Mr. Samardjiski** (The former Yugoslav Republic of Macedonia) said that judges were elected to the judiciary through public competitions involving graduates of the Academy for Judges and Public Prosecutors. Promotions from lower to higher courts were made through a merit system based on candidates' marks throughout the year. The Judicial Council, 8 of whose 15 members belonged to the judiciary, had sole responsibility for the election and promotion of judges. The Administrative Court, which had encountered problems in the past, was now considered efficient and its backlog of cases had been significantly reduced in 2014.

The meeting rose at 6 p.m.