



Republic of Macedonia

**CHECK AGAINST DELIVERY**

Address of H.E. Ilija Ristovski,  
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of the Republic of Macedonia  
at  
the 54<sup>th</sup> session of the UN Committee against Torture

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**Mr. Chairperson,**

**Distinguished members of the Committee,**

Let me start by expressing a great honor of the delegation of the Republic of Macedonia for being here today and engaging in a frank and constructive dialogue with the Committee against torture on the performance of the Republic of Macedonia in the areas of your mandate. Let me also assure you of our firm commitment to upholding the standards set forth in the Convention and to working hard to remedy the identified shortfalls. On a general note, your recommendations from the previous cycle, the recommendations by the European Committee against Torture and our European agenda continue to drive our policy in the fight against torture and other cruel, degrading and inhuman treatment or punishment.

My today's presentation will focus on the progress achieved and activities undertaken since the submission of the third periodic report in 2013, but also on key future developments.

**Ladies and Gentlemen,**

Further strengthening of the independence of the judiciary remains our priority. In that context, amendments to the Constitution of the Republic of Macedonia have been drafted, an important part of which relates to the justice system. They are in their third and final reading in Parliament and they include among others: the proposal that the Minister of Justice and the President of the Supreme Court of the Republic of Macedonia be no longer *ex officio* members of the Judicial Council of the Republic of Macedonia and that the number of judges-

members of this body be increased. It is furthermore proposed to expand the competences of the Constitutional Court by enabling it to deliberate upon appeals against decisions of the Judicial Council and the Council of Public Prosecutors related to election of judges and public prosecutors, respectively and to deliberate upon appeals against decisions on disciplinary sanctions adopted by the Judicial Council and by the Council of Public Prosecutors. A new institute is proposed to be introduced, that of a constitutional complaint, which is to contribute towards enhanced protection of citizens' rights.

In implementing international standards in the area of the judiciary, a Law on the Fact Finding Council and the institution of procedures for determining the responsibility of judges, as well as amendments to the Law on the Judicial Council of the Republic of Macedonia were adopted. The purpose of the two Laws is to redefine the concept of disciplinary procedures against judges, and to clearly define the different stages of the procedure: institution of a procedure, investigation and adoption of a decision on a disciplinary sanction.

With a view to strengthening the independence of the Public Prosecutors' Offices a new Law on the Public Prosecutor's Office was drafted. The draft Law is in Parliamentary adoption procedure. Significant novelties to be introduced under are: stricter criteria for election of public prosecutors and improvement of the provisions for assessment of the work and for disciplinary procedures against public prosecutors. The following activities to strengthen the personnel capacities for application of the new Law on Criminal Procedure, which entered into force in December 2013, were carried out:

- In 2014, Public Prosecutors' Offices published a public competition for employment of 84 persons;

- A separate sub-item was designated under the Budget of the Public Prosecutor's Office of the Republic of Macedonia intended for implementation of the new Law on Criminal Procedure and in 2014 a total of MKD 112. 698 million were allocated for this purpose, while the allocated funds in 2015 amounted to MKD 88.401 million;

- Under the 2009 IPA Project entitled *Procurement of specialized equipment for investigative centres at Public Prosecutors' Offices*, audio-visual equipment was purchased for recording hearings of indicted persons and of witnesses in the investigative procedure. The purchased equipment is intended for 19 Public Prosecutors' Offices;

- A Case Management System has been established at Public Prosecutors' Offices in the Republic of Macedonia facilitating the management and following of criminal cases;

- In 2014, there were a total number of 24 advanced trainings under 4 modules (preliminary investigative procedure, investigative procedure, main hearing and summary procedure) for 656 participants, of whom 345 judges, 160 public prosecutors, 53 representatives of the justice police and 86 lawyers;

- Socialized trainings on selected topics and practical issues relating to the application of the Law on Criminal Procedure continue in 2015, as well. All operative instructions/ handbooks, intended for various institutions, regarding the application of the Law on Criminal Procedure have been developed.

**Mr. Chairperson,**

The Government of the Republic of Macedonia is strongly committed to continued reforms of the penitentiary system which is mainly focused on reducing

overcrowding in prisons across the country by constructing new and repairing existing facilities, establishing a sustainable probation service system, strengthening the capacities of prison personnel and improving the treatment of convicted offenders, including enhanced re-socialization activities.

Some of the more significant strategic documents relating to this issue are the 2012-2014 Strategy on Healthcare in Prisons and Correctional Facilities and the Strategy on the Development of the Probation Service.

Another project activity of significant importance in this context is the IPA 2010 Project titled *Providing Further Support for an Independent, Responsible, Professional and Efficient Judiciary and Promoting a Probation Service and Alternative Sanctions*. As part of this Project, the first draft of the proposed Law on Probation has been designed, being followed by the signing of a Contract for the Purchase and Installation of 400 Transmitter Bracelets to be Worn by Offenders, a GPS Offender Movement Surveillance System and Other IT Equipment for Holding Convicted Offenders under House Arrest.

The key aim of the IPA 2009 Project entitled *Strengthening the Capacity of Law Enforcement Bodies for Adequately Treating Persons Convicted or Held in Police Custody* was to draft the National Strategy on the Development of the Penitentiary System in the Republic of Macedonia. The Strategy sets out a series of specific activities tasked with improving key elements in the functioning of the country's prison system. As of this moment, the government procedure for adopting this Strategy is still on-going and, once it has been completed, all capacities and resources will be mobilized to ensure its successful implementation. The National strategy foresees the drafting of a Strategic Plan for Pursuing a Zero Tolerance Policy on Ill-treatment and Corruption.

### **Distinguished members of the Committee.**

The Ministry of Interior, in the exercise of its tasks set by law, pays special attention to the full respect of human rights provided for in national and international law. This particularly applies to procedures while exercising police powers. In this regard it could be noted that number of activities have been undertaken aimed primarily at:

- Upgrading of the existing legal framework
- Strengthening the institutional capacity for proper conduct of police authorizations.

In this context, I would like to inform you of the following:

An initiative for the establishment of an external independent mechanism for external control of the Ministry of Interior was launched. Namely, the action plan of the Ministry of Interior for realization of projects for 2015, foresees the adoption of a law that would establish a new independent institution for external control of respect for human rights, professional standards and the application of specific duties and powers by the employees of the Ministry of Interior.

The new and already enacted amendments to the Law on Police stipulates confiscation of weapons from the police officer if he has committed a criminal offense with elements of violence or if there is notification from the Center for social work that the police officer is the perpetrator of domestic violence. At the same time in such cases the police officer will be directed to compulsory psychiatric and psychological examination or counseling with a psychologist (psychological counseling). The amendments provide for an obligation for the MoI to inform the institution or legal entity if their employee who has access to service weapons has committed a criminal act or offense with elements of violence. All

laws related to services involving carrying of official weapons (army, court police, prison police etc.) were amended accordingly.

Within the mentioned project on "Strengthening the capacity of law enforcement for proper treatment of prisoners", numerous activities aimed at developing the capacity of the police to respect human rights have been undertaken. The main results of this project can be listed as follows:

- Developed "Concept on Human Rights";
- Prepared "Standard operating procedure for handling cases of misconduct, use of force and other means of coercion by the police" and "Standard operating procedure for control in a police station in relation to the treatment of persons with limited freedom of movement (persons summoned, arrested or in police custody).
- Established network of trainers (20) who are carrying out training in the field of human rights on the local and regional level. According to the training plan more than 1200 police officers from primary and managerial level will be trained.
  - Execution of a campaign whose main objective is to raise public awareness regarding the developments in the police service concerning the observance of human rights.

The capacities of the Sector for Professional Standards and Internal Control at the Ministry of the Interior have been strengthened. Hence, the number of staff has been raised, on-duty system has been introduced, then the duty was introduced that a representative of the Sector is obligatorily present in person when cases of torture are reported, strengthening the control over police officers and similar. All

these activities are aimed at preventing abuse of authorities by the police and at identifying and punishing the responsible persons.

The reception center for foreigners was partially refurbished. At the same time there are ongoing intensive activities to designate another state owned facility that will be turned into a reception center. The decision is expected to be adopted in the near future. Furthermore, in the process of IPA programming for 2016, the Ministry of Interior will initiate a project "Building a new reception center for foreigners which will satisfy all international standards".

**Ladies and Gentlemen,**

In the context of enforcing a number of Article 3 judgments (Sulejmani, Dzeladinov, Trajkovski and Jashar - known and the Jashar Group) of the European Human Rights Court, in the past period, the authorities have undertaken significant comprehensive measures to prevent the occurrence of future similar violations of the Convention. Thus, relevant provisions on crimes of torture were made stricter. Punishments for such crimes were increased from maximum 5 years imprisonment to maximum 8 years of imprisonment. A new Law on Criminal Procedure was adopted, under which the Public Prosecutor is in charge of the investigation (accusatory system) and under which the Public Prosecutor is bound by clearly defined periods within which to process filed criminal charges. This helps avoid the possibility of abuse of rights through nonfeasance by the Public Prosecutor (as in the above referred to cases). There have been compulsory trainings of all public prosecutors and judges involved in the application of the new Law on Criminal Procedure in order that they are better acquainted with the provisions of the said Law.



In the context of more efficient investigations, a novelty introduced under the new Law on Criminal Procedure is the right of the person filing criminal charges to appeal with the Higher Public Prosecutor in case the lower instance Public Prosecutor's Office has not acted upon the filed criminal charges, i.e. in case the lower instance Public Prosecutor's Office has dismissed the charges as unfounded.

Continual trainings have been introduced for officers of the Ministry of the Interior and for Special Forces regarding rights under the ECHR and regarding the manner of apprehending and treating persons in pre-trial detention starting from 2013. The Ministry of the Interior has published brochures and posters distributed to all police stations, which have the competence to keep persons in police custody. The brochures and posters have been printed in several languages and they explain the rights of persons in police custody and the manner in which they can exercise their rights in case of any violation.

Finally, the Public Prosecutors who have worked on the above referred to cases, in which the European Human Rights Court established violations, have been dismissed in a legally prescribed procedure by the Council of Public Prosecutors on grounds of their unprofessional work.

The continual training organized by the Academy for Judges and Prosecutors includes seminars on recognition of torture in apprehension and detention procedures and evidence and overstepping authorities in cases of torture.

The Law Amending the Law on the Ombudsman is in parliamentary procedure. The purpose of the amendments is to meet A level accreditation criteria under the Paris Principles for national human rights institutions, to introduce human

rights promotion as part of the mandate of the Ombudsman and to fully harmonize the Law with the OP-CAT.

**Ladies and Gentlemen,**

A new Law on the Prevention of and Protection against Domestic Violence has been adopted in September 2014, as the first special systemic law in this area, which establishes and advances a comprehensive and coordinated system of activities for the prevention of and protection against domestic violence. Secondary legislation was also adopted.

The Ministry of Labour and Social Policy organized 6 regional trainings for professional teams in 30 Social Work Centres with the goal of proper informing and helping the development of competencies of professionals at Social Work Centres for the implementation of the Law. 112 professionals from 30 Social Work Centres in the Republic of Macedonia attended the trainings. Furthermore, 30 teams have been established tasked with development of safety plans in cases of domestic violence. The said teams are composed on representatives of Social Work Centres, the Ministry of the Interior, health care institutions, local self-government units and associations of citizens.

A publication entitled *The Voice of Justice* has been prepared in this period. This is a research report for assessment court procedures in cases of domestic violence, with a focus on managing cases from the gender perspective.

The Government is also committed to improving conditions for accommodation and care at the Demir Kapija Special Institute for Persons with Mental Disabilities. Part of the institution was fully refurbished, part of it was closed, while reconstruction activities have been ongoing in some ards. Furthermore a full time doctor was recruited in the institution.

Since 2006, the process of dehospitalization of psychiatric establishments is ongoing in the framework of the Strategy of Mental Health. Furthermore, continued investments are being made in improving conditions in psychiatric hospitals in the country.

And last but not least, in 2012 the Government established an inter-sectoral body for human rights chaired by the Minister of Foreign Affairs. The main tasks of this body, composed of state secretaries of all relevant ministries, directors of other government institutions and representatives of independent human rights bodies is to advance coordination of human rights activities of all in-line Ministries and governmental bodies; to provide a place for information exchange and implementation of recommendations contained in reports of UN treaty bodies and human rights procedures, as well as of other international organizations, to present proposals for the improvement of human rights legislation as well as other activities of importance for human rights promotion and protection in the Republic of Macedonia. Three members of this body are part of our dialogue, including myself.

Let me conclude by assuring you once again of our commitment to a frank dialogue with the Committee members.

Thank you.

