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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA TO THE LIST OF ISSUES (E/C.12/MKD/Q/1) TO BE TAKEN UP IN
CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE
FORMER YUGOSLAV REPUBLIC OF MACEDONIA CONCERNING THE RIGHTS
REFERRED TO IN ARTICLES 1-15 OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/1990/5/Add.69)*

[10 August 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Answers to supplementary questions regarding the review of the Initial Report of the Republic of Macedonia – rights under Articles 1 to 15 of the UN International Covenant on Economic, Social and Cultural Rights

Question No. 1

1. According to Article 118 of the Constitution of the Republic of Macedonia international treaties ratified by the Assembly of the Republic of Macedonia become an integral part of the legal order of the country and may not be changed by law.
2. Thus far, there have been no court decisions recorded of direct application of the Covenant provisions in individual cases in the Republic of Macedonia.

Question No. 2

3. One of the segments of the Project for Technical Cooperation between the Government of the Republic of Macedonia and the UN High Commissioner for Human Rights is the establishment of a National Human Rights Committee and preparation of a National Human Rights Action Plan. This has not been implemented. Instead, the Project was focused on the human rights education segment.
4. In March 2006, the Government of the Republic of Macedonia adopted a Decision on the establishment of an Inter-Ministerial Human Rights Body. This Body would inter alia make an assessment of the need to adopt a separate Human Rights Action Program, especially in the context of a series of specific, existing action programs in this area.

Question No. 3

5. In preparing the Initial Report, the Government of the Republic of Macedonia did not consult directly representatives of the non-governmental sector. On the other hand, publications, materials and explanations from certain non-governmental organizations and experts were used in the preparation of sections under the competences of in line ministries that were later incorporated in the full text of the Initial Report.

Question No. 4

6. The National Ombudsman of the Republic of Macedonia, has under its competences, inter alia, the protection of the constitutional and legal rights of the citizens when violated by state administration bodies and other bodies and organizations having public mandate. Thus, the National Ombudsman mediates between citizens and state administration bodies and bodies having public mandate in the protection and exercise of rights and freedoms in this category.
7. In this context, the National Ombudsman institutes proceedings upon applications submitted by citizens and upon his/her initiative and if she/he considers that the application is grounded, issues recommendations, opinions and suggestions to the concerned bodies. Such bodies are obliged to respect these interventions. If not, the National Ombudsman can inform the Minister, Government, Assembly and expose to public criticism any relevant body or official that have violated the citizens' rights.

8. As regards the activities of the Ombudsman related to violations of economic, social and cultural rights, the following data on the structure of applications filed in 2005 can serve as an illustration: Out of the total number of 3953 received applications, 13,20% are related to property ownership rights, 6,03% are related to urban planning and construction matters, 0,75% are related to environmental protection issues, 10,32% are related to labor rights, 2,10% are related to housing issues, 3,87% are related to social security and protection, 5,57% are related to pension and disability insurance, 1,41% are related to health care and health insurance, 1,24% are related to education issues, 3,08% are related to consumers' rights, 0,62% are related to financial issues. The Annual Reports by the Office of the National Ombudsman that contain detailed information on the activities of this institution in general and according to categories of rights can be found at the web page www.ombudsman.mk.

Question No. 5

Selection and dismissal of judges

9. In accordance with the Action Plan for Implementation of the Justice System Reform Strategy, in December 2005, the Assembly of the Republic of Macedonia adopted Amendments Nos. 20 to 30 to the Constitution of the Republic of Macedonia in the justice system area. The main goal of these amendments is to enhance the independence of the judiciary.

10. These amendments are especially focused on the system for election of judges, which thus far has shown certain deficiencies in the practice. Thus, these constitutional amendments envisage that the election and dismissal of judges is done by the Judicial Council of the Republic of Macedonia, as different from the hitherto solution according to which judges were elected and dismissed by the Assembly of the Republic of Macedonia. Under Amendment No. 28, the Judicial Council is independent, autonomous judicial body, which ensures and guarantees the independence of the judiciary.

11. Furthermore, the composition of this body has been redefined, as well. Hence, this body is now composed of 15 members. The President of the Supreme Court of the Republic of Macedonia and the Minister of Justice are ex officio members of the Judicial Council. The most significant novelty is that judges themselves elect 8 members of the Council from their own ranks. Three members are persons belonging to communities that do not constitute the majority in the Republic of Macedonia, with due care given to the equitable representation of citizens belonging to all communities.

12. However, to balance the relations with the other two branches of power, there is a provision prescribed which ensures that three members of the Council are elected by the Assembly of the Republic of Macedonia. Their election by the Assembly requires majority of votes of the total number of members of the Assembly, and a majority of votes of the members of Assembly belonging to the communities, which do not constitute the majority in the Republic of Macedonia.

13. Furthermore, the President of the Republic of Macedonia has the competence to propose two members of the Council. The candidates proposed by the President are elected by the Assembly. One of the candidates proposed by the President is to be a person belonging to the communities, which do not constitute the majority in the Republic of Macedonia.

14. The Amendments envisage that the Council membership elected by the Assembly, i.e. those proposed by the President are to be from the ranks of law faculty professors, lawyers and renowned law experts.

15. The term of office of the elected members of the Council is 6 years with a right to one reelection. Furthermore, this Amendment envisages that the office of a member of the Judicial Council is incompatible with membership of a political party or with performance of other public offices or profession, as set forth in law.

16. In accordance with Amendment 29, under its competences, the Judicial Council: elects and dismisses judges and lay judges; determines the termination of a judge's office; elects and dismisses Presidents of Courts; monitors and assesses the work of the judges; decides on the disciplinary accountability of judges; has the right to revoke the immunity of judges; proposes two judges for the Constitutional Court of the Republic of Macedonia from among the judges; and performs other duties stipulated by law. In the election of judges, lay judges and court presidents, equitable representation of citizens belonging to all communities shall be observed.

17. Amendment 26 sets forth the grounds for cessation of the judicial office and for dismissal of judges. The term of office of a judge ceases if he/she so requests; if he/she permanently loses the capability of carrying out a judge's office, which is determined by the Judicial Council of the Republic of Macedonia; if he/she fulfils the conditions for retirement; if he/she is sentenced for a criminal offence to a prison term of a minimum of six months; if he/she is elected or appointed to another public office, except when his/her judicial function rests under conditions determined by law. A judge is discharged when he/she commits a serious disciplinary offense which makes him/her unsuitable to perform a judge's office prescribed by law; and he/she performs her/his judicial duty unprofessionally and unethically under conditions stipulated by law.

18. These Constitutional provisions are elaborated in greater detail in the relevant laws in judicial area (Law on Courts, Law on the Judicial Council of the Republic of Macedonia and the Law on the Academy for Training of Judges and Public Prosecutors).

19. In the context of election of judges and their independence, the activities for adoption of the Law on Academy for Training of Judges and Public Prosecutors deserve to be underlined. Namely, this Law introduces initial training for judges and public prosecutors. The adoption of the Law and the establishment of the Academy will help attain the two major goals set forth in the Justice System Reform Strategy: strengthening the independence of the judiciary and upgrading the professionalism of judges and prosecutors. The strengthening of the independence will be ensured through the introduction of initial training for candidates for judges and prosecutors, which will to a great extent eliminate political influences and pressures in the process of their selection, while the focus will be on respecting the objective criteria of professional and moral and ethic qualities. The establishment of the Academy will at the same time enable institutionalization and raising the level of quality of the continuous training of judges and prosecutors.

Immunity of Judges

20. Immunity of judges is defined in Amendment 27, which envisages that a judge shall not be held criminally liable for an opinion given in the process of rendering a court decision.

21. Furthermore, paragraph 2 of the same Amendment prescribes that a judge shall not be detained without the consent of the Judicial Council, except when caught in committing a criminal act for which a prison sentence of at least five years is prescribed.

Financing the Judiciary

22. A significant novelty in the financing of the judiciary is the adoption of the Law on the Court Budget in 2003. This Law introduced changes in the system of financing. This was done through redefinition of the procedure for preparation and adoption of part of the Budget of the Republic of Macedonia earmarked for financing the judiciary and through introduction of a new system of independent disposal with such allocated funds. Considering the existing material situation in the judiciary, the priority in the forthcoming period will be to prepare objective criteria upon which the judiciary will be financed.

Question No. 7

23. The in-line Ministries, the competencies of which cover matters regulated by the said Convention, are currently considering the Convention provisions. After establishing the factual and legal compatibility with the provisions of the domestic legal order, and bearing in mind the foreign policy commitments of the country, the procedure for ratification of this internationally recognized document will commence.

Question No. 8

24. In accordance with the commitments assumed under the Framework Agreement, the Assembly of the Republic of Macedonia adopted a series of laws strengthening the competencies of the local self-government units, ensuring their appropriate financing:

1. Law on Local Self Government (Official Gazette of the Republic of Macedonia No. 5/20)
2. Law on the Territorial Organization of the Local Self-Government of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 55/04)
3. Law on the City of Skopje (Official Gazette of the Republic of Macedonia No. 55/04)
4. Law on the Financing the Units of Local Self Government (Official Gazette of the Republic of Macedonia No. 61/04 and 96/04)
5. Law on Utilities Taxes (Official Gazette of the Republic of Macedonia No. 61/04)
6. Law Amending and Supplementing the Law on Administrative Fees (Official Gazette of the Republic of Macedonia No. 61/04)
7. Law on Property Tax (Official Gazette of the Republic of Macedonia No. 61/04)
8. Law supplementing the Law on Internal Affairs (Official Gazette of the Republic of Macedonia No. 38/02).

25. Laws listed under Nos. 1 to 3 define enhanced competences for the local self-government units, in accordance with the Framework Agreement, as well as in accordance with the new territorial organization of the Republic of Macedonia and the relevant solutions for the City of Skopje. Under the new laws, the number of municipalities was decreased from 123 to 84 municipalities, with average number of 25.000 inhabitants, while the hitherto area of the city of Skopje has been enlarged from 7 to 10 city municipalities, and the relations between the City and the city municipalities have been precisely defined.

26. Laws listed under Nos. 4 to 7 define the revenues of units of local self-government, in accordance with the conditions of the Framework Agreement, meaning that local authorities are ensured sufficient resources to perform their tasks, in accordance with the new Law on Local Self-Government. Furthermore, the laws enabled relevant budgetary autonomy and accountability of the units of local self-government.

27. The Law listed under No. 8 fully implements the provisions of the Framework Agreement in respect of the election of the local head of the police and the obligations that he/she communicate and report to the Municipal Council, envisaging the possibility that the Council adopt a report about the public security, which is submitted to the Minister of the Interior and the National Ombudsman.

28. The same as at the national level, at the local self government level too, the adoption of decisions that concern the interests of persons belonging to minority communities, specifically issues in the area of culture, use of languages and the alphabet of communities representing less than 20% of the population (the Constitution guarantees the use of language and alphabet of communities representing more than 20% of the population), as well as the adoption of decisions related to the determination and use of the coat of arms and flag of the communities, requires the majority votes of the present members of the Municipal Council, and the majority of votes of the present member of the Municipal Council belonging to communities which do not represent the majority in the Municipality (Article 41 of the Law on Local Self –Government).

29. Furthermore, in accordance with Article 55 of the Law on Local Self-Government, in municipalities in which at least 20% of the total number of the inhabitants are persons belonging to a certain community, a committee for relations among the communities is established, which is composed of equal number of representatives of each community in the municipality. The Committee considers issues connected with the relations among the communities in the Municipality and it provides opinions and proposals for their resolution. These Committees function in 20 municipalities and in the City of Skopje.

Question No. 9

30. Detailed information about the rights of persons belonging to the communities and the measures to eliminate ethnic based discrimination is contained in the IV, V, VI and VII Periodical Report of the Republic of Macedonia on the International Convention on the Elimination of Racial Discrimination (CERD/C/MKD/7).

31. As regards disabled persons, in addition to the general Constitutional prohibition of discrimination on any grounds, there is a series of laws which ensure protection against discrimination of disabled persons, in various areas: Law on Labor Relations, Law on Social

Protection and Law on Employment of Disabled Persons. These Laws have been fully harmonized with the Directive 2000/43/EC of 29 June 2000, which envisages equal treatment of all persons in the area of employment, social protection and education.

32. The Law on Labor Relations (Official Gazette of the Republic of Macedonia No. 62/2005) regulates the issue of equal treatment in employment and engagement, i.e. the provisions referring to prohibition of discrimination ban any form of discrimination in employment (direct and indirect). This Law has been fully harmonized with the Directive 2000/78/EC, dated 27 November 2000.

33. The Law on Employment of Disabled Persons regulates the area of advancement and protection of rights and dignity of disabled persons. This Law has been fully harmonized with the Directive COM (2003) 16 of 24 January 2003, which regulates the employment of disabled persons in the Republic of Macedonia.

34. Upon the initiative of the non-governmental organization Polio Plus, there are activities underway for the drafting of a Law on the Protection of Rights and Dignity of Disabled Persons. There has been a Coordinative Body established headed by the Ministry of Labor and Social Protection. It is expected that the text of the draft-law will be consolidated by the end of August of this year.

35. The Republic of Macedonia there is still no separate law against discrimination.

Question No. 10

36. As part of the Decade for inclusion of Roma, there have been four National Action Plans and Operative Plans for their implementation prepared in the area of employment, education, housing and health care, as well as in three sub areas: poverty, discrimination and women's rights. As regards health care, Action Plans have been prepared and adopted that envisage the following activities: improvement of the conditions for life, health care training and development of education programs in this area, information about the access to health insurance, promotion of legislation on primarily health care and promoting a more active approach by public health care institutions in respect of certain categories of Roma.

Question No. 11

37. Aiming at gender mainstreaming in the local polices and advancement of the position of women at the local level, with the purpose of attaining one of the strategic goals of the National Gender Equality Plan, there are Gender Equality Commissions functioning in 10 (ten) cities in the Republic of Macedonia. The Commissions have been established upon the initiative of the Ministry of Labor and Social Policy, the Union of Women's Organizations of the Republic of Macedonia and the local self-government in accordance with the Statute of the Local Self-Government Units Council. The members of these Commissions are both men and women-members of municipal councils, from various political parties. The main task of the Commissions is to exert positive influence on the local policies from the gender perspective, for the purpose of overcoming specific problems that women face at the local level. The Commissions have prepared local action plans addressing the specific goals and needs of each individual municipality.

38. In the last one year period, after these Offices i.e. Commissions have been opened, there have been Memoranda of Understanding signed for cooperation with the Mayors who have thus committed themselves to dedicating due attention to this issue. In this respect, there have been office premises ensured as part of the municipalities where 10 (ten) Office Coordinators work. These persons are remunerated by the OSCE Mission in the Republic of Macedonia, while the other costs are covered by the Municipalities.

39. In the last period, the Commissions have realized a large number of various activities and as a result of their transparency and successful work another 5 commissions i.e. 5 gender equality offices will be officially opened. They will be equipped by the OSCE Mission. All Commissions will jointly lobby, cooperate and consensually propose and adopt programs related to the gender equality concept.

40. In the forthcoming period, there will be a cooperation network established to exchange positive and negative experiences in the work of these offices. In their every day work the Commissions are continuously in contact with and work in coordination with the Gender Equality Department at the Ministry of Labor and Social Policy and the Union of Women's Organizations of the Republic of Macedonia.

41. The Law on Equal Opportunities of Women and Men adopted by the Assembly of the Republic of Macedonia contains a separate article envisaging the establishment of Equal Opportunities Commissions and appointment of coordinators in all local self-government units.

Question No. 12

42. In addition to other measures envisaged in the Macroeconomic policy of the country, aiming at cutting down the unemployment, in 2003, the Law on Encouragement of Employment was adopted, with application period from 16 April to 31 December 2003. 15.308 persons were employed pursuant to this Law.

Question No. 13

43. Employment has been designated as one of the priority areas under the Decade for Inclusion of Roma 2005-2015. In the context of more efficient resolution of the problem of unemployment of Roma, a National Action Plan was prepared, along with the specific operative measures required for its implementation. The measures undertaken by the Ministry of Labor and Social Policy, in cooperation with the Employment Agency, are aimed at including the registered Roma in the programs for change of qualifications, completing the qualifications and other forms of training, then at informing about the possibilities for opening small businesses, family businesses, providing information about active employment measures, cooperation with potential employers, providing information about rights and duties of the unemployed, practical training for unemployed for certain vocations, cooperation with the local self government on the preparation of programs for engagement of unskilled Roma and so on.

44. The employment of disabled persons is regulated in the Law on Employment of Disabled Persons (Official Gazette of the Republic of Macedonia No. 44/2000, 16/2004, 34/2004, 54/2004 and 62/2005) and the Rulebook on the criteria and manner of allocation of grants from the

special purpose fund for improvement of the conditions for employment of disabled persons, which ensure:

- Permanent employment of disabled persons in companies receiving subsidies for employing disabled persons (private sector companies or self-employed persons) as well as in the state administration, i.e. public sector.
- Adjustment of the working place for the disabled persons, if necessary; and
- Procurement of equipment necessary for employment and work of the disabled persons.

45. The Rulebook on Working Skills Training of Disabled Persons regulates the acquisition of skills by disabled persons for practical performance of certain jobs, in accordance with the needs of the employers and of the disabled persons. There are funds earmarked from the Budget for this purpose, mainly aiming at increasing the number of employed disabled persons.

Question No. 14

46. In accordance with Article 108 of the Law on Labor Relations (Official Gazette of the Republic of Macedonia No. 62/05), the employer is obliged to pay equal pay for equal work to the employees regardless of their gender. This means that the provisions of the employment contract, the collective agreement, i.e., the general bylaws of the employer that are contrary to paragraph 1 of this Article are null and void. Thus far, there have been no cases of annulled employment contracts under the above referred to Article.

Question No. 15

47. The Law on Labor Relations envisages that the salary of a full time employee may not be lower than the lowest salary established by law and the Collective Agreement. The Collective Agreements envisage that the salary is determined by the signatories of the Collective Agreement, and that the salary of a full time employee, with usual output and lowest level of job complexity may not be lower than the lowest salary. In the determination of the salary, with the purpose of enabling the employees to attain a relevant standard of living, there should be due account taken of the costs of life, economic capacities of the country, the general level of salaries in the country, the social contributions and other economic and social factors.

Question No. 16

48. According to the statistics of the State Public Health Institute on the number of persons injured in accidents at work in the Republic of Macedonia for the 2000-2004 period, the situation is the following:

Year	Number of person injured at work
2000	3.643
2001	1.547

2002	1.384
2003	1.385
2004	1.830

49. The situation with the number of grievous injuries at work and death cases at work, in which labor inspectors have examined the incidents and made minutes on the facts in the relevant cases of incidents, is the following:

Year	Death cases	Collective incidents	Grievous injuries	Submitted Criminal Charges
2000	7	2	176	1
2001	2	3	155	12
2002	7	9	179	5
2003	8	1	140	4
2004	18	8	112	6
2005	7	6	115	7

Question No. 17

50. Freedom of association is guaranteed under Article 20 of the Constitution of the Republic of Macedonia, according to which citizens are guaranteed the freedom of association to exercise and protect their political, economic, social, cultural and other rights and freedoms.

51. Article 184 of the Law on Labor Relations envisages that workers have the right to establish and become members of trade unions of their own free choice, under conditions prescribed by statute or trade union rules. The trade unions are independent, democratic and autonomous organizations that workers join voluntary for the purpose of representation, presentation, advancement and protection of their economic, social, and other individual and collective interests. Trade Unions may be established without any prior approval.

52. Trade union membership is not conditioned by the citizenship status. Hence, foreign nationals that are employed in the country may join the trade unions.

53. Considering the ensured possibility of free establishment of trade unions, the private sector employees can also freely establish and become members of trade unions, as all other employees.

Question No. 18

54. The right to strike is guaranteed under the Constitution of the Republic of Macedonia. According to Article 38 of the Constitution, the law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and in administrative organs. The right to strike is more precisely regulated in the new Law on Labour Relations, which provides for the

possibility that strike in the armed forces, police, state administration bodies, public enterprises and public institutions is regulated by a separate law.

Question No. 19

55. In accordance with the Law on Social Protection, the Government of the Republic of Macedonia adopts a Programme for the implementation of social protection, in which it defines the areas of social protection, the specific needs of the population in these areas, and the manner of providing social protection. As regards the ethnic affiliation, the total number of social protection beneficiaries is 78.650, 31.852 of whom are Macedonians, 23.463 are Albanians, 5.101 are Turks, 8.633 are Roma, 57 Vlachs, 525 are Serbs, 2.704 of other ethnic affiliation, 5 of unknown ethnic affiliation and 6.310 beneficiaries have not declared their ethnic affiliation.

Question No. 20

56. In accordance with the legislation in the area of social protection, which regulates benefits for disabled persons, there is no sharp decrease of the social assistance to this category of persons, as stated in the question. On the contrary, after the latest amendments and supplements to the Law on Social Protection there is wider coverage ensured of the rights to social assistance of disabled persons, as follows:

- Increase of the continuous pecuniary benefits for persons with moderate, grievous and most grievous impediments in the mental development and persons with other development impediments, who owing to the level of impairment cannot attend school, and persons who after the development period have become disabled, losing the work capability;
- Increase of the supplements for care for and assistance to another person;
- Right to health care, if the disabled person has not been insured on any other ground;
- Salary supplement for work with shortened working hours due to care for a disabled child; and
- Right to one-time pecuniary benefit. Namely, after the latest amendments and supplements to the Rulebook determining the amount of the one-time pecuniary benefit, persons with grievous and most grievous impairments in the mental development and persons with permanent physical disability are also included.

57. Accordingly, it is underlined that there are no reasons that would give rise to the impression that there has been sharp decrease of the social assistance and other benefits. On the contrary, the social protection rights of this category of citizens have been increased.

Question No. 21

58. The Law on Labour Relations is in accordance with the international children's rights instruments.

Question No. 22

59. The Law amending and supplementing the Law on the Family (Official Gazette of the Republic of Macedonia No. 38/04) and the Law amending and supplementing the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 65/04) envisage measures for protection of victims of domestic violence and for ensuring their needs, prescribing also procedures for the prevention and protection from further domestic violence, which are focused on the perpetrators.

60. One of the most significant novelties has been the establishment of shelters for victims of domestic violence, the purpose of which is to temporarily accommodate and provide for the basic existential needs of the victims of domestic violence, while the experts at the Social Work Centers make efforts to alleviate their family and social-material situation, undertaking a series of measures and procedures, as prescribed by the amendments to the Law on the Family.

61. The first shelter for victims of domestic violence was opened in Skopje, which started functioning provisionally in April 2004, when two social workers were engaged to work on this issue. By the end of 2004, another three such shelters were opened in Kocani, Bitola, Strumica. In April 2005, the Shelter for victims of domestic violence was opened in Kumanovo, and in 2006 premises of another shelter in Ohrid was ensured.

62. In 2005, the Public Social Work Institution undertook a research about the occurrences of domestic violence in the Republic of Macedonia, as seen from the perspective of the Social Work Centers, which are 27 in total. In the first half of 2006, these data were statistically and analytically processed and more specific and in-depth data were established about this occurrence, i.e. about the victims and perpetrators of domestic violence.

63. The research Report will serve as basis to determine the future activities focused on the protection of victims of domestic violence, as well as to determine relevant measures to be undertaken in respect of the perpetrators of domestic violence, within the social protection system.

64. The following is a summary of the main findings of the research:

a) Defining the scope of the occurrence

This research encompassed **218** families-households, with a total of **738** family members (51% female and 49% male) on the entire territory of the Republic of Macedonia, in which there have been incidents of domestic violence registered. Out of this number, **439** persons are registered as victims of domestic violence. This represents 0,0022 % of the entire population in Macedonia (or 2.2 persons per 10.000 inhabitants are victims of domestic violence).

Out of the total number of household members (738), the total number of children- victims of domestic violence is 259, which means that 69% of the total number of children of the surveyed families are direct victims of domestic violence. Considering that the most important and primary factor of socialization of the children is the family, it can be said that the 29% of the children (or in absolute numbers 79 children) live in inappropriate

family environment, which adversely impacts their entire psycho - physical and social development that will certainly leave unfavourable consequences on them as grown-ups. Thus, these children can be considered as indirect victims of domestic violence.

b) Overview of the work of experts with persons affected by domestic violence (needs matching, planned and implemented measures and services) after implemented training and methodological instructions.

Experts from the Social Work Centers in the Republic of Macedonia and at the shelters for victims of domestic violence, opened as organizational units of the Centers, make efforts in the work on domestic violence related issues. In this respect, it has been found that needs of the victims treated at the Social Work Centers have been satisfied to a great extent. *The focus is on the protection of the victims of domestic violence through:*

- Expert counseling services provided both on individual case-by-case basis and in certain cases through interdisciplinary teamwork,
- Accommodation at the shelters for victim of domestic violence, and
- Ensuring financial benefits - in most cases one-off pecuniary benefits.

The work with *perpetrators of domestic violence* is focused on warning the perpetrators not to commit further domestic violence and informing them about the measures to protect from domestic violence, which can be ordered by the First Instance Courts, upon the proposal by the territorially competent Social Work Center.

c) Overview of the cooperation of the social services with the other local community entities in charge of the work on the problem of domestic violence.

The Social Work Centers cooperate with other entities in the local community in charge of ensuring the exercise of certain rights or provision of services to victims of domestic violence. The most often determined needs are those dealt with at the Social Work Centers (dealing with marital and family relations, institution of divorce proceedings). As regards other entities, cooperation is most often needed in terms of informing the prosecution bodies, then acquiring legal assistance and representation (by NGO's), ordering measures for protection from the perpetrators of domestic violence and measures for continuation of the education (for children of women- victims of domestic violence and for children - victims of domestic violence).

Question No. 23

65. The National Commission against Trafficking in Human Beings was established upon a decision of the Government in 2001. The Decision, i.e. National Commission deals with the aspect of illegal migration, as well. The National Commission is composed of representatives of the Ministry of Labor, Ministry of Justice, Ministry of Internal Affairs, Ministry of Finance, Ministry of Health, Ministry of Foreign Affairs, the Public Prosecutor's Office and Customs Administration. The operative body of the National Commission is the Secretariat, composed of members of the abovementioned ministries and representatives of NGO's, the OSCE, IOM, and

UNICEF. In 2004, upon a suggestion by the Council of Europe, a special subgroup was established to deal with the fight against trafficking in children.

66. On 22 March, 2006, the National Commission and the Subgroup adopted the National Strategy and National Action Plans against trafficking in human beings and trafficking in children, later endorsed by the Government of the Republic of Macedonia.

67. The intensive activities that were undertaken in the field of *trafficking in human beings and illegal migration* in the course of 2004, resulted in the completion of a total 73 cases, in which 121 perpetrators were criminally charged, whereas this year eight (8) cases have been completed and 16 perpetrators have been charged. In this context, the activities have been mainly focused on the detection of offences of illegal migration, in accordance with the two newly introduced Articles, i.e. last year, 24 criminal offences committed by 32 perpetrators were detected, of which 21 were migrant smuggling offences committed by 28 perpetrators and three (3) were criminal offences of organizing groups and inciting human trafficking and migrant smuggling offences committed by four (4) perpetrators. This year, all eight (8) detected cases and 16 reported perpetrators have been crimes of migrant smuggling.

68. The cases detected have mainly been ones of organizing illegal transport of economic migrants into the Hellenic Republic (mostly nationals of the Republic of Albania and Serbia and Montenegro-Kosovo), whereas last year cases of smuggling women for employment in catering facilities or procuring women for prostitution were also detected at the Bulgarian-Macedonian border.

69. Last year, other criminal cases in this field were also completed. These criminal offences involve 19 crimes of human trafficking, for which 42 perpetrators were charged; 26 criminal offences of prostitution mediation and procuring, for which 42 perpetrators were charged; four (4) perpetrators were criminally charged with three (3) criminal offences of organized illegal border crossing and one (1) perpetrator was criminally charged with establishing servitude and transport of persons subject to servitude. Last year 40 perpetrators were charged with 12 criminal offences of this type. A decrease of 36% has been recorded in human trafficking offences. This is partly due to the fact that in the course of the year the priority activities were aimed at preventing the growing phenomenon of migrant smuggling and the considerable number of illegal foreign nationals in our country.

70. The hitherto analyses carried out by the Ministry of the Interior have shown that until 2004 subject to trafficking in the Republic of Macedonia were young girls and women from the former Soviet Union countries, as well as from the former Communist Bloc countries (Moldavia, Russia, Belarus, Romania, Ukraine and Bulgaria). According to the results of the analyses, a number of the women who have entered our country illegally through the already established illegal migrant transit networks are transferred in the neighboring countries, where they are sold for a certain amount to the criminal organizations in these countries. A smaller number of them are transferred in Italy and other Western European countries. In 2004, a small number of females remained in the western parts of the country, where they become involved in the chain of illegal sale and prostitution by means of deception, i.e. false promises for work in catering facilities. In 2005, there is a characteristic phenomenon of drastic decrease in the number of

foreign nationals-victims of human trafficking, but there is an appearance of Macedonian nationals-victims.

Question No. 24

71. The percentage of the population below the poverty line in 2005 was 30%, as compared to 29.6% in 2004.

Question No. 25

72. In the course of 2004, the National Working Group prepared the National Action Plan for Housing under the Decade of Roma Inclusion 2005-2015 international initiative, which was adopted by the Government of the Republic of Macedonia on 31 January 2005. In order to better and more efficiently implement this Plan, an Operative Plan for Implementation of the National Action Plan for Housing was prepared in 2005, which was adopted by the Government on 18 November 2005. This Plan envisages activities within the legislation (adoption of laws and regulations establishing mechanisms for consulting the communities to which they are related), solving the issue of illegal constructions, urban planning in settlements where Roma are the majority population, legalization of illegal buildings where possible, facilitated access to solving the housing issue, improvement of hygiene conditions in Roma settlements, improvement of infrastructure in Roma settlements, etc.

73. Regarding the formed Committees for technical and social assessment of the houses in the former crisis regions, the Ministry of Transportation and Communications is in charge of reconstructing the houses, whereas the Ministry of Labor and Social Policy is competent for the assessment of the conditions for the return of the internally displaced persons and for meeting other needs of the internally displaced persons in the course of their return.

74. According to the Reconstruction Program, and in compliance with the information of the Ministry of Transport and Communications, which has been taken over from the International Monitoring Group, there are buildings which have not been reconstructed yet, although they meet the criteria for reconstruction. To this end, the Ministry of Labor and Social Policy and the Ministry of Transport and Communications have carried out a jointly coordinated technical assessment of the houses of the internally displaced persons whose owners have thus far refused to sign contracts for reconstruction of their houses. The owners have been offered to sign contracts for reconstruction of the damaged houses.

75. At the beginning of the crisis, a certain number of persons from the crisis regions were accommodated in collective centers, while another number were accommodated in host-families. The host-families that accommodated internally displaced persons are compensated with MKD 4,600 monthly¹.

76. At its 38th session, held on 22 June 2005, the Government of the Republic of Macedonia adopted a Conclusion regarding internally displaced persons who will return to their homes after the abovementioned date, which obliges the Ministry of Labor and Social Policy to provide a

¹ 1 Euro equals to 61.5 MKD (approximately)

one-off financial assistance of MKD 60,000 per household for procurement of basic household items.

77. According to the Conclusion of the Government of the Republic of Macedonia adopted at its 85th session, held on 2 March 2006, only those persons who still have the status of internally displaced persons, i.e. those who have not sold their property in the former crisis regions, or who have not left their homes before the crisis and those who do not have any alternative homes outside the crisis regions are entitled to the right to use these funds.

78. The families that want to leave the collective centers or the host-families are offered the possibility to rent an apartment for MKD 9,000 monthly rent and a monthly pecuniary assistance for the family of MKD 4,600. These expenses are covered by the Ministry of Labor and Social Policy.

79. Regarding the measures that the authorities have undertaken towards improvement of the housing conditions, the realization of the Project for Construction of Apartments to Be Leased to Low Income Persons is under way. In order to realize this project, the Republic of Macedonia took a 15 MEURO loan from the Council of Europe Development Bank in 1999, while the Government participated with additional 15 MEURO, thus ensuring the construction of over 840 housing units, which upon public announcements, are granted to young married couples with children under the age of 12, to citizens of the Republic of Macedonia who have no housing and to persons over the age of 18 who have been accommodated in institutions or other forms of accommodation for parentless children by the age of 18. In this context, it must be underlined that, according to the Constitution of the Republic of Macedonia, all ethnic communities of the Republic of Macedonia are entitled to the same rights, and the assessment of the candidates, i.e. the allocation of the apartments is conducted according to the methodology for ranking candidates for acquiring the right to rent an apartment.

Question No. 27

80. The State Statistical Office and the Ministry of Labor and Social Policy do not keep official records of the categories as requested in Question No. 27.

Question No. 28

81. According to Article 39 of the Constitution of the Republic of Macedonia, **EVERY** citizen is guaranteed the right to health care.

82. The Law on Health Care (Official Gazette of the Republic of Macedonia No. 38/91, 46/93, 55/95, 10/2004, 84/2005, 11/2005, and 4/2006) ensures all citizens of the Republic of Macedonia to exercise this right under the same conditions and in the same manner. This Law, inter alia, defines the health care rights of citizens, the health insurance relations and rights, as well as the procedure for using health care. In compliance with the principles of reciprocity and solidarity, the Law stipulates that everyone has the right to health care and it establishes mandatory health insurance for the purpose of fulfillment of certain rights in case of illness or injury and for fulfillment of other health care rights, based on the principle of mutual solidarity.

83. Articles 12-16 of the Law define the categories of the insured that are ensured to health care rights. At the same time, the Law on Health Care envisages that certain citizens of the Republic of Macedonia that are not insured under any of the grounds for health insurance stipulated in Articles 12-16, in compliance with the principle of mutual solidarity, are also ensured the right to health care. This category of citizens consist of: children and youngsters under the age of 18; pupils and students in the course of their education, but up to the age of 26, i.e. 27; citizens over the age of 65; women, as regards pregnancy, childbirth, post-natal care and contraception; and in cases of: infectious diseases, mental illnesses, rheumatic fever and its complications, malignant diseases, diabetes, renal illnesses which are treated with chronic dialysis, progressive neural and muscular illnesses, cerebral palsy, multiple sclerosis, cystic fibroses, hemophilia, thalassemia and similar diseases, epilepsy, alcoholism, and drug addiction. The scope and content of the health care in these cases are determined by the Assembly of the Republic of Macedonia (Program for Health Care of Certain Groups of Citizens and Specific Illnesses of Citizens Who Are not Covered by Health Insurance – Official Gazette of the Republic of Macedonia No. 45/2006).

84. The Health Insurance Fund enables the insured and the members of their families to exercise the rights under the mandatory health insurance.

85. Article 2 of the Law on Health Insurance (Official Gazette of the Republic of Macedonia No. 25/2000, 34/2000, 96/2000, 50/2001, 11/2002, 31/2003, 84/2005, and 37/2006) establishes mandatory health insurance for ALL citizens of the Republic of Macedonia. The insurance grounds are regulated by Article 5 of the Law. Furthermore, if citizens are not covered by the mandatory health insurance according to the insurance grounds under Article 5, paragraph 2 of the same Article envisages the possibility for those citizens to be covered by the mandatory health insurance in order to exercise primary health care rights.

Question No. 29

86. The health care rights of all citizens of the Republic of Macedonia, the health insurance relations and rights, as well as the procedure for using health care are defined by the Law on Health Care.

87. All preventive measures that are undertaken in the field of health care encompass the entire population of the Republic of Macedonia, while medical and mortality rate records are not kept on the basis of ethnic affiliation.

88. In compliance with Article 59 of the Law on Health Care, every year the Government of the Republic of Macedonia adopts special programs for health care that cover the entire population of the Republic of Macedonia, especially the vulnerable groups. The funds for the realization of the activities under the annual programs for health care are provided by the National Budget.

89. Sanitary, epidemiological and preventive activities within the Program for preventive health care are undertaken on the entire territory of the Republic of Macedonia. Public Health Institutes carry out inspections on the quality of drinking water, undertake disinfection and rat extermination measures, monitor the infectious diseases situation, and conduct systematic medical examinations of children of pre-school and school age, as well as a continuous

immunization in the areas populated by Roma, or in areas where Roma are integrated. In the interest of the realization of the Programs, the cooperation of Public Health Institutes and Health Centers with the Roma non-governmental sector has been enhanced, especially in detecting unvaccinated children, as well as in the education of Roma population about the importance of vaccination, personal hygiene, food hygiene, drinking water quality, health education of pregnant women, about contraception and STD prevention.

90. Within the realization of the HIV/AIDS prevention activities, supported by the Global Fund grant, program activities for HIV/AIDS prevention among Roma are also envisaged. The following activities have been completed in the course of the first two program years:

- field peer education of 822 Roma about HIV/AIDS prevention provided by trained peer educators;
- distribution of educational leaflets about HIV/AIDS prevention;
- promotion of use and distribution of approximately 56,000 condoms;
- preparation and broadcasting a video clip and radio messages within the Roma media campaign for awareness raising and informing about HIV/AIDS and STD;
- activities to conduct and record gynecological examinations and to carry out tests for early diagnosis of STD among Roma women of reproductive age have started in cooperation with gynecologists from primary health care. To date, over 3,400 examinations have been conducted in six cities in the country. This activity has been realized in cooperation with the Public Health Institutes.

91. Furthermore, the activities for prevention of tuberculosis supported by the Global Fund grant started in April 2006. In this context, there are activities envisaged for improvement of the access by all citizens of the Republic of Macedonia to diagnostics, DOT treatment and monitoring, as well as improvement of tuberculosis therapy effectiveness, raising tuberculosis awareness among the population, youth and risk groups, and regular educational activities on school and community levels.

92. All these activities also coincide with the activities envisaged under the Public Health Action Plan within the Roma Decade, the realization of which is in progress and which also envisages measures for improvement of the living conditions and promotion of preventive health measures with the goal of improving Roma health. The specific activities are contained in the Report of the Ministry of Health for the first quarter of 2006.

93. Furthermore, the implementation of the Project for reduction of mortality in children, with special attention to vulnerable groups, is in progress through the South East Europe Health Network, which operates within the Stability Pact.

Question No. 30

94. The annual health care programs for mothers and children which are adopted by the Government of the Republic of Macedonia each year in compliance with the Law on Health Care

(Official Gazette of the Republic of Macedonia No. 45/2006) envisage measures for the improvement of reproductive health among women, including women from rural and economically marginalized areas, as well as the adolescent population. The activities of the public health sector which are realized within the program are aimed towards:

- universal access to primary health care services for women in the reproductive period;
- counseling regarding protection from unwanted pregnancy and application of contraceptive methods, provided as part of the activities of the gynecologists' offices;
- training of all community nurses in the contemporary methods of contraception and ways of raising public awareness about health and social aspects of family planning. In realizing this activity, special attention has been paid to the community nurses who work in local communities with high prevalence of teenage mothers. At their visits, community nurses provide health education of the population and family planning counseling;
- education of health workers who work with adolescent population about the promotion of reproductive and sexual health among adolescents with the goal of a more efficient provision of public information and education services;
- establishing a center for youth sexual and reproductive health in the municipality of Suto Orizari (municipality with a predominant Roma population). The Center will provide information about the ways and methods of family planning and protection from unwanted pregnancy;
- health educational lectures in secondary schools on the methods of contraception and prevention of abortion among adolescent population which are realized by the Health Education Unit at the Institute for Protection of Mothers and Children.

Question No. 31

95. In accordance with the competences of the Ministry of Health, the Public Health Institutes monitor the air-pollution situation from a sanitary-ecological aspect and its influence on the health condition of the population within the Program for Preventive Health Care (Official Gazette of the Republic of Macedonia No. 10/2006). The Institutes also suggest measures for prevention of air pollution. This task is realized by examining the following polluters:

- floating particles (smoke) and SO₂ (sulfur dioxide) examined at the Public Health Institutes in Skopje and Veles; CO (carbon monoxide) and lead are additionally monitored in Skopje; and cadmium is only monitored in Veles;
- aerosediment is monitored at all Public Health Institutes.

96. The measurements are carried out on 11 measure stations, but their number can be expanded. Furthermore, reports are prepared and measures are proposed on air quality and its influence on public health with an assessment of the current situation. In cases of critical conditions of first, second or third level, the territorially competent institute informs the Ministry

of Health and the SPHI (State Public Health Institute), as well as the Ministry of Environment and Physical Planning, as soon as possible.

97. Analysis on air quality and its influence on public health and assessments of the situation are prepared on annual basis and measures are proposed.

98. For the purposes of health risk assessment and management in the ecologically most endangered region in the country, the Program for Examination of Environment Pollution with Heavy Metals (Lead, Cadmium and Zinc) in the Municipality of Veles was also included as a special part in the 2004-2005 Programs for Preventive Health Care of the Population of the Republic of Macedonia. Under the Program there was monitoring of the contamination of air, water, soil, farm and animal food products produced in the vicinity of the “Zletovo” Lead and Zinc Smelting Works, as well as examination of the effects of the exposure of the population to heavy metals (lead, zinc and cadmium).

99. According to the Law the Organization and Work of the State Administration Bodies (Official Gazette of the Republic of Macedonia No. 58/2000), the Ministry of Environment and Physical Planning performs the activities connected with the monitoring of the environment, protection of waters, soil, flora, fauna, air and the ozone layer from pollution, etc.

100. The Law on Environment (Official Gazette of the Republic of Macedonia No. 53/2005 and 81/2005) defines the rights and responsibilities of the Republic of Macedonia, the Municipality-City of Skopje and the city of Skopje municipalities, as well as the rights of the legal and natural persons in the provision of conditions for protection and improvement of the environment, for the purpose of enabling citizens to exercise their right to a healthy environment. The Law (Article 20, sub-paragraph 1, item 3) prohibits the release of pollutants and substances into the environment, except in a manner and under the conditions laid down in the law, and the Minister of Environment and the municipalities shall prescribe the manner, the procedure and the measures necessary to prevent and eliminate the pollution of the environment and to restore the environment into satisfactory condition.

Question No. 32

101. Projects carried out by local and foreign organizations in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to Communities.

Multicultural and intercultural education, education about peace and children’s rights, tolerance, gender equality and coexistence: Projects carried out by local and foreign organizations in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to Communities.

Inter-ethnic understanding in the education process is an issue to which the Ministry of Education and Science pays special attention, and it is included in the 2005-2015 National Program for the Development of Education¹.

¹ <http://www.npro.edu.mk/dokumenti/strategija-mk.pdf>

Within its competences and tasks for establishing peace, tolerance and trust, the Department for Development and Promotion of Education in the Languages of Persons Belonging to Communities promotes **multicultural, intercultural and inter-ethnic understanding** by organizing seminars, workshops, multiethnic clubs in the primary and secondary education, as an additional activity in cooperation with the Government of the Republic of Macedonia, the coordinative bodies of the Government², with local educational institutions, other countries, and international organizations. Furthermore, it cooperates with and grants authorizations to local and foreign governmental and non-governmental organizations for the realization of programs and projects for improvement of the quality and the conditions for education in the languages of persons belonging to the communities, for building inter-ethnic understanding in the multiethnic educational institutions and similar.

The Education Development Bureau (competent for the curricula and textbooks) promotes **inter-ethnic understanding** in the formal primary and secondary education through subjects in the area of social science and through the Civic Education subject, as well as through project tasks financed by local and foreign organizations.

Chronology:

2003

1. The **Equal Rights for Everyone-HARMONY** Citizens' Association, in cooperation with the Department at the Ministry of Education and Science, carried out the **Improvement of Interethnic Relations and Prevention** project in the primary schools in the Republic of Macedonia - municipality of Gorce Petrov between March 2003 and March 2004. The main objective of the project was to build relations of understanding and communication in a multiethnic society. The project was financed in cooperation with the Institute for Sustainable Communities.
2. From 1 January 2002 to 31 December 2004, the **PRONI Institute of Social Education**, in cooperation with the Department at the Ministry of Education and Science and the Agency of Youth and Sports, realized the **Leadership for Youth Work Development** university course project in Skopje and Tetovo, co-financed by the Kingdom of Sweden, Northern Ireland and the Netherlands.
3. The Roma Association for Women and Youth - **Luludi**, in cooperation with the Department at the Ministry of Education and Science, carried out the **Stepping Together** project in the state secondary schools in the municipality of Cair from 1 April 2003 to 30 July 2003.
4. The **Institute for Sustainable Communities**, in cooperation with the Department at the Ministry of Education and Science, carried out the **Multi-ethnological Mosaic** project in the primary multiethnic schools in Skopje between April and December 2003.

² Implementation of the Framework Agreement, Roma Strategy.

5. The **Center for Interethnic Tolerance and Refugees**, in cooperation with the Department at the Ministry of Education and Science, realized the **REAL-Macedonia** project in Gorno and Dolno Blace, Poboze, Ljubanci and Ljuboten from 1 July 2003 to 15 November 2003.
6. The **Radika** Women's Organization, in cooperation with the Department at the Ministry of Education and Science and OSCE, realized the **Human Trafficking (of Women and Young Girls) as Organized Crime** in the state secondary and primary schools in the Reka region from 9 May 2003 to 9 May 2004.
7. **SOS-Kumanovo**, in cooperation with the Department at the Ministry of Education and Science, then with the **Kolo na Srpskite Sestri** Women's Association from Kumanovo, the **Besa 2003** Albanian Association for Human Rights from Kumanovo, the **Natira** Ecological Society from Lipkovo and the **Izgrev** Ecological Society from Sveti Nikole, realized the **Future Is Now** project in the state primary and secondary schools in Kumanovo, Lipkovo and Sveti Nikole. The project lasted 4 months (February-May 2003).
8. The **Step by Step** Foundation for Education and Cultural Initiatives, in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, and with the Foundation Open Society Institute, NGO **Dendo Vas** from Skopje, DROM, KHAM from Kumanovo and Aid for the Handicapped and the Poor from Prilep, realized the **Roma Education** project. The 1996-2003 Step by Step project was realized in 89 primary schools in the Republic of Macedonia. Target groups: 4 Roma settlements - one near the "Dame Gruev" Primary School in Skopje, and the settlements Lozja and Sredored in the Kumanovo region and Trizla settlement in Prilep; as well as 4 primary schools: "Dobre Jovanovski" in Prilep, "Karpos" and "11 October" in Kumanovo and "Straso Pindzur" in Skopje.
9. The **KHAM** Roma Women's Humanitarian Association from Kumanovo, in cooperation with Department at the Ministry of Education and Science, and with the Foundation Open Society Institute, the United Nations High Commissioner for Refugees and the American Refugee Committee, has realized the **IDNINA Educational Center** project, financed by the AGRD Program of Japan.
10. The **Center for Interethnic Tolerance and Refugees**, in cooperation with the Ministry of Education and Science, realized the **Stronger Together** project. The project was implemented in a period of 4 months between April and the end of October in the "Petar Zdravkovski – Penko" Primary School in Skopje.
11. **SOS-Kumanovo**, in cooperation with the Ministry of Education and Science, the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities, and with the NGO **Srpska Zaednica** (Serbian Community) from Kumanovo, the **El Hilal** Albanian Association from Kumanovo, the **Arka** Roma Association for Human Rights from Kumanovo, the **Natira** Ecological Society from Lipkovo and the **Izgrev** Ecological Society from Sveti Nikole, realized two pilot projects entitled **We Want to Live Together** and **Educational Youth Centers** from 2003 to 2004.

The projects were realized in the state primary and secondary schools in the municipalities of Kumanovo, Staro Nagoricane, Sveti Nikole and Lipkovo.

2004

12. The **VIZIJA (VISION)** Association for Development of Underdeveloped Regions, in cooperation with the Ministry of Education and Science, the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, the French CARITAS and the “Ss. Cyril and Methodius” Regional Primary School in Kuceviste, realized the **CHILDREN’S RIGHTS** project.

13. The Izgrev Ecological Society from Sveti Nikole, in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, realized the project entitled **Institution of Procedure for Adoption of Plan for Development of Volunteer Work in the Republic of Macedonia**. Member partners of the EDMP Regional Office: SOS-Kumanovo, the Bitola Youth Cultural Center, the “Mesecina” (Moon) Roma Humanitarian Charity Association from Gostivar, and “Multikultura” (Multiculture) from Tetovo.

14. **The First Children’s Embassy in the World “Megjashi”**, in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, carried out a project for undertaking activities for the **strengthening of the work of the 5 multiethnic clubs in Skopje, Kumanovo and Tetovo**. The project was implemented in a period of 1 year, between 2004 and 2005.

15. **The Roma Community Center “DROM”**, in cooperation with the European Center for Minority Issues, the Department at the Ministry of Education and Science, realized the **MOZAIC** project, which covered pupils from secondary schools in Kumanovo. The project lasted from February to May 2004.

16. The **KOLEGIUM** Citizens’ Association for Democracy and Prosperity from Bitola, in cooperation with the Department at the Ministry of Education and Science, realized the **Rainbow Umbrella** project in the “Goce Delcev”, “Dr. Trifun Panovski” and “Stiv Naumov” Primary Schools, through the Institute for Sustainable Communities from Skopje.

17. **The Roma Community Center “DROM”**, supported by the Department at the Ministry of Education and Science, applied for the **Future for the Roma** project at the European Agency for Reconstruction.

18. The **Foundation Open Society Institute**, in cooperation with the “Step by Step” Foundation, 5 Roma NGOs and the Department at the Ministry of Education and Science, is working on the **Program for Education of Roma in Macedonia** project, financially assisted by USAID and the Foundation. The project covers the September 2004 - September 2007 period.

2005

19. The First Children's Embassy of the World, in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, is working on the project entitled **Friendship through Multiethnic Cooperation in the Multiethnic Clubs in 5 Secondary Schools in Skopje, Tetovo and Kumanovo.**

The main goal of the project is developing interethnic dialogue, improvement of the cooperation between teachers and pupils in secondary schools of different ethnic background and strengthening the capacities of the 5 multiethnic clubs in the schools.

The project is financed by the European Union, through the Delegation of the European Commission in Skopje, within the European Initiative for Democracy and Human Rights program. The project is supported by OSCE, UNICEF, the Council of Europe and the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science.

20. The Macedonian Center for Civic Education, in cooperation with the Department for Development and Promotion of Education in the Languages of Persons Belonging to the Communities at the Ministry of Education and Science, is implementing the project entitled **Interethnic Communication and Cooperation between Pupils in Ethnically Mixed Primary Schools in the Republic of Macedonia** in the period between January 2005 and December 2006. The main objective of the project is developing interethnic dialogue and tolerance, enforcing children's rights, conflict resolution, promotion of peace and improvement of the cooperation between pupils and teachers in primary schools. The project is financed by the Catholic Relief Services (CRS) and is to be carried out in the period between 2005 and 2006.

21. **Position of Roma Women in Slovenia and Macedonia:**

Proposed by/Head of Team: Amalija Jovanovic, Ph.D., Professor at the Department for Sociology at the Faculty of Philosophy in Skopje;

Realization: within the bilateral cooperation between the Republic of Macedonia and the Republic of Slovenia for the period 2005-2006;

Project Duration: 2005-2006 (proposed and accepted by both parties in 2004);

Funds for Realization: the Ministry of Education and Science of the Republic of Macedonia grants MKD200,000 per year (that is, a total amount of MKD400,000 for two years have been approved, following the anticipated duration of the project).

Question No. 33

102. Each year, the Ministry of Education and Science makes efforts to improve the infrastructure in the educational system. The results of these efforts are already visible, especially in the last 2 years, when a great number of schools were renovated and new ones were

built. In 2004/2005 and in 2006, capital investments funds have been allocated from the Budget of the Republic of Macedonia, as well as from public funds and international donations, which have doubled the budget for investments for this purpose.

103. The Budget of the Ministry of Education and Science for 2006, which amounts to MKD133,000,000.00 for primary education and MKD96,000,000.00 for secondary education, out of which there is a special budget item of MKD31,000,000.00 allocated for the construction of the “Zef Ljus Marku” General Secondary School in Skopje, anticipates the construction of new school buildings, completing the construction of the already commenced ones, and reconstruction and sanction of approximately 30 primary and 30 secondary schools.

104. Considering the fact that a great number of schools are far from meeting the criteria required for conducting the educational process, especially in the primary schools, the Ministry of Education and Science is making efforts to help the schools apply for certain projects of governmental and non-governmental organizations. However, even this method does not help cover the lack of funds for investments in school buildings. The real needs amount to about MKD2,600,000,000.00. The Ministry cooperates continuously with the Secretariat for European Affairs of the Government of the Republic of Macedonia, which, as a national coordinator, makes efforts to help improve the premises of the schools.

105. Furthermore, on their own initiative, certain schools apply for aid at foreign governmental and non-governmental organizations working in the country.

Projects:

1. Reconstruction of about 10 primary school buildings with the assistance of the Secretariat for European Affairs. The funds for the project are provided through a donation by the Government of the Kingdom of Sweden.
2. The Ministry of Education and Science and the Swiss Agency for Development and Cooperation participate in a project which anticipates the completion of already started constructions, as well as the reconstruction of ten primary school buildings.
3. The Japanese aid under the AGRP Program (Grass Roots Projects) covers the applications for construction activities up to 70,000 EURO. The application selection is made by the Japanese Government.
4. Project for modernization of education

The funds are provided through a 5 MEURO loan from the World Bank and a 10 MEURO grant aid from the Dutch Government. One third of the assets are allocated for the supply of school equipment (including the supply of computers). Furthermore, a part of the funds are envisaged for the maintenance of school buildings and for the priority needs of the schools, such as construction activities to improve the school premises.

5. Public Investment Program of the Republic of Macedonia (PIP) 2004-2006 The Investment Department has prepared a list of priority buildings for construction

interventions (of the capital investment type), which has already been accepted and preparations for its realization are in progress.

6. Project in cooperation with the Government of the Federal Republic of Germany entitled "Social Infrastructure III". The Ministry of Education and Science has been approved to participate in the project with its own projects for priority school buildings.

Question No. 34

1. A State Commission for enlisting pupils in the first year of secondary schools has been formed.
2. The Department at the Ministry of Education and Science, in partnership with FOSIM and with the assistance of REF (Roma Education Fund), grants secondary school scholarships to Roma pupils. Mentors (teachers) from the schools of the pupils have been engaged to help pupils overcome the difficulties they face.

106. The traditional division of male and female occupations still influences the pupils' choice and continuation of education. As a result, there is an unequal representation of male and female pupils. There are secondary schools, such as schools of economy or medicine, in which female pupils dominate, whereas male pupils prefer mechanical or electrical engineering schools.

107. The Bureau for Development of Education makes efforts, through certain projects (e.g. **The Roma Decade** "Education for Everyone", under the auspices of UNESCO), to increase the number of students in secondary education (especially those of the Roma population and from rural areas). Educating the parents, experts' teams are working on raising the awareness about the importance of education.

108. The 2005-2006 National Program for Development of Education in the Republic of Macedonia (the public debate about the draft document is in its final stage) takes due account of the necessity to increase the efficiency and the quality of education institutions and to establish mechanisms for detecting children who are out of the education institutions, for the purpose of their inclusion or return into the education system. In the context of decreasing the percentage of school dropouts, two objectives have been set:

- raising the education level of young people and adults who are outside the education system, and strengthening their professional and social competences; and
- preventing the creation of new generations with incomplete education.

109. In order to implement the first objective, the Republic of Macedonia shall implement activities focused on: raising the awareness of young people and adults about the importance of education, active involvement of the formal and informal sector in actions to raise the education level and competencies of the population, providing financial facilitation for persons that shall be involved in the actions, utilization of the present and finding alternative forms for financing programs the purpose of which shall be education and training of the unemployed population.

110. The second objective includes undertaking measures to eliminate the reasons that make the education inaccessible or the reasons causing pupils/students to leave the education system.

Question No. 35

111. According to the Constitution of the Republic of Macedonia, primary education is compulsory; however, textbooks, school kits, and the school aids are paid by the parents/guardians of the pupils.

NB: Only the commuting of pupils in the rural regions where there is no local school is provided free of charge, and the Ministry of Education covers the expenses. This is done in all cases in which the distance from the place of living to the school is more than 2.5 km.

112. Furthermore, the Ministry of Education and Science is obliged, in case of unfavorable weather conditions, to accommodate these pupils in a dormitory, if such a facility is provided. In case there is no dormitory, the Ministry is obliged to provide accommodation of the pupils in private houses.

Question No. 36

See the answers to Question 1. (32) and 3. (34).

113. Under the Roma Strategy and Decade, the Ministry of Education and Science encourages cooperation between the NGO sector and the Roma population in order to raise the awareness about education and inclusion of Roma in the process of completing the education, within the framework of the adult education system.

Question No. 37

114. The Law on Primary Education does not envisage private primary education, in light of the fact that this matter is regulated by the Constitution of the Republic of Macedonia, which precisely defines that primary education may be organized only in state primary schools. There are private primary schools in the country; however, they are not integral part of the national education system in the Republic of Macedonia.

Question No. 38

115. The 1997 curricula for grades I-IV, includes contents related to democratic values, ideas, human rights, principles that are transposed from one era to the next by different peoples and cultures.

116. Such contents are more systematically elaborated in the subject called Nature and Society for grades I and II. For example, under the topic "*The Home We Live In*" issues are elaborated concerning the family; the parent's home; family life and work; family festivities; daily activities; relatives and friends; our family's neighbors; the health of the family members; the health institutions; nutrition – a prerequisite for good health, etc.

117. In grade III, under the topic “*The Child – A Member of the Social Community*”, the rights and duties of the child in the environment he/she lives are elaborated; then the rights and duties in the wider social environment, more precisely in the family; the rights and duties of the child in the family; the right of the child to live with the parents; the state obligation to provide social care; “I, the school and the state”; the state and my parents take care about my health; I am entitled to free speech and opinion; I am entitled to play and to free time.

118. In the 1998/1999 school year, under the topic “*The Life and Work of the People in the Republic of Macedonia*”, studied in grade IV, there was a pilot project realized - “*Pilot Program about the Basics of Civic Society*”. In the 20-30 instruction hours, contents adjusted to the pupils’ age were covered concerning the concepts of *power, justice, privacy and responsibility*.

119. The contents also cover segments from the human rights domain: the right to life; freedom and security; all are equal before the law; the right to just and public trial before an independent and impartial tribunal; the right to privacy in the private life, the family, apartment or correspondence; that the family is entitled to protection by the society and the state, that everyone is entitled to freedom of thought and expression.

120. In the upper grades of the elementary school, the Macedonian language instruction covers contents on the topic “*The World and We*” related to the UN Charter; then the topic “*Let Us Help Each Other*” includes contents about kindness between the people, friendship, happiness.

121. In the 1999/2000 school year, under the project “*Civic Education – The Road to Civic Society*”, there were education programs realized such as: the program “*Basics of Democracy*” in pre-school education, and a subject of the same title was taught in grades I-IV, then the program “*We the People – Project Citizen*” in grades V and VI.

122. The teachers provide instruction about the contents of the program “*Basics of Democracy*” elaborating on the four concepts: authority, justice, privacy and responsibility, within the framework of the instruction for the subjects called Nature and Society, Mother Tongue, Arts, etc.

123. The program “*We the People – Project Citizen*” covers contents about the school and the local self-government as institutions, their structure and function. During the second school term, the pupils identify the problems, give priority to one problem, and search for different ways, mechanisms and institutions that can help them resolve the selected problem.

124. The new concept for elementary education involves the realization of a cycle of contents under the subject “*Civic Culture*” in grades VII and VIII.

125. The implementation of these programs started in the 2002/2003 school year in grade VII, one hour per week, while grade VIII was supposed to be included in the school year 2003/2004. The programs have been developed using the experience of many European countries that have a rich tradition in the development of education and in preparing young people for life in a modern civic society. More precisely, in grade VII contents are studied solely related to human rights: human rights and values; human rights are universal and integral; types of human rights; specific human rights – the rights of the child and the rights of women; the right not to be discriminated

against – differences and similarities between the cultures; prejudices and stereotypes – forms of discrimination; democracy and human rights, civic rights and duties.

126. The VIII grade program covers contents about: informing in a democratic society; constitutional democracy; the legal order of the Republic of Macedonia; division of powers; the President of the Republic of Macedonia; the citizens' participation in the social life (why are political parties, elections of representatives needed); citizens' initiatives; civic loyalty, peace and tolerance; the world, European and Macedonian cultural heritage.

127. On the basis of an analysis of the secondary education curricula and textbooks, certain contents concerning democratic values related to human rights are included in the instruction for the subject Sociology, such as topics about: religion, people, nation, family, the right to protection by the society and the state; social institutions; economic institutions (the right to ownership); market, labor, capital, enterprises, social rights (functions and roles in respecting and protecting human rights and freedoms); political system; political parties (the right of citizens to freedom of association, and form political parties); the integrity of the person; the citizen and his/her inviolable rights and civil rights, the right to ownership, etc.

128. In the 1998/1999 school year, the pilot program "*The Citizen for Democracy*" was realized in 16 schools with PHARE support. The program covers two topics: *The Individual as a Citizen* and *What is Democracy*. Both topics deal with issues related to the role and rights of the citizen (political, economic and social); to exercise of rights; respect for the laws, the right to vote, the right to be elected, the right to work, the right to education, responsibility towards other people, responsibility towards the profession; the most significant values and principles of democracy; promotion of ethical values in the society; the right to life, freedom, privacy, religion, minorities' rights; relations between democracy and human rights, protection of democracy; expectations from democracy, types of democracy; centralized and decentralized decision-making.

129. Since the 2000/2001 school year, under the project for inclusion of civic education in secondary vocational schools, supported by the Austrian Government, i.e. the organization Kultur-Contact from Vienna, there were activities undertaken aimed at informing students about the topics concerning modern society, political economy and culture.

130. The third thematic group relates to freedoms and rights guaranteed in the Constitution of the Republic of Macedonia:

Personal freedoms and rights; political freedoms and rights; economic and social freedoms and rights; the right to ownership; the right to work; freedom of work; the right to free decision for bearing children; the right to a healthy environment; cultural freedoms and rights; the right to education; freedom for scientific and artistic creative work; the right to establishing private educational institutions; the right of autonomy of the university; the freedom of association for the purpose of exercising cultural, social and other rights; the rights of the minorities; the right to free expression, fostering and development of one's identity and national features; protection of the ethnic, cultural, linguistic and religious identity; the right to establishing cultural and artistic institutions, scientific and other associations; the right to instruction in the mother tongue in the elementary and secondary education.

130. In January 2002, under the project “*Civic Education – The Road to a Civic Society*”, there was a program realized “*The Human Rights School*”, in cooperation with the Institute for Curricula from the Netherlands. A Consultative Body was formed in the Bureau for Development of Education, a draft was drawn up for implementation of the program and a selection of the schools was made where it would be realized as a pilot program.

131. On 7-10 June, 2002, in the Skopje Panorama Hotel, in-service teacher training was conducted, with the participation of 79 teachers, 2 senior desk-officers and the Principal of "Braka Ramiz and Hamid" Elementary School and 8 advisors of the Bureau for Development of Education. The training was conducted by professors from the Institute for Curricula from the Netherlands and covered the basic concepts: stereotypes; social categorization; discrimination; giving priority to some minorities; the role of the teacher, etc.

132. The teachers realizing the program under the subject “Civic Culture” have not been trained yet.

133. Programs have been developed; textbooks and manuals have been published for the teachers and pupils of elementary and secondary education.

134. Topics related to human rights are insignificantly covered in the elementary and secondary education curricula:

- we are all different and yet equal (intolerance towards the minorities);
- respect of the differences (the differences between the people are not considered as a value, but often lead to mistrust and rejection);
- multi-cultural societies and inter-cultural societies (their similarities and differences);
- migration movements in and out of our country (outflow of young university educated people);
- inter-cultural education (social educational process);
- minority cultures, groups, religions;
- the minorities in Europe (forming minority groups).
- forming a national coordinating body;
- forming a Civic and Human Rights Center;
- developing a network and connection with the Human Rights Center in the country and other countries;
- development of a National Action Plan for the new decade;

- raising awareness about the need for respect human rights (through training of the entire population);
- publishing professional literature, brochures, fliers;
- forming school teams for protection of the rights of the child;
- organizing international summer schools, summer camps for protection of the rights of the child;
- organizing competitions;
- organizing children's clubs;
- setting up workshops, round tables, etc.;
- incorporation of new contents in the human rights curricula, etc.

135. The ongoing training for employees of the Ministry of the Interior takes place at several levels and in different forms. In the context of the supplementary and continuous training of the police officers of the Ministry of the Interior, special emphasis is placed on respect and protection of human rights when exercising police authorities, with a focus on the following topics: introduction to human rights and general issues about human rights; deprivation of liberty, arrest, and police custody in context of restricting the right to freedom and movement; use of force and of means of coercion and fire arms in context of protection of the right to life; human rights during interrogation in context of providing opportunity for fair trial and the presumption of innocence requirement; non-discrimination in policing in any context with special emphasis on the rights of vulnerable groups: children, women, old persons and persons with special needs; arbitrary interference in the private life in the context of protecting the right to privacy and confidentiality of correspondence; policing in a democratic society, with a focus on the basics of democracy, multiethnic society; the police and minorities' rights, minorities' representation and police ethics, serving as a code of conduct for the exercise of police functions.

136. The Ministry of the Interior actively cooperates with national and international NGOs, organizing workshops on topics related to policing and overstepping of police authorities, domestic violence, multinational society and police.

137. In cooperation with the OSCE and the Macedonian Helsinki Committee, about 4200 members of the uniformed and crime police have been trained since October 2002, or about 48% of the total number of all police officers. It is planned that all police officers are covered by this type of training.

138. In cooperation with the Office of the UN High Commissioner for Human Rights and the NGO "Civil Society Information Center", and financially supported by the Dutch organization "Pax Christi", 10,000 copies of the pocket brochure on "Policing Pursuant to National and International Human Rights Standards in Law Enforcement" were published in the Macedonian and 1500 copies in the Albanian language. This pocket brochure was distributed to all police

officers in the Ministry of the Interior and has become part of the literature for supplementary and continuous police training.

139. For the purpose of promoting the respect for human rights and freedoms of detainees, that is, of persons in police custody, every police station in the country has placed a poster on its walls with the title: "Do You Know Your Rights?"

140. The Ministry of the Interior also cooperates with the International Committee of the Red Cross, in organizing and involvement in humanitarian law seminars, especially intended for members of the special police unit "Tigers" and for members of the Special Police Unit for Rapid Deployment, as well as for other police staff in the Ministry of the Interior.

141. At the same time, the Ministry of the Interior provides training for police officers, based on the Program for supplementary professional training and upgrading of police officers.

142. The Code of Police Ethics, adopted in 2004, provides for police training, pursuant to police aims and authorities, based on the principles of democracy, rule of law, and respect for human rights and freedoms, as well as on the principles relating to fighting racism and xenophobia (Art. 26-30). The basic police training is open and transparent to the public.

143. The Ombudsman was involved in the training for trainers from the Ministry of the Interior (30 in total), co-organized by the Ministry of the Interior and the OSCE. The training was focused on the implementation of the Code of Police Ethics of the Ministry of the Interior – Applications and Complaints Filed by Citizens and the Role of the Ombudsman and the Police".

144. The Police Academy, as a higher-education state institution in the field of security, provides higher education, conducts scientific research, applied science activities, as well as continuous education.

145. Every year, in cooperation with the Ministry of Justice, the Police Academy organizes various courses, seminars and workshops, in order to have successful, efficient and legal execution of the security function in the penitentiary-correctional facilities. The Ministry of Justice organizes this activity in cooperation with the Penological Society of the Republic of Macedonia, as well as with the Ministry of the Interior.

146. The Sector for Internal Control and Professional Standards (SICPS), as the Ministry of the Interior representative, takes part in the Working-Advisory Group for promotion of the cooperation between the Ministry of the Interior, NGOs and the Ombudsman ("MINOP"), established under the auspices of the Office of the UN High Commissioner for Human Rights in Geneva (OHCHR). The aim of this Group is to help attain transparency in policing, which can be done through an open discussion on processing complaints filed by citizens to the Office of the Ombudsman and the NGOs.

147. In order to train security guards and other staff in penitentiary-correctional and correctional-educational facilities, in cooperation with the OSCE, since 2002, the Directorate for Execution of Sanctions at the Ministry of Justice has been organizing a pilot project for the establishment of a Training Center, as an organized form of training and education for the employees in the aforementioned institutions.

148. National experts have elaborated the following topics as part of the theoretical training: various Articles of the Law on Execution of Sanctions relating to the basic principles and management in execution of sanctions; legal assistance to convicted persons; health care for convicted persons; situation, transfer of and privileges granted to convicted persons; use of physical force, chemical substances, and firearms. Furthermore, the relevant provisions of the Criminal Code, the Law on Criminal Procedure, the European Prison Regulations, the UN Minimum Standards for Treatment of Convicted Persons; and other international documents and norms have been also presented.

149. The practical part of the training includes: visits to and information about the functioning of the Skopje Penitentiary; practical work in the Higher Security Ward, and at facilities for solitary confinement, and enforcement of the house rules in the Maximum Security Ward. Important part of the training also includes a workshop on conflict resolution, intended primarily for correctional officers and instructors, implemented by the NGO "ESE - Emancipation, Solidarity, and Equality".

150. The reform of the penitentiary system envisages establishment of an Education Center for training of officers working in the penitentiary-correctional facilities in the Republic of Macedonia.

151. Until the Academy for Training of Judges and Prosecutors was established, as stated above, the education of judges and public prosecutors had been conducted by the Center for Continuous Education.

Question No. 39

152. The National Institution "Albanian Theater"-Skopje is the special institution for promotion and fostering of the culture of persons belonging to the Albanian community. The National Institution "Turkish Theater"-Skopje promotes and fosters the culture of persons belonging to the Turkish community. Both institutions are national institutions in the field of culture, founded by the Government of the Republic of Macedonia and are financed from the National Budget, through the Ministry of Culture.

153. The multicultural dimension and the multicultural character of society, declared by the Constitution of the Republic of Macedonia, the Law on Culture and the National Program for Culture are reflected in the Annual program on implementation of national culture interests, adopted by the Ministry of Culture. Under the Annual Program there are funds distributed from the National Budget of the Republic of Macedonia, intended for the current year, for financing programs and projects that are of national interest.

154. In distributing the funds, special attention is paid to the need of promoting, fostering, and presenting the culture of the communities.

155. To this end, in 2005, *in the field of music and theatre*, support was provided for to the program of the Albanian Theater involving 4 (four) premieres, participation at theater festivals abroad (Paris, France), and at the Festival "Friday Fever"; then to the program of the Turkish Theater involving 4 (four) premiers, participation at festivals abroad (Istanbul, Turkey, and Ljubljana, Slovenia); to the Culture Center in Debar involving three amateur theater shows, two

in Albanian and one in Macedonian; as well as to the 4th Festival of the Albanian Theater in the Republic of Macedonia; to the program activities of the Children's Theater Center-Skopje involving 3 (three) shows; to the Association "Thalia" of Kumanovo, involving a co-production project with the Culture Center in Kumanovo; to the Association "Phoenix" in Tetovo, involving 3 (three) co-production projects with the Tetovo Culture Center; to the Experimental Art Center "Noah" in Tetovo; to the Company for production, theater, and film "Bajrush Mijaku" in Skopje, for 2 (two) shows. In context of supporting theater amateurism, support was given to projects of the Amateur Theater "Roma" in Skopje and to the Amateur Theater "Fadiljoni" in Skopje. Other beneficiaries were: Association "Romano Iljo" for the Third Romany Amateur Festival; the Culture Center "Shota" in the village of Negotino, the Polog region, for one show; and the Struga Culture Center for one show.

156. The total value of the appropriated funds was MKD17.750.000.

157. In order to support the implementation of programs in the field of music, support was given to the projects: the Culture and Performing Associations "Shpresa" in the village of Velesta, "Burimet e Sharrit" in Tetovo, "Ibe Palikuka" in Skopje, "Emin Duraku" in Skopje, "Drita Deven" in the village of Saraj, "Xheladin Zekiri" in Tetovo, "Jeta e Re" in the village of Slupcane, "Karsiaka" in Skopje; "Jaki Hasani" in the village of Cegrane, "Bajram Shabani" in Kumanovo; then to the Culture and Performing Association at the Culture Center "Shota" in the village of Negotino, the Polog region; the Festival "The Shara Mountain Springs 2005" organized by the Culture and Performing Society "Burime e Sharrit" in Tetovo; the Festival of Indigenous Folklore "The Shara Mountain Sings 2005" organized by the Federation of Albanian Culture and Performing Associations of Macedonia; the Festival "Skopje is Celebrating" organized by the Municipality of Cair; the Folk Festival "Kenge Jeho" in Struga; and the Festival "The 2005 Culture Day in the Republic of Macedonia" by the Municipality of Zajaz; the music project by the singer Adrian Gaxha in honor of Mother Theresa organized by the NGO "Mother Theresa of Skopje" in Skopje; the production of a compact disc of the music ethno group "Tung Tung"; the Children's Festival "Rainbow 2005" by the Music Company "Prima ADEM" in Skopje; and the Festival of Children's Folk Songs "Prespa Nightingale" by the Folklore Association "Prespa Nightingale" in the village of Nakolec, near Resen. Further support was given also to the projects by the Association of Albanian Music and Ballet Artists of Macedonia: the Festival "Multi-Culti", presentation of recitals, organization of the master-class seminar "Multi-Culti Struga 2005", production of compact discs by the violinist Sihana Badivuku, and by the viola player Blerim Grubi. During the said year, support was also given to the following programs by the Culture Center "Iljo Anteski-Smok" in Tetovo: Tetovo Culture Summer, work of the choirs, the Festival "Tetovo Chords", the New Year Concert. Supported programs of the Debar Culture Center included: the Festival of Albanian Chalgia (old-city) Songs "Penestia 2005", and the work of the children's choirs.

158. Projects organized by persons belonging to the Roma community and supported by the Ministry of Culture included: the 5th Festival of Romany Dance and Songs "Jekipe" organized by the Association for Roma Folk Dance and Song "Rushit Shakir" in Kumanovo; there was also support provided for the activities of the said folk association and for the Culture and Performing Association "Pralipe" in Tetovo. Supported Vlach culture events and beneficiaries included: Society for Sustainable Development of the Village of Malovista and the Pelister Villages - "EKE" in Bitola that organized the Ethno-festival "Malovista 2005" - International festival of the

Vlach tradition and culture; Association for Culture and Art "Art-Cool" in Krusevo for the production of the compact disc "Anthology of Vlach Songs"; and Vlach Culture and Performing Associations "Pitu Guli" in Skopje and "Ljupco Santov" in Kocani. Support was also provided to projects relating to the culture of Turks organized by: Culture and Performing Associations "Karadzaoglan" in the village of Konce, near Radovis, "Jeni Hajat" in Tetovo, "Jeni Jol" in Skopje, "Jeni Hajat" in Radovis, "Bahar" in the village of Calkali, near Valandovo, and the Festival "Hid Bah Shen Fest" taking place in said the village of Calkali, near Valandovo. Support was also provided for associations of the other communities in the country, such as the Culture Center of Bosniacs in the Republic of Macedonia, and to the Association of Serbs, Macedonians and Montenegrins in Tetovo.

159. The total provided funds amount to MKD4,438,000.

160. *In the publishing sector*, support was given to production of 27 publishing companies owned by persons belonging to the Albanian community. This involved 52 published materials, as well as 2 books by Albanian writers printed by other publishing companies. Assistance was provided also to 6 (six) magazines, as well as to the following festivals: "Days of Naim" in Tetovo; "Meetings under the Oak Tree" in Skopje, Karadak Poetry Meetings, Kumanovo; and the literature festival organized by the Debar Art Club. There was buy-out of publications. As part of the program, support was provided to 2 publishing companies, for 3 published works by persons belonging to the Turkish community. Two published works by persons belonging to the Serbian community were supported, as well. Assistance was given to the Vlach Union of Culture in Macedonia for one published work and one magazine. The Republic Center for Cultural, Educational and Spiritual Advancement of Roma was supported for one publication, while the International Center for Roma Language, Literature and Culture was supported for one work published both in the Macedonian and in the Romany language and for one magazine.

161. The total amount of appropriated funds in supporting the aforementioned program was MKD12,539,000.

162. *In the sector of art gallery presentation*, support was provided to projects of: Nehat Bekiri, Adem Kastrioti, Kosta Vangelovik, Vana Urosevik, Afrodit Kiki, Ismet Jonuzi, Erkan Ozdilek, for their exhibitions in the Museum of Contemporary Art and the National Gallery; as well as to projects of Jakup Hajro, Fehrid Spahija, Maja Erdeljanin, and Joana Popovic, Enver Selimi, Bashkim Mexhiti, and others for art exhibitions in the Culture & Information Center in Skopje. Others receiving support included: exhibition of photographs by Ilhan Osmani at the Youth Culture Center in Skopje, art exhibitions by famous painters in Stip, Struga, Tetovo, and Kumanovo, Gostivar, Debar, and other culture institutions in the country. As part of this program, support was given to the program activities of the Association of Painters in Tetovo, the Association Art Vision in Skopje, Association for Art and Culture A3, Draudakum-Asociation of Painters. Individual projects implemented by individual artists received support, as well.

163. The total number of appropriated funds in implementing this activity was MKD2,960,000 denars.

164. *In the movie-making sector*, assistance was provided for the Project "FATHER" by Shqipe Nuredini, produced by "Odeon Scene 7" in Skopje. The provided assistance amounted to MKD3,570,000.

165. *In the museum sector*, in addition to supporting projects that are integral part of the programs of institutions in this sector, such as archeological, ethnological, historical research, exhibitions, and other ongoing activities, special mention should be made of the ethnological and historical exhibitions in the Museum of Macedonia, the Skopje City Museum, the Tetovo Regional Museum, various events organized by the Kumanovo Museum, such as the research on the topic Culture of Albanians in Kumanovo and in the Kumanovo Region, and Roma in the Kumanovo Region, organizing the Ethno Fair in Krusevo, celebration of important events and persons in the Struga Museum, and show of folk costumes.

166. In the library sector, support was given to activities of 5 (five) national libraries in: Skopje, Tetovo, Ohrid, Bitola and Stip for acquisition of books, processing of the book holdings of the libraries, exhibitions and other presentation in this sector, as well to projects by libraries that are integral part of the Culture Centers in Gostivar, Struga, Kicevo, and Debar. In addition to books and magazines in the Macedonian language these institutions have also books and magazines published in languages of persons belonging to the communities. The book holdings in these libraries have been increased through buy-out of books that the Ministry finances through its publishing programs.

167. Annually, the Ministry of Culture announces special public announcements *for support of projects by the NGOs and associations of citizens in the field of culture*. In this context, support was given to projects by the Debar Art Club, the Tetovo Ideal Center, Association of Citizens "Future" in Gostivar, Association of Serbs and Montenegrins, Association of Vlach Citizens "Cavalioti Moscopole", and Association "Romano Vas" in Skopje. MKD1,010,000 were appropriated in the implementation of the above mentioned projects.

Question No. 40

168. *The Constitution of the Republic of Macedonia* stipulates that cultural rights are part of the fundamental human and rights and freedoms; hence, the Constitution guarantees freedom of scientific, *artistic* and other types of production. At the same time, according to the Constitution, the state stimulates, supports, and protects development of science, *arts and culture*.

169. The concept of the fundamental values of the constitutional order, i.e. the fundamental human rights and freedoms, in context of exercise of cultural rights, is elaborated in the Law on Culture ("Official Gazette of the Republic of Macedonia" No. 66/03 and No. 82/05) as basic law that relates to artistic work, its presentation, and protection and use of artistic works.

170. According to the Law, culture is exercised based on the principle of equal position of all persons - both natural and legal, so that they can exercise cultural rights under equal conditions. Equality of natural persons promotes the civil concept of culture. This concept proclaims that every citizen of the Republic of Macedonia, regardless of age, education, religious, ethnic or other affiliation, has right to free artistic work, in a professional or non-professional manner, as well as right to education in the field of culture. Everyone has equal rights with regard to creating and using culture, guaranteed by law. Generally speaking, basic subject in the field of

culture is the citizen, as creator and consumer of culture, regardless of the status, age, social and other affiliation on any grounds (children, women, persons with special needs, retired persons, children without parents, refugees, etc.).

171. In the Republic of Macedonia, as a national state of equal individuals, regardless of their origin and affiliation on any grounds, culture is pursued, at the state level, through activities related to the so-called national interests.

172. National interest in the field of culture is culture itself that is shared interest of the citizens of the country. Therefore, continuous pursuance of culture is necessary, as well as access to culture by all citizens under equal conditions. According to the Law on Culture, all persons (natural and legal) have equal conditions and opportunities to have financed projects that are of national interest.

173. The term "national" reflects precisely the sovereignty of every individual person - citizen of the Republic of Macedonia, with regard to the access to culture. Culture, as field of human activity, has been always unique; conditionally speaking, it is always individual culture, because its creator (author and performer) can only be a natural persons (human being). Artistic works are created based on the decision of the author, i.e. performer.

174. Taking in consideration the Ohrid Framework Agreement, and in order to point out the commitment by the state to promoting and fostering the cultural identity of the communities, and to preserving and promoting cultural diversity, in July 2003, amendments were made to the Law on Culture.

175. These amendments to the Law on Culture are intended to create more favorable conditions for financing projects by persons belonging to the communities, to enable equitable and fair participation in the Culture Council, to publish the Advertisement for the Annual Program also in the languages of the communities that represent more than 20% of the population, as well as to create other normative prerequisites that would reflect the multicultural character of our state.

176. The said amendments to the Law on Culture also created the basis for decentralization in the field of culture. The decentralization enabled all citizens of the Republic of Macedonia to participate on equal footing in the field of culture, as both creators and consumers of culture. Now local cultural institutions maintain direct contact with citizens; hence, they are in a position to make more precise definition of the cultural needs of the citizens and the forms of their satisfaction, thus making the cultural life richer, more diversified, more dynamic, and of better quality.

177. In order to maintain and raise the quality of culture as a fundamental value in the life of the citizens of the Republic of Macedonia, the **2004-2008** National Program for Culture was adopted,² as strategic cultural development document.

178. The concept of the National Program for Culture is based on the possibility for a wider understanding of culture, as manner in which people, using their own tradition, creatively

² The 2004-2008 National Program for Culture ("Official Gazette of the Republic of Macedonia" No. 31/04).

improve the present reality with new achievements and with new values promoting human rights and freedoms. Such definition of culture relies on several fundamental principles, such as: accessibility, diversity, openness, accountability, and flexibility. Accessibility of cultural values refers to exercise of cultural rights of all citizens; on the other hand, diversity relates to fostering the richness of different cultural identities, as well as to the need to widen the scope of creative forms and artistic freedom.

179. The National Program for Culture defines commitments to widen the material, staff and institutional preconditions for the cultural development of all communities; this, in turn, would enable more appropriate conditions for pursuance of culture.

180. In accordance with the constitutional provisions and international experiences, the state has the obligation to build civil society and support NGOs in the area of culture, as well.
