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"The former Yugoslav Republic of Macedonia": Commissioner Hammarberg presents his human rights report

Strasbourg, 12.09.2008 – The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, today published his report on the human-rights situation in "the former Yugoslav Republic of Macedonia". The Commissioner welcomed the on-going initiatives in the field of human rights protection and in particular the ambitious program of law-making and adoption of action plans on human rights issues. He made a number of recommendations to help strengthen this process, focusing mainly on the judiciary, police behaviour, conditions in places of detention, counter-terrorism activities, measures against discrimination, refugees and internally displaced persons (IDPs).

Judiciary

The Commissioner underlined that a number of problems still affect a sound functioning of the judicial system. In particular, he pointed to a backlog of over one million cases, lengthy proceedings, perceived corruption and public distrust. He also focused on cases which once had been brought before the International Criminal Tribunal for the Former Yugoslavia but now had been handed back to the national judicial authorities. Without taking a stand in these individual cases, he reiterated the principle that those suspected of crimes against humanity, genocide and war crimes should be brought before justice and that it is of utmost importance that the rule of law is fully respected and fair and open procedures ensured.

Police

The Commissioner stressed that "despite improvements, police violence remains a problem", noted that a number of misbehaving policemen had been brought to justice and recommended further action to stem such bad conduct. He also recommended enhancing the efforts towards the creation of a more representative police force, with particular attention given to the need to include women and minorities. Finally, he reiterated the necessity to improve the coordination between the police and local authorities to "ensure that police understand, and be guided by, local priorities and needs."

Penitentiary system

Commissioner Hammarberg noted that sufficient funds must be allocated to improve the conditions in places of detention. "All prisoners must have decent living conditions, adequate health care and access to a lawyer" he said. Moreover, he recommended giving a high priority to find a viable solution to the condition of detention of juvenile offenders. "The situation in current facilities is substandard, particularly as concerns sanitary conditions. The rights of juveniles should be fully applied. This also means that legislation should be adjusted to ensure that juveniles are always separated from unrelated adult".

Counter-terrorism activities

During his visit the Commissioner discussed the case of Khaled El Masri with the Minister of Justice. In the effort to establish the truth and find adequate solutions, the Commissioner called for "a complete and independent investigation of the case and for a full cooperation with the Munich Prosecutors Office". He also added that "after reviewing domestic practices and procedures for combating terrorism, appropriate safeguards and scrutiny procedures should be established to prevent and investigate such allegations."

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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.

Freedom of expression

The Commissioner observed some limits on the freedom of access to information for investigative journalists and civil society representatives. He said that the 2006 Law on Free Access to Information of Public Character was not being effectively implemented and that the work of professional investigative journalists should be facilitated. He also recommended that every effort should be undertaken to develop a fully independent self-regulatory body for all media.

National Minorities

In presenting his report, the Commissioner welcomed the process put in place to ratify the European Charter for Regional or Minority Language and called for further actions to solve ethnic tensions. "Much has been done in developing both the legislative framework and institutional capacity to reach the current situation where participation of minorities has greatly increased". However, he expressed deep concerns at the situation of Roma people, who remain on the margins of society and socio-economically vulnerable. "There is an urgent need to secure full and equal participation of Roma in politics and society" he said. "Comprehensive measures should also be taken to increase Roma children's attendance in school and prevent their drop-out".

Discrimination

The Commissioner welcomed the preparation of the new Anti-Discrimination Law and hoped that this text would offer a comprehensive protection against all forms of discrimination. In particular he called for a stronger action to resolve the problems faced by persons with disabilities and eradicate gender discrimination. He also encouraged the authorities to further ensure adequate protection to women victims of violence, both in legislation and in practice. As regards the rights of lesbians, gay, bisexual and transgender persons, Commissioner Hammarberg called for education and legislative measures to stamp out discrimination against them and recommended ensuring legal recognition of same sex partnerships.

Refugees and internally displaced persons (IDPs)

In the end, the Commissioner urged the authorities to find practical solutions to the IDPs problematic conditions, respecting the individual's freedom of choice to return or settle elsewhere. "Such measures need to address problems relating to housing, pensions and social benefits, the on-going court proceedings as well as assistance for local integration. It is also fundamental to find durable solutions for the refugees from Kosovo" he concluded.

The report is based on the findings of an official visit to the country carried out in February 2008 and is available on the Commissioner's website (www.commissioner.coe.int).

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member States. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.