



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE:GH/fup-121

20 November 2017

Dear Mr. Gjorgjinski,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 15, 16, and 23 of the concluding observations on the report submitted by the former Yugoslav Republic of Macedonia ([CCPR/C/MKD/CO/3](#)), adopted by the Committee at its 114th session in July 2015.

On 30 August 2016, the Committee received the reply of the State party. At its 121st session (16 October-10 November 2017), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see [CCPR/C/121/4](#)). I hereby attach a copy of the relevant section of the said report (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee requests the State party to provide this information in the context of its next periodic report due on 24 July 2020.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Mauro Politi'.

Mauro Politi
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

Mr. Ljupcho Gjorgjinski
Minister Counsellor
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Report on follow-up to concluding observations of the Human Rights Committee, [CCPR/C/121/4](#):

Assessment of replies¹

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- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
 - B Reply/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
 - C Reply/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
 - D No cooperation with the Committee:** No follow-up report has been received after the reminder(s).
 - E Information or measures taken are contrary to or reflect rejection of the recommendation**
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Concluding observations: [CCPR/C/MKD/CO/3](#), 20 July 2015

Follow-up paragraphs: 15, 16 and 23

First reply:² [30 August 2016](#)

Committee's evaluation: Additional information required on paragraphs 15[B][C], 16[B] and 23[C][B]

Paragraph 15: Trafficking in human beings

The State party should take measures to combat trafficking in persons, systematically and vigorously investigate and prosecute perpetrators and ensure that, when convicted, they are adequately sanctioned. The State party should intensify its efforts to guarantee adequate protection, reparation and compensation to victims, including rehabilitation.

Summary of State party's reply

In 2015, 3 victims (one adult and two children) and 11 potential victims of human trafficking were identified (all female). 120 criminal charges were laid for 142 offences under article 418-b of the Criminal Code involving "smuggling of migrants" committed by 212 perpetrators — an increase of 33 percent compared to 2014. The Basic Court Skopje 1 initiated 161 cases related to human trafficking in 2015 against 201 defendants. 175 defendants (including in cases initiated in previous years) received prison sentences (for full statistics, see the table in the first reply, 30 August 2016). An employee of the Ministry of Interior was also sentenced to 4 years' imprisonment.

¹ Full assessment available from [CCPR/C/119/3](#) and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf

² See http://tbinternet.ohchr.org/Treaties/CCPR/SharedDocuments/MKD/INT_CCPR_FCO_MKD_2504_7_E.pdf.

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In 2016, one person was charged with “trafficking in children” under article 418-d of the Criminal Code. Authorities also identified three minor migrants as potential victims of trafficking.

The State party adopted in 2015 and 2016 standard operating procedures on identification of unaccompanied children, standard operating procedures for dealing with vulnerable foreigners, and indicators for identifying victims of human trafficking in mixed migratory movements.

Continuous training on prevention of trafficking and the use of existing and new SOPs is provided. Basic and specialized training was conducted in 2015 for police officers on identification and referral of potential victims of trafficking, as well as specialized training for 180 members of the Border Police.

The National Commission for Combating Human Trafficking and Illegal Migration adopted the Plan for inter-institutional training on fight against human trafficking and illegal migration for 2016-2017. In 2016, training was organized for 180 members of the Border Police on “Dealing with illegal migration” and covered inter alia identification of unaccompanied minors and vulnerable people, including victims of trafficking.

A new draft National Strategy for Combating Human Trafficking and Illegal Migration, combined with an Action Plan for the 2017-2020 period, will address recommendations made by the EU and international organizations and puts special emphasis on increasing efforts to provide adequate protection to victims.

Committee’s evaluation

[B]: The Committee appreciates the information provided, including the statistics on prosecution of crimes related to human trafficking and the specialized training offered to police and Border Police. It requires updated information on (a) the status of the draft National Strategy for Combating Human Trafficking and Illegal Migration, its implementation in practice and any interim results achieved thus far; and (b) the progress made in identifying victims of trafficking and bringing perpetrators to justice.

[C]: The Committee regrets the lack of information on adequate protection and reparation, including compensation and rehabilitation, guaranteed to victims of trafficking, and requires specific information in that regard. The Committee reiterates its recommendation.

Paragraph 16: Freedom of movement

The State party should take measures to ensure that the right to freedom of movement in the State party is fully respected, in compliance with article 12 of the Covenant.

Summary of State party’s reply

The Law on Border Control applies to all persons crossing the state border. Article 8 (3) of the law prohibits discrimination based inter alia on racial or ethnic origin, skin colour, social background, and economic and social condition.

The right to equality and freedom of movement are guaranteed by the Constitution. Persons intending to leave the country need to respect the conditions of entry and the freedom of movement within the territory of EU Member States as defined under article 17 (1) of the Treaty, the Schengen Borders Code, and the EU Directive 38/2004 of 29 April 2004. Article 5 of the Schengen Borders Code requires not only a valid biometric passport for travel but also meeting other conditions and possessing additional documents justifying the purpose of travel and stay in the EU Member States.

There is no exit ban as such; however, nationals not having the documentation required under the Agreement on visa liberalization are informed accordingly and are advised that they may leave the country once in possession of all the necessary documents. The Ministry of Interior acts upon complaints of police misconduct, investigates them without discrimination and provides timely responses to complainants.

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The Ministry of Interior also conducted preventive activities aimed at explaining to people the consequences of submitting unfounded asylum requests in Western countries and also seeks to raise awareness about respect for human rights among police officers.

Committee's evaluation

[B]: The Committee notes the information provided but regrets that it does not address fully its concern. It requires specific information on: (a) whether border management policies and practices aimed at preventing "potential" asylum seekers from leaving the country are still in effect, and their conformity with the Covenant, including with articles 2, 12 and 26; and (b) the State party's response to allegations of discriminatory targeting and ethnic profiling of Roma people that unduly limit their freedom of movement.

Paragraph 23: Mass surveillance of communications

The State party should take all measures necessary to ensure that its surveillance activities conform to its obligations under the Covenant, including article 17. In particular, measures should be taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity. It should also ensure that persons who are unlawfully monitored are systematically informed thereof and have access to adequate remedies.

Summary of State party's reply

The Law on Public Prosecutor's Office for prosecuting offences related to and arising from the content of illegal interception of communications was adopted on 15 September 2015. It defines the "unauthorized interception of communications" as the unauthorized interception of all communications made between 2008 and 2015, including but not limited to audio recordings and transcripts submitted to the Public Prosecutor's Office before 15 July 2015.

The specialized Public Prosecutor was elected on 15 September 2015, and is assisted by 12 public prosecutors. The Public Prosecutor submitted a report to the Assembly on the activities undertaken in the first six months (15 September 2015 to 15 March 2016) and initiated investigative and preliminary proceedings concerning unauthorized interception of communications.

Committee's evaluation

[C]: No information has been received on measures taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity and that persons who are unlawfully monitored are systematically informed thereof and have access to adequate remedies. The Committee reiterates its recommendation.

[B]: The Committee welcomes the establishment by statute of the Public Prosecutor's Office for the prosecution of offences related to and arising from the content of illegal interception of communication, but requires additional information on its activities to date, including the progress made in investigating the reported cases of unauthorized interception of communications.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 24 July 2020
