

# MACEDONIA

**Failures in the Former  
Yugoslav Republic: Impunity  
for war crimes and rendition;  
discrimination and limits on  
freedom of expression**

*Amnesty International  
Submission to the UN Universal  
Periodic Review, January –  
February 2014*

**AMNESTY  
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## INTRODUCTION

In this submission, prepared for the Universal Periodic Review (UPR) of the Former Yugoslav Republic of Macedonia (Macedonia) in January - February 2014, Amnesty International evaluates the implementation of a number of recommendations that Macedonia accepted during its previous review in 2009.

Amnesty International is concerned that Macedonia has failed to act on recommendations to fully implement the 2010 Anti-Discrimination Law and the Decade of Roma Inclusion Action Plans remain unimplemented.

Amnesty International further notes the lack of implementation in relation to European Union legislation on human and minority rights and that the Commission for Protection against Discrimination lacks competency.

Other concerns include the continued impunity for crimes under international law and other serious human rights violations, increasing curtailment of freedom of expression, discrimination against LGBTI people, and the failure to guarantee the rights of Roma.

The submission also sets out a number of recommendations for action by Macedonia to address the human rights concerns and gaps described below.

## FOLLOW UP TO THE PREVIOUS REVIEW

During the first UPR of Macedonia in May 2009, reviewing states made recommendations on a range of issues, including enforced disappearances,<sup>1</sup> discrimination,<sup>2</sup> including against LGBT persons<sup>3</sup> and Romani women and girls,<sup>4</sup> freedom of expression,<sup>5</sup> and the rule of law and the justice system.<sup>6</sup>

Since 2008, with respect to discrimination, an Anti-Discrimination Law was introduced in 2010; however, it fails to meet international standards, particularly with respect to the protection of LGBTI people, and is yet to be fully implemented.

Some positive measures have been taken to improve the rights of the Roma population. However, the government's lack of commitment to implement the Decade of Roma Inclusion Action Plans is lamentable. No progress has been made with respect to the rights of Romani women.

Despite the decriminalization of defamation in 2012, freedom of the media has been curtailed and remains under threat due to restrictive legislation and increasing political control.<sup>7</sup>

In the context of rule of law and the justice system, Amnesty International considers that the previous review did not adequately address the issue of impunity for crimes under international law, despite this being one of the outstanding human rights concerns in Macedonia. Only one recommendation related to this issue was made in 2009, which called on Macedonia to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>8</sup> Macedonia signed this in 2007, but has yet to ratify it.

## **NORMATIVE AND INSTITUTIONAL FRAMEWORK IN MACEDONIA**

During the process of accession to the European Union, Macedonia has embarked on a programme of legislative reform, including measures to enhance the rule of law and respect for human and minority rights. Much of the legislation relevant to the protection and promotion of human rights remains to be fully implemented.

Almost three years after the introduction of the 2010 Anti-Discrimination Law (ADL), measures to fully implement it have yet to be taken. The Commission for Protection against Discrimination, established to receive complaints of discrimination, is inadequately funded and continues to be criticized for its lack of competency, capacity and expertise. It has yet to adequately determine responsibility for discrimination, which denies some victims access to a remedy.<sup>9</sup>

## **PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

Macedonia has taken measures which have the potential to improve the protection and promotion of human rights. In practice, however, long-standing violations of international human rights and humanitarian law remain to be addressed.

### **IMPUNITY FOR CRIMES UNDER INTERNATIONAL LAW**

Macedonia continues to fail to address impunity for crimes under international law which took place during the internal armed conflict of 2001.<sup>10</sup> It has brought only a few of those suspected of criminal responsibility to trial, and has yet to provide its own citizens, be they Macedonian or Albanian, with access to justice and the right to reparation.

In 2008, the International Criminal Tribunal for the former Yugoslavia (ICTY) returned four war crime cases to Macedonia for prosecution.<sup>11</sup> In September 2008, proceedings were opened in the “Neprostenko case”, but were subject to protracted delays. By 2009, investigations were reportedly being conducted into at least two of the remaining cases. However, in July 2011, the Macedonian parliament adopted an “authentic opinion” on the 2002 Amnesty Law, as part of a post-election deal between the Macedonian and ethnic Albanian parties in the governing coalition. The decision was inconsistent with international law and Macedonia’s international obligations and terminated the investigation and prosecution of the ICTY cases. This episode has raised serious questions about interference by the executive in the independence of the Office of the Prosecutor.

Macedonia’s international obligations are to thoroughly and impartially investigate all cases returned from the ICTY and, if there is sufficient admissible evidence, to ensure that all those allegedly responsible for violations of international humanitarian law are brought to justice. The ICTY Rules of Procedure and Evidence sets out that the authorities of the state where the accused has been handed over must “refer the case

to the appropriate court for trial within that state”.

The parliamentary decision has also denied survivors and victims of those crimes access to justice and reparation, as provided under international law.<sup>12</sup> Among them are the relatives of six ethnic Albanian victims of enforced disappearance by the Macedonian authorities in 2001 and the relatives of 13 ethnic Macedonians and one Bulgarian, abducted by the National Liberation Army.<sup>13</sup>

With respect to missing persons, the European Court of Human Rights has ruled that a state’s continued failure to investigate cases of persons missing following a military intervention amounts to a continuing violation of the prohibition against torture and other ill-treatment, set out in Article 3 of the European Convention of Human Rights and Fundamental Freedoms. The Court has stated that “the silence of the authorities of the respondent State in the face of the real concerns of the relatives of the missing persons attained a level of severity which can only be categorized as inhuman treatment within the meaning of Article 3”.<sup>14</sup>

In October 2012, the Macedonian Constitutional Court refused to even consider a complaint, submitted by relatives of abducted Macedonians, on the legality of the “authentic opinion”. Reportedly, only one member of the judicial panel stated that the 2011 parliamentary decision had violated international law and conventions to which Macedonia is a party. The relatives had requested that the Court determine whether the state had the right to close proceedings in the “Neprosteni” case. They argued that Parliament’s decision was a breach of international law, under which there is no statute of limitations for such violations.<sup>15</sup>

Macedonia has failed in its duties to promptly initiate independent, impartial and thorough investigations into these alleged enforced disappearances and abductions.<sup>16</sup>

## **IMPUNITY FOR SERIOUS HUMAN RIGHTS VIOLATIONS**

The authorities have so far failed to discharge their obligations in the case of German national Khaled el Masri, following a decision on 13 December 2012 by the Grand Chamber of the European Court of Human Rights.<sup>17</sup> The Court held that Macedonia was responsible for the unlawful detention, enforced disappearance, torture and other ill-treatment of Khaled el-Masri, and for his transfer out of Macedonia to locations where he suffered further serious violations of his human rights. The Court also held that Macedonia had not satisfied its obligation to carry out an effective investigation and had denied el-Masri the “right to truth” about the violations he suffered.

In March 2013, the Council of Europe Committee of Ministers assigned the monitoring of the execution of the el-Masri judgment to its enhanced procedure, due to what the Committee labeled a “complex problem” in implementing the judgment.<sup>18</sup> The Committee of Ministers is awaiting information from the government on the measures taken or envisaged to accelerate the civil proceedings pending before the Skopje Court of First Instance and on the re-opening of the investigation into the applicant’s allegations of his ill-treatment and arbitrary detention. An action plan is expected.<sup>19</sup>

## **FREEDOM OF EXPRESSION**

Serious concerns have arisen since 2009 with respect to freedom of the media.<sup>20</sup> Over the past four years, more than seven independent media outlets have ceased publishing or broadcasting due to a combination of the revocation of broadcast licenses, apparently political prosecutions, and the legacy of defamation fines.<sup>21</sup> The

oldest political weekly magazine Fokus was closed after the death of its owner in March 2013, owing around €100,000 in defamation claims. Other independent or opposition media have found it impossible to attract advertising revenue; by contrast, lucrative government-funded advertising campaigns have been awarded to media supportive of the government.

In 2011, the revocation of licences of some television channels by the Broadcasting Council, which aimed to address the concentration of ownership and conflicts of interest, were perceived as lacking transparency and impartiality.

In November 2012, a Law on Liability for Insult and Defamation was adopted, which aims to decriminalize defamation. Although it had been agreed with the Journalists' Association, some journalists and media workers criticized the punitive penalties, which they feared would lead to media self-censorship.<sup>22</sup> Another law adopted in November 2012 empowers the Minister of Foreign Affairs to control the accreditation of foreign journalists.<sup>23</sup> By April 2013, some 60 civil suits had been opened, while some journalists had avoided fines by issuing public apologies.

In June 2013, Tomislav Kezarovski, an investigative journalist at the daily Nova Makedonija, was detained for 30 days in relation to an article written in 2008 for another magazine in which he revealed the identity of a witness in a murder case. The OSCE Mission in Skopje condemned the arrest: "The detention of Mr. Kezarovski sends a negative signal about the state of media freedom in the country. Journalists must be allowed to carry out investigative reporting of issues in the public interest free from the threat of imprisonment and without being forced to reveal their sources."<sup>24</sup>

The draft 2013 Law on Media and Audiovisual Media Service has been opposed by journalists and media workers who fear that the regulatory body envisaged (with six of its seven members elected by local and national government) is neither transparent and nor accountable, yet empowered to impose heavy fines and could potentially be used as a tool for censorship. Independent commentators viewed the single regulatory body for broadcasting, print and internet media as contrary to EU standards, and potentially subject to political control.<sup>25</sup> According to the OSCE, "The section on programme and expert monitoring risks having a chilling effect on broadcasters".<sup>26</sup>

## DISCRIMINATION

Macedonia has failed to protect its citizens from discrimination, including on the basis of gender, race and ethnicity. The government increasingly discriminates in employment on the basis of party affiliation.<sup>27</sup>

Although the 2009 draft Anti-Discrimination Law prohibited discrimination on the grounds of sexual orientation, the law, when adopted in 2010, fails to include such provisions.<sup>28</sup> Despite local and international criticism, including by the EU and UN treaty bodies, the government has refused to amend the law.<sup>29</sup>

Repeated attacks by the media, government officials and non-state actors against the LGBTI community underscore the urgent need for protection in law against any forms of discrimination on the grounds of sexual orientation or gender identity. In a positive development, NGOs have started to draft a law on hate crimes against the LGBTI population.

Some illustrative cases include:

- The stoning on 24 October 2012, by masked perpetrators, of the office of the newly established *Support Centre for the LGBTI Community* in Skopje. In March 2013, the building was again stoned during demonstrations;
- An attack on two LGBTI activists preparing for the “Tolerance Day” March on 17 November 2012;
- A physical attack on activists from the NGO *LGBT United* in Bitola on 20 April 2013, followed by further threats on social media;<sup>30</sup>
- Opposition in October 2012 by the Minister for Labour and Social Affairs – who is responsible for ensuring protection from discrimination -- to equal marriage for LGBTI people, during a UNICEF conference, broadcast on national television, and on his Facebook page;
- President Gruevski’s public criticism, in October 2012, of calls for marriage equality, linking it to falling birth rates;
- The naming of journalists suspected to be gay – placing both their lives and careers at risk – in the daily newspaper *Večer* on 1 February 2013, with the headline: “Are there any homosexuals among journalists?”

## ROMA AND ROMANI WOMEN

The majority of measures set out in the revised National Action Plan for the Decade of Roma Inclusion (which ends in 2015) are yet to be implemented.<sup>31</sup> Positive developments, including the extension of pre-school education to Roma children, the provision of text books in primary education, and scholarships at secondary level, are in the main funded by external donors. Meanwhile the Ombudsperson and the Macedonian Helsinki Committee continue to report discrimination against Romani children in education.

Continued discrimination in employment was highlighted in March 2013 when Skopje City Mall instructed its cleaning contract agency to dismiss all its Roma employees following a spate of alleged thefts. Although the company refused, no criminal investigation was conducted into the thefts, and non-Roma workers were not targeted for dismissal.

With regard to the right to adequate housing, the OSCE has recently taken over the development and implementation of government policy to improve social housing. Meanwhile, the NGO, National Roma Centre, based in Kumanovo, is the main actor involved in assisting Roma to acquire the documentation required to legalize their property under provisions of the 2011 law on the legalization of property.

The Ministry of Health appears to have made progress in extending access to basic health-care for Roma. However, recent reforms aimed at enhancing Romani women’s access to health, including free medical treatment in pregnancy and child-birth, have often not been implemented and, according to local NGOs, Romani women have not been made fully aware of these rights.<sup>32</sup>

One indicator of the lack of progress by Macedonia in guaranteeing social and economic rights of Roma is seen in the numbers of Roma who have tried to leave the country since the liberalization of visa arrangements with the EU. In 2012, at least 9,410 Macedonian citizens, the majority of them Roma, applied for asylum in EU

member states, despite the adoption of increasingly repressive measures to prevent them from exercising their right to freedom of movement, including by marking the passports of suspected “bogus asylum seekers” or those deported from EU countries, to prevent them from leaving the country again.

In February 2013, the UN Committee on the Elimination of Discrimination against Women considered the periodic report of Macedonia and found that the government had failed to take temporary special measures, recommended by the Committee in 2006 to address the rights of Romani women and girls, including the double discrimination they face in gaining access to both civil and political rights, and economic, social and cultural rights.<sup>33</sup>

## RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

### **Amnesty International calls on the government Macedonia:**

#### *National human rights framework*

- To take measures to implement fully and without further delay the 2010 Anti-Discrimination Law, including by integrating the protection of LGBTI people, introducing additional enabling legislation and promoting the law.

#### *Impunity for war crimes*

- To re-open investigations and prosecutions in all cases of crimes under international law returned from the ICTY, and to bring perpetrators to justice in proceedings conducted in accordance with international standards for fair trial, and with respect for the provisions of international humanitarian law;
- To ensure that victims of crimes under international law, including relatives of the missing, are guaranteed access to justice, truth and reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it into national law.<sup>34</sup>

#### *Freedom of expression*

- To guarantee freedom of expression without discrimination, including through the amendment of legislation which threatens media freedoms;
- To refrain from introducing legislation which potentially further limits media freedom and instead to encourage and ensure pluralism in the media;
- To ensure that the civil defamation law is not used with the purpose or effect of inhibiting legitimate criticism of the government.

#### *Discrimination: LGBTI*

- To open prompt, impartial and effective investigations into attacks on the lives or property of LGBTI individuals or organizations. Any alleged homophobic or transphobic hate motive should be thoroughly investigated and all those



against whom sufficient admissible evidence exists should be brought to trial in fair proceedings;

- To amend anti-discrimination legislation to include sexual orientation and gender identity as specific grounds for discrimination;
- To introduce without further delay and in consultation with LGBT organizations, legislation prohibiting hate crime, specifically including hate crimes based on sexual orientation and gender identity, as well as ethnicity, race, gender and other grounds recognized in international standards.

*Discrimination: Roma*

- To initiate an audit of the Decade of Roma Inclusion Action Plans, identifying measures taken (with statistical information, aggregated by gender, on beneficiaries) and measures outstanding, and to set out, with budgetary commitments and realistic timescales, an action plan for their implementation;
- To implement in full CEDAW's 2013 recommendations, including with respect to temporary special measures to address the rights of ethnic minority women, and to "Implement and expeditiously allocate adequate financial resources to national action plans and strategies aimed at eliminating all forms of discrimination against Roma women".<sup>35</sup>

## ENDNOTES

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review of Macedonia*, A/HRC/12/15, recommendation 77.2 (Croatia, Argentina, France), as accepted by The Former Yugoslav Republic of Macedonia.

<sup>2</sup> A/HRC/12/15, recommendation 77.13 (Czech Republic, Croatia, Albania, Canada).

<sup>3</sup> A/HRC/12/15, recommendation 77.18 (Denmark).

<sup>4</sup> A/HRC/12/15, recommendation 77.16, including to “step up efforts to ensure access to education, health, employment and participation in political public life for women, in particular rural and ethnic minority women” (Norway, Malaysia)

<sup>5</sup> A/HRC/12/15, recommendation “Adopt all necessary measures to ensure freedom of expression and to prevent any interference with press freedoms (Switzerland)”.

<sup>6</sup> A/HRC/12/15, recommendation 77.26, “Consolidate the independence and overall capacity of the judicial system” (Slovenia).

<sup>7</sup> As reflected in the news release issued on 21 June 2013, by the UN Special Rapporteur on the rights to freedom of opinion and expression, on the conclusion of his visit to Macedonia, <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=13479&LangID=E>

<sup>8</sup> A/HRC/12/15, recommendation 77.2, “Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Croatia, Argentina) and accept the competence of the Committee on Enforced Disappearance (Argentina); ratify CED as soon as possible (France)”, There was no specific response in relation to enforced disappearance, however in the introduction of the Addendum (A/HRC/12/15/Add.1) FYR Macedonia states; para.1; “*the recommendations are not commented herewith, but are fully acceptable*”. This can be taken to mean that Macedonia does accept this recommendation, if in a very general sense.

<sup>9</sup> The Commission for Discrimination was heavily criticized in April 2013 by the NGO Coalition for Protection from Discrimination, [http://www.mhc.org.mk/system/uploads/redactor\\_assets/documents/347/Soopshtenie\\_do\\_javnost\\_-\\_29\\_april\\_MK-FINAL.pdf](http://www.mhc.org.mk/system/uploads/redactor_assets/documents/347/Soopshtenie_do_javnost_-_29_april_MK-FINAL.pdf)

<sup>10</sup> See statement by Council of Europe Commissioner for Human Rights, Nils Muižnieks, following his mission to Macedonia in November 2012, “The question of accountability for gross human rights violations committed during the 2001 conflict must be resolved and the fate of those who are still missing must be clarified”. The Commissioner’s concerns were subsequently elaborated in his April 2013 report. 4<sup>th</sup> Quarterly Activity Report, 2012, Nils Muižnieks, Commissioner for Human Rights, 1 October to 31 December 2012, CommDH(2013)2, 5 February 2013; Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to “the former Yugoslav Republic of Macedonia”, from 26 to 29 November 2012, 9 April 2013, CommDH(2013)4, [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2013\)4&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2013)4&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679)

<sup>11</sup> The cases are: “NLA leadership”, “Mavrovo Road Workers”, “Lipkovo Water Reserve” and “Neprošteno”.

<sup>12</sup> The right to reparation is clarified in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles), which were adopted by UN General Assembly resolution 60/147 of 16 December 2005. The five forms of reparation - restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition - are set out in Articles 19-23. Article 11 of the UN Basic Principles states that: “Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered,

and (c) Access to relevant information concerning violations and reparation mechanisms”.

<sup>13</sup> Article 24.1 “For the purposes of this Convention, “victim” means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance”, International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>14</sup> Cyprus v Turkey, paras. 136 and 156-158. The Human Rights Committee has recognized that the “anguish and stress” suffered by a family member of a victim of enforced disappearance can amount to a violation of Article 7 of the ICCPR torture, inhuman or degrading treatment. Quinteros v. Uruguay (107/1981), Report of the Human Rights Committee.

<sup>15</sup> See, for example, Rule 160, study by the ICRC on Customary International Humanitarian Law, Cambridge University Press (“Statutes of limitation may not apply to war crimes”).

<sup>16</sup> These duties arise, *inter alia*, under Articles 2, 6, 7 and 9 of the ICCPR and Article 13, 2, 3 and 5 of the ECHR, Cyprus v Turkey (Judgment of the European Court of Human Rights (10 May 2001) at para 147; Cicek v Turkey, Judgment of the European Court of Human Rights (27 February 2001) at para 164. See Articles 12 and 3 of the International Convention on the Protection of All Persons from Enforced Disappearance.

<sup>17</sup> On 31 December 2003, the Macedonian authorities arrested El-Masri, who is of Lebanese descent, after he entered Macedonia from Serbia. They held him incommunicado, subjecting him to enforced disappearance, repeated interrogations and to ill-treatment, until 23 January 2004 when they handed him over to Central Intelligence Agency (CIA) operatives. As part of the covert, US-led rendition and secret detention programmes, the CIA transferred El-Masri to a secret detention facility in Afghanistan, where he was held in secret. He was not charged with any crime, his detention was not subject to judicial review, and he did not have access to a lawyer. El-Masri’s whereabouts were not acknowledged and he was held incommunicado. As a result he was subjected to enforced disappearance in Afghanistan for over four months. While in secret detention there, he was subjected to torture and other ill-treatment. On 28 May 2004, El-Masri was put on a plane and flown to Albania where he was released. Grand Chamber judgment El-Masri v. The former Yugoslav Republic of Macedonia 13.12.12 <http://hudoc.echr.coe.int/sites/press/pages/search.aspx?i=003-4196815-4975517>

<sup>18</sup>

<https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH%282013%291164&Language=lanEnglish&Ver=point1.2&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

<sup>19</sup> [http://www.coe.int/t/dghl/monitoring/execution/reports/pendingcases\\_EN.asp?CaseTitleOrNumber=&StateCode=MKD&SectionCode=](http://www.coe.int/t/dghl/monitoring/execution/reports/pendingcases_EN.asp?CaseTitleOrNumber=&StateCode=MKD&SectionCode=)

<sup>20</sup> Reporters without Borders 2013 World Media Freedom Index ranked Macedonia 116th out of 179 countries.

<sup>21</sup> Including, for example, A1TV, and the newspapers *Vreme*, *Koha e Re* and *Špic* in July 2011; A2TV in June 2012; Gragjanski in February 2013 and Fokus in March 2013. Individual journalists also allege that they have been dismissed for their trade union activities, (including from *AlsatTV* and *Utrinski Vesnik*, whilst others have been sacked following change in editorial policy after the sale of independent media to new ownership, see for example, <http://www.balkaninsight.com/en/article/macedonian-journalist-hands-back-his-awards-in-protest>

<sup>22</sup> The law envisaged penalties of up to €2,000 per author, and further fines of €10,000 for editors-in-charge and €15,000 for media company owners.

<sup>23</sup> Law on Foreign Press Materials, Foreign Movies and Foreign Information Activity, adopted November 2012.

<sup>24</sup> “Detention of Macedonian journalist excessive, says OSCE media freedom representative”, <http://www.osce.org/fom/102198>

<sup>25</sup> Peter Noorlander, *Macedonia – Law on Media and Audiovisual Media Services*, <http://www.znm.org.mk/drupal-7.7/en/node/612>

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<sup>26</sup> For the OSCE's full analysis, see Dr. Katrin Nyman-Metcalf. *Legal Analysis of the draft Law on Media and Audiovisual Media Services of the former Yugoslav Republic of Macedonia*, May 2013, <http://www.osce.org/fom/102135>

<sup>27</sup> See, for example, in 2011, <http://www.balkaninsight.com/en/article/political-discrimination-on-the-rise-in-macedonia>; Amnesty International personal communication with S.P., May 2013.

<sup>28</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/118/28/PDF/G1011828.pdf?OpenElement>, para 601.

<sup>29</sup> On 1 March 2013, the Committee for the Elimination of Discrimination against Women in their review of Macedonia's implementation of the Convention on the Elimination of all forms of Discrimination against Women, expressed concerns at the "failure of the State Party to explicitly prohibit discrimination on the grounds of sexual orientation and gender identity following its pledge to do so at the last Universal Periodic Review in 2009 (A/HRC/12/15, para 46)". The Committee referred to Macedonia's response to the previous UPR, which had stated "Sexual orientation will be included as grounds for protection against discrimination." <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/139/80/PDF/G0913980.pdf?OpenElement> The Committee called on Macedonia "to amend national gender equality and anti-discrimination laws in order to explicitly prohibit all forms of discrimination against women, in all areas covered by the Convention, in accordance with its pledge to do so at the Universal Periodic Review in 2009", *Concluding observations on the combined fourth and fifth periodic reports of The former Yugoslav Republic of Macedonia adopted by the Committee at its fifty fourth session (11 February – 1 March 2013)*, paras. 10-11. <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.MKD.CO.4-5.pdf>. See also, [http://www.mhc.org.mk/system/uploads/redactor\\_assets/documents/368/Shadow\\_report\\_EN.pdf](http://www.mhc.org.mk/system/uploads/redactor_assets/documents/368/Shadow_report_EN.pdf)

<sup>30</sup> <http://oneworldsee.org/content/organizers-march-tolerance-attacked-skopje>; Macedonia must prevent homophobic attacks, <http://www.amnesty.org/en/library/asset/EUR65/002/2013/en/80fd552e-1598-4d52-8e53-d7042a7ac558/eur650022013en.html>

<sup>31</sup> For a comprehensive assessment, see *Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Macedonia*, June 2013, [http://www.romadecade.org/cms/upload/file/9270\\_file10\\_mc\\_civil-society-monitoring-report\\_en.pdf](http://www.romadecade.org/cms/upload/file/9270_file10_mc_civil-society-monitoring-report_en.pdf)

<sup>32</sup> In December 2012, the Open Society Foundation announced a series of externally funded projects, to be delivered by domestic NGOs, to address Romani women's rights to health including in Macedonia and other states which had made "poor progress on health within the framework of the Decade".

<sup>33</sup> A/HRC/12/15, recommendation 77.2 (Croatia, Argentina, France), as accepted by The Former Yugoslav Republic of Macedonia during the Human Rights Council's adoption of the outcome of the UPR on The Former Yugoslav Republic of Macedonia at its twelfth session in February 2010. The Committee in part based their decision on a detailed analysis by the Roma Centre of Skopje of the government's record in their implementing the National Action Plan (NAP) for Romani Women 2008-2010, and the lack of progress (up to January 2013) in implementing the NAP for 2011-2103, see [http://www2.ohchr.org/English/bodies/cedaw/docs/ngos/RomaCenterSkopje\\_ForTheSession.pdf](http://www2.ohchr.org/English/bodies/cedaw/docs/ngos/RomaCenterSkopje_ForTheSession.pdf) See also, *Macedonia: Special Measures for Romani women and Girls*, <http://amnesty.org/en/library/asset/EUR65/001/2013/en/926ae10f-b2cf-4b7b-a730-1c52798f386c/eur650012013en.pdf>

<sup>34</sup> As recommended in Amnesty International: "No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance", (IOR 51/006/2011).

<sup>35</sup> Para 38 (a), CEDAW, Concluding Observations.

# ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>1</sup>

*Macedonia: Escalation in anti-LGBTI attacks in Macedonia* (AI Index: EUR 56/001/2013), 12 July 2013

*Macedonia must prevent homophobic attacks* (AI Index: EUR 65/002/2013), 23 April 2013

*Submission to the Steering Committee for Human Rights of the Council Of Europe: The Implementation of Recommendation CM/Rec (2010) 5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity* (AI Index: IOR 61/003/2013), 20 February 2013

*Macedonia: Special measures for Romani women and girls* (AI Index: EUR 65/001/2013), 22 January 2013

*Historic ruling on European country's involvement in US-led rendition programme*, (AI Index: IOR 61/013/2012), 17 December 2012

*Macedonia: Government must protect LGBTI people from discrimination* (AI Index: EUR 65/003/2012), 26 October 2012

*Balkans: The right to know: Families still left in the dark in the Balkans* (AI Index: EUR 05/001/2012), 20 August 2012

*European Court of Human Rights hears key case concerning European complicity in the US-led secret detentions and renditions programme* (AI Index: EUR 65/002/2012), 16 May 2012

*Macedonia: Written submissions on behalf of Amnesty International and the International Commission of Jurists regarding El-Masri v "The Former Yugoslav Republic of Macedonia"* (AI Index: EUR 65/001/2012), 16 May 2012

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<sup>1</sup> All of these documents are available on Amnesty International's website:  
<http://www.amnesty.org/en/region/Macedonia>

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