



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Eighth to tenth periodic reports of States parties
due in 2010**

The former Yugoslav Republic of Macedonia* **

[17 July 2013]

* This document contains the eighth, ninth and tenth periodic reports of the former Yugoslav Republic of Macedonia due on 17 September 2010, submitted in one document. For the fourth to seventh periodic reports and the summary records of the meetings at which the Committee considered these reports, see documents CERD/C/MKD/7 and CERD/C/SR.1798, 1799 and 1813.

** The present document is being issued without formal editing.

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I. Introduction

1. The Republic of Macedonia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention) by way of succession. The Republic of Macedonia herewith submits the VIII, IX and X Periodic Report under Article 9, paragraph 1 of the Convention.
2. The Report contains information about legislative, judicial, administrative and other measures undertaken with a view to implementing the Convention, in the period following the submission of the combined IV, V, VI and VII Report of the Republic of Macedonia (CERD/C/MKD/7), submitted as a single document at the 1798th and 1799th meeting of the Committee on the Elimination of Racial Discrimination (the Committee), held on 26 and 27 February 2007, respectively.
3. The Report on the implementation of the Convention provisions has been prepared in line with the CERD-specific document (CERD/C/2007/1), dated 13 June 2008.
4. In preparing the Report, special attention has been paid to comments and recommendations contained in the Concluding observations (CERD/C/MKD/CO/7) of the Committee adopted at its 1813th meeting, held on 8 March 2007.
5. Before submission to the Government for approval, the draft Report was sent to a number of civil sector organizations. One of them sent comments, which mainly related to the Law on the Prevention of and Protection against Discrimination.

II. Articles of the Convention

Article 2

Eliminating racial discrimination in all its forms

1. Brief description of the legislative framework and general policies on elimination of racial discrimination

6. The Republic of Macedonia is strongly committed to eliminating all forms of racism and racisms based intolerance, as well as to designing policies aimed at preventing racial discrimination, intolerance and violence. The Constitution of the Republic of Macedonia guarantees the principle of equality, according to which citizens are equal in their rights and freedoms regardless of their sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status (Article 9). The 2001 amendments to the Constitution (Amendments IV-XIX) introduced positive discrimination envisaging the principle of equitable representation of persons belonging to the communities, emphasizing thus the multi-ethnic character of the country and its strategic commitment to advancing rights of persons belonging to the communities.
7. The legislation of the Republic of Macedonia contains numerous anti-discrimination provisions banning discrimination in given areas of social life and discrimination on specific discriminatory grounds.
8. In April 2010, the Republic of Macedonia adopted the Law on the Prevention of and Protection against Discrimination (Official Gazette of the Republic of Macedonia No. 50, 13 April 2010). The Law entered into force on 1 January 2011.
9. Article 3 of this Law prohibits any direct or indirect discrimination, inciting and encouraging discrimination and helping in discriminatory treatment on the grounds of sex,

race, skin colour, gender, belonging to a marginalized group, ethnic origin, language, nationality, social origin, religion or religious conviction, other types of belief, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health condition or on any other grounds established by law or by ratified international agreements. The prohibition of and protection against discrimination applies to all natural and legal persons.

10. Furthermore, the Law sanctions actions of inciting and encouraging discrimination and helping in discriminatory treatment, especially actions of harassment, victimizations and segregation. The Law contains numerous procedural safeguards, including provisions transferring the burden of proof, and it envisages that specialized NGO's may act as third party interveners or that under certain conditions they may act as plaintiffs or as co-plaintiffs. The Law also envisages the establishment of a Commission for the Prevention of and Protection against Discrimination. This Law is especially important for the Republic of Macedonia since it is the first law that prescribes a general prohibition of discrimination.

11. In addition to this Law and prior to its adoption, there were a number of laws in the Republic of Macedonia containing provisions on (non)-discrimination. Such laws apply to various areas, and can be divided in two groups. The first group would comprise laws prohibiting discrimination in specific areas which they regulate. These laws are: Law on Labour Relations, Law on Social Protection, Law on Health Care, Law on Health Insurance, Law on Mental Health, Law on Protection of Patients' Rights, Law on Primary Education, Law on Secondary Education, Law on University Education, Law on Volunteering, Law on Public Health, Law on Courts, Law on Equal Opportunities of Women and Men, Law on the Use of Languages, Law on the Use of Flags of Communities in the Republic of Macedonia and similar.

12. The second group of laws comprises laws relating to discrimination crimes and misdemeanours, then procedural laws, or laws relating to institutions having competences in the (non)-discrimination area. Such laws are: the Criminal Code, Law on Misdemeanours, Law on Civil Procedure, Law on Criminal Procedure, Law on Administrative Procedure and the Law on the Ombudsman.

13. In addition to the national legislation, one should take into consideration international obligations the Republic of Macedonia has assumed under the universal and under the regional human rights protection systems (see Part 2 of the updated Common Core Document – 2. General Human Rights Protection and Promotion Framework; C. Alignment with International Human Rights Instruments).

14. In addition to its obligations arising from its membership of the Council of Europe and of the UN, as a candidate for EU accession, the Republic of Macedonia is obliged to harmonize its legislation with the EU acquis, which envisages prohibition of discrimination (the two anti-discrimination Directives: Directive 2000/43/EC and Directive 2000/78/EC, then Directives relating to prohibition of gender discrimination, Council Directive 2004/113/EC and Council Directive 2006/54/EC, as well the Charter of Fundamental Rights, while following the efforts for adoption of a draft horizontal Equal Treatment Directive).

2. Specific and detailed information about measures undertaken in respect of legislation, judicial system, administration, etc.

15. In May 2012, the Government of the Republic of Macedonia adopted the National Strategy on Equality and Non-Discrimination on grounds of ethnic affiliation, age, mental and physical disability and gender (covering the 2012-2015 period). The basic purpose of this Strategy is to improve the status of most vulnerable groups of citizens and to ensure continual progress in attaining equality and non-discrimination. Experience acquired in

implementing the previous policies and measures aimed at ensuring equal opportunity have shown that commitments to attaining equality of all citizens of the Republic of Macedonia require dedicated efforts, cooperation, partnership and application of the principles of transparency and participation of all stakeholders in the economic, social and political life. The said Strategy was prepared following several-month consultations among government institutions, the civil sector and international organizations, working in this area in the Republic of Macedonia. The basis of the Strategy is the Stabilization and Association Agreement with the European Union, the obligations under the European integration process and the process of harmonizing and approximating the legislation of the Republic of Macedonia with the EU acquis, other international obligations of the country having been taken into consideration, as well. Therefore, the National Strategy is focused on four grounds of discrimination (mental and physical disability, ethnic affiliation, age and gender), while elaborating strategic goals and implementation activities, defining as well success indicators and bodies in charge of implementing the Strategy. The National Strategy paves the way for further work, cooperation and activities by the Republic of Macedonia in recognizing discrimination as the most flagrant human rights violation. Furthermore, the Strategy defines the approach to implementing the envisaged measures under developed action plans, that establish one-year priorities, the manner of implementation, the timeframe, the relevant implementing bodies, the allocated budget, expected results, defining as well qualitative and quantitative success indicators. The measures defined in this Strategy will also be linked with the on-going process at the administration – strategic planning, budget planning and the implementation of the National Plan for Adoption of the EU acquis. This will ensure consistency, synergy and rational use of resources, while practically implementing non-discrimination and equal opportunity regulations and programs.

16. Article 20, the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79, 24 June 2009, and its amendments published in the Official Gazette Nos. 36/11 and 51/11 of 2011), prohibits direct or indirect discrimination on grounds of gender, race, colour, national, ethnic, social, political, religious, cultural, linguistic, property or societal affiliation, disability and origin in the exercise of rights to social protection, as determined by this Law.

17. In March 2007, the Government of the Republic of Macedonia established a Sector for Equal Opportunities, at the Ministry of Labour and Social Policy. The main task of the Sector is to undertake activities for the advancement of equal opportunities and equality and activities for prevention of and protection against any form of violence and discrimination on grounds of gender, age, ethnic affiliation, mental and physical disability, double discrimination, etc., in all areas of social life, at the national and at the local level. Furthermore, the Sector for Equal Opportunities is in charge of ensuring inter-departmental cooperation, as well as cooperation with the civil sector and social partners. The Sector is also in charge of following the implementation of the Law on Equal Opportunities of Women and Men, then of the Law on the Prevention of and Protection against Discrimination, as well as of other laws and programs in this area. The Sector also coordinates the overall activities in this area and follows the implementation of policies, measures and activities.

3. Information about national human rights institutions having competences in the fight against racial discrimination

18. See the updated Common Core Document – Part E. Framework for Human Rights Promotion at the National Level – III Independent national human rights institutions.

4. Information about groups or individuals benefiting from special and concrete measures taken in the social, economic, cultural and other fields, in pursuance with article 2, paragraph 2 of the Convention

19. The principle of equitable representation under the Ohrid Framework Agreement has been incorporated in the Constitution of the Republic of Macedonia (Amendment VI, i.e. Article 8, subparagraph 2). The provision reads as follows: Equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life. The application of this constitutionally incorporated principle has led to adoption of amendments to a number of laws such as: Law on Civil Servants, Law on Labour Relations, Law on Local Self-Government, Law on the City of Skopje, Law on the Ombudsman, etc. In 2007, the Secretariat for the Implementation of the Ohrid Framework Agreement adopted a Strategy for equitable representation of persons belonging to the non-majority communities in the Republic of Macedonia, which set forth measures and activities aimed at improving equitable representation of all communities in the Republic of Macedonia. The Ombudsman's Office is a body tasked with protection of principles of equality and equitable representation. Information about the progress made in applying the principle of equitable representation is given in an Annual Report on Equitable Representation in the Public Sector of the Republic of Macedonia. Furthermore, Article 2 of the Law amending the Law on Civil Servants (Official Gazette of the Republic of Macedonia No. 40/3), envisages duties for state administration bodies to design annual plans for equitable representation of communities. Such plans contain information about the state of play in respect of equitable representation, then information about recruitment plans, professional advancement and training and assessments of the fiscal implications. Hence, in recruiting civil servants, in addition to the constitutional principle of equal access to employment based on professionalism and competence, the principle of equitable representation is also applied (Article 12 of the Law on Civil Servants).

Situation of the Roma

20. The Republic of Macedonia has designed a Strategy for the Roma in the Republic of Macedonia. Thus, in line with the 2005-2015 Strategy and Decade of Roma Inclusion, national action plans have been prepared. Municipalities with predominantly Roma population (major municipalities, i.e. cities in the Republic of Macedonia, such as Tetovo, Gostivar, Stip, Delcevo, Kocani, Prilep, etc.) have prepared local action plans, aligned with national plans. These local action plans are implemented with funds from local budgets.

21. The project entitled "Support to the implementation of the Roma Strategy", funded by the EU (with about EUR 600,000) was implemented in the period from January 2011 to July 2012, with a view to strengthening the institutional capacity of bodies in charge of implementing the National Strategy for the Roma, this being the precondition the fulfilment of which would contribute to the improvement of the situation of the Roma in the country in four key areas: housing, health care, education and employment.

22. Under this Project, support to two key components is provided:

- Strengthening the operative and coordination structure for implementation of the Roma Strategy; and
- Implementation of action plans, primarily by focusing on local action plans.

23. The capacities of the following institutions and bodies have been strengthened under this Project: Ministry of Labour and Social Policy – Unit for Implementation of the Roma Strategy and Roma Decade, the Cabinet of the Minister without Portfolio, who is a National Coordinator for the Roma Strategy and Roma Decade and the National Coordination Body for Implementation of the Roma Strategy.

24. In the period from 1 July 2011 to 30 June 2012, the Republic of Macedonia was the chairing country of the 2005-2015 Decade of Roma Inclusion. The 2005-2015 Decade of Roma Inclusion is a political commitment of the Governments signatories to this international initiative, with a view to reducing poverty, marginalization and discrimination against the Roma in the regional setting.

25. For more information see the relevant part of the Common Core Document, i.e. Part 3. Information about Equality and Non-Discrimination and Effective Legal Remedies; II. Vulnerable Groups.

Article 3 Prohibition of racial segregation and apartheid

26. Relevant elements under this Article have been elaborated in the IV, V, VI and VII Periodic Report of the Republic of Macedonia.

Article 4 Legal, administrative and other measures for the elimination of any form of propaganda based on ideas of racial superiority, hatred and discrimination

27. The Criminal Code (Official Gazette of the Republic of Macedonia Nos. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 87/2007, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011 and 142/2012) sanctions the crimes of: Article 137 – Injury to the equality of citizens; Article 144 – Endangering security; Article 319 – Causing national, racial or religious hatred, discord and intolerance; Article 394-d – Dissemination of racist and xenophobic material through computer systems; and Article 417 – Racial or other discrimination (see Annex 1).

28. The Law on Associations and Foundations (Official Gazette of the Republic of Macedonia Nos. 52/2010 and 135/2011) guarantees the right to association. Namely, according to Article 4 of this Law:

“(1) The right to free association shall be exercised by joining in associations, foundations, unions and organizational forms of foreign organizations for the purposes of attaining the respective goals and activities of the said organizations and for purposes of protecting rights, interests and convictions in line with the Constitution and the law.

(2) It is prohibited to establish an organization which has a program of work and pursues activities aimed at the violent destruction of the constitutional order of the Republic of Macedonia, then at encouraging and calling upon military aggression and flaring up national, racial, or religious hatred or intolerance, or terrorism related activities, and organizations that undertake activities which run contrary to the Constitution or the law or which violate the rights and freedoms of other people.”.

29. Furthermore, according to Article 65 of this Law:

“The work of the organization shall be prohibited if its activities are aimed at:

- The violent destruction of the constitutional order of the Republic of Macedonia;
- Encouraging and calling upon military aggression and flaring up national, racial or religious hatred or intolerance;
- Terrorism related activities;

- And if the organization undertakes activities contrary to the Constitution or the law; and
- If the organization violates rights and freedoms of others”.

30. As regards racial discrimination as an aggravating circumstance in the criminal legislation, upon the adoption of the Law Amending and Supplementing the Criminal Code (Official Gazette of the Republic of Macedonia No. 114/2009) of September 2009, amendments to paragraph 5 of Article 39 of the Criminal Code relating to meting out a sentence were introduced. Hence, according to said paragraph 5: “While meting out the sentence, the court shall particularly take into consideration whether the crime has been committed against a person or a group of persons or property, directly or indirectly, due to his/her or their national and social origin, political and religious belief, property and social status, gender, race or colour of skin.”.

Information about decisions of national courts and other state institutions about offences representing racial discrimination

31. In 2011, the Commission for Protection against Discrimination received a total number of 63 applications, 16 of which were not processed, while discrimination was established in 4 cases, 2 cases were amicably settled, the procedure was stayed in 5 cases, and in 20 cases no discrimination was established. In 2012, the Commission received 74 applications, of which 14 cases were not processed, and in 26 cases no discrimination was established.

32. According to information of the Constitutional Court, in 2008, out of 6 applications for protection of rights and freedoms submitted to the Court, 5 were related to protection against discrimination. One of these applications was rejected considering that the Court had not established discrimination, while 4 applications were dismissed. In 2009, out of 14 applications for protection of rights and freedoms, 9 were related to discrimination, all of which were dismissed. In 2010, out of 6 applications for protection of rights and freedoms, 3 were related to discrimination and all of them were dismissed.

33. The Table below shows the number of applications received, cases opened and settled by the Ombudsman’s Office in the period from 2007 to 2012, showing as well the total number of closed cases and the number of cases transferred to the next year.

34. As regards the processing of cases relating to discrimination and equitable representation, in 2009 the Ombudsman’s Office established an electronic system recording information about received applications and instituted procedures in cases relating to areas provided for under the law and Rules of Procedure followed by the Ombudsman’s’ Office. These statistics do not follow the discriminatory grounds as provided for in the Law on the Prevention of and Protection against Discrimination, considering that this Law was adopted in 2010.

35. According to statistics of the State Statistical Office, in 2009 and in 2010 no-one was convicted of these crimes.

Table 1
Review of received applications, settled and pending cases relating to non-discrimination and equitable representation

Area	Received by year	Number of applicants	Transferred from the previous year	Total processed	Anonymous	Cases opened by initiative of the Ombudsman's Office	Manner of settlement						Information submitted to Ministers	Information submitted to the Government	Information submitted to other bodies and organizations having a public mandate	Total number of closed cases	Pending cases
							Decision to stay the procedure or not to institute a procedure	Settled in another manner	Established violations								
									Issued opinions, proposals, recommendations	Procedures instituted following an intervention by the Ombudsman's Office	All legally prescribed activities undertaken by the Ombudsman's Office	No procedures instituted despite an intervention by the Ombudsman's Office					
2007 – Non-discrimination and equitable representation	6	6	9	15			10									10	5
2008 – Non-discrimination and equitable representation	21	20	5	26		1	16		3	1	1	1			6	18	8
2009 – Non-discrimination and equitable representation	20	20	8	28			9	2	9	4	3	2	3		2	18	10
2010 – Non-discrimination and equitable representation	16	16	10	26			12	2	4	3	1					18	8
2011 – Non-discrimination and equitable representation	42	53	8	50			16	2	19	11	7	1	2	1		36	14
2012 – Non-discrimination and equitable representation	26	26	14	40			22			7						29	11
Total	131	141	54	185		1	95	6	35	26	12	4	5	1	8	129	56

Article 5 **Rights guaranteed under the Convention**

1. The right to equal treatment before the tribunals and all other organs administering justice

36. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

37. The reply regarding recommendation under item 13 of the Concluding observations of the Committee on the Elimination of Racial Discrimination is given at the end of this Report.

2. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

38. With a view to supervising the respect for and protection of human rights and freedoms in exercising police competences, the Ministry of the Interior (MoI) has a separate organizational unit – Sector for Internal Control and Professional Standards (the Sector), which is separate from the police services and supervises and controls the work of the MoI employees, thus exercising control of the respect for human rights and freedoms.

39. The Sector institutes procedures based on information and indications gathered by Sector itself, then it acts upon requests submitted by employees of the MoI or applications or complaints submitted by citizens relating to unlawful and unprofessional conduct by employees of the MoI and of the police services, or acts upon orders by the Minister.

40. The Sector for Internal Control and Professional Standards works in accordance with the Rulebook governing the activities of the Sector, while the latest such Rulebook was adopted in 2007, following the reforms at the MoI and the adoption of the Law on the Police. In January 2010, the Sector for Internal Control and Professional Standards amended the Rulebook governing the work of the Sector and harmonized the procedure for processing applications and requests with the Law on Processing Applications and Requests. In November 2010, a separate section was opened on the website of the MoI, which citizens may use to file their applications and complaints with the MoI electronically and anonymously.

41. In all cases in which the Sector has received any information about ill-treatment of or discrimination against citizens perpetrated by police officers, the Sector checks all such information without exceptions and examines all allegations contained in the applications, without any selectiveness, equally treating all citizens regardless of their ethnic, religious, gender or any other feature or affiliation. Following the checks and examinations, replies are submitted in good time to the concerned persons.

42. The Sector continually undertakes measures for monitoring the situation in the human rights and freedoms area, with a view to establishing irregularities and issuing guideless for their elimination and calling upon responsibility police officers who have abused their authorities and who have violated the fundamental rights and freedoms of persons in the police procedure. In this respect, the Sector performs regular controls in police stations, of the daily log of activities of police stations, inspects the documentation regarding arrested and persons in police custody, inspecting as well the detention facilities.

43. The Sector makes continual efforts to strengthen its capacities for efficient and effective work. In this respect, the Sector has made changes to the methodology of work, selection and choice of professionals to be recruited. In addition, the technical equipment of the Sector has been upgraded. At the beginning of 2011, under the new systematization of jobs at the Sector, the number of organizational units was increased (from three to five), as was the number of employees (from 40 to 60 in line with the systematization of jobs). Furthermore, under the new organizational set-up of the Sector, the focus is placed on preventive activities with a view to establishing and eliminating situations, which result in unprofessional and unlawful conduct and work by police officers. The Sector for Internal Control and Professional Standards has contacts with counterpart internal control services in the Region with a view to exchanging experiences and adopting positive practices of other services in the work of the Sector. In addition, under the EC TAIEX Program, representatives of the Sector have paid study stays in several European countries in order to acquire experiences in detecting police torture and in protecting basic human rights and freedoms, while exercising police competences in line with international standards.

44. Under the Program of work of the Sector, special attention is paid to the professional advancement of the employees of the Sector. The training in this respect is based on fundamental values of democracy, rule of law, ethic conduct and protection of human rights and freedoms in accordance with the strategic goals of the MoI. With a view to successful completion of the training, there is cooperation established with the OSCE, ICITAP, the MoI Training Centre and other institutions. Special attention is paid to the cooperation with the Ombudsman's Office and NGOs. There are direct meetings and joint training primarily of police officers who most often directly contact citizens in exercising their police competences.

45. In all cases in which certain irregularities have been established in the work MoI officers, in line with the Law on Internal Affairs, the Collective Agreement of the MoI and other Rulebooks, the Sector for Internal Control and Professional Standards issues orders to heads of departments where officers who have performed their duties unprofessionally or unlawfully work to obligatorily undertake relevant disciplinary procedures against such officers, in line with the provisions of the Collective Agreement.

Table 2

Review of number of officers subject to obligatorily measures ordered by the Sector for Internal Control and Professional Standards on all grounds, according to type of measures and by year

	<i>Total number of processed cases</i>	<i>Criminally charged persons</i>	<i>Instituted disciplinary procedures</i>	<i>Reprimand and notice of warning</i>	<i>Procedure for material damage compensation</i>	<i>Suspension</i>	<i>Dismissal without a prior disciplinary procedure</i>
2007	974	106	179	149	3	84	
2008	1148	75	173	122	32	39	
2009	1355	50	201	193	84	28	66
2010	1261	29	219	161	85	9	14
2011	1250	30	228	230	62	9	29
2012	1644	23	347	244	74	11	6

Table 3

Applications against police officers for use of physical force

	<i>Total number of applications</i>	<i>Founded</i>	<i>Unfounded</i>	<i>No evidence</i>	<i>Partially founded</i>
2007	61	9	33	19	/
2008	64	4	36	24	/
2009	79	6	37	36	/
2010	64	5	38	20	1
2011	63	8	44	11	/
2012	73	4	46	23	/

46. In 2009, the Sector for Police and Criminalistics, in cooperation with several civil society organizations, participated in the Program called Macedonia without Discrimination, supported by the European Commission, which was aimed at making a contribution to creating an effective and functional framework for equal opportunities for all citizens in the Republic of Macedonia.

47. In the period from November to December 2009, there were two 2-day trainings for 30 representatives having managerial positions at all Sectors for Internal Affairs on the topic of “Equal Opportunities and Non-Discrimination”.

48. The Sector participated in the design of protocols for treatment of children on streets, most of whom belong to the Roma community.

49. In this respect, there have been three regional workshops held at which problems of treatment of children on the street have been considered and proposals for overcoming relevant problems in this regard have been presented.

3. Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

50. In the Republic of Macedonia, the right to vote is universal, individual and equal for all voters. Only nationals of the Republic of Macedonia entered in the Voters’ List have the right to vote, i.e. every national of the Republic of Macedonia who has reached 18 years of age and who has legal capacity acquires the right to vote. There are no other limitations to the right to vote, nor are there any other legal grounds to deprive nationals of the Republic of Macedonia of their right to vote.

51. Election legislation has been codified upon the adoption of the Election Code in 2006 (Official Gazette of the Republic of Macedonia No. 40/60). The Election Code was amended and supplemented on several occasions, i.e. in 2008, 2011 and in 2012.

52. In line with Amendment V to the Constitution of the Republic of Macedonia relating to the use of languages of communities, Article 93 of the Electoral Code contains provisions on the use of languages of communities in printing the ballots.

53. Hence, Article 93 envisages the following:

“(1) The ballot shall be printed in the Macedonian language and its Cyrillic alphabet.

(2) The name of the list submitter, the name and the surname of the candidate i.e. the head of the list shall be written in the Macedonian language and its Cyrillic alphabet.

(3) For persons belonging to the communities, the name of the list submitter, the name and the surname of the candidate i.e. the head of the list shall be written in the Macedonian language and its Cyrillic alphabet and in the language and the alphabet of the community to which they belong.

(4) In units of local self-government where at least 20% of the citizens speak an official language other than the Macedonian, the ballots for the elections shall be printed, in addition to the Macedonian and its Cyrillic alphabet, also in the official languages and alphabets that are used by citizens in that unit of local self-government.”.

4. Other civil rights

(a) The right to freedom of movement and residence within the borders of the State

54. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

55. There are no limitations on the right to free movement on the entire territory of the Republic of Macedonia, except in the border area, where the movement is regulated under the Law on the Crossing of the State Border and on Movement in the Border Area.

(b) The right to leave any country, including one's own, and to return to one's country

56. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

57. Article 37 of the Law on Travel Documents contains provisions regulating cases of rejected applications for issuance of a passport. Thus, according to this Article, in case the passport application has been ejected, the decision rejecting the application must state the reasons and grounds upon which the relevant body has adopted the decision. The concerned person may file a complaint with the relevant second instance commission against the decision rejecting the passport application and after the decision of the second instance body has become final, the concerned person may request court protection before the Administrative Court.

(c) The right to nationality

58. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

59. Article 1 of the Law on Nationality of the Republic of Macedonia (Official Gazette of the Republic of Macedonia Nos. 67/92, 08/04, 98/08 and 158/11), follows the definition of nationality contained in the European Convention on Nationality, by prescribing that "Nationality is a legal link between the persons and the state and does not indicate the ethnic origin of the persons."

60. The Government of the Republic of Macedonia has made significant progress in preventing and reducing statelessness, with a view to fully eliminating the risk of statelessness. A total number of 4,995 long term residences in the country (most of them Albanians, Serbs, Roma, Bosniaks, Turks and Croats) have been naturalized, in line with the two-year transitional provisions introduced in the relevant national legislation in 2004.

(d) The right to marriage and choice of spouse

61. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

(e) The right to own property

62. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

(f) The right to inherit

63. Article 3 of the Law on Inheritance envisages that under same conditions, nationals of the Republic of Macedonia are equal in the enjoyment of the right to inherit. Foreign nationals in the Republic of Macedonia enjoy the same inheritance rights as nationals of the Republic of Macedonia, subject to the application of the principle of reciprocity.

(g) The right to freedom of thought, conscience and religion

64. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

65. The Republic of Macedonia is a secular state. Article 19 of the Constitution guarantees the freedom of religion, envisaging that the Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other religious communities and groups are separate from the state and are equal before the law.

66. In September 2007, a new Law on the Legal Status of a Church, Religious Community and Religious Group was adopted, which regulates the establishment and the legal status of churches, religious communities and religious groups. It also regulates issues such as religious services, prayer and religious rites, religious teaching and educational activities, income as well as other issues related to churches, religious communities and religious groups.

67. Churches, religious communities and religious groups are entered in the Single Court Register of Churches, Religious Communities and Religious Groups, whereby they acquire the status of a legal entity. An independent state body, i.e. the Commission for relations with religious communities and religious groups is tasked with exerting due care about the legal status of churches, religious communities and religious groups and about relations between the state and the church, religious communities and religious groups.

68. April 2013, inclusive, the total number of registered churches, religious communities and religious groups was 30, of which 15 churches, 7 religious communities and 8 religious groups.

69. In 2008, the subject of religious instruction and history of religions was introduced in the curriculum for V grade of primary education, as an optional subject. Adopting a Ruling No. U. 202/2008, on 15 April 2009, the Constitutional Court annulled Article 26 of the Law on Primary Education, which introduced this subject. In its Ruling, the Court presented the following explanation for its decision: "The Court has established that the relevant Constitutional amendment regulates in the principle the issue of religious education (religious instruction), which remains within the ambit and scope of activities of religious communities and religious groups, i.e. within their freedom to establish religious schools for these purposes."

70. In the 2010/11 academic year the following subjects were introduced as optional subjects, one of which must obligatorily be chosen: ethics of religions, history of religious and European civilization.

71. In the Republic of Macedonia there is also an informal body of religious leaders called Inter-Religious Council, which considers issues of importance for the religious life and religious dialogue. This body contributes to advancing the communication among various communities, to the understanding and continual dialogue among persons belonging to different religious communities.

(h) The right to freedom of opinion and expression

72. Articles 41 to 67 of the Law on Broadcasting regulate the regime of awarding broadcasting licenses. Broadcasting licenses are awarded in a competition procedure. The competition is published by the Broadcasting Council and the ensuing relevant procedure is applied in a manner that ensures equal and non-discriminatory treatment of participants in the competition. Broadcasting licenses are issued for a period of 9 years and may not be transferred to another entity.

73. As a step forward in the efforts to strengthen the freedom of the media, on 12 November 2012, the Assembly of the Republic of Macedonia adopted a new Law on Civil Liability for Offence and Defamation, following which the sanctions for such offences were removed from the Criminal Code.

(i) The right to freedom of peaceful assembly and association

74. Article 20 of the Constitution of the Republic of Macedonia guarantees the freedom of association:

“Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, join them or resign from them.

Programmes and activities of political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.”.

75. Article 21 of the Constitution regulates the right of citizens to peaceful assembly and to express public protest, without a prior notification or a special license. Constitutional provisions relating to the right to peaceful assembly and expressing a public protest have been elaborated in further detail in the Law on Public Assembly adopted in 1995, as amended in 2006 and in 2007.

76. In October 2004, the Assembly of the Republic of Macedonia adopted the Law on Political Parties (Official Gazette of the Republic of Macedonia Nos. 76/2004, 5/2007, 8/2007 and 7/2008) and the Law on Financing of Political Parties (Official Gazette of the Republic of Macedonia Nos. 76/2004, 86/2008, 161/2008, 96/2009 and 148/2011).

77. The Law on Political Parties and its amendments of 2007, *inter alia*, envisage the following:

- Equality of genders in access to managerial positions in political parties and prohibition of discrimination on grounds of membership of or not being a member of a political party (Articles 4 and 5).

78. Considering the fact that the advancement of the civil sector is of exceptional importance for the development of democracy and of a democratic society, the Government of the Republic of Macedonia adopted a Strategy for Cooperation of the Government with the Civil Sector (2007-2011), in which it is underlined that the civil sector is an important factor in building a democratic society, focusing on participation of citizens in mainstream social trends. The new Strategy covering the period from 2012 to 2017 was adopted in June 2012. A new Law on Associations and Foundations (Official Gazette of the Republic of Macedonia No. 51/2010) was adopted in 2010.

79. The Law provides for free association in line with European practices. Hence, in addition to Macedonian nationals, foreign nationals, legal persons and nationals of minor age may establish associations and foundations. The grounds for such a provision can be found in the European Convention on Human Rights and the case law of the European Court of Human Rights, the Convention on the Rights of the Child and the Recommendations of the Council of Europe.

5. Economic, social and cultural rights

(a) Right to work

80. The reply regarding the recommendation under item 15 of the Concluding observations of the Committee on the Elimination of Racial Discrimination is given at the end of this Report.

81. The amendments to the Law on Labour Relations of 2008 (Official Gazette of the Republic of Macedonia No. 106/2008) introduced amendments to Article 10 of this Law, envisaging damage compensation in case of discrimination in the amount of 5 monthly average salaries, i.e. the worker has the right to request damage compensation in line with the Law on Contractual Relations.

82. If in a dispute, the candidate for employment, i.e. the worker presents facts that the employer has acted in contravention to Articles 6 and 9 of this Law, than the employer has the burden to prove that there has been no discrimination i.e. that the employer has acted in accordance with the above referred to provisions, i.e. the employer has the burden to prove that the difference in treatment is based on exceptions envisaged in Article 8 of the Law.

83. In the last period there have been activities for the harmonization of the legislative framework with the EU acquis, with a focus on provisions regulating the issue of discrimination. This issue has been analysed in terms of its complete regulation and in terms of harmonizing the relevant legal provisions with the EU legislation, i.e. Directives in this field. In this context, the Project called "Review of the National Labour Legislation", financially supported by the EU was implemented in the period from May 2008 to September 2009.

84. The analysis in terms of harmonization with EU legislation, resulting in specific recommendations in this respect, covered not only the Law on Labour Relations and the Law on Employment and on Insurance in Case of Unemployment, but also the Law on Employment of Disabled Persons, the Law on Equal Opportunities and the Law on Temporary Employment Agencies.

85. The Final Report under this Project was adopted in September 2009, containing recommendations for the further process of legislative harmonization. The Republic of Macedonia needs to continue strengthening its capacities in order to be able to fulfil obligations deriving from the implementation of the acquis in the national legislative system, and from the implementation of EU Directives. Hence, the implementation of the Directives needs to be pursued in several stages.

86. In following with recommendations under the relevant Twinning Project upon the amendments to Article 6, paragraph 2 of the Law on Labour Relations (Official Gazette of the Republic of Macedonia No. 124/2010), this Law has been harmonized with Directives 2000/78/EC, 2000/43/EC, 2002/73/EC, 2006/54/EC and 97/80/EC on equal treatment and equal opportunities. The relevant Law has been amended and supplemented in order to harmonize it with the above referred to Directives, with a view to ensuring the principle of equal opportunities and equal treatment and access to employment, including in advancement and professional training, conditions for work, equal pay for equal job, professional social insurance schemes, leave of absence from work, working hours and cancellation of employment contracts.

(b) The right to form and join trade unions

87. The right to strike and to form trade unions is regulated by the Law on Labour Relations. Thus, Article 236 of the Law guarantees the right of trade unions, i.e. of trade union federations encompassing several trade unions to call a strike for the purpose of protecting the economic and social rights and employment relations rights of their members.

88. Furthermore, the Law guarantees the right of workers to establish trade unions and become their members. Employers too have the right to establish associations of employers and become their members. The Law explicitly bans activities that place persons in a less favourable position owing to participation in or membership or non-membership of trade unions or associations of employers.

89. Court protection is guaranteed against violations of rights set forth under the Statute of the trade union or association of employers.

(c) The right to housing

90. The reply regarding the recommendation under item 16 of the Concluding observations of the Committee on the Elimination of Racial Discrimination is given at the end of this Report.

(d) The right to public health, medical care, social security and social services

91. The Constitution guarantees universal access to health care to all citizens in the Republic of Macedonia.

92. The Law on Health Care and the Law on Health Insurance provide for equality in the access to health care institutions, while respecting the right to equality of all citizens of the Republic of Macedonia.

93. According to Article 5 of the Law on Health Insurance (Official Gazette of the Republic of Macedonia No. 65/12 consolidated text), the right to health care is equally accessible both to nationals of the Republic of Macedonia and to foreign nationals legally residing and working in the Republic of Macedonia. Thus, obligatory health insurance is guaranteed to all foreign nationals who are employed on the territory of the Republic of Macedonia, i.e. serve at foreign legal or natural persons, international organizations and institutions or foreign diplomatic and consular missions, unless otherwise provided for under an international treaty. Obligatory health insurance is also guaranteed to all foreign nationals who are staying in the Republic of Macedonia for purposes of education or professional advancement, unless otherwise provided for under an international treaty.

94. In this context, it would be important to mention the Strategic Framework for the improvement of the health care and social status of the Roma in the Republic of Macedonia, through introduction of Roma health care mediators (adopted in 2011).

(e) The right to education and training

95. The replies regarding recommendations under items 17 and 18 of the Concluding observations of the Committee on the Elimination of Racial Discrimination are given at the end of this Report.

(f) The right to equal participation in cultural activities

96. This issue has been elaborated in the IV, V, VI and VII Periodic Report.

Article 6**Protection against any acts of racial discrimination**

97. Chapter VI of the Law on the Prevention of and Protection against Discrimination (Official Gazette of the Republic of Macedonia No. 50/2010) contains provisions on court protection.

98. Thus, according to Article 34:

(1) The person considering that some right has been infringed because of discrimination is entitled to submit a lawsuit with the competent court.

(2) The provisions of the Law on Civil Procedure are adequately applied in this procedure.

99. Under the lawsuit referred to in Article 34 paragraph (1) of this Law, the following may be requested:

(1) To be determined that the defendant violated the right of the plaintiff to equal treatment, i.e. that the action that he/she has undertaken or overlooked may directly lead to violation of the right to equal treatment;

(2) To prohibit undertaking actions violating or actions that may violate the right of the plaintiff to equal treatment, i.e. to perform actions for eliminating the discrimination or its consequences;

(3) To compensate the material and non-material damage caused by the violation of rights protected by this Law;

(4) To publish in the media at the expense of the defendant the verdict in which one determines the violation of the rights to equal treatment.

100. Article 38 of the Law regulates the burden of proof. Namely: (1) If the party in court proceedings claims that in accordance with the provisions of this Law his/her right to equal treatment has been violated, he/she is obliged to state all the facts and evidence justifying his/her claim. The respondent party in the proceedings has the burden of providing evidence that there has been no discrimination. (2) The provision of paragraph (1) of this Article shall not be applied in misdemeanour and criminal procedures.

Article 7

Measures implemented in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination

1. Teaching and education

101. In the context of pursuing the 2011 Strategic Priorities of the Government of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 58/2010) a series of activities and measures have been undertaken for purposes of decentralization, raising the quality of education and for ensuring equality in education.

102. The reforms in the area of education are focused on the following: improving the infrastructure and technical equipment of schools, training the teaching staff, school principals and school boards, active participation of pupils/students, parents and community representatives; improving the material situation of pupils/students by conditioned pecuniary transfers, scholarships, free of charge text books, free of charge transportation and free of charge accommodation if concerned pupils/students attend schools in places different from their place of residence.

103. There has been significant progress in promoting the constitutionally guaranteed right to education in the mother tongue of persons belonging to various ethnic communities.

104. The introduction of a relevant database in this area, as well as of the EMIS system will help monitor the reform processes in education, as well as the decision making process, i.e. it will help design measures regarding the early drop-out by pupils, especially pupils belonging to ethnic communities. The reform activities have contributed to facilitating and improving the access to primary and secondary education and to reducing the early school drop-out rates.

105. According to the Law on Primary Education (Official Gazette of the Republic of Macedonia Nos. 103/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12 and 100/12) every child has the right to primary education. The Law prohibits discrimination of grounds of gender, race, colour, national, social, political religious affiliation, property or social status in the exercise of the right to primary education. One of the goals of the education reform activities is to improve the level of literacy and skills of pupils for comprehension,

informing in and proper use of the Macedonian language and its Cyrillic alphabet, as well as raising the level of literacy and skills of pupils for comprehension, informing in and proper use in addition to the Macedonian language and its Cyrillic alphabet, also in the languages and alphabets of the communities speaking a language different from the Macedonian language.

106. Primary schools are obliged to offer assistance for learning the Macedonian language for children of nationals of the Republic of Macedonia who have stayed abroad for a longer period and who have returned to the Republic of Macedonia where they start, i.e. continue their primary education.

107. The primary education curriculum envisages learning of the Macedonian language in the context of the implementation of the Law on obligatorily learning the Macedonian language by persons belonging to communities.

108. According to the Law on Secondary Education (Official Gazette of the Republic of Macedonia Nos. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07, 49/07, 81/08, 92/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12 and 100/12) secondary education is compulsory for every national under equal conditions set forth under the Law. Secondary education is free of charge. Discrimination in secondary education on grounds of gender, race, colour of skin, national and social origin, political and religious conviction, property or social status is prohibited. Persons belonging to communities speaking a language different from the Macedonian language and its Cyrillic alphabet, follow instruction in public secondary schools in the language and alphabet of the relevant community in a manner and under conditions set forth by the Law.

109. With reference to the improvement of the quality of instruction for learning languages different from the mother tongue, a Handbook for instruction for learning non-mother tongue languages has been prepared, in cooperation with the British Council, the Bureau for Education Development and the Ministry of Education and Science. The Handbook is intended for teachers in primary, secondary and higher education and encompasses the results of scientific research of learning a second language, while taking into consideration the specific context of local languages.

110. Upon the adoption of the Strategy for Integrated Education in October 2010, the Government of the Republic of Macedonia started education reforms that helped establish a framework for overcoming the gap among the communities and for encouraging integration in and through education. One of the main components of the education reforms proposed in the Strategy is language learning. In addition to other activities for improvement of the communication, it is envisaged that the learning of the Macedonian language will start in the initial part of primary education, i.e. in the period from the I to the III grade.

111. In respect of providing text books in the languages of persons belonging to the communities, according to the Law on text books for primary and secondary education (Official Gazette of the Republic of Macedonia Nos. 98/08, 99/09, 83/10, 36/11, 135/11 and 46/12), text books are published also in the languages of instruction, i.e. they are translated in the languages in which instruction is provided.

2. Culture

112. The Law on Culture (Official Gazette of the Republic of Macedonia Nos. 1/98, 49/03, 82/05, 24/07, 116/10, 47/2011, 51/11 and 136/12) is the main legislation in the area of culture, based on the Constitution and relevant international instruments ratified by the Republic of Macedonia.

113. The Law envisages that the state encourages and provides assistance for cultural activities, by ensuring equal conditions for expression, fostering and promotion of the cultural identity of all communities.

114. According to the Law, cultural activities and values of public interests for all nationals of the Republic of Macedonia represent a national priority; hence they must be continually fostered and be equally accessible to all nationals. One of the priority interests in the area of culture is to guarantee principles of importance for the exercise of cultural rights of communities, these principles being:

- Encouraging cultural diversity;
- Ensuring conditions for expression and protection of the cultural identity of communities in the Republic of Macedonia;
- Care for the cultural development and the enjoyment of cultural rights of the Macedonian minority outside of the Republic of Macedonia who are temporarily employed abroad and immigrants from the Republic of Macedonia abroad regardless of their ethnic affiliation;
- Creating conditions for equal cultural development in the country; and
- Promotion of the culture and cultural diversity of the country abroad.

115. Furthering local interest in culture and the competences of municipalities in the area of culture are governed by the Law on Culture and the Law on Local Self-Government (Official Gazette of the Republic of Macedonia No. 5/2002). In the area of culture, municipalities are competent for institutional and financial support of culture institutions and projects, preserving folklore, customs, old crafts and similar cultural values, organizing cultural events and promoting various specific forms of creativity.

116. In practice, the process of decentralization and transferring competences in culture from the central to the local level, in compliance with the relevant legislation, has already been implemented. Hence, today both national bodies and local authorities exert due care for the exercise, fostering and respect for the cultural diversities and traditions of all communities in the Republic of Macedonia.

117. Regarding the promotion, efficient protection and development of traditions and the material cultural heritage of the different communities, the Law on Culture envisages that the protection and use of the material and non-material creations as a common cultural treasure that belongs to all citizens of the Republic of Macedonia are governed by regulations in a number of areas.

118. The Law on the Protection of Cultural Heritage (Official Gazette of the Republic of Macedonia Nos. 20/04, 115/07, 18/11 and 148/11), which is the primary law concerning the protection of cultural heritage, governs issues that are important to the unity of the system of protection of cultural heritage, but the system of protection of non-material and material cultural heritage also comprises special laws on certain activities for protecting movable cultural heritage items by type (museum, library and audiovisual items) which are aligned with relevant international agreements.

119. According to the Law on the Protection of Cultural Heritage, the general principle is that cultural heritage is a fundamental value of the Republic of Macedonia, its protection is a public interest and it is protected according to its values, importance and level of endangerment, regardless of the time, place and manner of creation, the creator, owner or holder of the item, regardless of whether it is of a secular or religious nature and regardless of the religion to which it is related.

120. The Law on Libraries, the Law on Museums, the Law on Audiovisual Works, the Law governing the setting up of monuments and memorials and the Law on the Protection of Cultural Heritage constitute the legal basis for fostering culture at the local level and more effective development of culture and traditions of all communities in the Republic of Macedonia.

121. Under the Law on Culture, cultural projects and the protection of cultural heritage of the different communities are supported through the system of funding programs and projects of national interest under the national budget via the Ministry of Culture. Each year the Ministry publishes annual competitions for funding programs and projects of national interest, which are open to any public (national and local) institutions and private entities (private institutions, artists, NGOs, etc.) that work in the area of culture. Specific commissions formed by areas of culture perform a professional and competent assessment of the submitted projects, based on the criteria established by the Rulebook on the Criteria for Funding Programs and Projects in Specific Areas of Culture, without discrimination on the grounds of ethnic affiliation, status, age, education, religious, political or any other subjective characteristics of the applicants, and propose to the Minister of Culture a list of projects to be funded under the Annual Program of the Ministry for the current year. The adopted Annual Program is published in the mass media, in the Macedonian and Albanian languages, thus ensuring publicity and transparency in the allocation of budget funds for culture. Accordingly, local authorities also fund cultural projects and programs of local significance, regardless of ethnic affiliation and or any other discriminatory grounds.

3. Informing

122. This issue has been elaborated in the IV, V, VI and VII Periodic Report, as well as in the updated version of the Common Core Document, part E. Framework for Human Rights Promotion at the National Level.

III. Replies to the concluding observations of the Committee on the Elimination of Racial Discrimination

Reply to the recommendation under item 9 of the Committee's previous concluding observations (CERD/C/MKD/CO/7)

123. As regards the recommendation under item 9, according to statistical data, there are no reported, charged or convicted journalists for the crime stipulated in Article 319.

Reply to the recommendation under item 10 of the Committee's previous concluding observations

124. As regards the recommendation under item 10, Article 4, paragraph 7 of the Law on the Employment and Work of Foreigners (Official Gazette of the Republic of Macedonia Nos. 70/2007, 5/2009, 35/2010, 148/2011 and 84/2012) reads as follows:

“When employing or granting work to a foreigner, the employer may not discriminate the candidate on the grounds of race, colour of skin, gender, age, health condition, disability, religious, political or other affiliation, union membership, national or social background, family status, property status, sexual orientation or other personal circumstances. The prohibition of direct or indirect discrimination in these cases shall apply to discrimination of the candidate or employee pursuant to the Law on Labour Relations.”

125. According to Article 4, paragraph 1 of the Law on Foreigners (Official Gazette of the Republic of Macedonia Nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/2010, 158/2011, 84/2012 and 13/2013), during their legal stay in the Republic of Macedonia, foreigners have the same rights and obligations as nationals of the Republic of Macedonia unless otherwise provided by law.

126. Article 5 of the same Law reads as follows: “This Law shall be applied in accordance with international treaties that have been ratified by the Republic of Macedonia in accordance with the Constitution and that grant a more favourable treatment to foreigners.”

Reply to the recommendation under item 11 of the Committee’s previous concluding observations

127. As regards the recommendation under item 11, the reasons for rejecting asylum applications are not related to shortcomings in the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia Nos. 49/03, 66/07, 142/08, 146/09 and 166/2012), that is in the application of refugee status determination mechanisms, but to the fact that asylum seekers in the Republic of Macedonia coming from crisis areas, such as Afghanistan, Pakistan, Somalia, etc., leave the Vizbegovo Asylum Seeker Reception Centre and the territory of the country during the procedure.

128. The Republic of Macedonia is facing lack of interpreters in the languages spoken on these territories (Pashto, Farsi, Duru); however, insisting on holding interviews exclusively in their respective languages amounts to abuse of the procedure by the asylum seekers, whose primary goal is to receive asylum not in the Republic of Macedonia but in Western European countries.

129. As regards the recommendation for reviewing the Law on Asylum and Temporary Protection, amendments to the Law have been drafted.

130. The 2012 Law Amending the Law on Asylum and Temporary Protection entered into force in December 2012. This law is aligned with, i.e. it incorporates the provisions of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

131. The Law provides solutions to certain issues and improves the asylum and first-instance decision-making procedures and the procedures for granting refugee status.

132. According to the same Law, the Ministry of Labour and Social Policy informs the asylum seekers, in writing in a language for which it can be reasonably assumed that they understand or orally through an interpreter, about all rights conferred on them by this Law. The Law defines the obligations of asylum seekers, stipulates which personal data are entered in the Integrated Foreigner Database, including data on asylum, migration and visas, which are processed by the Unit for Asylum, and sets the period of preserving the data.

133. In addition to the amended Law on Asylum and Temporary Protection of 2012, the Republic of Macedonia has also developed a Strategy for Integration of Refugees and Foreigners and a National Action Plan for implementation of the Refugee Integration Process in the Republic of Macedonia. The National Action Plan specifies the measures for

implementation of the Strategy in the period from 2008 to 2015, especially relating to housing, education, health care, employment, social protection, etc.

134. As of February 2013, in the Republic of Macedonia there are 16 recognized refugees and 587 persons under subsidiary protection. The majority of them have requested international protection as a result of the conflict in Kosovo in 1999 and are mainly persons belonging to the Roma, Ashkali and Egyptian ethnic communities. Concerning the situation of internally displaced persons, there are a total of 296 persons, that is 81 families, registered in the country. At present, they are accommodated in six collective centres (78 persons, i.e. two-member families) and households, for which the state authorities pay their monthly rent. For the purpose of resolving one of the more important issues for these persons, housing, two projects are in progress: one of the projects is supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and involves the construction of 20 housing units for refugees, while the other project, which will be funded through the IPA component 1, involves the construction of 100 housing units for refugees and internally displaced persons.

135. It should also be noted that a program for integration of persons who have been granted asylum was adopted for the first time in 2011. The program motivates beneficiaries to assume a proactive role in activities aimed to promote the process of local integration, primarily through employment and education. The Ministry of Labour and Social Policy develops such a program at the start of every year and implements it through joint activities with the Refugee and Foreigner Integration Centre and Social Work Centres. Such a program has been adopted for 2013, as well.

136. Recognizing the social and humanitarian nature of the problem of refugees, the law incorporates European standards and comparative experiences in abiding by procedural safeguards in the procedure for obtaining this right in the Republic of Macedonia, in line with the interests, the economic opportunities and the legal and political system of the country.

Reply to the recommendation under item 12 of the Committee's previous concluding observations

137. As regards the recommendation under item 12 of the Concluding observations of the Committee on the Elimination of Racial Discrimination, on 13 December 2012, the European Court of Human Rights delivered a final judgment in favour of Mr El-Masri and against the Republic of Macedonia. The Court ruled that Articles 3 (Prohibition of torture and inhuman and degrading treatment), 5 (Right to liberty and security), 8 (Right to respect for private and family life) and 13 (Right to an effective remedy) had been violated and ordered that 60,000 euros be paid for non-pecuniary damage.

138. The judgment has been translated in Macedonian and has been delivered to all bodies that were involved in the case and to other bodies considered appropriate to be informed.

139. The Republic of Macedonia will abide by the judgment in this case in compliance with the Law on the Execution of the Judgments of the European Court of Human Rights (Official Gazette of the Republic of Macedonia No. 67/09), according to which:

Article 3

In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the execution of the judgments of the Court shall be mandatory for the Republic of Macedonia.

Article 6

An Interdepartmental Commission for the Execution of the Judgments of the European Court of Human Rights shall be established for supervising the execution of the judgments of the Court.

Reply to the recommendation under item 13 of the Committee's previous concluding observations

140. As regards the recommendation under item 13, 28 translators have been employed at first instance courts for the purpose of applying the provisions of laws concerning the use of the languages of the communities in court proceedings, 22 of whom were employed in 2006, 6 were employed in 2007 and 2 in 2008.

- Four translators have been employed at the Gostivar, Skopje and Bitola appellate courts, one of whom was employed in 2006, one in 2007 and one in 2008; and
- One translator was employed at the Supreme Court of the Republic of Macedonia in 2006.

141. Concerning training activities, data show that translators at the Supreme Court and the Skopje II First Instance Court, as a civil court, have undergone a 9 months' translator training, whereas the translator employed at the Resen First Instance Court has attended 4 training seminars.

Reply to the recommendation under item 14 of the Committee's previous concluding observations

142. As regards the recommendation under item 14, according to the Law Amending the Law on Civil Registration (Official Gazette of the Republic of Macedonia Nos. 98/08 and 67/09), on 1 January 2010 the duty of maintaining the civil registries was transferred from the Ministry of the Interior to the Directorate for Civil Registries at the Ministry of Justice.

143. In spite of these changes, the Ministry of the Interior of the Republic of Macedonia, in cooperation with other ministries, particularly the Directorate for Civil Registries at the Ministry of Justice and the Ministry of Labour and Social Policy, the UNHCR Office in Skopje, the Council of Europe, the OSCE, the UNICEF and the NGO network, participates actively, within its competences, in overcoming and resolving the problems facing persons belonging to the Roma community relating to procedures for registration in the Registry of Births and obtaining personal identification documents.

144. With respect to the personal documents that fall within its competences, the Ministry of the Interior always acts in accordance with the relevant legislation and does not discriminate on any ground, including ethnic affiliation.

145. The project "New Personal Documents", which introduced biometric personal identification documents in the Republic of Macedonia, was launched on 2 April 2007, with the issuance of passports aligned with European standards.

146. According to the Law on Travel Documents of Nationals of the Republic of Macedonia, travel documents are issued under a legally defined procedure, in accordance with primary and secondary legislation, to any national of the Republic of Macedonia who fulfils the conditions for the issuance of passports regardless of their ethnic affiliation.

147. The second stage of the "New Personal Documents" project started on 1 October 2007 and included the issuance of biometric identity cards and driving licenses.

148. In October 2011, the Ministry of Labour and Social Policy, in cooperation with the Ministry of the Interior, the Directorate for Civil Registries, the UNHCR and Roma NGOs, started a campaign of identifying and registering persons belonging to the Roma community who had not been recorded in the Registry of Births by locating and identifying them directly in the field. This campaign also included DNA analysis – DNA samples were taken from 32 persons without documents for further analysis. The campaign for registering persons who have not been recorded in the Registry of Births and the door-to-door activities concerning persons who have not been recorded in the Registry of Births, which started in October 2011, has entered the final stage.

149. In order to familiarize the Roma population with the legal opportunities for proper and full resolution of the problem of obtaining personal identification documents, interdepartmental task forces have been set up to carry out projects relating to this issue.

150. In respect of personal and public documents, the procedures for obtaining nationality of the Republic of Macedonia and other procedures that fall within its competences, the Ministry of the Interior always acts in accordance with the relevant legislation and does not discriminate on any ground, including ethnic affiliation.

151. Regarding the procedure for issuance of travel documents, starting from the institution of the procedure upon request by the citizen concerned until the issuance of the travel document, the relevant legislation and the right to use a language and alphabet in official use other than the Macedonian as defined by law are fully abided by. Furthermore, upon request by citizens who speak a language other than the official (Roma, Bosniaks, Turks, Serbs and Vlachs), their name may be printed in the passport in their language and alphabet. From 2 April 2007, when the issuance of biometric travel documents started, to February 2013, a total of 4158 travel documents in which the name was also printed in the Romani language were issued.

152. The same legal provisions also apply to the procedure for issuance of identity cards and, from 1 October 2007 to February 2013, 1897 identity cards in which the name was also printed in the Romani language were issued.

153. In addition, the Ministry of the Interior, in cooperation with the UNHCR Office in the Republic of Macedonia, was actively involved, within its competences, in the regional project of the European Commission entitled “Social Inclusion and Access to Human Rights of Roma, Ashkali and Egyptians in the Western Balkans”, which was launched in February 2008 and the first stage of which was successfully concluded in the Republic of Macedonia, as well as in the second stage of this project, “Social Inclusion: Regional Support to the Marginalized Communities”, which ended on 31 October 2011.

Reply to the recommendation under item 15 of the Committee’s previous concluding observations

154. As regards the recommendation under item 15, the Employment Agency, in line with its program objectives, focuses its activities on successful preparation for employment of unemployed persons, includes them in the active measures for employment and mediates in employment.

1. Active employment measures

155. The Employment Agency implements the active employment programs/measures under the 2011 Operational Plan for Active Employment Programs and Measures. They are implemented within the set time frame and involve employers and unemployed persons

from the Roma community, in addition to other unemployed persons as recorded by the Employment Agency of the Republic of Macedonia.

156. The 2011 Operational Plan for Active Employment Programs and Measures contains several programs and measures for employment, two programs of which are particularly designed to increase employment among the Roma.

2. Program for Self-Employment, in which registered unemployed Roma are one of the target groups

157. The Program is implemented through trainings offered to the unemployed for learning the basics of entrepreneurship and preparing solid and sustainable business plans, by assisting in the registration of their own companies and by providing subsidies for starting their businesses.

158. Each employment is supported by grants totalling 201,897 denars, 185,000 of which are a direct subsidy for purchasing equipment and raw materials, while the other 16,897 denars are provided as indirect assistance in the form of basic training for business management, a voucher system for preparing a business plan and support in registering companies.

159. As of 29 September 2011, a total of 51 Roma applied for this Program, with a further 8 applying for the Program for Support for Formalizing Existent Businesses. The registration of companies under these programs is still in progress, which means that the foregoing numbers are not final and are subject to change. The final numbers will be known upon conclusion of the programs.

3. Roma Support Program

160. The trainings are aimed at professions in deficit on the labour market, based on the results of the analysis of the skill needs on the labour market in the Republic of Macedonia, the information obtained from the professional services at the Employment Agency of the Republic of Macedonia and the poll on vacancies, the available resources for organizing and conducting trainings and the Memorandum of Understanding signed between the Employment Agency of the Republic of Macedonia and the Centre for Professional Education and Training, and the Employment Agency of the Republic of Macedonia and the Adult Education Centre.

161. The persons participating in the training receive allowances of 4,700 denars per month to meet the costs of subsistence and travel. The personal income tax and the workplace personal injury and occupational disease insurance are also covered. Any registered unemployed person who has not been included in the Program for Preparation for Employment through Training for Professions in Deficit is entitled to undergo this training.

162. The training is conducted over a period of three months at institutions and/or agencies. After the training, the candidates carry out practical work with an employer in real conditions for a period of 1 month, for which they must obtain a certificate for completed practical work with an employer.

163. If unemployed persons pass the exam, they are awarded a certificate of professional qualification.

164. In addition to the active employment measures, as part of their regular operation, employment centres provide unemployed Roma with other services, such as mediation in employment, work club services (information, counselling, various trainings), etc. The goals of the work club activities at the employment centres are to foster initiative and develop the capacities of persons seeking employment so that they may present themselves successfully at the labour market and actively seek employment.

165. Employment centres maintain regular cooperation with employers in order to keep them informed of the developments at the labour market and legislation and of the opportunities, conditions, advantages and benefits of hiring unemployed persons. Employers have also been offered services such as assistance in organizing training, retraining or education of unemployed persons for the needs of employers, providing qualified workforce, mediation in employment, etc.

166. The Agency has assigned officers for cooperation with the Roma Information Centres at employment centres in cities where Roma Information Centres have been established.

167. The activities of the Employment Agency of the Republic of Macedonia that will be implemented in the forthcoming period under the Action and Operational Plans for the Decade of Roma Inclusion 2005-2015 and the Strategy for the Roma in the Republic of Macedonia will be regularly adapted to the needs and priorities of this target group.

168. According to the 2015 National Employment Strategy, the priorities of the labour market policies are creating conditions for stimulating participation, creating jobs and improving access to the labour market.

169. Projects carried through thus far on equal opportunities, non-discrimination and human rights and the on-going projects, such as the direct grant program "Support for Employing Young and Long-Term Unemployed Persons and Women" and the envisaged grant scheme "Integration of Women from Ethnic Communities in the Labour Market", contribute to strengthening institutional and employment capacities and creating an inclusive labour market for the purpose of better preparing the country to fulfil the goals of the European Employment and Social Inclusion Strategy.

170. The project "Strengthening the Capacities for Integration of Marginalized Women in the Labour Market, with Special Focus on Women from Ethnic Communities 2012-2013" is designed to improve national capacities for implementing and pursuing the employment and social inclusion policies and for developing effective partnership cooperation among relevant institutions and organizations in our society on integration of women in the labour market, with special focus on women from different ethnic communities. Activities envisaged under the Project are aimed to improve the current status of marginalized women at the labour market through analytical approach, developing the skills, competences and knowledge of the employees at the Ministry of Labour and Social Policy, the Employment Agency and other institutions and organizations involved in social protection and competent for providing support and services for integration of marginalized women in the labour market, fostering interdepartmental cooperation, distributing the results attained and promoting the best practices for integration of women from different ethnic groups adopted at the national level. This Project and the related training programs, methodologies and partnership approach to cooperation will enable consistent social inclusion in the labour market by following the experiences and best practices of the European Union in developing the labour market and will improve the status, employment opportunities and competitiveness of women from different ethnic communities at the labour market.

171. According to data from the Employment Agency, Roma women are regularly included in part of the measures. For instance, in 2012, 44 informative meetings were held on active employment measures in 10 cities with larger Roma populations. 60 workshops were also held on preparing business plans. Of the attendees, 3 Roma women succeeded in starting their own businesses and thus became self-employed. 31 Roma women applied for self-employment credits, and 2 were granted credit. 6 Roma and 4 disabled women were employed under the subsidy program. Furthermore, Roma women also participate in the program for public services, which involves over 22 Roma women.

Reply to the recommendation under item 16 of the Committee's previous concluding observations

172. As regards the recommendation under item 16, the general assessment is that the conditions in which the Roma live are particularly bad and often fall short of the proclaimed standards for proper housing. Recognizing the foregoing situation, the Cabinet of the Minister without Portfolio Nezdet Mustafa, National Coordinator for the Roma Decade and Strategy, in 2010, signed a Memorandum for Cooperation with 19 municipalities. The goal of the Memorandum is to take coordinated actions for resolving problems facing the Roma and allocate budget funds for specific activities aimed at Roma at the local level.

173. As a result of the Memorandum for Cooperation, Section 130.01 (Ministry of Transport and Communications), Program 1 (Administration), Sub-program 11 (Support for the Implementation of the Roma Decade and Strategy), Item 488 (Capital Grants for the Units of Local Self-Government), Sub-item 488190-11 (Other Capital Grants) of the 2011 Budget of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 161/2010), a total of 10,986,000 denars were earmarked for projects under the Roma Decade and Strategy in the Republic of Macedonia and the Housing Action Plan. The funds were used for the following projects:

1. Municipality of Bitola: 2,086,000 denars for the project "Reconstruction of the Carriageway of Ljubojno St., Sections 1, 2, 3" in the locality of Bair;
2. Municipality of Cair: 1,700,000 denars for the project "Reconstruction of 376/1 and 376/2 St. in the Locality of Stara Topana";
3. Municipality of Gazi Baba: 1,500,000 denars for the project "Construction of Sanitary Sewer on 12 St. in the Village of Jurumleri";
4. Municipality of Kocani: 1,000,000 denars for the project "Construction of Supporting Wall on Stamen Manov St., Section 2";
5. Municipality of Kicevo: 1,000,000 denars for the project "Reconstruction of River Embankment and Streets";
6. Municipality of Prilep: 900,000 denars for the project "Construction of Sanitary Sewer on a section of Berovska St.";
7. Municipality of Delcevo: 800,000 denars for the project "Reconstruction of a Part of the Supply Network in the City of Delcevo, Zone: Circumferential Pipeline, Section 2, Chainage 1+596.60 – 1+929.94".

174. Furthermore, based on an announcement published in 2009 for allocating apartments constructed under the Project for Housing for Socially Vulnerable Groups F/P 1674, which has been partially funded by a loan of 25,350,000 euros from the Council of Europe Development Bank taken under Loan Agreement F/P 1674 (2009) and by 25,350,000 euros from the Budget of the Republic of Macedonia, in 2011 a total of 30 apartments were granted to persons belonging to the Roma community, including 10 families from Ohrid, 4 families from Kicevo, 9 families from Kavadarci and 7 families from Kocani.

175. According to some assessments, approximately 70% of the Roma do not have deeds for their residences, live in illegal buildings or their properties have not been legalized. In order to resolve the aforesaid issues for all citizens concerned, in 2011 the Assembly of the Republic of Macedonia adopted the Law on Legalization of Illegal Buildings, which allows for the legalization of illegal buildings at the price of 1 euro per 1 m² and from which the Roma will benefit the most.

Reply to the recommendations under items 17 and 18 of the Committee's previous concluding observations

176. As regards the recommendations under items 17 and 18, compulsory secondary education was introduced in the Republic of Macedonia in the 2008/09 school year. Free transport is provided to all primary and secondary school pupils who must travel 2 and 2.5 km respectively from their homes to their schools. In places where there is no transport organized, pupils are provided with accommodation in dormitories and free textbooks. The Conditional Cash Transfers Project has provided financial assistance, conditional upon regular school attendance, to secondary school pupils whose parents receive welfare.

177. The Roma population faces an education problem, i.e. a large number of Roma children drop out of the education process, that is they drop out of schools. Therefore, in the past six years, the Ministry of Labour and Social Policy of the Republic of Macedonia, in cooperation with the Roma Education Fund and 18 units of local self-government, has implemented the project "Inclusion of Roma Children in Preschool Education", the primary objective of which is to improve and support integration of Roma children through their enrolment in preschool institutions one year before the start of primary education. In 2012-2013, this project covered 459 Roma children.

178. The Project for Providing Scholarships, Mentorship and Tutorship to Roma Secondary School Pupils has been carried out since November 2009. This project has been implemented by the Directorate for Development of the Education of the Communities at the Ministry of Education and Science and involves 84 schools and 25 municipalities throughout the country.

179. Under the National Roma Strategy and the Education Action Plan, in the 2008/09 school year, the Ministry of Education and Science awarded 650 scholarships to first-year Roma students at secondary schools. This was a stimulating measure and an incentive for Roma pupils to continue and complete their education.

180. Drawing upon the positive experiences from such programs, in the 2009/10 school year, the Ministry of Education and Science, together with the Roma Education Fund, launched the Project for Providing Scholarships and Mentorship to 800 Roma Students and Tutorship to All 1606 Roma Secondary School Students, which offered additional assistance for achieving better results by all students. Scholarships were awarded to 455 secondary school students (258 of whom were female) and their GPA was good (3.00).

181. All of these measures have been stimulating and have resulted in increased involvement of Roma pupils.

182. In the past few years, the number of female secondary school students from the other ethnic communities has also increased:

<i>School year</i>	<i>Albanian</i>	<i>Turkish</i>	<i>Bosnian</i>
2006/07	9 791	1 072	283
2007/08	10 731	1 172	317
2008/09	11 380	1 220	333

183. With respect to awareness-raising measures and the educational campaign, the Republic of Macedonia has opened secondary schools and dispersed classrooms in rural areas in order to facilitate the access to education by pupils from rural areas. These include secondary schools in the municipalities of Lipkovo and Centar Zupa and the dispersed classrooms in the municipalities of Mavrovo and Rostuse, Vrapciste, etc.

184. Aiming to raise public awareness about increasing enrolment of and reducing the drop-out rate among female pupils from ethnic communities and in rural areas, a large number of campaigns and other activities have been conducted, including:

- Media campaign for compulsory secondary education,
- The “Key Is in Our Hands” campaign supported by the Roma Education Fund and conducted by the NGO National Roma Centre in cooperation with the Directorate for Development and Advancement of Education in the Languages of the Communities and the Sector for Advancement of Primary and Secondary Education. The campaign started in 2006 and is still on-going. It motivates Roma parents to enrol their children in schools and reduces the drop-out rate. A handbook on prevention of and protection against discrimination in education has also been produced as part of the campaign.

185. The trend of increasing enrolment of students in higher education is similar to the one in secondary education. The existence of a large number of higher education institutions, both public and private, in the 2008/09 school year enabled facilitated access and wider choice. The opening of 46 dispersed study programs in 15 cities (Skopje, Bitola, Stip, Tetovo, Kavadarci, Debar, Veles, Struga, Kriva Palanka, Kicevo, Prilep, Gevgelija, Sveti Nikole, Berovo and Probitip) has reduced study costs and increased female enrolment in higher education institutions. The Higher Education Enrolment Campaign raised public awareness about the need for higher education.

1. Primary education Projects and Activities

(a) Exemption from Administrative Fee for an Immunization Certificate

186. Starting from the 2009/2010 school year, the Ministry of Education and Science, through the Sector for Advancement of Primary and Secondary Education and the Directorate for Development and Advancement of Education in the Languages of the Communities, in cooperation with the Ministry of Health, has exempted parents whose children are to be enrolled in the first grade from the administrative fee for issuance of an immunization certificate, which is one of the documents required for enrolment. This exemption has been of great benefit to Roma families, for whom this expense had been a serious obstacle for enrolling their children in primary education.

(b) Handbook on Non-Discrimination in Education in the Republic of Macedonia

187. The Directorate for Development and Advancement of Education in the Languages of the Communities, in cooperation with the non-governmental organization National Roma Centre from Kumanovo and the other sectors at the Ministry of Education and Science, has designed a handbook on protection against and prevention of non-discrimination in education of the Republic of Macedonia.

188. The primary goal of this handbook is to establish cooperation and coordination among all competent institutions and individuals involved in the education system for the purpose of providing equal conditions and opportunities for quality education to all children irrespective of religion, nationality or any other ground, and establishing a monitoring system that will ensure unimpeded and quality instruction for all children via mutual cooperation and involvement of all parties concerned. The handbook has been printed in the Macedonian, Albanian, Bosnian, Vlach, Romani, Serbian and Turkish languages. The handbook has been distributed to all primary and secondary schools and two trainings in supervising its implementation have been provided to the competent national and local education inspectors. The handbook provides a special focus on Roma pupils as one of the

most vulnerable categories. This project has been fully financially supported by the Roma Education Fund from Budapest, Hungary.

(c) **Textbooks in the Romani Language for the Optional Subject Roma Language and Culture**

189. As part of the project for free textbooks for all pupils, in the 2010/11 school year, the Ministry of Education and Science provided for the first time textbooks in Romani for the optional subject Roma Language and Culture for the third, fourth and fifth grades. Today, these textbooks are available and are used for the needs of the instruction on the said subject. The total textbook circulation is 1 300.

2. **Secondary education projects and activities**

(a) **Project for Providing Scholarships, Mentorship and Tutorship to Roma Secondary School Students**

190. The primary goal of the project is to increase, through positive interventions, the number of first, second and third-year Roma students at all public and private secondary schools passing their grade level and improve their success.

191. This project has involved 444 secondary school scholarship students, 84 schools and 28 municipalities:

School year 2009/10	1st year			2nd year			3rd year			Total		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Number of selected candidates	250	106	144	106	58	48	88	35	53	444	199	245

192. The project is divided into three parts:

1. Scholarships: Financial support of 2,200 denars over nine months for 444 Roma secondary school students with a GPA of at least 3.00 for the 2009/10 school year.

2. Mentorship: 93 secondary school mathematics teachers have been assigned to work with both Roma secondary school scholarship students and all other Roma students who have not gained scholarships but are entitled to mentoring and tutoring assistance. In order to help them master the subject matter, each mentor provides a further 16 classes to a group of 15-20 students, follows their progress and attendance, informs them about study modes and conditions and about the opportunities to join extracurricular activities and use school services, maintains contact with the parents of the mentored students and informs the project team about their progress.

3. Tutorship: 68 teachers in various vocational and social subjects in which Roma pupils have declared that they need additional assistance have been engaged.

193. All Roma secondary school students are entitled to mentoring and tutoring assistance regardless of whether they have gained scholarship or not.

(i) *Results from the Project in the 2009/10 School Year:*

1. As a result of the scholarships, out of the total number of 444 secondary school scholarship students, 437 entered the next school year without repeating the grade level or dropping out.
 - 5 pupils were required to repeat the grade level
 - 2 pupils dropped out
2. As a result of the mentoring and tutoring assistance, out of the total number of 444 students, 349 passed the grade level with a GPA of at least 3.00, whereas the GPAs of 88 scholarship students decreased.
3. Ten students who were not part of the program because they repeated their grade level but received mentoring and tutoring assistance passed the school year with solid and excellent results and GPAs as high as 5.00.

Scholarship and Tutorship Project for First, Second, Third and Fourth-Year Roma Students 2010/11

194. The project continued immediately upon the conclusion of the first stage, i.e. officially on 1 November 2010.

195. Roma secondary school students had an opportunity to apply for two new categories of scholarships awarded by the Ministry of Education and Science under the project Scholarships for Roma Secondary School students.

196. The first category of scholarships was available to secondary school students who earned a GPA of 3.50 to 5.00 and amounted to 2,200 denars per month over nine months.

197. The second category of scholarships was available to secondary school pupils who earned a GPA of 3.00 to 3.49 and amounted to 1,500 denars per month over nine months.

198. The Scholarship and Tutorship Project for Roma Secondary School Students 2010/11 was divided into 3 parts:

1. Scholarships: Financial support for 613 students for the 2010/11 school year, including 412 first-category and 201 second-category scholarship students.
2. Tutorship: The commission at the Ministry of Education and Science composed of 160 teachers in various vocational and social subjects in which Roma students have declared that they need additional assistance.
3. Assistance for successful preparation for the national secondary education graduation examination to fourth-year students.

(ii) *Results from the Project in the 2010/11 School Year:*

199. As a result of the scholarships, out of a total of 611 secondary school scholarship students, 597 entered the next school year without repeating the grade level or dropping out.

- 12 students dropped out.
- 2 students repeated the grade level.

200. Out of 99 Roma non-scholarship students who received tutoring assistance and were followed by the project team, 46 earned a GPA of at least 3.00, which testifies to the success of the program. These students are future potential scholarship students. The other 53 students entered the next school year successfully without dropping out or being required to repeat their grade level.

201. Out of the total number of 90 final-year students (18 third-year and 72 fourth-year students), 22 plus 1 non-scholarship student received additional support and assistance for preparing for the national secondary education graduation (16 students) and final examinations (7 pupils). All students passed the examinations.

202. Twenty students with special needs who were part of the program also passed the final examinations in the schools Partenie Zografski and Sveti Naum Ohridski in Skopje and Iskra in Stip.

203. In addition to increasing the number of students who pass their grade level, their GPAs and the level of mastering the subject matter, the project also achieved the following notable results:

- Improved attendance, i.e. reduced truancy;
- Improved communication in the school-parent-child relationship;
- Improved socialization and participation in extracurricular activities;
- Facilitated access to textbooks, transport and other school supplies.

(b) Reduced Secondary School Enrolment Criteria for Roma Students

204. In accordance with the National Roma Strategy and Education Action Plan, starting from the 2009/10 school year, the Public Secondary School Enrolment Competitions envisage that Roma students may enrol in a given public secondary school if they have up to 10% less points than those prescribed under the Competition for the respective syllabuses and curricula and if they meet the additional criteria of the knowledge and skill examinations at the respective schools.

205. This measure aims to motivate Roma students to continue their education and created opportunities for them to enter the more attractive public secondary schools in the Republic of Macedonia.

(c) Construction of a Secondary School in the Municipality of Suto Orizari

206. A combined general and vocational secondary school is being constructed in the Municipality of Suto Orizari, where the Roma population is a majority.

3. Higher education projects and activities

(a) Quotas for Enrolment of Roma Students in Higher Education Institutions

207. This practice has been followed for years as an affirmative action for facilitated access to higher education institutions by Roma students.

(b) Romani Language as an Optional Subject in Higher Education

208. The Romani language and culture was introduced as an optional subject at the Faculty of Philology in Skopje for the first time in the 2010/11 school year.

Table 4

Summary of schools where the optional subject Roma Language and Culture is taught

<i>Primary schools where the optional subject Roma Language and Culture is taught</i>						
<i>No.</i>	<i>City</i>	<i>School</i>	<i>Total number of Roma pupils</i>	<i>Number of Roma pupils who take the optional subject</i>	<i>%</i>	

<i>Primary schools where the optional subject Roma Language and Culture is taught</i>					
<i>No.</i>	<i>City</i>	<i>School</i>	<i>Total number of Roma pupils</i>	<i>Number of Roma pupils who take the optional subject</i>	<i>%</i>
1	Tetovo	Goce Delcev	121	50	41.3
2	Kicevo	Sande Steriovski	354	107	30.2
3	Skopje	B. Ramiz and Hamid	2 126	1 595	75.0
4	Skopje	26 July	476	345	72.4
5	Stip	Dimitar Vlahov	118	73	61.8
6	Stip	Goce Delcev	198	21	10.6
Total	4	6	2 761	2191	79.3%

4. Statistical data

Table 5
Summary of first-grade Roma pupils in the period from the 2005/2006 to the 2010/2011 school year

<i>No.</i>	<i>School year</i>	<i>Male</i>	<i>Female</i>	<i>Total number of first-grade pupils</i>
1	2005/06	685	671	1 356
2	2006/07	715	654	1 369
3	2007/08	782	699	1 481
4	2008/09	839	833	1 672
5	2009/10	754	729	1 483
6	2010/11	716	605	1 321

Table 6
Summary of Roma pupils in primary education in the period from the 2005/2006 to the 2010/2011 school year

<i>No.</i>	<i>School year</i>	<i>Male</i>	<i>Female</i>	<i>Total number of Roma pupils</i>
1	2005/06	4 469	3 940	8 409
2	2006/07	4 441	3 940	8 381
3	2007/08	5 268	4 882	10 150
4	2008/09	5 421	5 130	10 571
5	2009/10	5 528	5 225	10 753
6	2010/11	5 410	5 103	10 513

Table 7
Review of Roma students in secondary education in the period from the 2005/2006 to the 2010/2011 school year

<i>No.</i>	<i>School year</i>	<i>Male</i>	<i>Female</i>	<i>Total number of Roma students</i>
1	2005/06	654	586	1 240
2	2006/07	678	526	1 204

<i>No.</i>	<i>School year</i>	<i>Male</i>	<i>Female</i>	<i>Total number of Roma students</i>
3	2007/08	831	641	1 472
4	2008/09			
5	2009/10	1 054	900	1 954
6	2010/11	1 031	780	1 698

Reply to the recommendation under item 19 of the Committee's previous concluding observations

209. As regards the recommendation under item 19, in the period from February 2007 to August 2011, the Academy for Training of Judges and Public Prosecutors of the Republic of Macedonia organized 22 events attended by a total of 314 people.

210. Ten of these events were trainings undergone by a total of 290 participants, 115 of whom were judges, 76 were prosecutors, 53 were court counsellors, 6 were counsellors from the Public Prosecutor's Offices and 40 were representatives of other institutions. The trainings were conducted on the following topics:

- Non-Discrimination – covered in 4 trainings;
- Concept of Non-Discrimination;
- National and International Legal Framework on Non-Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto – covered in 4 trainings.

211. Seven seminars were conducted abroad and were attended by 13 representatives from the Republic of Macedonia, including 9 judges and 4 public prosecutors. The seminars abroad covered the following topics:

- Fight against Discrimination;
- Practical Experiences and Latest Achievements of EU Antidiscrimination Directives 2000/43 and 2000/78 – covered in 3 seminars;
- European Commission Antidiscrimination Directives 2000/78 and 2000/43 – covered in 2 seminars.

212. Five study visits were organized, covering 9 judges and 2 public prosecutors. The study visits were on the following topic:

- European Commission Antidiscrimination Directives 2000/78 and 2000/43 – covered by 5 visits:

1) In the second half of 2011, more specifically in October, a two-day training was organized on the topic "The Concept of Antidiscrimination", undergone by 21 participants, 11 of whom were judges, 3 were public prosecutors, 3 were lawyers, 3 were representatives of the Commission for Protection against Discrimination and 1 was a representative of the Office of the Ombudsman.

2) Four events were organized in 2012, the first of which was a four-day training of instructors undergone by ten participants, while the other three events were organized as typical trainings/seminars. This amounts to a total of 81 participants in 2012, 63 of whom were judges, 9 were prosecutors, 2 were administrative staff members and 7 were representatives of other institutions.

213. Furthermore, in April 2012 a representative of the Academy undertook a four-day study visit to the Republic of Bulgaria.

Annex

Articles of the law amending the Criminal Code (Official Gazette of the Republic of Macedonia 19/04)

Article 137 Violation of Equality of Citizens

- (1) An individual who has deprived another individual of or has limited their human or civil rights as determined by the Constitution, the law or a ratified international treaty on the grounds of gender, race, colour of skin, national or social background, political or religious affiliation, property or social status, language or another personal characteristic or circumstances or has granted privileges to an individual on the foregoing grounds contrary to the Constitution, law or ratified international treaty shall be sentenced to imprisonment of three months to three years.
- (2) If the crime stipulated in paragraph 1 has been committed by an official person in an official capacity, they shall be sentenced to imprisonment of six months to five years.
- (3) If the crime stipulated in paragraph 1 has been committed by a legal entity, it shall be punished by a fine.

Article 144 Endangering Security

- (1) An individual who has endangered the security of another individual by making serious threats against their life or body or the life or body of a close individual shall be punished by a fine or sentenced to imprisonment of up to six months.
- (2) An individual who has committed the crime stipulated in paragraph 1 while engaging in domestic violence shall be sentenced to imprisonment of three months to three years.
- (3) An individual who has committed the crime stipulated in paragraph 1 against an official person in an official capacity or against several individuals shall be imposed the punishment stipulated in paragraph 2.
- (4) An individual who has threatened, by means of a computer system, to commit a crime punishable by imprisonment of at least five years against another individual because of their affiliation to a certain national, ethnic or racial group or religion shall be sentenced to imprisonment of one to five years.
- (5) The prosecution of the crime stipulated in paragraph 4 shall be instituted by filing a lawsuit.

Article 319 Inciting National, Racial or Religious Hatred, Discord or Intolerance

- (1) An individual who has incited or stirred up, by coercion, abuse, endangering security, mocking national, ethnic or religious symbols, damaging other people's belongings, desecrating monuments or graves or otherwise, national, racial or religious hatred, discord or intolerance shall be punished by imprisonment of one to five years.

(2) An individual who has committed the crime stipulated in paragraph 1 through abuse of office or authority or if those crimes have led to disorder or violence against individuals or to material damage on a large scale shall be punished by imprisonment of one to ten years.

Article 394-d
Dissemination of Racist and Xenophobic Material
by Means of a Computer System

(1) An individual who, by means of a computer system, disseminates to the public racist or xenophobic written material, images or other representation of an idea or theory that assists, promotes or incites hatred, discrimination or violence against any individual or group on the grounds of race, colour of skin, national or ethnic background or religion shall be punished by imprisonment of one to five years.

(2) An individual who has committed the crime through the mass media shall also be imposed the punishment stipulated in paragraph (1) of this Article.

(3) An individual who has committed the crime stipulated in paragraphs (1) and (2) through abuse of office or authority or if those crimes have led to disorder or violence against individuals or to material damage on a large scale shall be punished by imprisonment of one to ten years.

Article 417
Racial and Other Types of Discrimination

(1) A person who has violated the fundamental human rights and freedoms recognized by the international community on the grounds of race, colour of skin or national or ethnic origin shall be punished by imprisonment of six months to five years.

(2) An individual who has persecuted organizations or individuals because of their commitment to equality shall be imposed the punishment stipulated in paragraph 1.

(3) An individual who has promoted ideas of superiority of one race over another, incited racial hatred or encouraged racial discrimination shall be punished by imprisonment of six months to three years.
