

QUESTIONS PUT BY THE RAPPOREUR IN CONNECTION WITH THE  
CONSIDERATION OF THE 4<sup>th</sup> TO 7<sup>th</sup> PERIODIC REPORTS OF

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

**(CERD/C/MKD/7)**

**Population**

1. Please indicate the number and nationality of asylum-seekers who applied for refugee status during the last five years, and the number of accepted applications. Please also provide statistics, to the extent possible, on rejected applications, disaggregated by grounds for rejection, country of origin, age and sex.

**Status of the Convention in domestic law**

2. According to Article 98 of the Constitution, courts in The Former Yugoslav Republic of Macedonia can directly apply the provisions of any international convention previously ratified by the Parliament. Please provide concrete examples of such occurrences, if any.

**Definition of racial discrimination**

3. Article 9 of the Constitution defines non-discrimination in general. Does a definition of racial discrimination exist in domestic law? If so, is it in keeping with the definition contained in article 1 of the Convention?
4. Please provide information on the extent to which the general prohibition of discrimination contained in Article 9 of the Constitution and other constitutional guarantees apply to non-citizens. (Paragraph 12 of the State party's report; paragraphs 20-43 of the Core Document)

**Article 2**

5. Does the State party intend to adopt a general anti-discrimination law aimed to give effect more specifically to the provisions of article 2, paragraph 1, of the Convention? (Paragraphs 14-45 of the State party's report)
6. Please indicate which follow-up measures, if any, relevant public institutions have adopted to implement the requests and recommendations made by the Ombudsman. (Paragraphs 42-43 of the State party's report)
7. Please provide concrete examples of the work carried out by the Committee for Inter-community Relations established under Article 78 of the Constitution to

promote dialogue and understanding between persons belonging to the different communities. (Paragraph 45 of the State party's report) Are there municipalities where the municipal commissions for inter-community relations, referred to in paragraph 46 of the report, have already been established? What do they deliberate upon? Please give concrete examples.

8. Please provide concrete information on progress made, and obstacles encountered, in developing and implementing the National Strategy on Roma and the National Action Plan conceived in accordance with the "Roma Decade" initiative. (Paragraphs 47-50 of the State party's report)
9. Does the State party envisage ratification of the 1961 Convention on the Reduction of Statelessness?

#### **Article 4**

10. Please provide detailed information on the number of prosecutions and convictions, and on the sanctions imposed, under Articles 137, 138, 319 and 417 of the Criminal Code for incitement to racial or inter-ethnic hatred and discrimination. (Paragraphs 58-65 of the State party's report)
11. Please provide information on the measures and mechanisms put in place, if any, to prohibit and punish hate speech crimes committed through the media.

#### **Article 5**

12. Please provide detailed information on the implementation of the legislation concerning the use of "non-majority" languages in civil, criminal and administrative proceedings. Please also indicate which measures the State party has adopted to inform participants in legal proceedings about the right to use their mother tongue and to be assisted by an interpreter at all stages of the proceedings. (Paragraphs 71-104 of the State party's report)
13. Please indicate the number and nationality of foreign nationals who applied for citizenship since the adoption of the amended Law on Citizenship, and the efforts made to disseminate information on procedures for obtaining citizenship to those individuals who would qualify, including stateless persons and Roma communities. (Paragraphs 144-150 of the State party's report)
14. According to reports received, a majority of Roma live in informal settlements often lacking basic infrastructure and services and constantly exposed to the threat of eviction. Please clarify – confirm, deny or explain - these allegations. Please also provide detailed information on the measures the State party has adopted, or intends to adopt, in order to improve the housing situation of Roma and their right to security of tenure.
15. With regard to the information about the right to marriage and choice of spouse (par. 151-2 of the report), please provide statistics or at least an estimate of registered inter-ethnic marriages in the last few years, especially after 2001.

16. Do religious marriages have civil effects? What is the minimum age for marriage? Are spouses freely chosen in all communities?
17. According to Article 6 of the Law on Religious Communities and Religious Groups in the Republic of Macedonia, religious assemblies cannot be used for inflaming intolerance. If anyone violates this Article, which form of punishment is applied? Have any cases been filed before the courts against violators of this Article? (paragraph 161)
18. The new Law on Labour Relations provides for damage compensation when a candidate to employment is discriminated against. Have any cases been filed in court to receive such compensation? Please provide concrete examples. (paragraph 178)
19. Please provide recent data disaggregated by ethnic or national origin and sex on access to primary and secondary education. In this regard, please also provide detailed information on the implementation of measures described in the State party report to combat the high drop-out rates of ethnic Albanian and ethnic Roma children in primary and secondary education. (Paragraphs 184-186 of the State party's report)
20. Please provide detailed information on the implementation of the Law on Culture, with particular regard to measures taken to promote and foster the preservation and development of the cultural heritage of the different ethnic communities present on the territory of the State party. Are there clear criteria for reception and distribution of cultural funds from abroad to different communities? Can a donor country or institution define, besides the community that will benefit from these funds, how and where the amount has to be used? (paragraphs 203-206 of the State party's report)
21. Please provide concrete examples of how the National Programme for Culture in the period 2004-2008 is being implemented. (paragraphs 207-208)

#### **Article 6**

22. Please provide information on the number and nature of cases of racially-motivated brutality brought before the courts, on their outcome and on compensation awarded to victims.
23. Please provide information on the remedies – including civil remedies – available in the State party to persons who claim to be victims of acts of racial discrimination, as well as on measures taken to ensure reparation for any damage suffered as a consequence of such discriminatory acts. (Paragraphs 217-231 of the State party's report)

#### **Article 7**

24. Please provide detailed information on the general composition of the police forces. Can an ethnic Albanian be a policeman in a predominantly Macedonian area and vice-versa? (paragraph 254)

25. Please provide further information on specific training programmes and courses, if any, for members of the judiciary, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application. (Paragraphs 249-255 of the State party's report)

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