



**REPUBLIC OF MACEDONIA
Ministry of Foreign Affairs**

**CONSIDERATION OF THE 4th, 5th, 6th AND 7th PERIODICAL REPORT OF THE
GOVERNMENT OF THE REPUBLIC OF MACEDONIA**

**INTRODUCTORY STATEMENT
BY Mrs. SVETLANA GELEVA, STATE COUNSELOR FOR MULTILATERAL
AFFAIRS AT THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF
MACEDONIA AT THE 70TH SESSION OF THE CERD**

AND

**WRITTEN REPLIES TO THE ADDITIONAL QUESTIONS PUT FORWARD BY THE
COUNTRY RAPPORTEUR**

Geneva, 26 February, 2007

Mr. Chairman,
Distinguished Members of the Committee,

It is my honor, on behalf of the Government of the Republic of Macedonia, to present the Consolidated Version of the Fourth, Fifth, Sixth and Seventh Periodic Reports of the Republic of Macedonia on the Convention on Elimination of all Forms of Racial Discrimination.

But first of all let me assure you of our full commitment to frank and in-depth dialogue and exchange of views with your Committee. The Republic of Macedonia strongly supports your work and highly appreciates your contribution to the promotion and upholding of the standards and principles of the Convention, nationally and globally. In this context, your valuable concluding observations and recommendations following the consideration of our initial, second and third reports in August 1997, served as an additional tool in national policy formulation between the two reporting cycles. On a more technical note, in elaborating the report considered today we have also tried to follow up on your recommendations in regard to the contents.

Distinguished members of the Committee,

The Report under consideration contains the information on legal, administrative and other measures ensuring the rights guaranteed by the Convention, in the period following the submission of the Combined Initial, Second and Third Reports (CERD/270/Add.2 of 13 March 1997). One should take into account that in the reporting period, in particular after 2001 and the signing of the Ohrid Framework Agreement, comprehensive reforms in the sphere of protection and promotion of the rights of members of communities (constitutional term) have been carried out. First amendments to the Constitution were adopted, which define the legal framework for the position of members of the communities, and which were then elaborated in laws treating different aspects of the realization of rights of persons belonging to the communities in various areas.

Our dialogue must be viewed in this context. Speaking about the constitutional amendments: Amendment V regulates the right to the use of languages of communities. Amendment VI relates to the equitable representation of citizens of the Republic of Macedonia who belong to communities in organs of the state authorities and other public institutions at all levels. Amendment VII deals with legal equality of religious communities and religious groups. Amendment VIII relates to free expression and development of identity and attributes of communities, use of symbols of communities, establishment of cultural, artistic, educational and scientific institutions; right to instruction in mother tongue in elementary and secondary education. In accordance with Amendment IX, the Republic guarantees protection, promotion, and enrichment of historical and artistic wealth in Macedonia and of all communities in Macedonia. Amendments X, through XVII to the Constitution regulate the issues of participation of members of communities in the Republic of Macedonia in the decision-making in the Assembly, the Committee for Inter-Community Relations, Security Council, Constitutional Court and local-self-government units.

The equality of members of communities ensues from Article 9 of the Constitution of the Republic of Macedonia which defines the principle of non-discrimination stipulating that: "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, color of skin, ethnic and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and laws."

Article 50, paragraph 1 of the Constitution provides for equal protection of all citizens stipulating that every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts and the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency. Furthermore, in accordance with Article 54, paragraph 4 of the Constitution, the restriction of freedoms and rights cannot discriminate on grounds of gender, race, colour of skin, language, religion, national or social origin, property or social status. In accordance with Article 110 of the Constitution of the Republic of Macedonia, the Constitutional Court protects the freedoms and rights of the individual and citizen against discrimination on these grounds.

The legislative framework for prevention of discrimination and promotion of full and effective equality consists of the criminal, civil and administrative legislation and is elaborated in the Report.

The report also deals with institutions, bodies or government agencies, which deal with the protection of human rights in general and with the promotion and protection of the rights of communities in particular.

Let me remind you that the Republic of Macedonia was among the first countries to ratify Protocol 12 to the European Convention of Human Rights.

Distinguished members of the Committee,

I wish to briefly inform you of the main new developments since the submission of the Report.

All in all 67 laws were adopted for the purpose of implementing constitutional amendments. The latest one was a long-debated Law on Police. It provides for stronger protection of human rights irrespective of race, national affiliation, religion, social position, gender etc and requires police chiefs to be elected by local authorities.

In May 2006, the Law on Equal Opportunities between Women and Men was adopted. It is expected to contribute to overcoming the cases of double discrimination of women belonging to certain communities. . In this context it is important to mention that the election code provides for more involvement of women on the election lists and election boards.

In October 2006, the new Government decided to establish a Committee of Ministers for monitoring and coordination of activities aimed at increased equitable participation of members of communities in state administration and public enterprises.

The Government adopted the Strategy on Equitable Representation of members of ethnic communities in January 2007. The budget for this purpose for 2007 has been increased by 3.5 times. In the first quarter of 2007, 250 new civil servants belonging to non-majority communities are expected to be employed. Last year, 147 persons were certified as civil servants by the EAR and the Agency for Civil Servants of Macedonia. 99 interpreters have also been certified and employed.

The Government of the Republic of Macedonia has recently made a decision on establishment of the Albanian language theater in Tetovo and to establish an Albanian Institute, University Library and Gallery.

On 8 February 2007, a conference dedicated to the promotion of values and benefits of the Framework agreement was organized.

In January 2007 the new Law on National Holidays was adopted. The Law introduced new holidays including important days for members of the communities. For instance it foresees celebration of the Albanian language day and the two Muslim religious holidays. All other smaller communities have also chosen their own respective holidays to be celebrated by them.

In the spirit of our multicultural tradition and commitment to its further promotion, the Government will organize in October 2007 an international conference on dialogue among cultures and civilizations.

Last year the Commission for Human Rights was established with the aim of coordinating state action in the field of human rights, proposing new legislation and among other things acting upon the recommendations of treaty body including CERD.

Mr. Chairman,

The implementation of the Ohrid Framework Agreement and the reforms associated with our EU and NATO integration have been a strong instrument in further promotion and consolidation of the legal framework in the sphere of human rights, including anti-discrimination. In December 2005, Macedonia was granted EU candidate country status. There is a National Action Plan for approximation of legislation in this sphere as well as a corresponding European Partnership Action Plan, which are being implemented.

It should not be forgotten that all achievements of our country have been attained in a turbulent period for the Region. The Republic of Macedonia is a functional multi-ethnic democracy, the most complex form of democracy, and has attained in a relatively brief period major achievements in the implementation of international standards in this area. In many aspects goes beyond them.

Against this background, I trust that the information provided will further facilitate our dialogue and help you better understand the specific context of our society.

WRITTEN REPLIES TO THE ADDITIONAL QUESTION PUT FORWARD BY THE COUNTRY RAPPORTEUR

Question 1.

The Law on Asylum and Temporary Protection envisages that information regarding asylum applications and persons with recognized right to asylum and temporary protection in the Republic of Macedonia are recorded in a Central Registry at the Asylum Department at the Ministry of the Interior.

According to the data contained in the Central Registry, since 2003 there were 2521 asylum applications submitted. Out of this number, 2 were submitted by nationals of Bosnia and Herzegovina, one by a national of Turkey, while all others were submitted by nationals of the Republic of Serbia, only four of which by nationals from Serbia, while all the rest were submitted by persons from Kosovo. About 100 persons of them were Serbs or Gorani, and the others were Roma, Aeshkali and Egyptians from Kosovo. Until 2007, 1389 persons were recognized the right to asylum – or are recognized refugees and persons under humanitarian protection. In respect of 267 of these recognized refugees and persons under humanitarian protection there were decisions adopted on the cessation of asylum, while in respect of 1122 there are procedures instituted to continue the refugee status on humanitarian grounds after the end of their current status 2008. 530 applications were rejected due to non-fulfillment of conditions under Articles 2, 4, and 5 of the Law on Asylum and Temporary Protection, and more than 90% of the rejected applicants have left the Republic of Macedonia or have resolved their status in the country in another manner (residence, nationality).

Status of the Convention in domestic law

Question 2

In line with Article 118 of the Constitution of the Republic of Macedonia: “International agreements ratified in accordance with the Constitution are part of the internal legal order and may not be changed by law”.

I will provide a few examples of direct implementation of international treaties. In two cases the Constitutional Court directly referred to the CERD. One was the individual complaint on the violation of Article 9 of the Constitution, and the other one was a decision on abolishment of an article in the Law on Public Gatherings.

In the Supreme court proceedings (VKZ 12/2006 and KZZ no.15/2006,) regarding the criminal offence under Article 173: insult, acting upon an extraordinary legal remedy the Supreme Court of the Republic of Macedonia repealed the sentences of the lower courts and directly implementing Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms passed judgments acquitting the defendants.

In the criminal case KVP.207/06 conducted for the criminal offence under Article 247: Fraud, acting upon an extraordinary legal remedy – extraordinary review of an effective judgment – submitted by the defendant, the Supreme Court found that the defendant's right to a defence in his mother tongue had not been violated. Thereby, in its decision the court noted that his right to defence in line with Article 7 of the Criminal Procedure Code and Article 6 paragraph 3-a of the European Convention for the Protection of Human Rights and Fundamental Freedoms had not been violated.

In the criminal case KVP.191/05, acting upon an extraordinary legal remedy submitted by the defendant for the criminal offence under Article 319: Causing national, racial and religious hatred, discord and intolerance, the Supreme Court found that in the two out of the three actions for which the defendant had been found guilty, there were no elements of the criminal offence since it is a right guaranteed in Articles 16, 19 and 54 of the Constitution of the Republic of Macedonia and Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The most recent example is the proposal for institution of criminal charges by the Ombudsman in the case of enterprises discriminating against Roma by not allowing them to enter their premises and use their services of January 2007. The Ombudsman proposal is based on Article 5 of CERD and Article 14 of the ECHR. This is hopefully a new approach and a sign of a new tendency - increased direct application of international hr treaties.

Definition

Question 3

There is a general definition of discrimination in Article 9 of the Constitution. There is no definition of racial discrimination specifically as contained in Article 1 of the Convention. However, in view of the fact that the Convention is part of our legal system, the definition of Article 1 can be directly applied.

Question 4

The antidiscriminatory clause of Article 9 should be read in conjunction with Article 28, para 1 of the Constitution, which foresees that foreigners in the Republic of Macedonia enjoy freedoms and rights, guaranteed by the Constitution, under conditions foreseen by law and international agreements. Furthermore, according to Article 1, para 2 of CERD, this Convention shall not apply to distinctions, exclusions, restrictions and preferences made by State Parties between citizens and non-citizens. In this regard, the distinction made under Chapter 2 of the Constitution of the Republic of Macedonia between the citizens and individuals is fully legitimate and in accordance with the principles of constitutionalism and international human rights law. In any case, from the point of CERD that is to say definition in Article 1.1, Article 9 is applicable to non-citizens.

Article 2

Question 5.

As regards the adoption of general anti-discrimination law, there are in essence two different approaches, including in the civil society sector: those who favor a special law and those who favor incorporation of anti-discrimination provisions in the existing legislation.

The Government is of the opinion that the relevant legislation has to be screened first and that any decision on how to proceed will be based on the results of the screening process.

Question 6

In order to ensure full responsiveness to the Ombudsman's recommendations, at the central government level, in the course of 2006, a new mechanism was introduced for monitoring actions by ministries and other administrative bodies, upon recommendations by the Ombudsman of the Republic of Macedonia. The mechanism includes regular reporting on measures undertaken, which are considered at Government sessions on a **quarterly basis**. For the period January-March 2006, 168 requests/recommendations were submitted, and of these the Ombudsman has received responses by the relevant institutions to 122 requests, 43 cases are currently being processed, and 3 cases were not processed. For the period March – June 2006, 219 requests were submitted to the ministries. The ministries have responded to 171 requests, 43 cases are currently being processed and 8 were not processed. For the period July-September, the 219 request were submitted, out of which 170 were proceed upon, 45 are still considered, 4 were not processed. In the fourth quarter, 311 requests were submitted. Unfortunately, we do not have information on what happened to the cases which were under consideration in certain quarters.

According to the 2005 Report of the Ombudsman, his Office received 4 complaints on the issue of rights of persons belonging to communities (2 by Albanians, 1 Bosniak and 1 undeclared). The Ombudsman found violation in 1 case, and the relevant institution acted on his recommendation. As far as the complaints in the sphere of discrimination, the Office received 6 complaints (1 Roma, 4 undeclared), found violation in 2. However, no action was carried out by the public authorities.

Question 7,

The Committee for Inter-Community Relations established following the last parliamentary elections was mainly involved in consideration of laws concerning the interests of non-majority communities and the application of the double majority voting rule in adoption of these laws (Law on Police and Law on Broadcasting).

There are 47 local committees for inter-community relations established, although according to Article 55 of the Law on Local Self-Government in only 26 units establishment of committees is mandatory. They discuss a wide spectrum of issues which may raise any concern in everyday life of these communities and give proposals for their resolution. The most recent case was on the erection of the monument of Skender Bay in the municipality of Chair in Skopje, which was heatedly debated in the public, but the committee supported the project.

Question 8

The main accomplishment of the Roma Strategy is full involvement of the Roma community in its preparation and identification of their specific needs. The progress made in the implementation of the Roma Strategy may be considered the preparation of national action plans and operational national action plans. The Government has a strong political will for the implementation of the Strategy; however, the main obstacle remains the lack of appropriate funding, in view of the general economic situation in the country.

At the same time, it is necessary to intensify affirmation of the Strategy among the non-Roma population and involve the non-Roma population in its implementation. A feeling has to be created in the implementation of the strategic priorities that they are important for the improvement of the overall social and economic situation in the country.

Generally speaking, the success of the Strategy depends on the following factors:

- involvement of the beneficiaries of services in the design and implementation of the policies and programs;
- non-biased, transparent and timely decision-making;
- participation in the decision making process to be provided on all levels;
- development of programs for the organization, tenders and financial management of the implementation of the strategy;
- use of human capital for the realization of the programs, especially among the Roma.

Question 9

The Republic of Macedonia is a state party to the European Convention on Nationality which is an international legal document of recent nature and has incorporated all relevant principles of the UN Convention on the Reduction of Statelessness. As a state party to the ECN Macedonia has amended its national legislation whereby the principle of prevention of cases of statelessness have been fully taken into account, that is to say it is a fundamental principle of the national law. The practice of the implementation of the Law on Citizenship has shown that we have done out utmost to prevent any case of statelessness. Therefore we do not consider it necessary to become a state party to the UN Convention at this point of time.

Article 4

Question 10

In addition to the cases elaborated in the Report, on of which was finalized in 2006, following is the statistics for the period 2000 to 2005 on the relevant articles of Criminal Code:

Article 137 - 18 reported, 2 charged, none sentenced

Article 138 - none

Article 319 - 5 reported

Article 417 - 1 reported.

Question 11

In 2005 the Republic of Macedonia ratified the Additional Protocol to the Convention on Cyber Crime criminalizing dissemination of racial and xenophobic material through computer systems.

For the purpose of incorporating the provisions of the Additional Protocol into the legislation of the Republic of Macedonia, a new paragraph in was introduced in 2004 in Article 144: Endangering safety, foresees a prison sentence of one to five years for the person who by means of computer system threatens to commit a criminal offence for which a prison term of five years or a more serious penalty is prescribed against another person due to his/her affiliation to certain national, ethnic, or racial group or religious determination.

There is a Code of Ethics of Journalists according to which journalists shall not report or process information that threaten the human rights and freedoms, shall not use hate speech and shall not encourage violence and discrimination on any grounds. Journalists shall abide by the generally accepted social principles and shall respect the ethnic cultural and religious differences in Macedonia.

In principle, this phenomenon is not characteristic for Macedonia and its media.

Question 12

The legislation concerning the use of non-majority languages in civil, criminal and administrative proceedings as presented in detail in our report is effectively implemented in everyday practice of courts and other institutions. In this regard, we do not have any information on any complaints in respect of alleged disrespect for the provisions of the Laws on Criminal, Civil and Administrative Procedure.

In addition, for the purpose of implementing the provisions from the Law Amending the Criminal Procedure Code and the Law and the Law on Civil Procedure, in 2004 the Minister of Justice of the Republic of Macedonia approved a supplement to the Court Rules of Procedures. The Rules were supplemented by certain forms (delivery letter, return letter, notification of a party that the appeal-revision of the case has been communicated to the higher competent court, an order for sending to enforce a prison sentence and an act of directing for establishment of identity) in the Albanian language, which the court is obliged to communicate in that language to those parties and other participants in the procedure who are citizens of the Republic of Macedonia and whose language is an official language different from the Macedonian language.

On 6 January 2005, the Government of the Republic of Macedonia made a decision for the training of translators/interpreters of the members of the communities that are not the majority in the Republic of Macedonia to be employed in the bodies of state administration and the courts. The training involved 99 persons with university education and lasted 9 months following which 61 translators were employed in the bodies of administration (ministries and other state bodies), while 38 were employed in the courts.

Pursuant to Article 7 paragraph 3 of the Criminal Procedure Code: “The person shall be advised of his/her right to a translator. In the minutes it shall be entered that the advice has been given and the statement of the person. The translation is done by a court translator.”

Article 6 of the Law on Civil Procedure defines the following: “The court is obliged to advise the party, that is, the other participant in the procedure, of his/her right envisaged in paragraphs 2 and 3 of this article. The president of the council or sitting judge is obliged to enter in the records the advice of the court and the statement of the party, that is, of the other participant in the procedure.”

There is a fundamental violation of the provisions of the criminal procedure and civil procedure if the court has violated the provisions for the use of the language in the procedure.

The Law on Civil Procedure defines that in a procedure upon an appeal the court of appeals reviews the first instance judgment in the part which is contested with the appeal within the limits of the statements noted in the appeal, and it looks *ex officio* at a violation of the provisions of regarding the use of languages in the procedure. The second instance court shall, with a resolution, repeal the first instance judgment if it finds that there is a fundamental violation of the provisions related to the use of the languages. Identical provisions are also contained in the Criminal Procedure Code.

The basic principle of the administrative procedure is assistance to an uneducated party. Namely, pursuant to Article 18 of the Law on General Administrative Procedure: “The body conducting the procedure shall see to the ignorance and lack of education of the party and of the other persons taking part in the procedure not to be to the detriment to the rights belonging to them under the law. The body conducting the procedure shall take care of informing the party of the course of the administrative procedure.” Also, the provisions of the law regulating the communication with the parties and bodies define that if a hearing is conducted through a translator, it shall be noted in which language the person heard spoke and who was translator.

Question 13

Upon the adoption of the Law on Nationality of the Republic of Macedonia, 21 February 2007 inclusive, 6044 foreign nationals have been admitted to the citizenship of the Republic of Macedonia on naturalization grounds, of whom: 3356 Albanians, 985 Serbs, 858 Muslims, 403 Roma, 103 Bulgarians, 78 Croatians, 72 Turks, 48 Montenegrins, 21 Polish, 20 undetermined, 22 others, 14 Slovenians, 10 Ukrainians, 3 Yugoslavs, 4 Czechs, 7 Slovaks, 7 Germans, 4 Hungarians, 6 Romanians, and 4 Bosniacs.

517 applications for naturalization in the Republic of Macedonia have been rejected of which: 274 applications by Albanians, 42 by Serbs, 72 by Muslims, 42 by Roma, 3 by Bulgarians, 9 by Croatians, 64 by Turks, 4 by Russians, 1 Montenegrin, 3 undetermined, 1 Hungarian and 2 Bosniacs.

2403 procedures for acquisition of nationality are pending upon applications submitted by: 1056 Albanians, 503 Serbs, 355 Muslim, 252 Roma, 50 Bulgarians, 7 Croats, 123 Turks, 8 Russians, 1 Polish, 17 others, 5 Slovenians, 2 Ukrainians, 2 Czechs, 4 Slovaks, 1 German, 3 Hungarians, 6 Romanians, 6 Bosniacs, 1 Jew and one Greek.

Aiming at successful practical implementation of the Law on Nationality, which implies balancing the state and individual interests, the Ministry of the Interior undertakes a series of activities to encourage citizens of the Republic of Macedonia to use their right to acquire nationality of the Republic of Macedonia in accordance with the Law.

As part of the above-mentioned activities, there are brochures designed and supplemented related to the exercise of the right to acquire nationality of the Republic of Macedonia, published in the Macedonian, English, Albanian, Turkish, Serbian and in the Roma language. These brochures are distributed to all regional units of the Ministry of the Interior, visibly placed, while in cooperation with the UNHCR office in Skopje and the American Bar Association these brochures have been distributed to the citizens at large.

Citizens have also been informed and encouraged to exercise their right to acquire nationality through a video clip broadcast in the media, produced with the financial support by the USAID, OSCE the UNHCR. The Ministry of the Interior has on several occasions issued press releases informing citizens about their rights in this area.

In the period prior to the entry into force of the Law amending and supplementing the Law on Nationality and in the first months of its implementation, the Ministry of the Interior, upon its own initiative and in cooperation with the UNHCR and the American Bar Association has organized several regional working meetings for the employees in the regional units of the Ministry, where applications for nationality are submitted. There have been also regional round tables organized in which employees of the Ministry of the Interior working on nationality related issues have taken part. Representatives of the NGO's the activities of which inter alia envisage ensuring funds for nationality applicants have also attended these debates.

There have been also seminars held for representatives of various social structures, which exchanging their experiences, determined relevant manners for the full practical implementation of the legislation in this area and ways how to bring the legislation closer to the citizens, enabling thus the exercise of their rights.

Furthermore, citizens can get electronic information about all nationality related issues, through the Ministry's website, which is continuously updated, as well as at the website of the Government of the Republic of Macedonia.

Question 14

Due to the pressing situation, one of the priority areas of the Roma Decade and Strategy is the issue of housing. As a result, we have prepared National Action Plan and Operational Plan on Housing with specific goals (legalization of Roma settlements, preparation of detailed urban plans and general improvement of housing conditions and infrastructure). With the adoption of the Law on Construction, all buildings build before 1968 are legalized. The Law on Legalization is being prepared. As regards specifically predominantly Roma settlements, detailed urban plans are being prepared. As for the access of the Roma population to proper housing, the Government adopted the program for social apartments, which partly relate to the Roma population. In this context, 4 buildings will be constructed in the period of two years which will provide 363 flats in Suto Orizari. There is another project funded by the Council of Europe Development Bank for the construction of apartments for socially vulnerable groups, which will include Roma.

Furthermore, there are projects which started last year for rehabilitation and construction of the water supply network and sewage in Roma settlements, partly funded from the budget and the donors.

Question 15

As regards the mixed marriages, the following is the statistics:

In 2000, 395 out of 13.362

2001 - 354 out of 12.535

2002 - 370 out of 13.731

2003 - 390 out of 13577

2004 - 538 out of 13.520

and 2005 - 714 out of 13.913

Although the figures are not high there is a tendency of increased mixed marriages.

Question 16

Religious marriages do not have civil effect. The minimum age for marriage is 16 years, but with an obligatory consent by the parents. Legally speaking, free choice of spouse is guaranteed. However, there are occurrences of arranged marriages in some traditional communities, which are considered part of their family privacy.

Question 17

Violation of Article 6 of the Law on Religious Communities and Religious Groups is a criminal offence sanctioned under Article 319 of the Criminal Code: Causing national, racial and religious hatred, discord and intolerance. There is only one case referred to in the Report. The first instance court verdict was 18 months imprisonment.

Question 18

In view of the fact that the Labor Relations Law is quite new, there is no information on cases filed before the court requesting compensation on the basis of discrimination.

Question 19

Number of pupils belonging to the communities according to gender and ethnic affiliation

Ethnic affiliation	Male	Female	Total pupils in primary education
Macedonians	6016	55254	115416
Albanians	34410	31866	66276
Turks	4605	4350	8995
Serbs	1271	1004	2275
Roma	4610	4324	8934
Bosniacs	1049	1022	2071
Vlachs	231	181	412
Other	1430	1405	2835

Ethnic affiliation	Male	Female	Total pupils in secondary education
Macedonians	34512	35 371	69883
Albanians	9383	7308	16691
Turks	1030	755	1785
Serbs	725	571	1296
Roma	583	592	1175
Bosniacs	300	256	556
Vlachs	181	163	344
Other	376	368	744

As regards the dropout, under the Project "Education for All", implemented with support by the UNICEF Skopje Office, there have been specific activities undertaken to decrease the school dropout rate of students belonging to the Albanian and Roma ethnic communities, such as:

- Prepared program for effective work of schools – the program has been incorporated in the 2005-2015 Strategy of the Ministry of Education and Science;

- Factors affecting the school drop-out have been identified;
- Instruments for checking classes that would determine factors causing drop-out have been designed;
- It is planned that this Program is reviewed in schools;
- There has been a shadow curriculum designed based on factors to decrease the drop out. The experiences from this curriculum will be the bases to amend and supplement the present curricula;

Macedonian and foreign experts have designed the shadow curricula, with logistic and technical support by the UNICEF. Consequently, following 2005, the number of schools where project activities are undertaken has been enlarged, greater human resources of the Ministry of Education and Science have been ensured, while schools where the project activities are undertaken have been technically and materially supported.

A positive example among activities undertaken to reduce the dropout rate is the "Extracurricular activities" project implemented in 9 primary and 11 secondary schools of mixed ethnic structure. The activities have been realized as extracurricular activities (activities realized by the Ministry of Education and Science supported by the European Agency for Reconstruction).

There are measures and activities undertaken under the Education Action Plan, part of the National Roma Strategy of Macedonia to facilitate the access for young Roma to secondary and higher education:

- facilitating the access to scholarships for Roma secondary and university students;
- Promotion of adult education.

In the context of the Project Education for Roma, there has been a procedure undertaken and 5 schools have received certificates approving them as schools for adult education.

Furthermore, there are specific activities to involve Roma children in pre-school education, through the project "Inclusion of Roma children in pre-school education", which is expected to directly reduce the drop out rate among Roma pupils.

The Ministry of Education and the local self-government introduce financial benefits (state and local funds, scholarships) for children coming from underprivileged families.

The Government pursues simulative and in certain cases penal measures in respect of all parents that do not enroll their children in school.

Organizing formal and informal forms of education, the Ministry of Education and Science facilitates, i.e. prepares teaching staff to conduct instruction in the mother tongue of a concerned community and it enhanced and consolidates the study of the Macedonian language by children belonging to the ethnic communities that follow instruction in their language until the fourth grade after which they continue following instruction in the Macedonian language.

Question 20

In addition to what has been presented in the Report, it should be underlined that subparagraph 3, paragraph 1, Article 2 of the Law on Culture establishes that the state encourages and supports the culture, especially by ensuring equal conditions for the expression, fostering and affirmation of the cultural identity of all communities.

Article 8 of the Law sets forth that the national interest in the area of culture is culture that is of public interest for all citizens of the Republic of Macedonia, and is to be pursued on continuous basis, being accessible to all citizens under equal conditions.

Paragraph 2 of Article 8 envisages that in addition to other elements and principles that are relevant for the exercise of the cultural rights of persons belonging to ethnic communities, the national interest in the area of culture is the following:

- Encouraging cultural diversity;
- Ensuring conditions for the exercise and protection of the cultural identity of communities in the Republic of Macedonia;
- Care for the cultural development and exercise of cultural rights by the Macedonian minority living outside the Republic of Macedonia, by those temporarily employed abroad and by emigrants from the Republic of Macedonia regardless their ethnic affiliation;
- Establishment of conditions for equal cultural development in the country, and
- Affirmation of the culture and cultural diversity of the Republic of Macedonia abroad.

In respect of the accomplishment of the local interest in the area of culture and the competencies of the municipalities in the area of culture set forth in the Law on Culture and the Law on Self-Government (Official Gazette No. 5/2002), in the area of culture municipalities are competent for the institutional and financial support of the cultural institutions and projects, fostering of the folklore, customs, old crafts and similar cultural values, organization of cultural events and encouraging various specific forms of creative work.

In addition to the Law on Culture, other laws regulate library and museum activities, as well as raising monuments and activities for protection of the cultural heritage. This ensures legal basis for quality reforms aimed at cultural development at the local level, and thus more effective development of the culture of persons belonging to the communities.

These provisions are implemented in conducting the process of decentralization in culture, which is especially important for the development of the culture of the communities.

In 2004, in accordance the Law on Culture, in 29 municipalities having cultural institutions, the municipal authorities have taken over the founding rights of 48 institutions, which have thus become local institutions.

In accordance with article 94, paragraph 2 of the Law on Culture, the municipalities and the Minister of Culture signed Agreements for transfer of immovable property, equipment, employees and other facilities, which thus legally and formally completes the process of transfer of competencies in the area of culture at the local level.

The process of decentralization in the area of culture started after 1 July 2005. Municipalities exercise their competencies as founders of local institutions in the area of culture, which also applies to appointing managerial and administrative bodies, transfer of central budget allocations, defining the annual programs to be funded under the municipal budgets and other competences set forth in law.

In respect of the enhanced protection and development of cultural heritage of different communities, Article 5 of the Law on Culture envisages that the protection and use of the material and spiritual creative values, as cultural values of all citizens of the Republic of Macedonia are pursued in relevant areas under equal conditions set forth in a separate law.

The Law on Protection of the Cultural Heritage was adopted in 2004. It is a basic law which provides for the integrity of the system for protection of the cultural heritage. The system of protection of the cultural heritage also comprises other laws regulating activities in a given field – protection of movable cultural heritage (museums, libraries and film libraries) and there are various bylaws, all regulations being harmonized with the relevant international treaties.

Article 5 paragraphs 1, 2, 3 of the Law on Protection of Cultural Heritage sets forth the general principles according to which cultural heritage is the fundamental value of the Republic of Macedonia, as well as that its protection is of public

interests and that cultural heritage is protected according to its values, importance and level of endangerment, regardless of the time, place and manner of creation, who created it, whose property it is, regardless whether it is of religious character or not, and regardless of the confession.

In the practice, cultural activities and the protection of the cultural heritage of the different ethnic communities, in accordance with the Law on Culture, are conducted through the system of funding programs and projects of national interest under the state budget, through the budget allocations of the Ministry of Culture (regulated in Articles 60-68). In this context, each year the Ministry of Culture publishes annual competition for funding projects of national interest. Public and private entities working in the area of culture may apply for funds under this public competition. Following the criteria defined in the Rulebook on the criteria for funding programs and projects in various areas in culture (Official Gazette of the Republic of Macedonia No. 61/04) expert committees covering various areas in the cultural sector give expert opinions and assessments and draft a proposal for the Minister of Culture as to which projects are to be funded under the Annual Program of the Ministry of Culture for the current year. The adopted Annual Program for funding selected projects is published in the media in the Macedonian and in the Albanian language, which ensures transparency in the distribution of budget funds allocated for culture.

Question No. 21

In accordance with the Law on Culture, the Assembly of the Republic of Macedonia adopted the 2004-2008 National Program for Culture (Official Gazette of the Republic of Macedonia No. 31/2004) in May 2004.

The Ministry of Culture implements the National Program for Culture pursuing its regular activities set forth in law, then in accordance with the Annual programs for financing cultural projects of national interest, within the funds allocated under the annual budgets of the country, and using funds from domestic and foreign donations for certain projects.

In the previous period, the Ministry of Culture has followed the general priorities such as decentralization, balanced support for the cultural heritage and for modern creative work, improvement of cultural management, promoting the cultural identity of the communities, cooperation with NGO's and international and cooperation with the neighboring countries.

With respect to the thus far period of application of the National Program for Culture, it is important to underline that part of the general or strategic priorities defined in the NPC have been fulfilled from the normative aspects, such as adoption of laws enabling decentralization of culture and implementation of the Ohrid Framework Agreement, in terms of respecting the cultural rights of the communities, equitable representation of persons belonging to the communities in the state administration, use of languages of the communities, support to the expression of the cultural identity and tradition of all communities in the country, as well as application of the specific assembly procedures for adoption of laws in the area of culture following the double majority rule.

New laws have been adopted: Law on Museums (Official Gazette of the Republic of Macedonia No. 66/04), Law on Libraries (Official Gazette No. 66/04) and the Law on Memorial Monuments and Plaques (Official Gazette No. 66/04) adopted by application of the Badinteur rule. These laws envisage enhanced competences for units of local self-government in the area of libraries, museums and monuments, in terms of their establishment, electing managerial and administrative staff at local institutions, funding as well as direct commences of the units of local self-government in placing memorial plaques. There have also basis set for the use of languages in institutions of culture in the local self-government.

In respect of the implementation of item 3 of the basic principles of the Ohrid Framework Agreement – the development of decentralized authorities and the development of local self-government are of paramount importance for the respect for the identity of the communities. It has been defined that reform and reorganization in the area of culture also require decentralization of culture from the central to the local level. This is in line with the promoted modern relations between the state and civil society, taking into consideration the needs of citizens, as the primary creators and beneficiaries of culture, to be enabled to create culture in an organized manner in their immediate environment.

Aiming at implementing the parts of the NPC related to the decentralization of culture, the following decentralization activities have been undertaken: defining a network of 51 national and 48 local institutions, as compared to the hitherto 115 national institutions, published competitions and then appointment of directors and of management boards and issuing approvals to 51 national institutions, then signing agreements with 29 municipalities for transfer of competencies for 48 local institutions, organizing debates and workshops and other activities facilitating and coordinating the decentralization in culture.

These activities are only the initial part of the decentralization process that will be conducted for a longer period following specific stages.

Question 22

There are no recorded cases of racially motivated brutality brought before the courts. Recently the European Court of Human Rights found violation of Article 3 in the case of Jasar Perusov, an ethnic Roma, against Macedonia not on account of the alleged ill-treatment, but on account of the failure of the authorities to conduct an effective investigation. He was awarded compensation.

Question 23

There are civil and criminal law remedies for compensation of victims of acts of racial discrimination, both pecuniary and non-pecuniary.

A request for reparation in criminal proceedings may relate to a compensation of damage (material and non-material), return of items or annulment of certain legal acts.

The Criminal Court may advise the damaged party to institute civil suit for compensation or reparation.

Question 24

The Ministry of the Interior has 1216 employees of whom: 9781 are Macedonians, 1839 are Albanians, 220 are Serbs, 69 are Turks, 77 are Roma, and 176 employees belonging to the other communities in the Republic of Macedonia or in percentages 80.4% are Macedonians, 15.12% are Albanians, 1.8% are Serbs, 0.57% are Turks, 0.64% are Roma, and 1.45% are persons belonging to the other communities in the Republic of Macedonia.

This ethnic structure of the Ministry of the Interior includes 2007 and is a result of the efforts that the Republic of Macedonia makes in the area of equitable representation of persons belonging to the communities at the Ministry of the interior.

Question 25

Training for human rights in:

b) Courts and Public Prosecutor's Offices

Until 2005, in the Republic of Macedonia the continued education of judges was conducted by the Centre for Continued Education, set up in 1999 within the framework of the Association of Judges. In its educational programmes the Centre

paid particular attention to the training of judges in a number of areas, such as human rights, commercial law, computer and financial crime and corruption.

Within the framework of the training for human rights, in the period from 2000 to 2004 there were 7 seminars for the training of judges, court associates and prosecutors, for the implementation of certain articles from the European Convention for Human Rights into the national law.

The Law on an Academy for Training of Judges and Prosecutors, adopted in 2005, governs the selection, organization and conduct of the initial training of the candidates for judges and prosecutors in basic courts/prosecutor's offices and the continued professional further training of judges and prosecutors and court and prosecution employees. The completion of the initial training will guarantee competent, professional, independent, impartial and efficient performance of the juridical and prosecutorial office. The Academy is fully functional, a Board of Directors has been set up, a director and an executive director have been appointed.

For the purposes of commencing the initial training that will be conducted by the Academy, it is envisaged to adopt the following programmes: Programme for taking the entry examination; Programme for initial training; Programme for the final examination; Programme for continued professional further training; Programme for appropriate and equitable representation of the citizens belonging to all the communities in the Republic of Macedonia; Programme for preparatory teaching for entering the Academy.

What has been prepared is a set of 30 trainings on diverse topics: ethics of court administration, services, management of the length of disputes, management of the inflow of cases, security in the courts and public prosecution and training of newly appointed judges and public prosecutors. Part of the curriculum of the Academy will also be training for human rights: domestic legislation and international conventions. There is an ongoing translation of reference cases of the European Court for Human Rights into the Macedonian language.

The continued professional further training of judges and prosecutors, pursuant to Article 42 paragraph 2 of the Law, is realized through general and special(specialized) programmes which separately encompass the implementation of material and trial laws, changes in the legal regulation, ethic standards of conduct, latest scholarly and professional achievements from the field of national and international law, in particular the law of the European Union, the juridical and prosecutorial practice, etc.

c) Penitentiary institutions

With a view to enabling the members of the security service and the professional staff in the penitentiary institutions and educational-correctional houses, since 2002 the Directorate for the Execution of Sanctions in the Ministry of Justice, in cooperation with OSCE, has been realising a pilot-project for the set up of a training centre as an organized form of training and education for the employees in these institutions. Within the framework of this project in the course of 2002, 2003 and 2004 a ten-day training was conducted for the employees in these institutions.

In the theoretical part of the training, domestic experts have elaborated provisions from the Law on the Execution of Sanctions which refer to the basic principles and management of the tasks of the execution of sanctions, legal assistance to sentenced persons, medical care for sentenced persons, position, assignment and facilitations for sentenced persons, use of physical force, chemical means and firearms. The relevant provisions from the Criminal Code, Criminal Procedure Code, European Prison Rules and the UN Minimal Standards for the Treatment of Sentenced Persons, and other international norms have also been presented.

The Law on the Execution of Sanctions of December 2005 states that the employees shall be entitled and obliged to continued training, education and check of

their knowledge. The training and the education shall take place in a Training Centre within the Directorate for the Execution of Sanctions and has become operational. The Act for the establishment and organization of the Training Centre shall be adopted by the Minister of Justice, while the programme for education and training shall be adopted by the Director of the Directorate, with the consent of the Minister of Justice.”

A corresponding room has been provided for the housing of the Training Centre for the training of the employees in the penitentiary institutions.

After the signing of the Ohrid Framework Agreement, and in the context of the overall reform of the Ministry of the Interior, this Ministry was tasked with organizing training for the existing police staff. The training is organized in seminars on the subject “Police work in a democratic society”. The OSCE and the Helsinki Committee for Human Rights of the Republic of Macedonia have offered assistance for the realization of the training. The reference literature used for the training activities is part of the Council of Europe project: “1997/2000 Human Rights and the Police” and “Human Rights and the Police after 2000” (Instructor’s manual, CPT – discussion tools, reference handbook, police handbook and a video tape), as well as literature prepared by the Ministry of the Interior, the OSCE and the Helsinki Committee for Human Rights of the Republic of Macedonia (Police and Human Rights – Police Training Handbook).

There have been several seminars organized by the Council of Europe and the Ministry of the Interior about issues related to human rights and police, police relations management, protection of rights and freedoms of citizens, with a focus on preventing torture and abuse of police authorities.

The Ministry of the Interior and the OSCE have conducted 3 and 12 months course for the needs of the Ministry of the Interior for purposes of designing multiethnic police, while at the Police Academy there have been six-month courses organized for training of 100 inspectors of mixed ethnic structure.

The US Justice Department (ICITAP) and the OSCE mission have offered assistance for the design and development of methods for police-public relations. Thus, the senior and managerial police staff has been trained for work with the communities.

As of 2002, the Ministry of the Interior and the OSCE have been organizing one day trainings for about 40% of the police staff regarding community policing, what community policing includes, i.e. cooperation with the local communities or partnership with local communities in resolving the problems, then regarding reactive and proactive traditional policing.

In its efforts for cooperation with the non-governmental sector, the Ministry of the Interior in cooperation with the citizens’ Association called “Center for Open Communication” has organized workshops on the subject “The Police in a multiethnic environment” focusing on the challenges and necessities arising from police work in a multiethnic environment.

Distinguished Members of the Committee,

In conclusion, I will just like to refer to the recent UNDP poll in Macedonia according to which issues of inter-ethnic nature present concern to only 8 % of ethnic Macedonians and 1.3 ethnic Albanians.

Finally, we once again reiterate our readiness to continue the dialogue with the prominent experts of this Committee on the basis of this Report and the coming ones, as well. Thereby, we are looking forward to your profound considerations, opinions and further cooperation which would be greatly beneficial for us.