



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2013**

**The former Yugoslav Republic of Macedonia\* \*\***

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

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.



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## Introduction

1. The Republic of Macedonia was among the first 82 countries that signed the Convention on 30 March 2007, and that signed the Optional Protocol on 29 July 2009.
2. The Law on the Ratification of the Convention and the Optional Protocol was unanimously adopted by the Assembly of the Republic of Macedonia on 5 December 2011, and officially entered into force on 22 December 2011 (Official Gazette of the Republic of Macedonia No. 172/2001 dated 14 December 2011).
3. In the period that followed, the Ministry of Labour and Social Policy, in cooperation with representative organizations of persons with disabilities and with the support of the UN Development Programme in the Republic of Macedonia, conducted a systematic analysis of all domestic regulations, in order to identify areas which are not in accordance with Convention provisions, as set forth under Article 4 of the Convention, because the prevailing opinion was that the Convention should be first ratified and then national legislation would be harmonized with the Convention in accordance with the available financial and other resources and possibilities of the country.
4. The Ministry of Labour and Social Policy established a working group for preparation of an analysis of the legal implications of the ratification and the application of the Convention in the domestic legislation in which, respecting the motto of persons with disabilities “Nothing about us, without us”, it included the National Council of Disability Organizations in Macedonia and other civil associations that operate in the field of protection of persons with disabilities in the Republic of Macedonia.
5. On the basis of the ratified Convention, the Republic of Macedonia continued with its regular activities for promotion of the legal framework in fields of child and social protection, education, health care and health insurance, employment, focusing on priorities of persons with disabilities and the necessary changes required for the advancement of their rights.
6. The Government of the Republic of Macedonia, on the session held on 11 November 2012, adopted a Decision Establishing a National Coordination Body for Implementation of the UN Convention on the Rights of Persons with Disabilities in the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 144/2012), composed of representatives of relevant institutions such as the Inter-party parliamentary lobby group for the rights of persons with disabilities and the Commission for Protection Against Discrimination, the Ombudsman’s Office, ministries, state and public institutions, Judicial Council, Broadcasting Council, National Council of Disability Organizations in Macedonia, Association of Citizens –Polio Plus- Movement Against Disability and numerous actors which in the scope of their work, each from its own perspective, are equally responsible for the implementation and monitoring of the Convention.
7. It is emphasized that representatives of the civil sector directly participated in the preparation of this Report, among which the most significant contribution was made by representatives of the national disability organizations in the Republic of Macedonia.

## A. General Provisions of the Convention

### Articles 1–4

#### Definition

8. The Constitution of the Republic of Macedonia in Article 35, paragraph 3 envisages that: The Republic shall provide special protection for persons with disabilities and conditions for their inclusion in social life.

9. In 2003, the Assembly of the Republic of Macedonia adopted a Declaration on the Protection and Promotion of the Rights of Persons with Disabilities which elaborates upon “persons with disabilities”, “special needs of persons with disabilities” and “persons with a handicap”.

10. The Law on Civilian Invalids of War (Official Gazette of Yugoslavia Nos. 33/1976, 25/1979, 11/1981, 4/1985, 12/1989, 17/1991, 38/1991 and Official Gazette of the Republic of Macedonia Nos. 81/1999, 165/2008, 12/2009 and 161/2009) envisages that a “civil invalid” shall be considered a person who suffered bodily damages as a consequence of wounding or injuries sustained due to military material remnants.

11. In the Law on Social Protection (Official Gazette of the Republic of Macedonia Nos. 79/09, 36/11, 51/11,166/12, 15/13, 73/13,164/13 and 187/13, 38/14 and 44/14) the terms “persons with physical disabilities and persons with mental disabilities” are used.

12. In the Law on Employment of Persons with Disability (Official Gazette of the Republic of Macedonia Nos. 87/2005 (consolidated text), 113/2005, 29/2007, 88/2008, 99/2009 and 136/2011), as the title suggests, the term “persons with disabilities” is used.

13. In the Labour Relations Law (Official Gazette of the Republic of Macedonia Nos. 106/2008, 161/2008, 114/2009, 16/2010 (consolidated text), 50/2010, 52/2010, 158/2010 (consolidated text), 47/2011, 11/2012, 39/2012, 52/2012 (consolidated text), 13/2013 and 25/2013) it is emphasized that “the employer shall not put the applicant (hereinafter: candidate for employment) or the employee in unequal position due to their race, skin colour, gender, age, health condition, i.e., disability...” (Article 6, paragraph 1). Article 177, which is titled Protection of Disabled Persons and subtitle “Employment, Training or Additional Training of Disabled Persons” envisages that “the employer shall provide protection to persons with disabilities in the employment, training or additional training in accordance with law”. Article 178 titled “rights of persons with occupational disabilities” sets forth that “the employer shall be obliged to provide...to persons with reduced or changed working ability...” In the same Law, Article 169 refers to “shortened working hours for a parent of a child with developmental problems and special educational needs”.

14. In the Law on Pension and Disability Insurance (Official Gazette of the Republic of Macedonia Nos. 98/2012, 166/2012, 15/2013, 170/2013, 43/2014, 44/2014) the terms “disabled person”, “disability pension” and “disability insurance” are used.

15. The Rulebook on Assessing Specific Needs of Persons with Physical or Mental Disabilities (Official Gazette of the Republic of Macedonia, No. 30/2000), states that “persons with physical or mental disabilities who have specific needs are:

1. Visually impaired persons (with poor vision and blind);
2. Persons with voice, speech and language impairment;
3. Physically disabled persons;

4. Persons with mental disabilities (mild, moderate, severe and profound);
  5. Persons with autism;
  6. Chronically ill persons;
  7. Persons with multiple types of disabilities (persons with multiple disabilities)".
16. The Law on the Prevention and Protection against Discrimination (Official Gazette of the Republic of Macedonia, No. 50/2010 of 13 April 2010) defines persons with disabilities as persons with mental and physical disability.
17. The Law on Construction Works envisages that "public or commercial buildings must be designed and constructed so that they provide persons with disabilities with an unimpeded access, movement, stay and work in the building" (Article 11, paragraph 1).
18. The Law on Spatial and Physical Planning envisages that "barriers are artificial construction obstacles in cities and other urban areas that hinder the smooth movement of disabled persons".
19. The National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010-2018, as persons with disabilities considers persons with long-term physical, mental, intellectual or sensory disorders, which in combination with different obstacles may prevent their full and efficient participation in society on equal basis as the others.
20. In the practice also there is no unified term, so the following terms are most often used: persons with disabilities, disabled persons, invalids, persons with a handicap, handicapped persons, and persons with intellectual disability, special needs persons and less frequently impaired persons or persons with specific needs. The most common term used for children is children with disabilities or special needs children, i.e., children with special educational needs, when there is need to emphasize the educational segment of their development.
21. Disability organizations (with the exception of the Centre for Support of Persons with Intellectual Disability "Poraka"), the National Council of Disabled Organizations, the Coordination Body for Equal Opportunities of Persons with Disabilities have accepted the term – persons with disabilities. Most of the scholars prefer the term "persons with disabilities". Other organizations whose target group are persons with disabilities prefer the term "persons with a handicap". The media, in addition to the terms persons with disabilities or handicapped persons, i.e. persons with a handicap, very often use the term persons with special needs.

### **Communication**

22. Some of the positive examples in the Republic of Macedonia enabling the exercise of the right to communication without discrimination are as follows: printing textbooks in the Braille alphabet, the establishment of the Department for the Blind and Persons with Visual Impairment within the National and University Library "St Kliment Ohridski" – Skopje, the use of the Braille alphabet on the packaging of medicines, traffic lights with a sound device, encouraging the use of new technologies (software for synthesis of the Macedonian language intended for blind persons) in order to enable the exercise of the right to communication.

### **Language**

23. The Law on the Use of Sign Language was adopted in order to achieve recognition of the sign language as natural communication means of deaf persons and to enable equal access to information for deaf persons.

**Discrimination based on Disability**

24. The Law on the Prevention and Protection against Discrimination (2010) provides that discrimination of persons with mental and physical disability occurs also in cases in which no action is taken to remove the obstacles, i.e. to adapt the infrastructure and the space, use of publicly available resources or participation in the public and social life. The Law prohibits any discrimination, direct or indirect, calling upon and inciting discrimination and assisting in discriminatory treatment based on gender, race, skin colour, belonging to a marginalized group, ethnicity, language, nationality, social origin, religion or belief, other types of beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, economic status, health condition or any other grounds which are provided by law or by ratified international agreement (hereinafter: discriminatory grounds). The Law guarantees prevention of and protection against discrimination in the exercise of rights provided in the Constitution of the Republic of Macedonia, laws and ratified international agreements.

**Reasonable Accommodation**

25. The need to provide reasonable accommodation is defined by the Law on the Prevention and Protection against Discrimination (2010) in which discrimination of persons with disabilities is also defined as absence of reasonable accommodation, i.e. the lack of measures undertaken to enable persons with disabilities, in accordance with the specific needs to use publicly available resources, to participate in the public and social life, to have access to the work place and adequate working conditions, adjustments to the infrastructure and space, and equipment use.

26. The adjustment of public facilities is regulated by the Law on Construction Works (2007), i.e., the Rulebook on Unimpeded Access of Persons with Disabilities to and from Buildings (2005). The stated Rulebook prescribes the conditions and manner of unimpeded access, movement, stay and work of persons with disabilities.

27. The Law on Employment of Persons with Disabilities (2000), by prescribing undertaking of measures for adjustment of the working place, allows persons with disabilities and the other employees to perform their jobs.

**Application of the General Principles of the Convention**

28. The National Coordination Body for Equal Rights of Persons with Disabilities in the Republic of Macedonia was established pursuant to a Decision of the Government of the Republic of Macedonia No. 23–3840/1 of 28 July 1999. Members of this body are also the 7 National Associations – members of the National Council of Disability Organizations of Macedonia. The Ministry of Labour and Social Policy, as the so-called “parent” ministry, continuously promotes the cooperation with the National Council of Disability Organizations of Macedonia, through their financing in accordance with the Law on Disability Organizations and the Law on Games of Chance and Entertainment Games, which regulate that the assets shall be used for financing of certain annual programmes and activities of associations of citizens (programmes of associations of handicapped persons, sport associations and the Red Cross of the Republic of Macedonia). The amount of assets for the purpose determined by paragraph 2 under this Article shall be set at 50% of the total revenues from games of chance and entertainment games determined in the previous calendar year, while the allocation is done by the Government of the Republic of Macedonia, based on submitted programmes. According to the thus far practice, those are the programmes of Disability Organizations of Macedonia, members of the National Council of Disability Organization of Macedonia and the National Council itself.

## B. Special rights

### Article 5 – Equality and Non-Discrimination

29. The Republic of Macedonia guarantees the equality of its citizens. Pursuant to Article 9 of the Constitution of the Republic of Macedonia “Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law”.

30. The principle of non-discrimination in the past years has been increasingly incorporated in the domestic legislation, by supplementing a number of laws with provisions, which envisage prohibition of direct or indirect discrimination, on a number of grounds, including disability, in the exercise of rights.

31. The Law on Prevention and Protection against Discrimination was adopted in 2010. This Law envisages that prevention and protection against discrimination shall be applicable to all natural and legal persons in the exercise of rights and freedoms guaranteed under the Constitution and the legislation of the Republic of Macedonia. Article 3 refers to mental and physical disability as one of the grounds for discrimination, while Article 8, which defines discrimination of persons with mental and physical disability, envisages that:

(1) Discrimination of persons with intellectual and physical disability shall mean deliberate prevention from or obstructed access to health protection, i.e. deprivation of the right to health protection, regular medical treatment and medicaments, to rehabilitation means and measures according to their needs, deprivation of the right to marriage and form a family and other rights in the area of marriage and family relations, deprivation of the right to education, work and of rights arising from of labour relations.

(2) Discrimination of persons with intellectual and physical disability also arises in case of not undertaking measures for elimination of the limitations, i.e. in case of absence of measures for adjustment of the infrastructure and areas, or absence of measures enabling utilization of publicly accessible resources or participation in the public and social life.

32. Affirmative measures, which as specific measures for accelerating or achieving de facto equality of persons with disabilities pursuant to the UN Convention on Rights of Persons with Disabilities must not be considered as discrimination. They are envisaged in the Law on the Prevention and Protection against Discrimination.

33. In accordance with this Law, a Commission for Protection against Discrimination has been established, which pursuant to its competencies acts upon applications, gives opinions and recommendations in specific cases of discrimination and institutes proceedings before competent bodies against violations of the law. Discriminated persons with disabilities may exercise their right to protection before courts and in the proceedings before the court they may ask for protection of some of their rights which have been violated by discriminatory actions.

34. In 2013, the Commission for Protection against Discrimination, in cooperation with the Macedonian Centre for International Cooperation, Polio Plus-Movement against Disability and the Ministry of Labour and Social Policy, implemented the project “From Legislation to Practice” within the PROGRESS Programme of the European Union. The main objective of the project was to contribute to the affirmation of equality, as well as to support the battle against discrimination, by raising awareness among, both the general population and the key stakeholders. Furthermore, national instruments and mechanisms for combating discrimination and promotion of equality were enhanced under this project – in

order to overcome the challenges in dealing with discrimination in practice. Under this Project, the Commission was an active partner and participated in most of the implemented activities. One component of the Project was fully dedicated to strengthen the capacities and to increase the visibility of the Commission by preparing promotional materials, researches, study visits and other events. A special guidebook called “The Commission Working to Protect against Discrimination” was prepared under the Project. One part the Guidebook presents the Commission itself, i.e. its role and competencies, while the other part of the Guidebook contains a systematic description of the procedure, starting from the filing of the application by an allegedly discriminated person, over to the manner of processing the particular case, all the way to the final opinion by the Commission for Protection against Discrimination.

35. The Law on Social Protection prescribes the principle of prohibition of discrimination. Article 20 prohibits direct or indirect discrimination based on gender, race, skin colour, national, ethnic, social, political, religious, cultural, linguistic, economic and social background, disability and origin in the exercise of rights of social protection determined by this Law. The prohibition under this Article refers to public institutions for social protection established by the Government, municipalities, the city of Skopje and the municipalities within Skopje, to private institutions for social protection established by legal or natural persons and to associations and natural persons that work in the field of social protection determined by this Law.

36. The National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability 2012–2015 is a strategic document of the Government of the Republic of Macedonia, with the main objective of ensuring continual advancement in the exercise of the right to equality and in establishing equal opportunities.

37. Strategic goal IV of the National Strategy relates to the provision of access to goods and services for persons with mental and physical disabilities on equal basis with the others. This Goal is further elaborated under the Operative Plan for 2013 which covers four key groups of activities:

- Promotion of employment opportunities and work for persons with mental and physical disabilities on equal basis with the others
- Provision of education for persons with mental and physical disabilities on equal basis with the others
- Provision of accessibility and availability of persons with mental and physical disabilities in the field of transport and communications
- Provision of access to goods and services for persons with mental and physical disabilities on equal basis with the others

38. Such legal framework and the national policies ensure solid grounds for protection against discrimination, with the country making a step forward by following European trends in order to promote equality of persons with disabilities.

## **Article 8 – Awareness-raising**

39. In order to raise the public awareness about the issue of disability and its consequences, there are continuous campaigns, seminars, conferences, round tables and workshops organized under the motto “Nothing about us, without us”, in which persons with disabilities actively participate.



40. The campaigns of the civil sector for raising the public awareness are supported by the state authorities (at the national and local level) and at the same time there are efforts by the national and local authorities to ensure the sustainability and continuity of campaigns. The National Centre for Support of Persons with Intellectual Disability – PORAKA, as one of the four partner organizations, and as an organization raising an initiative relating to the Convention, was included in the programme “Enhancing the citizens’ participation in the legislative process” implemented by the National Democratic Institute (NDI) and the Institute on Parliamentary Democracy (IPD). The goal of these activities was to highlight the importance of the UN Convention on the Rights of Persons with Disabilities, to emphasize the need for its urgent ratification and to convey the message that by ratifying the Convention the Republic of Macedonia would enable that rights of persons with disabilities become a reality.

41. Under its programme for celebrating 3<sup>rd</sup> December — the International Day of People with Disabilities, the National Centre for Support of Persons with Disabilities — PORAKA promoted a Campaign for Prevention of Abuse of Children/Persons with Intellectual Disabilities under the motto “Life as Safe Adventure”. The campaign was intended for the public at large, persons with intellectual disabilities, their families and the professional staff who work with persons with intellectual disabilities. The campaign’s goal was to contribute to the raising of awareness about the need for developing preventive strategies regarding the ill-treatment of children/persons with intellectual disabilities. The following brochures were presented at the promotional event: “Childhood, Disability and Violence”, “Life as Safe Adventure” and the promotional short film “Sara’s Adventure”.

42. The project “From Legislation to Practice” was implemented, financed under the PROGRESS Programme of the European Union for promotion of the concept of equality and non-discrimination, which is focused on public awareness about the concept of equality and non-discrimination, as well as on improvement of the legislative framework and national mechanisms for protection against discrimination, and in countering discrimination. Under the Project, the public and the media were called upon to undertake joint efforts and actions for more effective fight against discrimination, as well as for achieving equality, tolerance and non-discrimination at all levels and within all social fields. Under this Project, there were many activities aimed at raising the public awareness of the public at large and the main stakeholders about the concept of equality and non-discrimination. Fliers, brochures and manuals were prepared, which help citizens recognize discrimination, as well as inform them where to request protection of their rights if discriminated. In addition, a toll-free telephone line was opened, using which citizens could report discrimination, and there was a competition published titled “The Discrimination through my Lenses”. The goal of this competition was to stimulate regular and objective media coverage and exposing of discrimination in the country on all grounds and unequal opportunities for all vulnerable groups in order to encourage greater awareness and responsibility of the entire community to overcome this problem.

## **Article 9 – Accessibility**

43. Article 16 of Constitution of the Republic of Macedonia guarantees free access to information, and freedom of receiving and imparting information.

44. Article 33 paragraph 4 of Law on Transportation in the Road Traffic envisages that “The transporters and the bus station shall be obliged to issue free of charge ticket in both directions (return ticket) to a blind person with visual impairment over 90% and his/her companion, provided that the person has a certificate of membership and a transportation card issued by the Association of Blind Persons, and to a disabled person with physical disability of 100% and his/her companion, provided that the person has a certificate of

membership and a transportation card issued by the Association of Persons with Disabilities, and to record in the transportation card that the blind person or the person with disability has used the transport. A blind person with visual impairment over 90% and his/her companion, and the person with disability and his/her companion during one calendar year are entitled to maximum six return tickets to travel in the internal road transport, at the expense of the transporters”.

45. Article 65 of the Law on Public Roads envisages that “Exempted from fee for use of the public roads (road toll) shall be the vehicles of: persons with dystrophy, multiple sclerosis, cerebral palsy, paraplegia, hemiplegia, quadriplegia, polio (poliomyelitis), blind persons with visual impairment over 90%, persons on dialysis and persons with amputation of arm or leg, with physical injury over 80% determined by a document of the competent commission at the Pension and Disability Insurance Fund of Macedonia.

46. Article 11 of the Law on Construction Works envisages that (1) A building for public and commercial purposes and buildings intended for housing in residential areas, as well as buildings for residential and commercial purposes must be designed and constructed so they can provide persons with disabilities with free access, movement, residence and work near the buildings and in them. In addition, based on this Law, the Minister of Transport and Communications adopted a Rulebook on the Manner of Providing Free Access, Movement, Residence and Work of Persons with Disabilities in and from buildings which entered into force on 20 February 2010. The said Law prescribes the manner for free access, movement, residence and work of persons with disabilities and persons with reduced mobility to and in the buildings for public, commercial, residential and residential-commercial purpose, with ten and more apartments, and it envisages modern standards of accessibility. However, the relevant provisions are little or not applied at all, both in adapting existing buildings and in the construction of new buildings. This includes inadequate public areas with high kerbs, inconvenient pedestrian crossings, sidewalks, parking spots, access to bus stations, adapted toilets for persons in wheelchairs, etc.

47. Article 4 of Law on Spatial and Physical Planning envisages the principle of eliminating urban barriers for persons with disabilities, as one of the fundamental principles in the process of spatial and physical planning.

48. Additionally, the Law on Housing in Article 12 foresees that the plan for maintenance of residential buildings is to include activities for improving the accessibility of existing buildings, while Article 19 stipulates that the manager should be familiar with the standards and norms for accessibility for persons with disabilities in the residential building.

49. There is a continuous updating of the Action Plan for Access Ramps in Buildings of Public Interest in Units of Local Self-Government (2009–2013) and contact information about persons at all public and state institutions that are responsible to help persons with disabilities when they contact their institution for any service is regularly updated too.

50. The general provisions of Article 2 and provisions under item 1.2 of the Law on Contracts for Railway Transportation cover the right to transport of persons with disabilities and persons with reduced mobility.

51. Article 3 paragraph 4 of the Decision of the Government of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 96/2009), on allocation of social apartments and conditions for their use, built according to the Programme for construction and maintenance of apartments owned by the Republic of Macedonia, defines beneficiaries of social apartments also as “Disabled persons and persons who need help and care from another person and families with persons with disabilities”, while the conditions that must be fulfilled are set out in Article 7 of the Decision.

52. In cooperation with the Ministry of Transport and Communications, 6 return tickets annually for intercity transportation may be issued free of charge to persons with serious physical disabilities, for the completely deaf as well as for persons with most severe intellectual disability. Thus far, this benefit has been provided only for blind persons. Hence, the procedure for amendments and supplements to the applicable Article 65 of the Law on Public Roads.

53. Furthermore, in the context of procuring busses, the Ministry of Labour and Social Policy, the Ministry of Transport and Communications, the Ministry of Economy and the major transporters in the country agreed to procure buses that are adjusted with access platforms for persons with physical disabilities in order to ensure greater access to public transport for persons with physical disabilities. In this respect, the Ministry of Economy is obliged to immediately amend and supplement the by-law that regulates the import of new and second hand buses.

54. The Ministry of Labour and Social Policy, the Ministry of Culture, the National Union of the Blind of the Republic of Macedonia, the State School for rehabilitation of children and young persons with impaired vision "Dimitar Vlahov", the Orators' Club and major national theatres and bodies within the Ministry of Culture signed a Memorandum of Cooperation under which they would provide the needed human resources for realization of the project for enrichment of the audio books collection at the Section for the blind and persons with impaired vision at the National University Library "St. Kliment Ohridski" in Skopje.

55. In accordance with the Law on the Use of Sign Language, a Commission was established for verification and standardization of the sign language in cooperation with the Institute for Special Education and Rehabilitation at the Faculty of Philosophy in Skopje and the Institute for Macedonian Language in cooperation with the National Union of the Deaf and Persons with Impaired Hearing of Macedonia, as well as the Commission for Training of Sign Language Interpreters. These entities organize trainings not only for persons interested in learning the language, but also trainings for 120 pharmacists in cooperation with the Pharmacy Chamber of Macedonia for which a budget in the amount of MKD 300,000 was provided by the Ministry of Labour and Social Policy. The national television broadcasts prime time news and an informative programme in the sign language.

56. Regarding the access to information and communications, the Electronic Communications Law (Article 29) envisages that "Electronic communication networks and electronic communication infrastructure networks and supporting infrastructure facilities and means must be planned, projected, built and installed in a manner that enables persons with disabilities to have access to electronic communication services". Article 33 which refers to the Universal service, envisages establishment of conditions for equal access and use of public phone services by end users with special needs, including access to the numbers of emergency services, the entire phonebook and the telephone information service under equal conditions as for the other end users in the Republic of Macedonia. The law implements policies aimed at ensuring greater rights and protection of users with disabilities, enabling them to have the maximum opportunities regarding the choice, price and quality of services, access and availability of the services under equal conditions, while the universal service provider will provide persons with disabilities availability of data from the entire phonebook, the telephone information service, subscription contract and a detailed bill in a format suitable for them, then possibilities for suitable monitoring and control of expenditures for services in a manner similar to the other end users use, as well as with access to public phones or other access points for provision of public phone services, contracts for services shall contain information especially intended for persons with disabilities; in addition the operator has the obligation to regularly publish information for users with disabilities with details about products and services intended for them, then

to publish comparable, suitable and updated information about the quality of their services provided to end users with disabilities, and there is the obligation of the operator to plan, project, build and install services in a manner that enables persons with disabilities access to public services for electronic communication.

57. The Law on Audio and Audiovisual Media Services contains provisions relating to vulnerable categories of citizens. Namely, in Chapter VI “Public Broadcasting Fee” has provisions relating to categories of citizens that are exempt from payment of the broadcasting fee, such as blind persons, persons with impaired eyesight up to 90%, deaf persons and persons with impaired hearing of more than 60 decibels and persons with physical disability over 90%.

58. The National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 envisages the goal of consistent enforcement of regulations relating to mandatory application of standards on accessibility.

59. Measures foreseen under the Strategy encompass the following:

- Creating services based on satisfying the needs of persons with disabilities necessary for their full inclusion in the personal, family, education and professional life
- Support to research, development, production and application of new information-communication technologies and their availability to persons with disabilities
- Developing mechanisms for access to information and communications for persons with disabilities
- The legal system of the country is to ensure development, manufacturing, purchase and maintenance of instruments for persons with disabilities
- The authorities are to adopt regulations that ensure physical access, as well as access to information and communications for persons with disabilities through implementation of certain standards and regulations for removal of physical and any other type of barriers

60. The 2012 Law on Health Care envisages that every citizen has the right to health care, while respecting the highest possible standards for human rights and values. The principle of equality in health care is fulfilled by prohibiting discrimination in providing health care regarding “mental or physical disability”.

61. Availability implies provision of equal access to the public facilities and services in the community for persons with disabilities including to health care services. The Law on Health Care determines conditions that are to be fulfilled by every health care institution for which a documents is issued by the competent Ministry of Health (Article 62).

62. The Operative Plan of Activities for the Improvement of the Health of Persons with Disabilities 2010–2018 is an operative document that incorporates previous achievements and conditions relating to the health of persons with disabilities. Its aim is to enhance the system and its capacity by relevantly addressing key practical questions regarding access to and inclusion of persons with disabilities in the health care and other systems relevant for achieving the highest level of their health. The Operative Plan applies a holistic approach towards disability, taking into consideration the entire life cycle of persons with disabilities and includes activities regarding special health care services for sexual and reproductive health (especially significant for adolescents and children up to the age of 26), as well as measures and activities significant for persons with disabilities in their further life cycle. Hence, this Operative Plan of activities has the purpose of improving the health of persons with disabilities, being a document that defines the specific commitments to implementing concrete activities in the 2010–2018 period in the health area for this vulnerable group of citizens, which, together with the operative plans of other in-line sectors, will represent the

basis for an integrated operative response of the Republic of Macedonia to the needs of persons with disabilities during their entire life cycle and in all sectors/areas of their life by applying a multi-sector and interdisciplinary approach.

63. The basis of this Operative Plan of activities was the Decision of the Government of the Republic of Macedonia of 2 February 2010 regarding the adoption of the National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018, as well as the obligation under the said Decision for the preparation of an operative plan for implementation of measures under the abovementioned Strategy in the area of health care, which will also define activities, deadlines, responsibilities and expected outcomes. However, the Operative Plan is not supported with concrete financial allocations under the existing budgets of the Ministry of Labour and Social Policy and of the Ministry of Health for the 2010–2018 period.

64. The National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability 2012–2015 is a national document that has the purpose of improving the status of the most vulnerable categories of citizens in society, such as persons with disabilities. This Strategy also envisages a continuous advancement in attaining equality and non-discrimination. One of the goals of this Strategy is “Provision of access to goods and services for persons with mental and physical disabilities on equal basis as for the other people”.

65. The Operative Action Plan of this Strategy is a document of the Government of the Republic of Macedonia and it defines the aims, measures, activities, implementing bodies, indicators and fiscal implications for the implementation of the National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability for the 2012–2013 period, while forecasting measures and activities for the 2014–2015 period, as well which will be largely funded under IPA projects, then under the Special Fund for Working and Employment of Persons with Disabilities at the Agency for Employment of the Republic of Macedonia, as well as by foreign donations and partners.

## **Article 10 – Right to Life**

66. The right to life is guaranteed under the Constitution of the Republic of Macedonia and it is also guaranteed under numerous international instruments the country has signed and which are part of the legal system of the Republic of Macedonia.

67. The Law on Abortion, which regulates the conditions under which women may interrupt pregnancy, in its Article 3, paragraphs 2 and 3 envisages the procedure for getting the approval for abortion, the conditions that are to be fulfilled by health care institutions for the abortion and the monitoring over the conditions and the procedure of abortion, with a view to protecting the health of pregnant women. Thus, the said provisions envisage “if the pregnant woman is a minor or is a person deprived of legal capacity, she may interrupt the pregnancy until the tenth week since the baby has been conceived with a written consent from the parent, i.e. the guardian of the pregnant woman in a manner and form determined under provisions for protection of the rights of patients.

## **Article 11 – Situations of Risk and Humanitarian Emergencies**

68. The Guidebook on Managing Catastrophes and Natural Disasters was printed in Braille with the financial support of the UNDP and in cooperation with the Ministry of Education and Science and the Crisis Management Centre. A Guidebook for protection in crisis was prepared, adapted for students with impaired vision, as well as a colour book

with relief drawings for students with total visual impairment, which presents the contents of the Guidebook and the plans for evacuation which in a relief format. Thus, the Republic of Macedonia is the first country in the Balkans that has published this type of Guidebook which contains useful guidelines.

## **Article 12 – Equal Recognition before the Law**

69. The basic regulations that regulate guardianship and deprivation of the legal capacity are part of the Law on Family and the Law on Extrajudicial Settlement. In addition there are provisions, which refer to the protection of persons deprived of their legal capacity in the Law on Social Protection, Law on Health Protection, Criminal Code, Electoral Code, Law of Contracts, as well as other laws.

70. In the Republic of Macedonia, all citizens are equal before the Constitution and laws, while the Criminal Code (Official Gazette of the Republic of Macedonia Nos. 37/96, 80/99, 04/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 114/09, 51/11, 135/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14 и 28/14) foresees sanctions for everyone that infringes or limits rights of citizens determined by the Constitution, law or other regulation.

71. Under the Law on Extrajudicial Settlement, in the procedure for deprivation of legal capacity, the Court may decide on partial or full deprivation of the legal capacity of a person who, because of mental illness, mental retardation, alcohol abuse or opiate abuse, abuse of narcotic drugs, psychotropic substances and precursors is not capable of taking care of himself/herself and of protecting his/her rights and interests.

72. When the reasons on the grounds of which the person has been deprived of their legal capacity shall stop to exist, the Court may decide on partial or full restoration of the legal capacity of the person. The procedure for partial or full deprivation of the legal capacity is instituted by the Court ex officio or upon proposal by the spouse, child, grandchild, parent, grandfather, grandmother, brother, sister or anyone who lives in a permanent community with the person, as well as upon the proposal of the relevant social work centre.

73. According to provisions relating to guardianship under the Law on Family, the authorities shall provide special protection for minor children without parental care and adult persons with deprived or limited legal capacity. According to the provisions of this Law, protection is also provided to other persons who are not capable or do not have the possibility to protect their rights and interests by themselves. Guardianship related activities are undertaken by social work centres directly, through guardians or other persons who perform guardianship related activities. The procedure for granting guardianship is instituted ex officio or on demand by interested persons. The procedure is urgent. The following are under the obligation of dully informing the registrar or state authorities about the need to place a person under guardianship or about the need that certain form of protection offered by social work centres is applied: state bodies who by performing matters in their capacity will find out about the case; relatives, members of the family and neighbours, companies, institutions, local communities and other organizations and associations. When a social work centre finds that there is a need that a person be placed under guardianship it immediately undertakes relevant measures for protection of the person, his/her rights and interests and institutes a procedure for grant of guardianship. When determining the type of protection for the person placed under guardianship, the social work centre is primarily guided by the interests of the person being placed under guardianship and the interests of his/her family, as well as by the material possibilities, while in-line organizations and bodies cooperate in the implementation of relevant measures. According to the Law on General Administrative Procedure, the social work

centre decides on placing a person under guardianship, then on appointing or dismissing a guardian, the scope of authorities of the guardian, on legal interests of the person placed under guardianship, and on the termination of the guardianship.

74. The legal norms, which regulate guardianship and deprivation of legal capacity, have still not been fully modified and represent an obstacle for the respect for the rights of persons with disabilities.

75. It is underlined that there is a clear commitment of the Republic of Macedonia to advancing the system for deprivation of legal capacity and in that respect the initiatives and activities by the civil sector in this domain are strongly and fully supported.

### **Article 13 – Access to Justice**

76. According to the Constitution of the Republic of Macedonia all citizens are equal before the Constitution and the laws. Human rights and freedoms may be limited only in cases determined by the Constitution, and that limitation may not discriminate on any grounds, nor may the limitation of rights be related to the right of life, prohibition of torture, inhuman and degrading treatment and punishment, the legal determination of the crimes and sanctions, as well as to freedom of belief, consciousness, thought, public expression of thought and religion. According to these constitutional provisions, in the Republic of Macedonia, persons with disabilities may be partially or fully deprived of their legal capacity equally as all other citizens, i.e. only in cases determined by law and in a procedure determined by law.

77. The Law on Free Legal Aid (Official Gazette of the Republic of Macedonia No. 161 of 30 December 2009) established for the first time in the Republic of Macedonia the right to free legal aid in order to provide equal access for citizens and other persons to institutions of the system, providing information about provision of and enabling effective legal aid, which is in accordance with the constitutional provision on equal access to justice. The right to free legal aid, according to the Law, may be exercised by citizens of the Republic of Macedonia, who permanently reside in the Republic of Macedonia, who are beneficiaries of social assistance or who are beneficiaries of the right to disability supplement.

### **Article 14 – Liberty and Security of Person**

78. Under the Constitution of the Republic of Macedonia, citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of their gender, skin colour, nationality and social origin, political or religious beliefs, property and social status.

79. With the construction of new facilities in the prison system and reconstruction of existing prisons, persons with disabilities have been taken into consideration because existing prisons are still not sufficiently adapted to persons with disabilities. The Ombudsman, in accordance with the legally prescribed competences, has the right to control the lawfulness of the work of prisons and at the same time the Ombudsman has the right to unannounced visits and access to all cells, right to interview all employees and all persons serving a sentence or being in pre-trial detention without any surveillance by the management of the prison and also has the right to inspect the entire documentation, no matter the degree of its confidentiality.

## **Article 15 – Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment**

80. The Constitution of the Republic of Macedonia envisages that the physical and moral integrity of the person is inviolable and prohibits any form of torture, inhuman or degrading treatment or punishment. In the Republic of Macedonia there is no specific legislation that protects persons with disabilities against violence or abuse, while protection is provided within the regular legal system and institutions equally as for other citizens. The Criminal Code of the Republic of Macedonia foresees punishments for all forms of torture, violence or abuse.

81. A person with disability according to the existing Law on Health Care may not be forced to certain medical treatment and in practice no such cases have been registered. The Law on Health Care determines the procedure on committing a person in a health care organization for treatment of mental illnesses in cases in which the Court has decided that the mentally ill person should have limited freedom of movement or contact with the outside world. Furthermore, this Law determines that persons with disabilities, equally as all other citizens, may not be sterilized against their will, nor may the parent bring such a decision for his/her child who has developmental disabilities.

82. According to the Law on Health Care “Persons with disabilities may not be forced to a given medical treatment” and in practice no such cases have been registered. According to the same Law, persons with disabilities, equally as all other citizens, may not be sterilized against their will, nor can the parent/custodian make that decision for his/her child who has a certain type and degree of disability.

83. Persons with disabilities who are deprived of their freedom are treated in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment as well as in accordance with standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the National Preventive Mechanism that exists at the Ombudsman’s Office of the Republic of Macedonia.

84. In the Republic of Macedonia there is a growing activity of non-governmental organizations against all types of violence. This problem is openly spoken about and it is even more important that cases of different types of violence are publicly disclosed and condemned, especially cases of domestic violence (violence against women, children, old and feeble persons etc.) In the last few years, media outlets have published several cases of violence against persons with disabilities, and the perpetrators have been publicly and lawfully sentenced. This is a good example because the topic is being more openly discussed. Earlier, this topic, especially in rural communities, was a taboo and cases have been covered up with the excuse of protecting the good name of certain persons or families.

85. As regards fundamental human rights and freedoms, the Republic of Macedonia has one the most liberal constitutions and the institutions are more effectively providing protection of the freedoms and rights. The public awareness in this respect is growing, which is largely due to the civil society and disability organizations. Hence, persons with disabilities are protected against torture, violence and abuse equally as other citizens.

## **Article 16 – Freedom from Exploitation, Violence and Abuse**

86. The Constitution of the Republic of Macedonia envisages that the physical and moral integrity of the person is inviolable and it prohibits any form of torture, inhuman or degrading treatment or punishment.



87. The Criminal Code of the Republic of Macedonia sanctions domestic violence, as a separate crime, while foreseeing punishments for all forms of torture, violence or abuse.

88. The Law on Family which, inter alia, regulates the procedure for imposing a temporary measure for protection against domestic violence, under its Article 94-b, paragraph 1 “prohibits any form of violence among family members, no matter the gender and age”, while disability is mentioned in a provision as “against persons – family members who have been partially or fully deprived of their legal capacity”, while under its Article 94-c envisages that “a victim of domestic violence may be any person referred to in Article 94-b of this Law no matter the gender and age”, which also covers the provision on persons with disabilities — “against persons — family members who have been partially or fully deprived of their legal capacity”, while social work centres as guardianship bodies are obliged in the procedure for protection against violence to keep records and documents regarding persons who are victims of domestic violence.

89. The Law on the Protection of Children in its Article 12 contains important provisions prohibiting child abuse:

(1) Any form of discrimination on grounds of race, skin colour, gender, language, religion, political or other belief, national, ethnic or social origin, cultural or other belonging, property, disability, birth or other status of the child or his parent or legal guardian is prohibited.

(2) All forms of sexual exploitation and sexual abuse of children (harassment, child pornography, and child prostitution), violent forcing of children to prostitution, sale or trafficking in children, mental or physical ill-treatment, punishment or other inhuman treatment, all forms of exploitation, commercial exploitation and abuse of children in violation of fundamental human rights and freedoms and rights of children are prohibited.

90. In order to create a unique system for protection against abuse and neglect of minor children in the Republic of Macedonia that also covers children with developmental disabilities, there are continual trainings of professionals in the system for social protection, education, health, judiciary, police, non-governmental sector in order that they could recognize and take collective coordinated actions for protection of children against abuse and neglect. As a result of the increased sensitization of the expert and the public at large about the occurrence of abuse and neglect of minor children, the Government of the Republic of Macedonia and other competent state bodies have adopted the following documents that have a binding character:

91. The National Strategy for the Prevention of and Protection against Domestic Violence 2012–2015 and Action Plan for its implementation, which encourages use of international and domestic legal norms and standards that protect human rights, promote gender equality and recognize specific and socially vulnerable categories, which includes persons, i.e. women with disabilities. In order to prevent and protect against domestic violence, a media campaign was implemented with TV video and billboard messages on the subject of domestic violence.

92. According to all world statistics, persons with disabilities are twice as more victims of domestic violence than persons without disability. The Republic of Macedonia still does not have precise statistical data on the forms of violence and abuse of persons with disabilities. Hence, there is still no clear picture on the situation in this area.

- The Action Plan for the Prevention of and Fight against Sexual Abuse of Children and Paedophilia 2009–2012 based on the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse has the purpose of providing the means and mechanisms which enable the application of measures of assistance and protection of children against sexual abuse and

paedophilia, and which establish and enhance a coordinated system for cooperation between governmental institutions and the governmental and non-governmental sector, encompassing all areas that cover this problem.

- Protocol for Cooperation among the Competent Institutions in cases of Sexual Abuse of Children and Paedophilia in order to properly and effectively undertake measures for the prevention of and dealing with sexual abuse of children and paedophilia in the Republic of Macedonia. This Protocol regulates the cooperation among competent bodies in accordance with laws and by-laws and the Action Plan for the Prevention of and Fight against Sexual Abuse of Children and Paedophilia 2009–2012 adopted by the Government of the Republic of Macedonia. The Protocol envisages the forms, manner and content of cooperation among the competent bodies and other participants in the detection and prevention of sexual abuse of children and paedophilia and in giving protection to children victims of sexual abuse and paedophilia, as well as in changing the behaviour and integration of the perpetrators of such crimes in society.
- National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 has as a specific goal, i.e. that of exercise of human rights and fundamental freedoms by persons with disabilities on equal basis with other persons. Namely, the Strategy contains measures that are relevant for the protection of children with disabilities, especially women and children with disabilities, against violence, abuse and exploitation such as: providing information on the condition of women with disabilities compared to their social role and specially increased risk regarding their exposure to domestic violence and providing information on women's human rights (such as sexual and reproductive rights) of women with disabilities, measures for prevention of violence, abuse and exploitation of women with disabilities, undertaken through cooperation with relevant institutions and organizations of persons with disabilities and at the same time developing programs for psycho-social and legal support for women with disabilities who are victims of violence or abuse, as well as undertaking measures and activities in order to increase the knowledge and skills of women with disabilities for equal and active participation in the community.

## **Article 17 – Protecting the Integrity of the Person**

93. The Constitution of the Republic of Macedonia envisages that physical and moral integrity of the person is inviolable and it prohibits any form of torture, inhuman or degrading treatment or punishment.

94. The Criminal Code of the Republic of Macedonia sanctions domestic violence, as a separate crime, while foreseeing punishments for all forms of torture, violence or abuse.

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(2) All forms of sexual exploitation and sexual abuse of children (harassment, child pornography, and child prostitution), violent forcing of children to prostitution, sale or trafficking in children, mental or physical ill-treatment, punishment or other inhuman treatment, all forms of exploitation, commercial exploitation and abuse of children in violation of fundamental human rights and freedoms and rights of children are prohibited.

97. In order to create a unique system for protection against abuse and neglect of minor children in the Republic of Macedonia, which also covers children with developmental disabilities, there are continual trainings for professionals in the system for social protection, education, health, judiciary, police, non-governmental sector in order to recognize and take collective coordinated actions for protection of children against abuse and neglect. As a result of the increased sensitization of the expert and the public at large about the occurrence of abuse and neglect of minor children, the Government of the Republic of Macedonia and other in-line state organs have adopted the following documents that have a binding character:

98. The National Strategy for the Prevention of and Protection against Domestic Violence 2012–2015 and Action Plan for its implementation, which encourages use of international and domestic legal norms and standards that protect human rights, promote gender equality and recognize specific and socially vulnerable categories, which includes persons, i.e. women with disabilities. In order to prevent and protect against domestic violence, a media campaign was implemented with TV video and billboard messages on the subject of domestic violence.

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and paedophilia, as well as in changing the behaviour and integration of the perpetrators of such crimes in society.

- National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 has as a specific goal, i.e. that of exercise of human rights and fundamental freedoms by persons with disabilities on equal basis with other persons. Namely, the Strategy contains measures that are relevant for the protection of children with disabilities, especially women and children with disabilities, against violence, abuse and exploitation such as: providing information on the condition of women with disabilities compared to their social role and specially increased risk regarding their exposure to domestic violence and providing information on women's human rights (such as sexual and reproductive rights) of women with disabilities, measures for prevention of violence, abuse and exploitation of women with disabilities, undertaken through cooperation with relevant institutions and organizations of persons with disabilities and at the same time developing programs for psycho-social and legal support for women with disabilities who are victims of violence or abuse, as well as undertaking measures and activities in order to increase the knowledge and skills of women with disabilities for equal and active participation in the community.

### **Article 18 – Freedom of Movement and Nationality**

100. The Constitution of the Republic of Macedonia in Article 35 guarantees that Republic of Macedonia provides particular protection for persons with disabilities, as well as conditions for their involvement in the life of the society, while in Article 27 it envisages that every citizen of the Republic of Macedonia has the right to free movement on the territory of the Republic and freely to choose his/her place of residence. In addition, the Constitution of the Republic of Macedonia in Article 4 envisages that citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.

### **Article 19 – Living Independently and Being Included in the Community**

101. The Government of the Republic of Macedonia through the Ministry of Labour and Social Policy, started the reform processes in this sector in 2000, and priority was given to the process of deinstitutionalization, i.e. decreasing the number of persons who live in institutions with residential type and improvement of the living conditions in them. Accordingly, a Memorandum of Cooperation was signed among the Ministry of Labour and Social Policy, the UNICEF Office and the World Health Organization, according to which there will be no new admissions of beneficiaries in institutions for social protection. At the same time, more intensive activities for the development of a network of social services for persons with disabilities were started by the Ministry of Labour and Social Policy and by the civil sector.

102. This area is also covered by the National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 and in the National Strategy on Deinstitutionalization in the Social Protection System in the Republic of Macedonia (2008–2018).

103. The National Strategy on Equal Rights for Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 in part 4. *Availability of Services and Instruments* foresees measures directed at creating services that are to satisfy the needs of persons with disabilities, required for their full inclusion in the personal, family, education and

professional life. Furthermore, in part 7 *Social Protection*, the Strategy foresees measures for provision for persons with disabilities equal access to proper services, means and other benefits for satisfying the needs arising from disabilities, including development of programs for housing and providing equal access to publicly funded housing programs through active housing measures of the Government. Furthermore, services for support of persons with disabilities are also covered, i.e. the need for developing a mechanism for quality services for persons with disabilities.

104. The basic aim of the National Strategy on Deinstitutionalization in the Social Protection System in the Republic of Macedonia (2008–2018) is improvement of the quality of social protection services and creating conditions to bring the services closer to beneficiaries at the local level. This aim will be reached through the advancement of the existing and development of non-institutional forms of protection and through transformation of the existing system of institutional protection. The strategic activities relate to the following:

- Development of non-institutional forms of protection at the regional and local level
- Gradual transformation of existing institutions for social protection
- Development of institutional and human resources at the national and local level
- Ensuring the implementation of the Strategy and ensuring the sustainability of the protection at the local level

105. Under this Strategy, many concrete recommendations are given with regard to children with developmental disabilities up to 26 years of age and for persons with developmental disabilities older than 26. Recommendations for raising the level of psycho-social support for the biological families in the care for children with developmental disabilities and increasing of the pecuniary benefit, as preconditions for the decrease of the need for institutionalization are common for both groups. Moreover, recommendations are given for the establishment of new forms of non-institutional protection as small group homes and other forms of independent living with different level of support.

106. The normative regulation of this area in the Republic of Macedonia is attained with the Law on Social Protection which in Article 26 defines the non-institutional protection provided at or through social work centres, which encompasses the right to:

- Social services to beneficiaries of social protection
- Assistance to an individual
- Assistance to the family
- Home care and help for an individual and family
- Day care and temporary care assistance for an individual and family
- Placement in a foster family
- Placement in a small group home and
- Supported independent living

107. Article 31 envisages the right to day care in a day care centre for persons with moderate and severe disability in the mental development and for persons with physical disability that cannot take care of themselves.

108. The right to placement in a foster family, according to Article 32, may be exercised by a person with moderate to severe mental disabilities, as well as by a person with severe to most severe physical disability if he/she does not have the conditions to live with his/her family or due to other reasons needs placement in a foster family.

109. The amendments and supplements to the Law on Social Protection of May 2013 more precisely define the criteria to determine which person may be a foster parent, the types of foster families (general, specialized, intervening and temporary), as well as the right to pecuniary assistance in the amount of MKD 8,000 for the foster parent, who has been providing foster care for a person for at least 5 years, after the foster parent reaches 62 years of age and is unemployed and does not exercise the right to pension.

110. Article 39 envisages the right to placement in a small group home of children with developmental disabilities in the mental or physical development and persons with mental or physical disabilities that do not have suitable conditions to live with their family, a person who does not have family or for other reasons needs placement in a small group home, while Article 40 defines the right to supported independent living for persons with mental or physical disability, which right is exercised through independent or organized living in a special housing unit with constant or temporary help from professionals or other persons in fulfilling the basic living needs, cultural, recreational and other needs.

111. The right to vocational training (Article 42) may be exercised by a person with moderate and severe disabilities in the mental development. The right to vocational training covers referral to an institution for social protection or to other legal entity that fulfils the required conditions, as well as compensation of expenses for accommodation and food, compensation of expenses for vocational training and compensation for travel expenses.

112. The right to placement in an institution for social protection (Article 43) may be exercised by persons who do not have suitable living conditions in their own family or who due to other reasons need accommodation in an institution for social protection, while other forms of social protection cannot be applied. This right is available to persons with moderate and severe disabilities in the mental development referred to vocational training, persons with serious disabilities in the mental development and persons with permanent physical disability who need permanent accommodation and care.

113. The Law on Social Protection in Article 132 defines the types of institutions for social protection for non-institution protection which, among others, encompass day care centres for persons with mental or physical disabilities (Article 146), centre for providing assistance in the home (Article 147) and a small group home (Article 149).

114. In accordance with the plurality principle in providing social protection services, the authorities, under the Law on Social Protection (Articles 153–162) enable citizens' associations to conduct certain social protection activities, provided that they are registered for fulfilment of goals and tasks in the area of social protection.

115. Goals and tasks in the area of social protection are the following:

- Social prevention
- Development and provision of services for social protection to persons, families and groups of citizens exposed to social risk
- Development and advancement of social protection and
- Development and advancement of volunteer work in the municipality

116. The reform process in the field of independent living and services for persons with mental disabilities in the last ten years has resulted in the establishment of the initial network of social services (day care centres and housing units). In local communities that have day care centres, children/persons with disabilities in the mental development are included in certain working programs for acquiring skills for independent life. However, if different services do not exist for persons with disabilities in the place of their residence that limits their possibility to choose where and how to live in the community.

117. The Republic of Macedonia applies the model of foster families and most often social work centres manage the procedures for placement of children with developmental disabilities. According to data received from the Public Institution – Social Protection Activities Institute, a total of 123 children with different forms and degrees of disability are placed with foster families.

118. The Ministry of Labour and Social Policy, as a creator and implementing body of the National Strategy on Deinstitutionalization in the Social Protection System (2008–2018) has been continuously pursuing the process of deinstitutionalization in the Republic of Macedonia from the very beginning and the activities are primarily directed at providing conditions for support to families that have a member with developmental disabilities and prevention of institutionalization by establishing day care centres and other social services in the place of residence.

119. Considering the need for establishing day care centres and other social services for children and adults with disabilities and their families in the place of their living, as of 1996, the Ministry of Labour and Social Policy started developing a network of day care centres as social services for children and adolescents with disabilities. The network to date consists of a total of 24 day care centres catering for the needs of 393 beneficiaries.

120. In 2013, 2 day care centres for children with developmental disabilities were opened by which the network of day care centres for children with developmental disabilities was enlarged to 26, and one day care centre for children with autism, and there are on-going activities for opening a day care centre for Persons with Intellectual Disabilities over the age of 18 and their families in the place of their living, as a joint initiative of the Ministry of Labour and Social Policy and the State Centre for Support of Persons with Intellectual Disabilities — PORAKA — Skopje and the City of Skopje.

121. At the same time, there are on-going activities for the preparation of the opening of a Day Care Centre for younger children with visual impairments, who are not covered by any other form of education and rehabilitation, and according to the Strategic Plan of the Ministry of Labour and Social Policy for 2014, another three day care centres for children with developmental disabilities and one day care centre for children with autism will be opened.

122. The Ministry of Labour and Social Policy continuously co-finances the State Centre for Support to Persons with Intellectual Disabilities “PORAKA” – Skopje, i.e. three day care centres for persons with intellectual disabilities over 18 years old, the day care centre for persons with intellectual disabilities over the age of 18 of the Regional Centre for Support for Persons with Intellectual Disabilities “Poraka” from Negotino and the Day Care Centre for Persons with Intellectual Disabilities over the age of 18 of the Regional Centre for Support of Persons with Intellectual Disability “Poraka Nasha” Kumanovo.

123. Existing services, the day care centres for children with disabilities in the mental development established and managed by the Ministry of Labour and Social Policy are fully financed by the Ministry of Labour and Social Policy. The services for persons with intellectual disabilities provided by the non-governmental sector are also financed with a certain percentage by the Ministry of Labour and Social Policy and by certain percentage by the local self-government and mostly by donors.

124. There is cooperation between the Government and the non-governmental sector in the establishment of services that are to be organized in the country according to the new “model of partnership” between the Government and the non-governmental sector in this area, i.e. an opportunity is given to non-governmental organizations with the capacity and credibility in this area to acquire a licence for management of services in the place of living, while the Ministry of Labour and Social Policy will finance those programs, having also the obligation to monitor and evaluate them.

125. In 2008, the Ministry of Labour and Social Policy, with the support of the Initiative for Mental Health — Budapest, started and continues the on-going process of deinstitutionalization of beneficiaries placed at the Special Institute — Demir Kapija, where services for supported living in the community have already been formed intended for persons with intellectual disabilities in Negotino, Demir Kapija and Skopje. Thus far, under the deinstitutionalization process, 66 persons have left the Institute and they are placed in 7 housing units in Skopje and 7 housing units in Negotino.

126. Upon the start of reform processes and deinstitutionalization, the conditions in the existing Special Institution – Demir Kapija, which has 211 persons with severe and most severe mental disability, compared with the conditions of ten years ago, have been improved by introducing activities for work with beneficiaries, their training and acquiring skills.

## **Article 20 – Personal Mobility**

127. Under the Law on Social Protection (Official Gazette of the Republic of Macedonia Nos. 79/09, 36/11, 51/11, 166/12, 15/13, 73/13, 164/13 and 187/13, 38/14 and 44/14) persons with disabilities are provided with training through special rehabilitation programs, supported with relevant funds.

128. An important aspect of the attainment of a greater independence of persons with disabilities is the purchase of orthopaedic and other aids, in accordance with the Rulebook on Indications for Acquisition of Orthopaedic and Other Aids (2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014), which covers orthopaedic, eye, ear, tiftotechnic, surdotechnic and dentistry aids intended for persons with disabilities according to their type and degree of disability.

129. Personal mobility attained through access for persons with disabilities to the public transport, installation of sound traffic lights, installation of tactile trainers, lowered sidewalks and platforms is under the competences of city authorities, i.e. local self-government units which are to plan funds for these purposes under their annual budgets.

130. 500 tiftotechnic aids have purchased that have a great role in facilitating the everyday life of blind persons and persons with impaired vision: 50 voice devices for measuring the blood pressure, 50 voice thermometer for body temperature, 70 big hand tactile (Braille) watches, 40 voice watches, 30 small hand tactile (Braille) watches, 10 voice hand watches, 50 voice thermometer for body temperature, 50 voice kitchen scales for households, 50 voice indicators for liquid, as well as 50 packages of sawing needles for blind persons and 100 threaders for sawing needles.

## **Article 21 – Freedom of Expression and Opinion, and Access to Information**

131. Free access to information and freedom of receiving and imparting information is guaranteed under the Constitution of the Republic of Macedonia.

132. Under the Law on Broadcasting, the Macedonian Radio Television is obligated to develop, plan and broadcast programmes, informative shows and news for the deaf people, that will be translated into sign language. Thereby, on the national television on daily basis the prime time news are broadcast in the sign language as an informative program. Moreover, once a week, there is a half-hour debate show called “From our Point of View” (*Od nash agol*), which is broadcast in sign language, and once a month there is a specialized show for the deaf people called “The World of Silence” (*Svetot na tishinata*).



On the national radio, once a week there is a one hour show dedicated to people with disabilities called "Pantarei" and it started broadcasting in 2000 with the Phare – Braille Project.

133. In the Republic of Macedonia, sign language is recognized with the Law on Use of Sign Language (Official Gazette of the Republic of Macedonia No. 105/09) as a completely natural way of communication equal to spoken communication.

134. The National Strategy on Equal Rights for Persons with Disabilities envisages that when giving information, an account should be taken of the type and degree of the disability. For people with visual impairment, it is necessary to provide materials in Braille, sound recorded materials, materials with enlarged letters, or through a synthesis of speech, while for people with hearing impairment it is necessary to ensure use of the sign language in education and communication. The training for this type of interpreters is performed only by the National Association for the Deaf and Persons with Hearing Impairment of Macedonia. Deaf persons that do not have an opportunity to communicate with the institutions of the system using sign language are to be provided with an interpreter with a certificate from the Centre for Social Work, which will cover the costs for the interpreter with budget funds. Moreover, in court and administrative proceedings, in which the person has the right to an interpreter, the interpreter costs are covered by the state authorities. The National Association for the Deaf and Persons with Hearing Impairments publishes a Manual on Sign Language and informative magazine about the life of deaf people called "Together" (*Zaedno*), which is financed with funds provided under the Law on Games of Chance and Entertainment Games.

135. 120 pharmacists from the county have completed four month elementary training on sign language, and they will be able to communicate with deaf and persons with hearing impairment in pharmacies. Out of them, 50 pharmacists trained for sign language have certificates, while 6 trained and certified sign language interpreters have received licences. Thus far, in the country, 18 trained licensed certified sign language interpreters have been licensed. The trainings for pharmacists that were conducted by experts for such communication and who are certified to work with sign language, are the result of the cooperation between the Ministry of Labour and Social Policy, the National Association of the Deaf and Persons with Hearing Impairment and the Pharmacy Chamber of Macedonia.

136. The National Association of Blind Persons of Macedonia has a Braille printer and it is publishing publications and magazines, as well as the journals such "Our Word" ("Nash Zbor") in the Braille and "Panorama", published as a sound letter on monthly basis. Blind person receive part of the official documents in the Braille, and there is the positive example of the Public Enterprise for Water Supply which issues water bills in the Braille. This is also case with some of the commercial banks.

137. The National Association of People with Physical Disabilities has been publishing an informative journal "Phoenix 86", every three months for more than 10 years, and it is free of charge for people with physical disabilities and for different institutions of the system of the Republic of Macedonia.

138. The State Centre for Support of Persons with Intellectual Disability "Poraka" every three months publishes its own journal under the same name.

139. All of these journals have a meaningful function of informing and educating persons with disabilities, as well as the public, about creating equal opportunities for these people and they are distributed to people with disabilities and other individuals and institutions.

## Article 22 – Respect for Privacy

140. Article 25 of the Constitution of the Republic of Macedonia states that each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and reputation. In accordance with Article 11 of the Constitution of the Republic of Macedonia, the human right to physical and moral dignity is inviolable. Thus, people with disabilities are protected against experiments, done in favour of the medical science, or to the benefit of other people. Article 26 of Constitution of the Republic of Macedonia guarantees the right to inviolability of the home. The right to inviolability of the home may be restricted only by a court decision in cases of detection or prevention of crimes or the protection of people's health. Article 41 guarantees the human right freely to decide on the procreation of children. The Republic conducts a humane population policy in order to ensure balanced economic and social development.

141. The Law on Protection of Patients' Rights envisages that every patient has a right to care, treatment and rehabilitation, which are in accordance with his/her personal needs and capabilities and which advance the condition of his/her health, with the purpose of reaching the highest possible level of health, in accordance with available medical methods and opportunities, and in accordance with the legislation on health care and health insurance. With respect to the protection of the rights of patients and beneficiaries of health care services, the law protects the privacy of the medical files data and prohibits conducting medical or other intervention without prior consent of the patient or of the parent/legal guardian. Under the same Law, persons with disabilities are mentioned as a special category.

142. The Law on Personal Data Protection regulates the protection of personal data as a fundamental right and freedom of individuals, and especially the right to privacy in terms of processing personal data. According to Article 2 of this Law, personal data is "each information pertaining to an identified or identifiable natural person, the identifiable entity being an entity whose identity can be determined directly or indirectly, especially according to the unique register number of the citizen or on the basis of one or more characteristics, specific for his/her physical, mental, economic, cultural or social identity".

## Article 23 – Respect for the Home and the Family

143. In accordance with the Constitution of the Republic of Macedonia, the country provides special protection for the family, mothers, children, minors, children without parents, and children without parental care, and also provides protection of marriage and family from dysfunctional relationships and violence in the marriage and family (Article 41). This constitutional provision leaves out children and people with disabilities.

144. According to the Law on Children Protection, a child with special needs who has obstacles in the physical or mental development, or combined developmental obstacles, up to 26 years of age, is provided by the state authorities a special allowance in the form of pecuniary benefit. The following have the right to special allowance: one of the parents of the child, the guardian or a person with whom the child is placed under a decision of the competent social work centre and lives in that person's family, with permanent place of residence in the Republic of Macedonia and up to 26 years of age if the child is not placed in an institution at the expense of the relevant authorities.

145. The Law on Social Protection guarantees the right to services in the form of counselling and assistance, i.e. support to families that have children/members with disabilities. The said Law (Article 35) regulates the right to placement in a foster family of persons with moderate and severe disabilities, persons with severe disabilities in the mental

development and persons with a permanent physical disability who need permanent care and nursing. Article 33 regulates the Specialized foster family for a children or persons with disabilities, if the foster parent successfully finishes a specialized training organized by the Public Enterprise Republic Institute for Social Welfare.

146. The Law on the Family completely regulates the family legal relationship, as well as the other relationships concerning the family.

147. The right to forming a family in the Republic of Macedonia is regulated by the Law on Family, which envisages that a marriage can be concluded by “two persons of the opposite sex”, upon their free will before a relevant authority. The said Law defines the family as a community of parents and children and other relatives, if they live in the same household.

148. In terms of the biological families of persons with disabilities, the legislator provides benefits, such as social services and services for support of the family functions, whose purpose is helping families that are faced with difficulties and overcoming the risk of transferring the child from the biological family and the child’s placement in some of the system institutions.

149. Article 18 of the Law on the Family stipulates that a marriage may not be concluded between people who have mental (psychological) disabilities, and belong to the group of people with severe and most severe mental retardation with IQ under 36. Persons that are considered as persons with moderate obstacles in the psychological development, or with minor disabilities in the psychological development, as well as persons who have severe hereditary diseases running in the family may conclude a marriage, after previously acquired opinion about the genetic structure, issued by the Institute of Mental Health of Children and Youth – Skopje, or another relevant institution that does genetic researches.

150. If the person with mental or physical disability does not have the proper living conditions, in accordance with the Law on Social Protection, he/she has the right of accommodation in an institution for social protection (Article 43), the right of accommodation in a small group home, the right of a daily care in a day centre (Article 31) and the right of care in a foster family (Article 32). Moreover, the right of choice of using certain benefits or the right for accommodating in an institution for social protection, is carried out by the Centre for Social Work with a decision on the basis of finding an opinion for assessing the specific needs of the people with disabilities, issued by the Commission for Allocation, which from a professional defectological aspect assesses the specific needs of persons with disabilities.

151. Article 102 from the Law on Family, regulates that, among others, an adoptive parent cannot be a person who:

- Has limited or no working capacity
- Is mentally ill, or is a person with disabilities in the psychological development, as well as a person who has an illness that can put in the danger the health and life of the foster person
- Whose physical disability is of an extent that can be reasonably doubted in the ability of taking care of the child

152. The National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 for a special purpose has the strengthening of the families who have children and persons with disabilities, through creating a system of offering and giving adequate support from the adequate system institutions, such as developing programmes for supporting families, mobile services and services that will help integrating people with disabilities in the community, regular

informing of families that include persons with disabilities for their rights and obligations, developing programmes for habilitation and rehabilitation, implementation of educational programmes for parents and their active involvement in such, developing programmes and activities for additional support of disabled people that are single parents and also on families that have two or more members with disabilities, which is still missing as a whole in the Republic of Macedonia, such as the support of people with disabilities through services for support and payment of social and financial benefits that are intended for supporting the people with disabilities to start their own family.

## **Article 24 – Education**

153. Article 44 of the Constitution of the Republic of Macedonia regulates that everyone has a right to education. “Education is accessible to everyone under equal conditions. Primary education is compulsory and free”.

154. The Law on Protection of Children, the Law on Primary Education and the Law on Secondary Education normatively provide that education of the children with disabilities is an integral part of the national educational planning. The inclusion of the regulatory system of education is conveyed according to the type and extent of disability. For that purpose, there is a special primary and secondary school, special classes, but there is also an ongoing process of inclusion of the children with disabilities in the regular classes.

155. Article 65 of The Law on Protection of Children provides the opportunity of inclusion of children with mental disabilities or physical disabilities in kindergartens, conformed to the type and extent of the disability. The fostering and upbringing of the children with small disabilities in the mental development or with physical disabilities, who have the need of custom performance of the programmes for pre-school children with additional expert help or with custom programmes is organized in the regular groups. On the other side, the fostering of children with moderate disability in the mental development or physical disability is organized in special groups in accordance with the special programmes.

156. The Law on Primary Education confirms the constitutional regulation that every child has the right of primary education.

157. Article 6 of the Law regulates that adequate conditions will be provided for students with special educational needs for obtaining the basic upbringing and education in the regular and special primary schools, and they also have right to an individual help for acquiring the primary education and upbringing. Article 10 regulates that the primary education for students with special educational needs, is organized and realized in special primary schools, and in special classes in the regular primary schools.

158. The Law on Primary Education (Article 30) also provides that the curriculum and the primary education programmes for children with special educational needs in the special schools and special classes in the primary schools are determined by the Minister, on suggestion of the Bureau. For students with special educational needs, the mandatory and the elective courses are realized with the adapted programmes according to their special educational needs.

159. The lesson for the students with special educational needs can be with shorter duration from the regular lesson of 40 minutes of this article, if it is determined with the curriculum and the programmes (Article 39).

160. Furthermore, the Law on Primary Education contains other provisions that are important for students with intellectual disability.

- The number of students with special educational needs in a class is determined by the Minister (Article 41).
- Special education teacher to work with students with special educational needs can be hired in classes with students with special educational needs (Article 42).
- The parent has the right to put his child with special educational needs in a primary school, except in the cases where the special educational needs of the child are such that he/she needs to take the classes in a special primary school. The manner and conditions for enrolment of students with special educational needs in primary schools are determined by the Minister, on suggestion of the Bureau (Article 51).
- The students with special educational needs and people accompanying them have right to free transportation, regardless of the distance of their place of living to the primary school (Article 61).
- The educational work in the special schools and special classes in primary schools is practiced by teachers, special educators, librarians, educators, schools pedagogues and psychologists, with appropriate higher education (Article 79).

161. The law on Secondary Education defines that the secondary education is mandatory for each citizen, under equal conditions determined with this Law.

162. Article 32 determines that the secondary education is realized through plans and programmes for secondary education for students with special educational needs.

163. In the secondary education for students with special educational needs students are educated according to the adjusted programmes with adequate professions, i.e. educational profiles or work training (Article 39).

164. Students who are recorded and allocated according to the type and the obstacles in the development are included in the secondary education for students with special educational needs. Detailed regulations for the number of students with special educational needs in the groups are brought by the Minister (Article 40).

165. The student with special educational needs and the person accompanying him/her have right to free transportation, regardless to the distance of their place of living to the public secondary school in which the student is enrolled and takes the classes (Article 41-a).

166. In the academic year 2012/2013, the secondary education for the students with intellectual disability is conducted in 2 special secondary schools (Sv. Naum Ohridski in Skopje and Iskra in Shtip) in 39 classes. The classes are attended by 231 students, 68 of whom are girls. The classes are conducted by 45 teachers. The children and the adolescents with moderate intellectual disability are covered in the Institute for rehabilitation of children and youth in Skopje, while for the children with severe and deep intellectual disability there are no forms of educational programme.

167. The Ministry of Education and Science has officially conducted the reform process for inclusion of children with disabilities in the regular classes in the regular schools. That means that the process itself implies that more attention is paid to strengthening the teaching staff as a key element of a successful educational process, its training and a big importance will have the inclusion of special educators in the schools whose employment in bigger number is announced for 2014.

168. In the last few years in several municipalities initiatives are being undertaken for engaging mobile defectologists in the regular schools as support for the children with special educational needs in order for them to be able to be freely included in the educational programme.

169. The Law on Higher Education foresees that the students with disabilities should have advantage in the admission under equal conditions and needed assistance provided in the preparation for the admission exam.

170. On the level of policies and programmes, the Government of the Republic of Macedonia is paying more attention to the educational development. The two strategic documents: National Programme on Educational Development in the Republic of Macedonia 2005–2015 and the National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 are the suitable basis for improvement of the educational options for persons with disabilities.

171. The National Programme on Educational Development in the Republic of Macedonia 2005–2015 determines the basic aim of the educational policy of every country – to provide options for acquiring suitable educational level for everyone and for all age groups and to secure that the same possess knowledge, skills and attitudes that are in accordance with the demands in the society and on the labour market. Because of that, education must be available for everyone who lives on the soil of the Republic of Macedonia, no matter their age, gender, religion, ethnicity, health and social and financial position. Moreover, education and training must possess all conditions for efficiency and effectively in order to provide enough general and professional knowledge to everyone.

172. This national programme shows that maximum range shall be provided with different forms of pre-school education for children from vulnerable groups, including children with psychophysical developmental disabilities. Equal conditions for optimal development shall also be provided for every pre-school child. The National Programme especially underlines the need for wide and flexible creation of conditions for inclusion of children with special needs in the regular groups and individualization in the planning and realization of the education work.

173. Activities in the last two years:

- Dispersion of the forms and including a greater number of children in different environments and children with different ethnicity and religion
- Promotional activities for raising the awareness for the need for including children with special needs in the system of regular pre-school education
- Systematic work with the parents of children with special needs through building a system for their education
- Transition from projects toward activities that were an integrative part of the work of the regular system of pre-school education
- Professional training for the educational staff working with children with special needs on the level of initiative education, as well as professional training for the same
- Developing systematic collaboration between the institutions of the pre-school system and the professional institutions that provide help in the work with children with special needs because of their timely discovery and giving professional help
- Developing different forms and programmes that will be suitable for the different needs of the children with special needs

174. According to the accepted principle Education for Everyone, the Government of the Republic of Macedonia through the National Programme on Educational Development 2005–2015 confirms that elementary education is open and enables access for every child no matter the language, gender, religion or physical and mental disability. The elementary education must provide additional help for all students with special educational needs.

175. The National Programme determines, as a special aim, the participation in education of students with special educational needs. The elementary education can fulfil its mission only if it respects the principles of openness toward the needs and conditions of children with developmental problems and special educational needs in the spirit of the international conventions and standards.

176. It is foreseen for the Ministry of Education to provide conditions and to build a concept and working programme for students with developmental problems and students with special needs, and that includes:

- Following the accomplishments of the children (cooperative learning and enriched adapted sources of knowledge)
- Continuous and additional training for the teachers who work with the children with special educational needs in the regular education
- Spatial – architectural accessibility to the educational institutions

177. The Ministry of Education and Science in collaboration with the local self-government also acts in:

- Creation of network of classes in schools for children with special needs
- Providing audio-visual means, according to the type and degree of disability of the children with special educational needs
- Standardization of the theoretic – scientific and law terminology regarding this area, as well as its specification and adjustment with the international standards

178. According to the National Programme the approach to these children will fully respect the kind and degree of their developmental problem, in the ambient that fulfils the wishes of the child and the family and the needs for: consistent application of the inclusion principle; professional, staff, spatial – technical preparation of the schools for the admission of children with special educational needs; continuing the work of the special schools for care and education for the children with severe disability. In the future development on that plan the role of the professional service is stressed (defectologists, pedagogues, psychologists) who follow the advance, adaptation, learning and communication, as well as the support for teachers, students and parents. If the child regardless of all necessary conditions cannot follow the regular education, he/she is included in special education that is a special class in a regular school or in a special school. The schools for children with special educational needs are under the authority of the Ministry of Education and Science and the same are managed on a central level.

179. The National Programme on Educational Development in the Republic of Macedonia 2005–2015 includes the secondary education for persons with disabilities pointing that in order to reach equality in the secondary and post-secondary education care must be taken about the individual needs of every student, and especially of the ones with difficulties in the psychic and physical development.

180. Measures for the improvement of the education and work with students with special educational needs are suggested as follows:

- Adopting laws in relation to the problem of the student with special educational needs (which regulates the problems of the education)
- The network of institutions for secondary education should be developed in a network that will satisfy the needs of the students with special educational needs

- Providing suitable educational standards, before all, regarding the number of students in the class, spatial conditions, educational means and school equipment and special conditions for creative work
- Making adapted and special educational programmes for students with special educational needs that will provide connection of the education with the labour market
- Providing a system for inclusion of adult persons with special educational needs, their suitable prequalification and additional training according to their other capabilities and needs on the labour market
- Providing possibility for acquiring part of the programme for the same working area, as well as for vertical transfer, but also for the returning of the student in the programme of lower level if there is a need for that
- Providing suitable educational staff according to the kind of special educational needs, general as well as professional subjects and practical education and their specialization for work with students with special educational needs and for collaboration with the parent
- Completion and specialization of professional teams in the secondary education institutions
- Providing conditions for constant specialization of the educational plans and programmes, their modernization and adjustment, especially of the professional subjects and practical education, according to the needs of the economy and the services
- Providing a good system of evaluation of: programmes, educational organization, forms and methods of work with students with special educational needs because of undertaking measures if there are problems in the behaviour and the advance in the development of students with special educational needs, individually as well as for the whole class

181. The National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 relates to the education as a very important area, making aim of the fulfilment of the right to suitable education of the persons with disabilities through equal possibilities for learning and development for all children and young persons, as well as for adults. The foreseen measures in this strategy include:

- Development of programmes for inclusion of children in the educational system including pre-school education
- Application and improvement of the existing law regulations which define the area for prevention of the discrimination in the educational process, including elementary, secondary and higher education
- The work with students should be individual, directed by the defectologists and the professional team in the school for which a mandatory inclusion of the defectologists in the regular educational system is needed as well as in the classes for education in the local self-government
- Differentiation and individualization of the education which enables the direction of the students in accordance with their needs and capabilities
- Providing educational programmes for more sophisticated occupations
- Providing a level of education that enables vertical transfer in the educational system



- Developing motivational programmes dedicated to parents through education that will contribute to the raising of awareness about the necessity and the importance of the inclusive education for children with developmental disabilities
- Providing training for the educational staff, director and experts for support and implementation of the inclusive education

## Article 25 – Health

182. Article 39 in the Constitution of the Republic of Macedonia states that “Every citizen is guaranteed the right to health care. Citizens have the right and duty to protect and promote their own health and the health of others.” However, this same Article does not include persons with disabilities in a separate category and if we make a relation between this Article and the general prohibition of discrimination stated in Article 9 in the Constitution (which do not separate disability as possible basis for discrimination) exercising the right to health care becomes a question for a broader discussion.

183. The right to health care has been treated in several laws of the national legislature such as the Law on Health Care, the Law on Health Insurance, the Law on Protection of the Rights of Patients, the Law on Records in the field of public health and the Law on Public Health.

184. The Law on Health Care (Article 30, item 9) defines public health service on basic level including health treatment and rehabilitation of persons with disabilities. In the Law on Health Care and the general provisions of the Law on Health Insurance (two of the laws, which are part of the permanent system of health care in the Republic of Macedonia), persons with disabilities and the exercising their right to health care are not separately stated. This might imply that they have the same rights to health care like the other citizens in the state and that this law does not have any special conditions for proactive setting of the systems and positive action, which would act in the direction of establishing effective equality in exercising this right. Persons with disabilities are mentioned in relation to exercising their specific rights related to their needs, which have arisen because of the particular disability. Considering this, laws prescribe special care and protection of children younger than 18 years and insured persons who need upper and lower limb prosthesis, hearing prosthesis, ortho-optical aid, wheelchair and medical aids, which help with physiological needs. However, type and quality of these aids are determined by general act of the Health Insurance Fund, which means a possibility for limited interpretation of the provisions of this Law. The obligation of the state for early detection and intervention is regulated with Article 32 from the Law on Health Care and Article 9 from the Law on Health Insurance (as part of the basic health services). However, in absence of further elaboration (in laws, bylaw acts and the particular policies and programmes), this obligation is not operationalized in practice as type of a systematic and continued activity.

185. The Law on Health Care states that “According to the regulations, a disabled person shall not be forced to undergo certain therapy or medical treatment” and these types of forcing cases have not been registered in the current practice. According to the same Law, a person with disability, who is equal to all other citizens, shall not be sterilized against his will, nor can their parent/guardian make that kind of decision for his child that has certain type and degree of disability.

186. The Law on Health Insurance foresees exemption from paying participation in case of using health services and medicaments for children with special needs, according to the regulations for social security (Article 34). Moreover, the Health Insurance Fund covers the costs for part of the measures and activities for implementation of preventive and other programmes for treatment of particular illnesses, as well as for persons with disabilities,

pursuant to the Law on Health Care (Article 63). The Law on Health Insurance treats disability (disabilities), above all, as part of the ability to work and the possibility of performing work assignments. The only exceptions are the protective provisions related to children with developmental disorders. Pursuant to Article 54 and Article 56 of the Law on Health Insurance, and Article 59 and Article 76 of the Law on Health Care, the Health Insurance Fund of the Republic of Macedonia and the Ministry of Health have adopted several bylaws (rulebooks, decisions and guidelines) which among the others, include the elements related to exercising the right to health for disabled persons. These bylaws, above all, are related to exercising the right to particular orthopaedic aids, in other words, related to the determining the disability.

187. The Law on Protection of Rights of Patients does not separate persons with disabilities and the general anti-discriminatory provision, given in Article 5, does not mention disability as possible ground for discrimination.

188. The Law on Termination of Pregnancy, which regulates conditions for termination of pregnancy, the procedure for approval of terminating pregnancy, conditions which health institutions should meet for performing the procedure termination of pregnancy and the supervision of the conditions and the procedure for terminating the pregnancy, Article 3, paragraphs 2 and 3, to protect the health of a pregnant woman, regulates the following: “if the pregnant woman is underage or deprived from working ability, the termination of the pregnancy can be done before the expiration of ten weeks from the day of conceiving, with written consent from the parent, or the guardian of the pregnant woman, in a manner and form prescribed by the regulations for protection of patients’ rights.

189. Article 9 from the Law on Biomedically Assisted Fertilization, regulates who can use the procedure for biomedically assisted fertilization, as follows: adult men and women, with working ability that are in marriage or illegitimate union, who previously had unsuccessful medical treatment or concluded that treatment with other methods is useless, in cases when the chances for a severe inheritable disease can be transmitted to the offspring, who according to their age and general health condition are capable of parenting, as well as adult women, with working ability, unmarried or do not live in illegitimate union, if they previously had unsuccessful treatment or concluded that medical treatment with other methods is useless, who according to their age and general health condition are capable of parenting. If the person has limited or taken working ability, they shall not use the procedure of biomedically assisted fertilization. At the same time, the same law regulates that before the implementation of the procedure of allogenic biomedically assisted fertilization, in which donated gametes or embryos are used, all users of biomedically assisted fertilization procedure shall be legally and psychologically advised in order to evaluate whether these persons possess parenting abilities, if they are capable to look after offspring and to provide conditions for healthy raising and development of their child, to certify their ability to judge and make decisions, in other words whether they can understand the procedure of biomedically assisted fertilization for which they have decided.

190. The Law on Records in the Field of Public Health includes keeping records and registers of children with special needs by competent public health institutions. Pursuant to the same law, public health institutions shall keep individual records of children with special needs (Article 8), and the State Public Health Care Institution shall keep records of children with special needs (Article 11). Keeping records is significantly important for the provision of the particular health services, though, it is necessary condition for building the policies of positive action and indiscrimination.

191. The Law on Public Health, just like most of the other laws related to public health, does not include prohibition of discrimination and general mentioning of persons with disabilities, as separate category related to specific obligations of the state.

192. The Law on Mental Health regulates part of the specific rights of part of persons with disabilities, related to public health. Pursuant to the law, the protection of persons with mental illness (a term used in the Law) is based on providing the best care, treatment and rehabilitation, in accordance with the current achievements in the field and within the frames of the available means, particular individual needs of a person, without any psychological and physical abuse, with full respect to the dignity of his personality and in his best interest (Article 3). Article 7 of the Law states that “the personality, dignity and privacy of every person with mental illness shall be respected.” Also, the Law provides that every person with mental illness has the right to care, medical treatment and rehabilitation, which mostly are in accordance with their individual needs and abilities, and they are improving the condition with their mental health, in order to be able to be included in the community (Article 9). The Law is based on the principles of the UN Convention for the rights of persons with disabilities and its particular use correlates with the right to public health, defined in Article 25 of the Convention.

193. The National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 in Part 3. Health care, habilitation and rehabilitation of the National Strategy includes nine measures for improving the health of persons with disabilities:

- Adoption of regulations for providing effective health care for persons with disabilities
- Providing particular approach to general public health services
- Obligatory transformation of the evaluation system which will function and will be based on the capabilities of the persons with disabilities
- Exercising the right to using particular aids
- Providing the necessary medicaments
- Developing programmes for early detection, diagnostics and early intervention, establishing developmental centres
- Education of public health workers and developing awareness for disabilities
- Exercising the improving the right to health care, especially for children with disabilities
- Programmes for adequate and quality health care service, related to sexual and reproductive health

194. Being the most significant strategic document for defining priorities in the area of sexual and reproductive health, the National Strategy for Sexual and Reproductive Health of the Republic of Macedonia 2010–2020 plans, mobilizes and coordinates resources which are needed for effective action based on four main principles such as human rights, gender equality, multisectoral approach and involvement of the communities and the same is based on already existing policies and strategies, integrated in one place, with main aim to improve quality of life of the citizens in the Republic of Macedonia, among the others, through improving sexual and reproductive health, through effective and adequate health programmes.

195. One of the specific aims of this document is improving sexual and reproductive health of vulnerable and marginalized groups including persons with disabilities, in order to inform them more about the measures for protection of their sexual and reproductive health, through their education, as well as education of health workers to be able to work with these vulnerable groups in relation to planning family and using contraceptive methods.

196. The Draft Strategic Plan of the Ministry of Health 2012–2014 which like one basic plan for development of the Ministry of Health, contains programmes and activities which are planned for achieving goals of this three-year period, result from the determined public health strategy until 2020, the UN Millennium Goals in the field of health and other strategies, and the same strategies are in accordance with the annual work programmes of the Government of the Republic of Macedonia. This, so called, planning process defines the priority questions as well, which are adopted by the Ministry of Health in the form of policies, which include forecasts and budget estimations of the Ministry, primary referring to strategic priorities and strategic goals, such as improved health condition of population, improved quality of health care and health services for patients, improved availability and conformity in providing public health services for the population, especially separating youth (pupils and students) as a separate category and elderly persons (retired persons with pension less than the average paid in the Republic of Macedonia), except persons with disabilities. Regarding the programmes for public health care and prevention, as well as the curative health care, there is not a special programme for health protection of persons with disabilities, according to the pattern of the already existing programmes for curative public health care for separate categories, such as persons with addictions, persons with mental disorders, etc.

## **Article 26 – Habilitation and rehabilitation**

197. Rehabilitation is part of the health care in the Republic of Macedonia, in other words, rehabilitation is integrated into the health care which is guaranteed to every citizen in the Republic of Macedonia, according to Article 39 of the Constitution of the Republic of Macedonia that: “Every citizen is guaranteed the right to health care. Citizens have the right and duty to protect and promote their own health and the health of others.”

198. The Law on Health Care, the Law on Health Insurance and the bylaws that result of the two laws, regulate the right to health care of persons with disabilities.

199. The Law on Health Care (Article 15) defines rehabilitation as health treatment to revitalize or replace physical, psychical and social capacities of the patient which are innate, or are caused due to illness, or injury.

200. The Law on Health Insurance, just like the Rulebook on the Content and Manner of Exercising the Rights and Obligations of the Mandatory Health Insurance, regulates the exercising of the right to medical rehabilitation, which is implemented in ambulance polyclinic conditions, within the hospital treatment, as well as in specialized public health institutions.

201. The rehabilitation programmes in the Republic of Macedonia in the larger municipalities are practiced in the centres for rehabilitation or within the medical centres through the rehabilitation divisions, and they have teams with particular profiles (psychologist, logopedist, defectologist, social worker, etc.):

- Early detection, intervention and treatment are available in the developmental counselling centres in Skopje and Bitola
- Institute for Medical Rehabilitation in Skopje, set on a national level, which provides physical rehabilitation for persons with intellectual disability
- Institute for Mental Health for Children and Youth “Mladost” – Skopje
- The Institute for Rehabilitation of Hearing, Speech and Voice (Skopje and Bitola) implements rehabilitation programmes for children with intellectual disability at preschool and school age

- The Institute for Rehabilitation of Children and Youth in Skopje is a specialized institution for working rehabilitation of persons with average or severe intellectual disability up to adolescents age and there is a possibility of accommodation in a dorm
- Working training for persons with intellectual disability is available in Skopje and Shtip (state secondary schools for education and rehabilitation)
- Occupational therapy is available in the daily centres for adolescents

## **Article 27 – Work and Employment**

202. Article 32 of the Constitution of the Republic of Macedonia, guarantees that everyone has the right to work, free choice of employment, protection at work and material assistance during temporary unemployment. Every job is open to all under equal conditions. Every employee has a right to appropriate remuneration. Every employee has the right to paid daily, weekly and annual leave. Employees cannot waive this right. The exercise of the rights of employees and their position are regulated by law and collective agreements. In the past few years, in the Republic of Macedonia there are obvious attempts for improving the condition of persons with disabilities in terms of their employment, for example, through promoting active measures and policies, as well as by improving the already existing legal framework.

203. The Government of the Republic of Macedonia, in the National Strategy on Achieving Equal Rights for the Persons with Disabilities in the Republic of Macedonia (Revised) 2010–2018 as a special goal highlights the provision of equal opportunities for work and employment of persons with disabilities by developing and use of systematic solutions based on the needs and capabilities, which will be reached through the following measures:

- Raising the level of knowledge and competencies of all social actors directly included in the process of creating and applying the policies for employment of persons with disabilities
- Development of technical and professional qualification through trainings, further education, professional training, and other forms of learning through work of persons with disabilities
- Strengthening the motivation of the persons with disabilities, because of their inclusion in the working process through promotion of the principle of active living
- Strengthening the roles and responsibilities of the social partners because of all inclusive approach in the field of employment of persons with disabilities
- Development and establishment of a system for informing about employments, for the persons with disabilities, as well as for the employers
- Development of mechanisms for evaluations of the working capabilities and needs based on international standards
- Development of an economic model according to the Active Measures for Employment through the Operational Plans for Employment of the Government
- Development of mechanisms and resources for professional rehabilitation

204. The Law on Employment of Persons with Disability regulates the special conditions for employment and working of persons with disabilities: when these persons are working individually such as sole proprietor, when they work for an employer or they are the

employers, work in public administration, local self-government units, public enterprises, institutions, agencies, funds and other state institutions.

205. A person with disabilities, according to this law, is a person with damaged sight, damaged hearing, with impediments of the voice, speech and language, bodily disabled person, person with impediments in the intellectual development and person with combination of impediments who, because of the level of disabilities, has specific needs when working.

206. The Law provides measures for improving the conditions for employment and working of the disabled person:

- Giving irrevocable assets for employment of indefinite time of unemployed persons with disabilities, adaptation at the work place where the disabled person will work, if is necessary, and supplying equipment according to the criteria and in a manner determined by act from the Minister of Labour and Social Policy
- Tax exemption and providing assets for contributions and
- Financial support in the working

207. Pursuant to the law, the employer shall pay a salary to the person with disabilities according to the law, collective agreement and employment contract. The employer shall pay the salary to the employed person with disabilities to a bank account, and the salary can be withdrawn by the same person with disabilities, their spouse, parent or guardian. It is of great importance that when an employer employs a person with disabilities, to create particular conditions for working and adaptation at the work place depending on the work position, type and degree of education and type and degree of disabilities of the person with disabilities being employed.

208. The Law on Employment of Persons with Disabilities focuses on protection associations for employment of disabled persons. Protection association is established and functions as protection association if it employs at least ten persons for indefinite period, from which at least 40 percent from the total number of employees are persons with disabilities, from which half are persons with determined disabilities. Also, the Law provides working training, such as training the person with disability for practical work for particular jobs according to the needs of the employer and the person with disabilities.

209. Due to financing the activities for improving the conditions for employment and working of the persons with disability, adaptation of the work place and supply of equipment, 10 percent of the total earnings of the regular contribution for employment are set aside on the bank account of the Agency (Special fund) not later than the 30<sup>th</sup> of the month for the previous month. The assets of this fund are used by the person with disabilities who works individually as sole proprietor, protection association and other legal entity that submit a request for allocation of assets from the Special fund, to the Managing Board of the Agency.

210. The Law offers incentives for employing persons with disabilities through providing irrevocable assets from the Special Fund, on several bases:

- For employment of a person with disabilities for indefinite period, 20 average net salaries paid in the Republic of Macedonia for the previous year before the employment are given as assets, or an amount of 40 average net salaries paid in the Republic of Macedonia for the previous year before the employment for employing a blind person with damaged sight between 90 and 100 percent and bodily disabled person who needs a wheelchair to move.
- For adaptation of the workplace, assets in amount of 100,000 denars are given and the same amount of money can be used again if the changes of technical-

technological process require that or the degree of disabilities of the disabled person. and

- For supply of equipment, assets in amount of 200 average net salaries paid in the Republic of Macedonia in the previous year, are given, but the requestor shall participate with 25 percent of the particular amount (personal assets, bank loan or personal assets of the company's owner), in the fiscal value of the programme, and the amount of the given assets may be up to the amount of the property and the permanent capital registered in the records of the requestor (founding deposit, equipment, building and business facilities, shops, etc.) and to deliver mortgage in ratio of 2:1 or bank guarantee in the amount of the approved assets. The mortgage or bank guarantee shall be valid for minimum of three years. The basic criterion for determining the amount of the given irrevocable assets for equipment is the number of employed persons with disabilities.

211. Persons with disabilities who are registered as unemployed in the Employment Service Agency of the Republic of Macedonia are included in the Operational Plan of Active Measures for their employment at the labour market, implemented by the Employment Service Agency in 2012 and 2013 for which assets in amount of 187,000,000 denars are foreseen in the Budget of the Republic of Macedonia, which as target group have the registered 2,000 persons with disabilities.

212. According to the records in the Employment Service Agency of the Republic of Macedonia, there are total of:

- 291 protection associations, which have employed 6,741 persons, from which 2,455 are persons with disabilities
- 258 sole proprietors, which have employed 387 persons, from which 266 are persons with disabilities
- 99 public institutions have employed 51,190 persons, from which 153 are persons with disabilities
- 887 other legal entities have employed 64,944 persons, from which 1,119 are persons with disabilities

213. The Employment Service Agency of the Republic of Macedonia registered total number of 2,034 unemployed persons with disabilities, concluded on 31<sup>st</sup> of December, 2013.

214. The Labour Law contains provisions which refer to the persons with disabilities. Article 6 of this Law provides prohibition of discrimination and determines that the employer shall not put the requestor of employment or the employee in unequal condition due to racial or ethnical background, skin colour, gender, age, health condition, that is disabilities, religious, political or any other belief, trade union membership, national or social background, family status, property, sex orientation or due to other personal reasons. Regarding the conditions for signing an employment contract, Article 19 prescribes that the disabled person capable of doing certain works, is considered as healthy and capable for signing a contract for performing those activities.

215. Positive measure of the Labour Law is increasing the duration of annual leave for three more working days for a person with disabilities, worker with at least 60 percent bodily damage and worker who looks after a child with bodily or mental impediment (Article 137).

216. One of the rights arising from this Law, tightly related to the Law on Social Care is the right to part-time for a parent of child with development impediments and special education needs (Article 169): "One of the parents of a child with development

impediments and special education needs has the right to work part-time if both parents are employed or if it is a case of a single parent, according to the findings from a competent medical commission, if the child is not accommodated in an institution for social and health care. The part-time in paragraph (1) of this Article shall be considered as full-time, and the right to salary compensations shall be paid according to the regulations for social care.”

217. The Law on Secondary Education prescribes training of persons with disabilities for working and productive activity, and the Law on Social care prescribes the right to training for working and productive activity for persons with average and severe intellectual impediments.

218. During November, 2013, there was a public announcement for employment of 300 persons with disabilities of different type and degree for indefinite period through the Public Enterprise Makedonski Shumi, which was expected to cover larger part of this category of persons in the public sector, and at the same time significantly to improve their social and economic integration in the society.

219. A Memorandum of Cooperation has been signed between the Ministry of Labour and Social Policy and the Macedonian Chamber of Commerce for creating a Fund to Support persons with disabilities, according to the programme activities for collaboration with the business community, in order to promote certain presence of particular groups of workers, such as persons with disabilities, with emphasis on providing particular measures for technical rehabilitation of persons with disabilities and promoting opportunities for employment of the same persons on the labour market, by creating conditions for their complete integration in society. In that direction, the Ministry of Labour and Social Policy opened a special bank account for donations from the members of the Macedonian Chamber of Commerce, and the assets shall be used for persons with disabilities.

## **Article 28 – Adequate Standard of Living and Social Protection**

220. Article 34 from the Constitution of the Republic of Macedonia guarantees the right of all citizens to social security and social insurance regulated by law and collective agreement. Article 35 from the Constitution defines the role of the state, which takes care of the social care and social security of citizens according to the right to social justice. The Republic guarantees the right to help for the infirm and the unfit for work. The Republic provides special care for persons with disabilities and conditions for their inclusion in the social life.

221. Several strategic documents adopted by the Government of the Republic of Macedonia refer to improving the system of social care in the Republic of Macedonia and the same documents include persons with mental and bodily impediments.

222. The National Strategy for decreasing poverty and social exclusion (revised 2010-2020) foresees a large number of activities and measures concerning persons with impediments. Some of the particular measures in the area No. 3 of the Strategy are focused on promotion of social and children protection and building a new social model, including provision of accesses to institutional and non-institutional forms to protect persons with impediments. Support for vulnerable groups is included in the area No. 7, which provides development of mechanisms for decreasing poverty and social exclusion of vulnerable categories of citizens, and there is a significant part dedicated to finding a solution for the rights and requests of persons with impediments and disabilities.

223. The National Strategy for equal rights of persons with disabilities, revised (2010-2018) includes five measures directed towards providing social security and total enjoyment of the same right of persons with disabilities:



- Providing equal access to persons with disabilities to particular services, assets and other assistance to meet the needs related to the disabilities
- Development of regulatory mechanisms for quality services of the persons with disabilities
- Inclusion of the persons with disabilities when making and implementing programmes for decreasing poverty
- Providing equal access based on non-discrimination of persons with disabilities to the programmes for pension insurance
- Developing programmes for housing and providing equal access to the publicly financed social housing programmes through the active measures for housing of the Government

224. The two basic laws which regulate social care in the Republic of Macedonia are the Law on Child Protection and the Law on Social Care.

225. Social care is defined as a system of measures, activities and policies to stop and overcome the basic social risks to which the citizens are exposed during their life, for decreasing poverty and social exclusion and strengthening their capacity for personal protection.

226. According to the Law on Social Care, the term social risk means:

- Health risks (illness, injury and disabilities)
- Age and aging risks
- Single parenting risks
- Unemployment risks, losing subsistence income based on work, etc.
- Poverty risks and
- Other types of risks of social exclusion

227. According to Article 44 from the Law on Social Care, the rights to social care financial benefit are:

- Social welfare
- Permanent financial benefit
- Financial benefit to a person with a status orphan until 18
- Financial benefit to a mother that gave birth to a fourth child
- Financial benefit for assistance and care of other person
- One-time financial benefit and in-kind aid
- Salary compensation for working part-time due to looking after a child with bodily or mental impediments in their development
- Financial benefit of social housing
- Benefit for blindness and mobility

228. The right to social welfare is provided to a person capable of working and housekeeping, financially insecure and who cannot provide existential assets according to other bases. Social welfare is available for persons with intellectual impediments and their families, if the income in the house is lower than the amount of social welfare and unless they do not possess property that enables them to survive.

229. The right to regular financial benefit has a person unable to work and financially insecure, who cannot provide existential assets according to other regulations. A person incapable of work, in terms of this law, is considered someone who is:

- With medium, severe and deep impediments of their intellectual development and a person with combined and other impediments in development, who is unable to acquire a degree due to their degree of impediments, as well as a person with bodily impediment, which prevents them from working
- A mentally ill person and person with permanent change in their health condition, which prevents them from working

230. Inability to work of persons over 26, is determined by an experts committee with personal findings, evaluation and opinion, which works in a public institution and treats problems in the field of psychophysical development of persons with particular type of impediment, within the frames of its function, or by another legal entity.

231. Inability to work is considered as determined of a 26-year-old person with medium, severe and deep impediments in mental development, a person with more severe and the most severe impediments, as well as a completely blind person whose sight and degree of impediment is determined by finding, evaluation and opinion of a professional institution, and decision of the centre for social care.

232. Right to financial benefit for assistance and care of other person, has a person over the age of 26, with medium, severe or deep impediments in mental development, a person with more severe and the most severe bodily impediment, completely blind person, as well as a person with permanent changes in health condition, who needs assistance and care from another person due to inability to meet his own life needs, unless this right is not met pursuant to other regulations.

233. The amount of the financial benefit for assistance and care of other person is determined according to the extension of the needs of assistance and care of other person.

- A need of assistance and care of other person in larger extension has a person with severe and deep impediments in mental development, a person with more severe and the most severe bodily impediments, completely blind person, as well as a person with permanent changes in health condition, who is unable to meet their basic living needs because of the abovementioned reason, does not move with orthopaedic aids by himself in the apartment or outside the apartment, does not feed by himself, get dressed, keep personal hygiene or doing basic physiological needs
- The need of assistance and care of other person in small extension has a person with medium impediments in mental development and a person who is unable to meet their basic life needs without help of other person due to permanent changes of their health condition

234. The amount of the financial benefit for assistance and care of other person of larger extension is 4,185 denars, while small extension the amount is 3,702 denars.

235. The need of assistance and care of other person is determined by expert committee which either works in a public institution which treats problems in the field of psychophysical development of persons with particular type of impediment, within its field, or other legal entity. With the exception of the above mentioned, a person over the age of 26 with severe and deep impediments in the development, a person with more severe and the most severe bodily impediment, as well as completely blind person whose sight and degree of impediment is determined by findings, evaluation and opinion of experts committee and decision of the social care centre, has the right to financial benefit for assistance and care of other person.

236. A one-time financial benefit or in-kind aid is given to a person or a family in the position of social risk, as well as to victims of natural disaster or epidemics and longer treatment in health institution.

237. The right to salary compensation for working part-time due to assistance and care of a child with bodily or mental impediments in the development and the most severe chronic illnesses, regulated by the Labour Law, is exercised in the centre.

238. The amount of the salary compensation is 4,800 denars.

239. The right to financial benefit for housing is provided to socially vulnerable persons, who do not have housing conditions. Socially vulnerable persons are – users of permanent financial benefit and persons which were orphans until the age of 18, in other words until their guardianship ended, and the highest limit is the age 26.

240. Right to health care have the beneficiaries of the following:

- Permanent financial benefit
- Persons accommodated in fostering family
- Persons accommodated in social care institution (institutional and non-institutional care)
- Financial benefit beneficiaries for assistance and care of other person
- A person who had the status of orphan until the age of 18, the highest limit is the age of 26, and uses social welfare
- A person – victim of family violence as protective measure in accordance with the Family Law and
- A person within the frames of living in a supportive community

241. The right to financial benefit for blindness is provided to completely blind persons at the age of 26 and over, and the right to financial benefit for mobility (Article 84-a) is provided to a person at the age of 26 and over with 100 percent bodily disability who is able to use a wheelchair by their own or with medium, severe and deep impediments in mental development who uses a wheelchair with assistance, due to creating conditions for equalization of their opportunities for inclusion in the everyday life of the community of these persons. The monthly amount of the financial benefit for mobility is 7,000 denars. The right to financial benefit for blindness or mobility is used when according to a decision from the centre for social care, the beneficiary is accommodated in an institution for social care, fostering family, small group house or organized housing with support.

242. According to the latest amendments of the Law on Social Care, in 2014, there is a new right to financial benefit of social care, financial benefit for deafness in the amount of 4,000 denars for total of 870 completely deaf persons and use of permanent right to financial benefit for mobility in the amount of 700 denars for about 1,000 persons with quadriplegia, the Budget of the Ministry of Labour and Social Policy provides additional assets in the amount of 84 million denars for the year of 2014.

243. These amendments provide financial benefit in the amount of 8,000 denars for parents who have children with impediments in their development, who will look after them without putting them into institution in the following 15 years, and which are not able to fulfil the right to age or other type of pension.

244. The permanent right to financial benefit for mobility and blindness in the amount of 700 denars, implemented since 1<sup>st</sup> of July, 2012, in accordance with the existing Law on Social Care, is being used by 3,270 persons with 100 percent bodily impediment and blind persons.

245. The State Statistical Office in their statistic records with number 2.4.12.13/730 referring to social care of children, youth and adults, 2011–2012 in the Republic of Macedonia, gives the number of beneficiaries with physical and psychological impediments of some of the available forms of social care:

**Financial benefit**

|  |        |
|--|--------|
| • Permanent financial benefit                        | 2,984  |
| • One-time financial benefit                         | 968    |
| • Assistance in education                            | 1      |
| • Care and other conditions in the apartment         | 622    |
| • Financial benefit for care on others               | 14,336 |
| • Financial benefit for rehabilitation               | 1      |
| • Other financial benefits                           | 83     |
| • Other forms  | 294    |
| • Direction on education and qualification           | 4      |
| • Assistance in employment and protective workshops  | 5      |
| • Other measures of the social care                  | 21     |
| • Assistance in fixing marriage and family relations | 28     |
| • Assistance in exercising particular rights         | 214    |
| • Other services of the social care                  | 4,467  |
| • Salary compensation for part-time working          | 16     |

**Beneficiaries of special financial benefit for children**

|                      |       |
|----------------------|-------|
| • Number of children | 6,504 |
| • Number of families | 6,286 |

246. Regarding the setting of the system of social care, it is of special importance that local self-government have more significant role in the Republic of Macedonia, pursuant to the reforms for decentralization.

247. Such an opportunity is given in Article 11 and Article 12 of the Law on Social Care which define that the Municipality, the city of Skopje and municipalities in the city of Skopje provide exercising social care of persons with disabilities, orphans, children with impediments in the mental and bodily development, children on the street, children with upbringing-social problems, children in single-parent families, persons exposed to social risk, persons that misuse drugs, other psychotropic substances, precursors and alcohol, persons victims of family violence, persons victims of human trafficking, elderly persons without family care, through non-institutional and institutional forms of social care, housing and raising awareness of the population for the need of providing social care. The Municipality, the city of Skopje and municipalities within the city of Skopje, with their own decision, according to their financial standing, shall determine other rights in the field of social care, rights with larger extent than the extent of the rights regulated by this law and more affordable conditions for their exercising, as well as other forms of social care.

## Article 29 – Participation in Political and Public Life

248. The Constitution of the Republic of Macedonia regulates that: Every citizen at the age of 18 and over, acquire the right to vote. The right to vote is equal, general and spontaneous, and it is accomplished with fair elections and secret voting. Persons who are unable to work are not allowed to vote. Every citizen has the right to participate in performing public functions.

249. Article 6 of the Election Code, regulates that every citizen of the Republic of Macedonia at the age of 18 and over, who is able to work and has permanent address of living in the election unit, municipality, in other words the city of Skopje, where the voting is performed, has the right to vote. Similar to this is the right to be elected, considering the fact that there are additional conditions not referring to disabilities.

250. On the other hand, representative candidate, member of the parliament and mayor shall be a citizen of the Republic of Macedonia if they are at the age of 18 or above, and are fully able to work. Considering this, persons with disabilities fulfil their right to vote unless it has been taken away or unless their working ability is limited.

251. According to this, disabilities by themselves cannot be the basis to prevent a person from voting. Only the person with taken working ability loses the right to vote. Who are the persons and how working ability is taken away from someone is explained in the part for justice access.

252. The Election Code provides that the person who is unable to vote at the election unit (ill or infirm person according to the manual of the State Election Commission), but is willing to vote, personally or with authorized person informs the State Commission up to three days before the election day. Electoral committee shall allow this person to vote in their home one day before the election day in a way to provide secrecy in the voting. The Electoral Committee provides special voting box, taken empty to the home of the person. This whole procedure shall be registered with a minutes.

253. If the voter is physically disabled or illiterate to vote, they shall bring another person to assist them in the voting process. If they do not bring such a person, the electoral committee shall assign someone from the voters. The same person shall help two persons at the same time maximum. The electoral committee shall inform the person's assistant that they are not able to influence the voter's decision.

254. Persons with disabilities, equally to the other citizens, may participate in political life. They may establish a political party, or be members of political or other non-governmental organizations of public life, to run at elections and to be voted for any type of public office.

255. Persons with disabilities, according to the example in the European Parliament, create their own group in the Parliament of the Republic of Macedonia, created of members of the Parliament of different political parties, which is why it is called Inter Party Parliamentary Lobby Group (IPPLG). Initiated by the persons with disabilities and with the support from IPPLG, the building of the Macedonian Parliament is accessible for persons with disabilities, which confirms the right of the persons with disabilities to attend the Parliament and to be included in the process of making decisions.

256. In order to enable the persons with disabilities to meet these rights, the Republic of Macedonia continues its dedication that it should provide access to the facilities for voting, some of the most important TV shows from the election campaign to be made accessible in the sign language by the electronic media for deaf persons, and election materials should be available in Braille alphabet for deaf persons and a form that is easily understandable for persons with intellectual impediment.

## Article 30 – Participation in Cultural Life, Recreation, Leisure and Sport

257. There are regulations for access to the public facilities in the Republic of Macedonia (see the part – “availability of transport, facilities, information”), including cultural facilities. Pursuant to that, anything said for the public facilities availability is the same for the cultural facilities (museums, theatres, cinemas, concert halls, culture houses, etc.). The availability of a larger number of facilities all over the Republic of Macedonia (libraries, culture houses, theatres, cinemas, etc.) is enabled due to the pledges of the organizations of persons with disabilities. It confirms that consciousness for the meaning of culture in social integration of persons with disability has been increasing.

258. The Law on Culture states that the national interest of the culture is, the culture from public interest for all citizens in the Republic of Macedonia to be regularly and normally run and of course to enable equal availability for all citizens.

259. Social and educational institutions of persons with disabilities include various activities for development of cultural artistic and other creative activities of the persons (dances, music, literature, art, artistic and other intellectual potentials) in their programmes for rehabilitation, education or living of the persons with disabilities at all. Separate institutions organize holidays and recreation or travels for beneficiaries (attending culture events, picnics, etc.). These institutions may do much more in terms of this.

260. Of special importance is the role of persons with disabilities. Within the organization of the National Union of Deaf Persons in Macedonia, there is a cultural artistic organization “Biljana” that nurtures music and folklore traditions of the Republic of Macedonia. The National Union of Deaf Persons stimulates cultural and folklore art of its members through training of dancing groups and other type of art. Within the frames of the Union of Bodily Disabled Persons (STILM) there is another cultural community “Phoenix” from Bitola. This Union organizes cultural artistic night with music performances and poetic compositions by its members, quiz competitions, a call for a short story and other similar events. It has published several works of poetic compositions by its members. Last year it started a tradition for organization of exhibitions of art composition by its members (painting, statuary, woodcarving, copper and plaster cast compositions and figures, etc.). The State Centre for Support of the Persons with Intellectual Disabilities “Poraka” implements several programme activities to encourage cultural art of these persons such as: workshops and exhibitions of artistic compositions, handmade compositions, musical dance performances, etc.

261. Organizations for the persons with disabilities (unions) every year organize vacations and recreation of their members with resources they receive for financing their yearly programmes, from the state Budget. The Union of Deaf and Partly Deaf Persons and the Union of Bodily Disabled Persons have their own facilities for recreation and relaxation of their members. Organizations of persons with disabilities organize various travels for their members within the country or abroad (exchanges or visits with organizations from other countries, etc.).

262. The Strategy for Sport Development in the Republic of Macedonia provides part for persons with disabilities in terms of specifications and differentiations of this population as compared with the “healthy” population, as well as the way the sport for disabled persons has been treated in the world. The basic types of the people with disability are: persons with bodily disabilities, blind persons, deaf persons and persons with intellectual impediment, but these persons have known sport organizations, federations and competitions in the world sport movement, highly graded.

- Paralympic Games include persons with bodily disabilities and blind persons

- Deaf persons Olympics includes persons with damaged hearing and
- The Special Olympics includes persons with intellectual impediment

263. All three types of competitions have their own specific characteristics and limitations regarding the sport competition of “healthy” persons.

264. The Law on Sport in the Republic of Macedonia regulated that athletes, in terms of the law, are: athletes of all ages, who participate in sport activities and all participants in sport and recreational activities. Pursuant to the Law, the municipalities and the city of Skopje are responsible for the development of mass sport and recreational activities of the citizens, included in the programmes of sport and sport recreational clubs; realization of the student sport system; sport for everyone; particularly sport-recreational activities of persons with special needs; The programmes for sport activities are financed by the municipalities’ budgets, in other words the city of Skopje, donations and sponsors. The Law provides sport categories: world athlete; international athlete; and state athlete.

265. The Rulebook on categorization of athletes in the Republic of Macedonia provides the same categories of athletes for persons with disabilities (bodily damaged persons, damaged hearing and sight).

266. Pursuant to the Law, sport federations in the Republic of Macedonia are registered and function according to the pattern of the organization of sport for persons with disabilities at the international level:

- Sport and Recreational Federation for Persons with Disabilities in Macedonia
- Sport Federation of Deaf persons in Macedonia and
- Special Olympics of Macedonia

267. Pursuant to the Law on Sport, the Sport and Recreational Federation of Persons with Disabilities in Macedonia and Sport Federation of Deaf Persons in Macedonia, meet the conditions provided with the law and possess a Decision for Doing Sport from the Agency of Youth and Sport. The Programmes for obligatory body exercise during education are supervised by the Ministry of Education and Science, and they should insist to include as many children with disabilities as possible in the programme for body exercise, just like the intention for the other “healthy” population, in order to make these children establish habits at early age, to participate in activities aimed at body exercise and sport. These types of programmes for children with disabilities are significantly important for their complete rehabilitation, individuality or mobility. Also, athletes with disabilities should be insisted to be included in the training process in already existing clubs (as much as the degree of disabilities does not limit the athlete). This way, the opportunities of the persons with disabilities, their inclusion in the society and sensibility of the wider public is equal for the problems of persons with disabilities.

268. On the other hand, because of the specific characteristics of the sport of persons with disabilities, the organization of competitions at international level, as well as the total care about the sport of separate categories of disabilities, should be left to the sport federations for persons with disabilities, that are organized within the frames of the organization of the same at world and European level.

269. The basic goal should be supported by as many persons with disabilities as possible, as well as the programmes for body exercise and sport, in order athletes with disabilities to reach higher results, basic resources should be provided, such as: expert team that plan and coordinate a quality expert programmes, use of proper sport buildings, sport equipment, as well as opportunity for quality preparations.

270. The National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010-2018 provides fulfilling the full right of participation in games and sport recreational activities of children, pupils, students with disabilities, as well as enabling equal conditions for doing sport of the high quality athletes with disabilities at national and international competitions.

271. The planned measures consist of:

- To enable the children with development impediments with equal opportunity to participate in games, leisure, free and sport activities including the activities as part of the lesson plan
- To enable equal opportunity for participation in recreational and sport games and leisure for persons with disabilities
- To enable the persons with disabilities with participation in regular sport activities in all sport areas
- To enable and make sure that persons with disabilities have access to sport, recreational and tourist buildings
- To make sure that persons with disabilities have opportunity for organization, development and participation in sport and recreational activities intended for them, and regarding that to provide rooms, experts and conditions for organizing activity of the organizations for planning and implementing the mass sport, sport recreation of persons with disabilities at local, regional and national level
- To enable equal conditions and opportunities for quality training process, preparations and participation at national and international competitions of highly talented athletes with disabilities, equal conditions and opportunities just like for the highly talented athletes without disabilities

272. The programmes of the Agency of Youth and Sport include support for the organization and participation at national and international sport events for persons with intellectual impediments. In the last several years, the state encourages participation of persons with intellectual impediments at sport and recreational activities by providing opportunity of free usage of sport and recreational buildings and practice of different sport activities adjusted to the persons with disabilities.

273. The Ministry of Labour and Social Policy launched an initiative to improve social life of children with development impediments and possibility for their normal growth and development, by building inclusive children playgrounds at the territory of the Republic of Macedonia. The project Inclusive Children Playgrounds means creating space with equipment available for children with development impediments. Considering the fact that these children have special needs from different type, a space – children playground shall be provided for these children to enable them safe playing, socialization and encouraging environment for normal growth and development. This project is carried out in cooperation with the National Union of Persons with Bodily Disabilities of Macedonia “Mobility Macedonia”.

## **C. Specific situation of children with development impediments and women with disabilities**

### **Article 6 – Women with Disabilities**

274. Gender equality is one of the highest values in the constitutional form of the Republic of Macedonia, so, pursuant to the same, all women with disabilities enjoy full rights of equal nature just like men with disabilities, just like women without disabilities.



275. The Law on Equal Opportunities of Women and Men does not contain particular provisions for equality and standardization of opportunities for girls and women with disabilities, because all provisions for non-discrimination equally refer to all women and girls, no matter whether they are with or without disabilities. The Law on Equal Opportunities of Women and Men (2012) forbids discrimination, bullying and sexual abuse, in terms of gender in the public and private sector in the field of employment and labour, education, science and sport, social security, including the field of social care, pension and disabilities insurance, health insurance and health care, jurisdiction and administration, housing, public information and media, information and communication technologies, defence and security, membership and activities in unions, political parties, communities and foundations, other organizations based on the membership, culture and other fields regulated by this or other law. Discrimination is forbidden on the basis of gender in availability of goods and services in the public and private sector, including discrimination with insurance premiums. Pursuant to the principle of equal treatment in the access of employment, discrimination is forbidden and on the basis of marital status, family status, skin colour, language, political or other belief, activities in unions, nationality or social status, disabilities, age, property, social or other status. The different treatment that promotes equal opportunities for men and women in accordance with the goals of this and other law is not considered discrimination.

276. Additionally to national jurisdiction, international obligations of the Republic of Macedonia should be taken into consideration. The most important instruments adopted within the frames of UN are: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on Elimination of all Forms of Racial Discrimination, Convention on Elimination of all forms of Discrimination against the Women, Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, Convention on Children's Rights, and Convention on the Rights of Persons with Disabilities. The most important instruments of the European Council for Human Rights directly referring to the prevention and prohibition of discrimination are: European Convention for Human Rights and Fundamental Freedoms, Protocol 12 of ECHR, Revised European Social Charter and Framework Convention for Protection of National Minorities.

277. Apart from the obligations imposed by the membership of the Council of Europe and the UN, fighting against discrimination, being a state-candidate for EU membership, the Republic of Macedonia is obliged to coordinate its jurisdiction, to the legal system of EU, which also includes discrimination prohibition. However, EU received the responsibilities for fight against discrimination (except like a discrimination basis – sex/gender) in 1999 when the Amsterdam Agreement (Article 13) entered into force and was transformed in legal basis for adoption of both anti-discrimination directives: Directive 2000/43/EC and Directive 2000/78/EC. The directives for adoption of prohibition of gender discrimination, shall be additionally emphasized, Directive of the Council 2004/113/EC and Directive of the Council 2006/54/EC as well as the Document on Fundamental Rights and Efforts for adoption of proposed Horizontal Directive for Equal Treatment.

278. The Government of the Republic of Macedonia through the Ministry of Labour and Social Policy includes gender perspective in all measures and programmes adopted by the Government of the Republic of Macedonia and the Parliament of the Republic of Macedonia. Creation of policies and measures for improvement of the condition of particular vulnerable groups of citizens is especially considered through regulation of special strategic targets in the National Strategies and Action Plans and Operational Programmes. Also, the local self-government units have a crucial role in creating policies for the particular needs of citizens considering their special needs, through the commissions in charge for equal opportunities of women and men at local level.

279. The Law on Protection and Prevention of Discrimination does not include special provisions for equality and standardization of opportunities of girls and women with disabilities, because all general provisions that refer to non-discrimination equally refer to all persons with disabilities, men, women and girls.

280. The National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010-2018 includes sensibility and integration of gender equality in one of the provisions, which means integration of gender equality in the policy referring to the most marginalized groups of persons, such as persons with disabilities, meaning that men and women have equal conditions to fully exercise their human rights.

281. The National Strategy for Equality and Non-discrimination based of gender, age, ethnicity, mental and body disability is strategic document of the Government of the Republic of Macedonia, which regulates goals, measures, indicators, the key actors of the policy for promotion of equal rights and equal opportunities in different areas of life, responsible doers and every concerned parties regarding the establishment of equality and non-discrimination in the Republic of Macedonia. The National Strategy for equality and non-discrimination is designed for the period of 2012–2015. The basic goal of this document is to provide continued development of exercising the right of equality and creation of equal opportunities. Particular tasks and activities on a short and mid-term for promoting the goals and implementation of the measures will be regulated in one-year-action plans, which will regulate two-year priorities, the means of their implementation, time frame, institutions in charge of implementation and the estimated budget, expected results, as well as qualitative and quantitative indicators for the achieved success.

## **Article 7 – Children with disabilities**

282. There are no differences in exercising the rights of children in the Republic of Macedonia. Protection and promotion of the rights of children with development impediments is followed by the Vice-Ombudsman who is in charge of this area, which directs the institutions of the system to particular errors in the implementation.

283. The Law on Children Protection provides the right on financial benefit for a child with special needs, with impediments in the bodily or mental development or combination of development impediments until the age of 26. Findings, evaluation and opinion about the need of practicing special financial benefit are given by an institution of that expertise with evaluation of the type and disability degree of the persons with impediments in mental and bodily development.

284. A child with development disabilities and specific needs regarding this law, is a child with:

- Severe, more severe or the most severe impediments in bodily development
- Medium, severe or deep mental impediment
- The most severe form of chronic illness
- The highest degree of hearing damage, sight or speech (blind person and practically blind person; practically deaf person and completely deaf person; a person with complete absence of body speech, a person with severely damaged speech due to cerebral paralysis, a person with autism, a person with damaged or lost speech) and
- More types of impediments (combined) in their development
- The payment for single parents who have a child with speech disabilities has been increased for 50 percent, starting from 1st of January, 2014

285. Within the frames of the regular system of social care in the Republic of Macedonia in the part referring to protection of children with disabilities, accordingly, children with disabilities are provided with special care and conditions for their inclusion in social life by the state. The form of protection is regulated by the Law on Social Care, and according to this law, persons with disabilities shall practice their rights of institutional and non-institutional protection.

286. The Ministry of Labour and Social Policy, among their policies and strategies, started the process of decentralization, deinstitutionalization, privatization and supports implementation of projects of non-governmental organizations in the interest of beneficiaries.

287. Within the frames of these processes, the Institute of Social Activities, being an institution that relates the Ministry of Labour and Social Policy in the centres for social work, have taken a line of activities for care and assistance to the persons with disabilities and their families: research, analysis and information about the persons with disabilities and their needs, giving professional assistance and support to the employees in the institutions for social care (Public Institution for rehabilitation of Youth and Children — Topansko Pole, Public Institution Special Institute — Demir Kapija, Public Institution Institute for care and rehabilitation – Banja Bansko) and daily centres for children with medium and severe intellectual impediments, trainings, workshops and other activities. Persons with disabilities and their families shall exercise their right to financial benefit and right to social service within the frames of local centres of social work in charge, which operate in the place of living of the beneficiary. Pursuant to the Law on Social Care, children with development impediments exercise their right to be referred to a daily centre, an institution for social care, accommodation in foster family, where the standards for the qualities of social services are provided in all social services no matter the type of the service and the provider of the same. The standards of quality are based upon the basic principles that place the beneficiary on first place and the same principles shall be available in the local communities.

288. Within the frames of implementation of the National Strategy for Deinstitutionalization in the System of Social Care 2008–2018, the Ministry of Labour and Social Policy in collaboration with the UNICEF Office in the Republic of Macedonia, continually implements the activities for transformation of regular institutions for social care, which accommodate children with impediments in their development, through promoting the quality of care in these institutions through strengthening professional capacities and improving the conditions of accommodation, such as spreading the network of foster families with particular focus on special foster families who accommodate children with impediments in their development.

## **D. Special obligations**

### **Article 31 – Statistics and Data Collection**

289. There are statistic reviews in the Republic of Macedonia which include persons with impediments as users of particular rights, usually the rights to children and social care, education and employment, but they do not give clear image for the reality, so that the Ministry of Labour and Social Policy in collaboration with the National Coordinative Body for equal rights and opportunities of persons with disabilities and the rest of the civic organizations, started initiative to establish practice for keeping records of the persons with disabilities within the frames of the next planned census of the population which shall be implemented.

290. According to previous data in the State Statistical Office, the total number of minor beneficiaries of social care in 2012 was 21,756, which is a fall by 3.3% as compared to 2011, while the total number of adult beneficiaries of social care in 2012 was 50,304, which is increase by 1.1% as compared to 2011. In the whole activity of social care, forms of social care participate with 41.1%. Looking separately, by forms, the financial benefit for care of other persons reaches the highest percent of 49.1%, that is to say 20.2% of the total social care.

291. At the same time, within the frames of the census that was supposed to be implemented in the Republic of Macedonia in 2011, it was postponed for unlimited period. The State Statistical Office determined the definition of disabilities, after its implementation, segregated statistic data and indexes are supposed to be published, so that we would have a general image for the persons with disabilities living in the Republic of Macedonia.

292. Pursuant to the Rulebook on Type and Degree of Impediment and Special Needs of the Persons with Impediments in their Development (2000), there are records within the frames of the Centre for Social Work, about the persons with impediments in their development and special needs in the field of personal life, child protection, education, professional qualification, employment, social care, health care and other legal rights. The data in the records, as well as data from separate expert findings about the type and degree of disability, are available for the professional institutions and experts that are interested in them and take particular measures to successfully include persons with disabilities in social life and work.

293. Within the frames of the resource centre, established within the frames of the Public Institution – Institute for Social Activities, there are code list of services offered by the centres of social work to the beneficiaries of social services with disabilities, there is a computer programme for electronic evidence of the beneficiaries of social services with disabilities, the indexes on the lists with records are coordinated with the EU standards, the lists of records and the code list are being updated and tested, there is a WEB application for electronic record of the beneficiaries of social services and the data elaborated are entered in programmes intended for persons with disabilities.

294. By the time this report is being prepared, the Ministry of Labour and Social Policy in collaboration with the entities in charge in the field of health care, social care, education, has started to prepare a unique register of persons with disabilities who are currently using services from different systems.

295. Pursuant to the already existing Law on Social Care, there is a bylaw on evidence and documentation of the service providers in the field of social care and the same is completely coordinated with the international standards in the field of protection of personal data, as well as with the Law on Protection of Personal Data (Official Gazette of the Republic of Macedonia Nos. 7/05 and 103/08). Also, this Law regulated the plurality in the field of providing services in the area of social care, which are financed by the Budget, so pursuant to the same they are obliged to regularly inform about the number of users of their services from the system of social care and the types of services, including the persons with disabilities. Within the frames of the Public Institution – the Institute for Social Activities, which as an institution is under control of the Ministry of Labour and Social Policy, there is software “Liricus” that is continually updated in order to provide effective collection and elaboration of data for the users with disabilities and the given services.

## Article 32 – International Cooperation

296. In collaboration with the Office of the Organization of the United Nations, on the 30<sup>th</sup> of June, 2009, there was a Conference on the topic “Convention for persons with disabilities – Now!”, which aim was to assist in the start of discussion for ratification of the Convention, and in 2011 and 2012 in collaboration with the same Office, the process of harmonization of the national jurisdiction with the provisions from the Convention, started.

297. Within the frames of the instrument for pre-accession assistance, Component IV, in the Republic of Macedonia, a multi-annual Operational programme “Development of human resources” has been implemented, which supports larger number of projects in three preferred fields, such as: employment, education and training and social inclusion. Part of the projects, directly assist the persons with disabilities to acquire skills in order to be included in the labour market. The operational programme “Development of Human resources 2007–2013” was prepared by the Ministry of Labour and Social Policy and the Ministry of Education and Science in collaboration with the relevant agencies and institutions, including social partners and non- governmental organizations.

298. The Republic of Macedonia, proved its determination for total exercising of human rights of persons with disabilities and accepted other international documents such as Action Plan of the Council of Europe, and it also has a representative from the Republic of Macedonia in the European Committee for rights of persons with disabilities from 2006–2015 (SANRAN), as well as in its subcommittee for participation of persons with disabilities in public and political life (SANRAN–PPL) where it chairs and actively participate in the same.

299. The Republic of Macedonia has presented its National Report under the second cycle of the UN Human Rights Council Universal Periodical Review, on 30<sup>th</sup> of January, 2014, in Geneva, during the 18<sup>th</sup> session of the Working Group for the Universal Periodical Review and the outcome of the review was adopted at the 26<sup>th</sup> session of the Human Rights Council on 20<sup>th</sup> of June, 2014. All recommendations referring to persons with disabilities were accepted by the Republic of Macedonia, as already implemented or in the stage of implementation.

300. The International Labour Organization (ILO) through their Office in the Republic of Macedonia, have given technical support to the working group for elaboration of new Law on Employment for persons with disabilities.

301. An international conference (2013) on the topic “Legal frames and practices for employment of persons with disabilities” in organization of the Ministry of Labour and Social Policy and the National Coordinative Body for Equal Rights of Persons with Disabilities in the Republic of Macedonia, which aimed at experience exchange and good practices related to employment opportunities of persons with disabilities, from the view of government representatives, national experts and NGO sector from the states in the region. Austria, Slovenia, Croatia, Bulgaria, Montenegro and Bosnia and Herzegovina transferred their experiences.

302. In 2012–2013, the Ministry of Labour and Social Policy supported by the Initiative for mental health — Budapest continued the already started process of deinstitutionalization of beneficiaries accommodated in the Special Institute — Demir Kapija (institution for accommodation of persons with severe and the most severe mental impediment), where services for supported life in a community were formed, intended for persons with intellectual disability.

303. The Ministry of Labour, Social work and care of consumers from the Republic of Austria, in 2012 and 2013 provided technical support in the field of training and

employment of persons with disabilities on the labour market and development of alternative social services.

304. Taking the meaning of the rights of children, their normal development and education, a two year contract (2012–2013) for collaboration with UNICEF in the field of preschool education and early development of children, has been signed in order to enable access to all children with impediments in their development from an early age towards quality preschool education.

### **Article 33 – National Implementation and Monitoring**

305. The institutions of the system, which within their frames of working and responsibilities are focused towards realization of activities for improving the quality of life and standardization of opportunities of persons with disabilities, are responsible for domestic implementation and monitoring, for which they receive budget assets, so that they can realize them.

306. Pursuant to this, the National Body of Equal Rights and Opportunities of Persons with Disabilities took over the responsibility for implementation of the provisions of UN Convention, which consists of 36 members: the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Finance, the Ministry of Justice, the Ministry of Environment and Physical Planning, the Ministry of Transport and Relations, the Ministry of Health, the Agency of Youth and Sport, the Public Institution — Institute for Social Activities, the Defectology Institute, the Union of Defectologists of Macedonia and the 7 National Unions — members of the National Union of Disabilities Organization of Macedonia, at the same time confirms the provisions which the Republic of Macedonia has for active participation of persons with disabilities and their representatives in creating and implementing national policies for the persons with disabilities.

307. The role for implementation of the provisions of the UN Convention, took over the National Coordinative Body for monitoring the implementation of the UN Convention of the rights of persons with disabilities in the Republic of Macedonia, consisted of members of relevant institutions, such as Inter party parliamentary lobby group for the rights of persons with disabilities and the Commission for equal opportunities of men and women in the Parliament of the Republic of Macedonia, the Commission for Protection of Discrimination, Representatives of the relevant Ministries and institutions, the Ombudsman Office, the Court Council, the Union for Radio and Television Service, and the National Council of the disabilities organization in Macedonia, which are part of their working, everyone from their point of view is equally responsible for the implementation of the measures and activities for monitoring and implementation of this Convention.

308. The Ombudsman, pursuant to the Law on the Ombudsman (Official Gazette of the Republic of Macedonia Nos. 60/2003 and 114/2009) is in charge of promotion and protection of human rights and freedoms declared in the Constitution, laws and other international legal acts for human rights and freedoms which are accepted by the Republic of Macedonia. Within the frames of the Ombudsman Office, there is a division for protection of children's rights and the rights of persons with disabilities, which basic goal is monitoring, promotion and protection of human rights of persons with disabilities, which is also a mechanism for protection of the human rights and the rights of persons with disabilities.

309. At the same time, the Government of the Republic of Macedonia completely includes non-governmental organizations of persons with disabilities as equal partners in creating the laws and policies which refer to them, respecting the motto "Nothing for you – without you".

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