

Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels and public participation

Address

by

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**Excellencies,
Distinguished Guests,
Ladies and Gentlemen,
Dear Colleagues,**

I am honoured and delighted to be able to address you today and to share the Republic of Macedonia's experiences on issues set forth under the agenda of the *Thirteenth UN Congress on Crime Prevention and Criminal Justice*.

First and foremost, allow me to express to express my highest respects to the State of Qatar for hosting this important event and for the hospitality extended to us. Our presence here and the ongoing debate reaffirm our commitment to strengthening crime prevention and criminal justice mechanisms in combating evolving forms of crime, as one of the main features of the globalized era.

A conference elaborating this issue has a personal significance for me. As a previous criminal law lecturer at the Faculty of Law at the Ss. Cyril and Methodius University, I had spent more than 6 years elaborating how the criminal justice system works, which are its basic postulates and how international law has influenced the national policy and law. Moving from theory to policy making, I have found myself to be in a position to (directly) participate in policy and decision making process aimed at designing the *Novelty of Criminal Law*, while observing how the law operates and what should be done in the period ahead; then which are the newly created legal advantages and what types of side effects impose the so-called process of "legal transplantation." Now, I know that this *modified optics* of making visible results is the concept that I want to follow in the forthcoming period.

Distinguished Delegates,

It is widely acknowledged in various UN documents that crime prevention and criminal justice systems, in full respect of the rule of law concept, play an essential role in promoting sustainable development and stability world-wide. As such, they constitute substantial elements of the framework for the post-2015 development agenda.

What is of the utmost importance is to ensure that the priorities of post-2015 agenda rely on an idea which is universal, people-oriented, rights-based, which also encompasses all human rights and fundamental freedoms, and which is aimed at combating all forms of organized and other unconventional forms of crime and at the elimination of gender based violence.

The progression of transnational crime and the diversity of its forms, but also of its victims and consequences demand a **multi disciplinary response with regard to both prevention and the law enforcement dimension.**

Ladies and Gentlemen,

Let me point out *two things*: trends can be reversed in a relatively short time; also the situation may quickly worsen if necessary actions are not taken. The **Republic of Macedonia believes that the answer lies in having a balanced and integrative approach in preventing and adequately responding to new sophisticated forms of crime, all combined with comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law and public participation.** Full cooperation and concerted efforts by all member-states are necessary to achieve the desired goals. With a view to ensuring an effective criminal justice system, all must be given equal and full access to impartial and timely justice with credible enforcement of judgments in order to eliminate impunity of perpetrators and allow those whose rights have been violated to seek redress.

Esteemed Colleagues,

Trafficking in human beings and smuggling of migrants, including trafficking in cultural property and cybercrime are no longer new phenomena. These types of crime have prompted great interest and have been subject of regulation under several (previously adopted) UN documents. Today, we have solid bases, as well as a good opportunity for a cross-referenced review of the evolution of the criminal law systems of various countries vis-à-vis their adopting and consistently applying international standards and norms, and their assessing the efficiency of institutional protection mechanisms. However, today we are also faced with new growing challenges which demand a new strategy founded on more preventive methods of action.

The new phenomenology of unconventional crime represents a complex puzzle that we can only solve together!

Considering its advantages, the Republic of Macedonia fully supports the Doha Declaration initiative, while underlining the paramount importance of reliable and steadfast support to the UN system, in particular to the UN Congress on Crime Prevention and Criminal Justice and to the work of the UN Office on Drugs and Crime. We stay committed to fair, just and humane criminal justice system, which we find crucial for good governance.

Ladies and Gentlemen,

The identified shortcomings in criminal law and in the criminal justice systems, which make them ineffective in responding to the incidence and expansion of crime and its new forms, have inspired a wave of reforms in this area, which has become one of the biggest challenges of the XXI century. The Republic of Macedonia is not an exception. Convinced that crime prevention and criminal justice are essential for ensuring national stability and democracy, Macedonia has been constantly working to strengthen its legal machinery, as well to develop preventive mechanisms and to ensure a humane criminal justice system.

The last decade will be remembered in the national law history as the decade in which a series of reforms were undertaken in order to establish a comprehensive, consistent and effective criminal justice system. The development of international human rights law has significantly influenced our criminal law legislation; the basic UN standards and norms, as well as the European Convention on Human Rights and the legal standards of the ECHR (European Court of Human Rights) have especially been one of the main drivers of the reform of the substantive criminal law and of the criminal procedure.

Over the past years, the RM has signed and ratified almost all important international documents in the area of criminal law, adopted by both the UN and the Council of Europe, such as the UN Convention against Transnational Organized Crime and its additional (three) Protocols, the UN Convention against Corruption, the Criminal Law Convention against Corruption of the CoE, all narcotics related UN Conventions, as well as other instruments for fight against terrorism, the Convention on the Rights of the Child and its Optional Protocols, the Cybercrime Convention, the Convention on the Rights of Persons with Disabilities, etc. All these documents, which are directly applicable in domestic legal system (under Article 118 of the Constitution), have also brought about extensive changes in the national legislation.

Distinguished Colleagues,

I am pleased to have this opportunity to share with you some of today's ideas and considerations, which are closely related to the *novelties in the Macedonian criminal justice system*. Due to time constraints, I will refer only briefly to the legal reforms of the domestic criminal justice system in the recent years.

The domestic Criminal Code, in its present form, is a nus-product, a natural consequence of the acceptance of a partial approach; the Code has been subject to more than 25 partial revisions in order to fulfil international and comparative legal requirements.

The introduction of criminal liability of legal entities, in following with the so-called French model, the adoption of non-custodial (alternative) measures, a new regime for confiscation of property, the design of a new conceptual model and a set of special provisions and institutional mechanisms for combating organized and financial crime, as well as, cybercrime, strengthening the criminal law protection of juveniles, *inter alia* by

providing special juvenile justice system, incorporating the trends of a modern and improved criminal justice system for juveniles, based on restorative justice principles, the recent introduction of chemical castration (for paedophiles) comprise only a small part of this scenario.

The **new Law on Criminal Procedure**, which came into force in December 2013, has profoundly changed the national criminal justice system, marking thus the beginning of a new era. The procedure becomes adversarial and the role of procedural fairness and the principle of contradiction at the main hearing are emphasized.¹

In the context of the **judicial system**, there are on-going activities for further amendments of provisions relating to the assessment of the work of judges, disciplinary proceedings, and procedures for dismissal of judges. The aim of the amendments is to design precisely defined and predictable procedures in respect of these issues in accordance with international standards and the case law of the ECtHR.²

The centerpiece of our efforts will continue to be an effective criminal justice and a judicial system ensuring access to justice and the advancement of independent judiciary.

As regards **fundamental rights**, it is especially important to underline the signing of the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, as well as the *Third Optional Protocol to the Convention on the Rights of the Child*. In this context, there have been also relevant amendments to the Criminal Code with a view to strengthening the criminal law protection of children, while further progress has been made with the adoption of the new *Law on the Rights of the Child*, focused on preventive, protective and educational measures. Furthermore, the National Council for Prevention of Child Delinquency was established in 2010.

The Government continues its **reforms of the penitentiary system in line with the recommendations of the UN Committee against Torture and those prescribed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**. The Project for reconstruction/ construction of penitentiaries, implemented with funds provided under the national budget and a loan from the Council of Europe Development Bank, is ongoing.

With a view to alleviating the problem of over-crowded penitentiaries, a **Strategy on the Establishment of a Probation Service** was adopted. Under IPA 2010, funds have been allocated for the drafting of a **Law on Probation** and for the establishment of a Probation Services.

¹ The criminal law reform seeks to establish a new relationship between the Public Prosecutor's Office and the police, the judicial police and investigative centers at the Public Prosecutor's Office, as well as to abolish judicial investigation and to remodel the main hearing. Significant changes aimed at increasing the effectiveness of the system were made by introducing new types of prompter procedures: plea bargaining, sentence bargaining and mediation.

² The framework for further development of the judiciary is basically focused on the following priority areas: 1. strengthening of the independence, impartiality, and professionalism of the judiciary; 2. improvement of administrative law; 3. further reforms of the criminal justice system; 4. development(s) in the area of civil law; 5. alternative dispute resolution (mediation); 6. access to justice; and 7. introduction of e-justice system.

As regards the new challenges we all face, I would like to emphasize the recently adopted amendments to the Macedonian Criminal Code sanctioning *participation in foreign armies, police and paramilitary forces*.

Excellencies,

Let me conclude by underlining the importance of international cooperation for the implementation of the Declaration to be adopted by the Congress and the importance of the contribution in this respect by the UN Office on Drugs and Crime and the UN Crime Prevention and the Criminal Justice Program Network.

Let me also express my appreciation to the Government of Japan for the kind offer to host the next Congress in 2020.

Fellow Delegates,

I truly believe that in those words the mantle has been laid on our shoulders to make the Crime Prevention agenda everybody's business within our region in the years that lie ahead

Thank you for your attention.