



Republic of Macedonia

CHECK AGAINST DELIVERY

**Introductory Statement by H.E. Ms. Elena Kuzmanovska,
State Secretary at the Ministry of Foreign Affairs
of the Republic of Macedonia,
at
the 87th Session of the UN Committee on the Elimination of Racial Discrimination**

Geneva, 11 August 2015

Mr. Chairman,

Distinguished Members of the Committee,

Let me start by expressing great honour of the delegation of the Republic of Macedonia for being here today and engaging in a constructive dialogue with the Committee on the performance of the Republic of Macedonia in the areas of your mandate. Let me also assure you of our firm commitment to upholding the standards set forth in the Convention and to promoting equality for all.

My today's presentation will focus on the progress achieved and activities undertaken since the submission of the National Report in 2013 and on the list of themes in relation to the Report provided by the Committee.

I wish to recall first of all that one of the major accomplishments in the area of anti-discrimination since the presentation of our previous National Report is the adoption of the Law on the Prevention of and Protection against Discrimination in April 2010. The Law explicitly prohibits direct and indirect discrimination on the grounds of sex, race, skin colour, gender, belonging to a marginalized group, ethnic origin, language, nationality, social origin, religion or confession, other types of belief, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health condition and other grounds, whereby the list of discriminatory grounds becomes non-exhaustive.

Furthermore, the *Criminal Code* of the Republic of Macedonia criminalizes the violation of the equality of citizens on the grounds of differences in gender, race, colour of skin, national and social origin, political and religious conviction, property and social status, language and other personal features or circumstances. In February 2014, the Law Amending the Criminal Code of the Republic of Macedonia was adopted. The amendments expanded the protective grounds to include: sex, race, skin colour, gender, belonging to a marginalized group, ethnic origin, language, nationality, social origin, religion or confession, other types of belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health condition or on any other grounds established by law or by ratified international treaties.

These expanded protective grounds were added to Article 39 (5) – Meting out a punishment; Article 137- violation of citizen equality; Article 144- Threatening the safety; Article 319 - Causing hate, discord and intolerance on national, racial, religious or other discriminatory grounds, Article 394-g: Spreading racial and xenophobic material through a computer system and Article 417- Racial and other discrimination.

Since the Law on the Prevention of and Protection against Discrimination entered into force on 1 January 2011, first instance courts in the Republic of Macedonia have passed 4 judgments in lawsuits filed by persons who considered that they had been discriminated against and that their rights had been violated in accordance with this law.

Furthermore, in 2012 the Constitutional Court of the Republic of Macedonia considered 27 cases concerning the protection of human rights, 15 of which related to protection against discrimination. In 2013 the Court considered 13 cases, 10 of which concerned protection against discrimination, whereas in 2014 the Court considered 16 cases, 7 of which concerned protection against discrimination.

Ladies and Gentlemen,

Reverting to the Law on the Prevention of and Protection against Discrimination, I would like to inform you that the **Commission for Protection against Discrimination** was established in January 2011. It is composed of seven members, appointed by the Assembly of the Republic of Macedonia to a five-year term, renewable once.

In addition to processing applications, the Commission also organizes working meetings with representatives of the local authorities, coordinators for equal opportunities at the local level and citizens as it aims to raise public awareness about the concepts of equality and non-discrimination, increase visibility and understanding of protective mechanisms and legislation for protection of citizens against discrimination and promote the work of the Commission for Protection against Discrimination.

Regarding the number and type of applications submitted in the period from **1 May 2013 to 27 July 2015**, the Commission for Protection against Discrimination received a total of 202 and completed the procedures for 121 applications. It did not process 39 applications in accordance with Article 24 of the Law (Competences of the Commission), established that there had been no discrimination in 66 cases, established that there had been discrimination in 12 cases and terminated the procedure in 4 cases.

In this period, 83 of the applications related to labour and labour relations, 29 related to healthcare and social security, 28 related to access to goods and services, 15 related to education, science and sport, 16 related to the justice system and administration, 9 related to public information and the media, 8 related to housing, 4 related to membership of and activities at labour unions, political parties etc., while 3 applications related to culture.

Most of the applications, 46, alleged discrimination on the grounds of ethnic affiliation, 27 on the grounds of personal or social status, 20 on the grounds mental or physical disability, 16 on the grounds of sex, 21 on the grounds of health condition, 15 on the grounds of education, 30 on other grounds etc.

In the period between 1 May 2013 and 27 July 2015, 14 applications alleged discrimination on the grounds of ethnic affiliation (Roma). The Commission found direct discrimination in the access to goods and services in 1 of the cases.

In 2012, the **2012-2015 National Strategy on Equality and Non-Discrimination** on Grounds of Ethnic Affiliation, Age, Mental and Physical Disability and Gender was adopted, as well as the 2013 Operative Plan for its implementation. The Strategy is being reviewed at present. The goal of the review is to assess the situation, compare the objectives and results planned and achieved, and examine institutional setup and organizational aspects. The review is to be completed in September 2015, when the process of drafting the new 2016-2020 National Strategy on Equality and Non-Discrimination will begin. This document is planned to be adopted by the end of December 2015.

Mr. Chairman,

In line with the amendments to the 2009 Law on the **Ombudsman**, its mandate has been strengthened with the establishment of a number of new departments, including for protection of citizens against discrimination and department for equitable representation. A **draft Law Amending the Law on the Ombudsman** has been prepared. The amendments aim to strengthen the Ombudsman's role as a national preventive mechanism and, at the same time, to consolidate its mandate in regard to the promotion and protection of human rights as well as its financial independence in accordance with the Paris Principles.

In 2013, the Ombudsman's office acted upon 63 requests for protection from discrimination, 30 of which related to protection from discrimination on ethnic grounds. In 15 cases the Ombudsman found violation of citizens' rights, i.e. discrimination, upon which he submitted recommendations to the relevant bodies, which were accepted in 8 cases. In 2014, the number of cases in the domain of anti-discrimination was close to the one in 2013 and most of them related to discrimination on the ground of ethnicity. In most of the cases, the interventions of the Ombudsman were accepted.

Ladies and Gentlemen,

Fostering good **inter-ethnic relations** founded on the principles of mutual tolerance and respect, equal treatment of all before the law and the institutions, full implementation of the Ohrid Framework Agreement are among the principal priorities of the Government. A set of constitutional and institutional guarantees for full protection of the ethnic, cultural, linguistic and religious identity of all communities in Macedonia has been established.

The National Report provides comprehensive information on the legal and institutional framework in this area. Therefore, I will focus on the most relevant developments.

In July 2012, a first stage of the **Review of the status of implementation of all policies deriving from the Ohrid Framework Agreement** was adopted.

In July 2015, the Secretariat for Implementation of the Framework Agreement signed a Memorandum of Understanding on the Review of the Implementation of the Ohrid Framework Agreement with the European Institute of Peace for the purpose of enabling the Secretariat to complete the quantitative and qualitative review of the status of implementation of the policies deriving from the Ohrid Framework Agreement, including non-discrimination and equitable representation, decentralization, education, smaller communities and the use of languages. This process will facilitate developing new policy initiatives supporting social cohesion and structural integration of our society.

The 2014 Law on Employees in the Public Sector provides for the application of the principle of equitable representation in planning employment needs.

The Methodology for the Form, Contents and Format of the Annual Plan and the Report on the Implementation of the Annual Employment Plan, which is adopted by the Minister of Information Society and Administration upon consent from the member of the Government responsible for the implementation of the Framework Agreement, is being prepared. The Methodology should contribute to gradually reducing the positive or negative difference between the current representation at the institution or to maintaining the equitable representation.

Since 2001 representation of smaller ethnic communities in public administration has increased continuously and according to the 2014 Report of the Secretariat for the Implementation of the Framework Agreement, the equitable representation of ethnic communities in public administration (excluding the Army, the Ministry of Defense, the judiciary and the State Attorney) is as follows: 75.2% Macedonians, 18.4 % Albanians, 1.7% Turks, 1.6 % Serbs, 0.6 % Vlachs, 0.5 % Bosniaks, 1.2 % Roma and 0.8 % others.

The Agency for the Exercise of the Rights of the Communities that has been established oversees the implementation of all laws regulating the rights of the persons belonging to communities constituting less than 20% of the overall population in the country. The Agency coordinates its actions with the Secretariat for the Implementation of the Ohrid Framework Agreement, the Office for the Development and Promotion of Education in the Languages of the Persons Belonging to the Communities and the Office for the Promotion of the Cultures of the Persons Belonging to the Communities. Furthermore, in cooperation with civil society organizations of the communities and relevant central and local government institutions, participatory forums are being held on a quarterly basis. The main purpose of participatory forums is to build capacity of relevant civil society organizations, share information and experiences, pay due consideration to the needs of the persons belonging to the communities and produce proposals and suggestions as to future courses of action.

Ladies and Gentlemen,

The Republic of Macedonia has been making continuous efforts to improve the status of **non-citizens including migrants, refugees and asylum seekers** across its territory, while dealing at the same time with the on-going rising challenges it has been facing in that context. The activities that the country has been pursuing with a view to addressing the situation and improving the material conditions for accommodating irregular migrants have been launched in separate stages and based on how the overall situation with migrants in the Republic of Macedonia has been unravelling.

In parallel with the stark increase in the overall number of individuals accommodated at the Reception Centre for Foreigners on a yearly basis, a significant shift in the variety of different nationalities they belong to has also become apparent. At the same time, a large proportion of them have also been registered to not be able to present any type of document for personal identification.

Immediately after being admitted to the Reception Centre, foreign nationals are informed about their rights and obligations as laid down by the House Rules of the Reception Centre for Foreigners. Detained individuals have the right of receiving visits, conducting telephone conversations and receiving packages and money under the conditions set out by the House Rules of the Reception Centre for Foreigners.

In cases of unaccompanied minors, the Ministry of Labour and Social Policy and Social Work Centres are also informed with a view to urgently assign guardians to them. Moreover, in keeping with Article 8 of the Law on Primary Education, children holding foreign nationality or stateless children staying in the country are afforded the right to primary education under equal conditions as children who are nationals of the Republic of Macedonia.

Over the second half of 2014, the country intensified its efforts aimed at additionally improving the material conditions for accommodation at the Reception Centre for Foreigners. With the help of the Red Cross of Macedonia and using the support of the UNHCR, an additional medical doctor (making a total of two) was assigned to the Centre, hence ensuring that healthcare professionals are present at the facility for 7 (seven) days a week. Furthermore, the country's Red Cross expanded its assistance package for the Centre, whereas other in-line ministries and institutions took a more active part in the efforts to improve the conditions at the facility. As regards healthcare, all clinical tests and inpatient treatment of migrants, as well as other services and medical interventions afforded to them, have been made free of charge.

However, one of the greatest shortcomings was the capacity of the facility, which in the newly arisen situation caused problems in fulfilling some of the standards for accommodation of this category of foreign nationals.

With a view to overcoming this situation, possibilities have been considered to relocate the Reception Centre for Foreigners into a building with greater capacity

In response to the increased number of individuals needing accommodation, a temporary solution was arrived at in March 2015 by granting the Gazi Baba Reception Centre for Foreigners another building to be used on a temporary basis which is located within the wider compounds of the Reception Centre for Asylum Seekers (in Vizbegovo). This measure ensured that the overall capacity of the Reception Centre for Foreigners is increased to as many as a 100 individuals, providing them with better material conditions for accommodation and access to other services such as kindergarten and children's playground.

The new Law on Foreigners which is currently being drafted is to contain provisions envisaging that unaccompanied minors and families with minors are detained only as a measure of last resort and within the shortest possible period. Moreover, it will ensure the implementation of several relevant EU Directives. Under the new legislative solutions, the maximum period of detention at the Reception Centre for Foreigners will be reduced from the presently applicable 12 months to 6 months.

In parallel, on 18 June 2015, amendments to the Law on Asylum and Temporary Protection were adopted.

The aforementioned amendments ensured that a clear distinction is made between the intent to file an application for being granted the right to asylum and the actual filing of the application by potential asylum seekers. Under this proposed regulation, foreign nationals are allowed **to express their intent** to file an application for being granted the right to asylum to a police officer at any official border crossing or other location across the territory of the Republic of Macedonia and be subsequently instructed to actually file such an application to an authorized officer of the Asylum Unit at the Reception Centre for Asylum Seekers **within 72 hours from stating their intent**. The aim of these amendments is to facilitate potential asylum seekers their access to the asylum application procedure, prevent irregular migration and migrants walking on foot along the country's railroad tracks and other high-risk transportation routes while ensuring that they are instead allowed to use public transport across the entire territory of the country. Furthermore, the amendments are expected to reduce migrant smuggling by criminal groups and individuals. They also allow for having a better overview of the general situation relating to irregular migration, as well as ensuring that irregular migrants are being afforded better healthcare while staying in the Republic of Macedonia. Since the entering into force of these amendments until August 10th 2015, more than 30,000 foreign nationals have exercised the right to state their intention of filing an asylum-seeking application (their total number is changing on a daily basis and the overall situation can be followed and monitored at the website of the Ministry of the Interior). Over that

same period, the number of registered cases of migrant smuggling has been dramatically reduced; while there have been no reports at all of accidents having fatal consequences to irregular migrants.

Mr. Chairman,

The conditions and procedure for granting asylum to foreigners or to stateless persons, and the conditions under which the Republic of Macedonia may grant temporary protection are regulated by the Law on Asylum and Temporary Protection. This Law introduces the right to protection for categories designated as “recognized refugees” (proclaimed as such under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees), as well as “persons under subsidiary protection”.

In 2013, the Republic of Macedonia granted asylum to one Afghan national on the grounds of that individual needing subsidiary protection. In 2014, a total of 11 Syrian nationals were granted asylum on the grounds of them being recognized refugees, whereas one Ukrainian national was granted asylum on the grounds of needing subsidiary protection. By mid July 2015, 1 Syrian national has been granted asylum as a recognized refugee.

At this instance, a total of 28 recognized refugees and 505 individuals under subsidiary protection are staying in the Republic of Macedonia. Most of them had sought international protection as a result of the 1999 conflict in Kosovo and belong to the Roma, Ashkali or Balkan Egyptian ethnic communities.

The activities relating to the integration of refugees and foreign nationals in the Republic of Macedonia have been defined by the **2008-2015 Strategy on the Integration of Refugees and Foreign Nationals**. In keeping with this Strategy, the Government of the Republic of Macedonia also adopted a National Action Plan for its implementation. As a consequence, in line with the recommendations set out by the Strategy, an Integration Centre has been operating as a project-pursuing department at the Ministry of Labour and Social Policy that has been charged with drafting individual integration plans.

In addition to that, the drafting of a new 2015-2025 Strategy on the Integration of Refugees and Foreign Nationals and its relating Action Plan is currently under way.

Ladies and Gentlemen,

In the context of the **situation of the Roma**, let me underline that the position of Roma is particularly vulnerable and major efforts have been made to remedy the situation. The main policy papers in this area are the National Strategy for the Roma in the Republic of Macedonia and the 2005-2015 Decade of Roma Inclusion. Implementation activities are focused on National Action Plans in areas of

education, housing, health care, and employment. Municipalities with majority Roma population have prepared local action plans, which they implement depending on their available budget.

As regards housing, the general consideration is that the living conditions of the Roma are very bad, often below the proclaimed standards for proper housing. In light of such a situation, in 2010, the Minister without Portfolio and National Coordinator for the Roma Decade and Strategy signed Memorandums of Cooperation with 19 municipalities with the purpose of undertaking coordinated actions for the resolution of the problems of the Roma, and in order to ensure budget funds for certain activities at the local level intended for the Roma.

Following the signing of the Memorandum, under the Budget of the Republic of Macedonia for 2012, 2013, 2014 and 2015, funds were allocated for implementation of projects under the Decade and Strategy for the Roma in the Republic of Macedonia and the Action Plan in the area of housing.

In addition, there is an on-going Housing Project intended for socially vulnerable groups, funded partially under loan in the amount of EUR 25.35 million from the Development Bank of the Council of Europe and with EUR 25.35 million under the Budget of the Republic of Macedonia for construction of 1,741 subsidized apartments in 33 apartment buildings in 26 cities. The Project implementation period is from 2007 to 2018.

According to a Decision of the Government for allocation of subsidized apartments and on conditions for their use, beneficiaries of subsidized apartments may be persons belonging to 7 categories of citizens, underprivileged persons and other vulnerable groups who do not have housing, which includes underprivileged persons belonging to the Roma community.

According to certain assessments, about 70% of the Roma do not possess property ownership deeds for their housing, i.e. they live in illegally constructed houses and the legal status of their property is not regulated. With a view to resolving these problems, not only of the Roma population, but also of the population at large at the national level, in 2011, the Government of the Republic of Macedonia adopted the Law on the Legalization of Illegally Constructed Buildings. The fee for legalization is EUR 1 per 1 m².

In cooperation and with the support of several international partners, the Unit for Implementation of the Roma Strategy and Decade at the Ministry of Labour and Social Policy pursues the following projects: **Inclusion of Roma Children in Pre-School Education; Inclusion of Roma in the active employment measures; Rome Information Centres; Project for Free Legal Assistance; Action for registering of persons in the Birth Register-** under this action 550 persons have been identified as persons whose birth has not been registered in the Birth Register and 120 persons of them have been registered in the Birth Register; **Regional Support for the improvement of the capacities for making a real progress in the social inclusion of Roma; Strengthening the rights of underprivileged groups in the Western Balkans (with a focus on Macedonia); ROMED Program**, which was focused on

lobbying and advocacy for the Roma community, trainings for representatives of local self-governments and for non-governmental organizations; **Project for advancement of the implementation of the Roma Strategy and National Action Plans**- under this project the existing National Roma Strategy has been revised in pursuance with the Agenda for Social Inclusion of the Roma, the EU 2020 guidelines and finally a new Roma Strategy was prepared covering the period from 2014 to 2020. The **Roma Info Portal** (www.romainfo.mk) was opened in February 2015. It offers information in several areas of relevance for the affirmation of the Roma, offering as well search tools for activities, projects and services in various municipalities in Macedonia.

Mr. Chairman,

In regard to activities and measures in the area of **education** of persons belonging to communities, I would like to underline that in pursuance with the concept for primary education, persons belonging to communities have the right to instruction in their mother tongue or in one of the languages of instruction in use. Persons belonging to the Albanian, Turkish and Serbian community have education at all levels of education in their respective mother tongues (starting with pre-school education over to higher education), while persons belonging to the Bosniak, Vlach, and Roma communities have an optional subject for study of their mother tongue starting from the third grade of primary education to the end of primary education. Curricula and text books have been developed for the optional mother tongue subjects and for other subjects in the languages of instruction. Teachers belonging to the relevant communities have been engaged to provide instruction.

With a view to reducing the drop-out rate of Roma children from secondary education, starting with the 2009/2010 school year until the 2013/2014 school year, inclusive, a total number of 2,862 scholarships were allocated to Roma secondary school students. The percentage of scholarship holders who successfully complete school is more than 97% (a total of 40 scholarship holders have dropped-out).

In the period from the 2009/2010 school year over to the 2013/2014 school year, a total number of 661 mentors were engaged to work with Roma secondary school students throughout the school year.

The percentage of scholarship holders/ secondary school seniors who have enrolled in university ranges from 40 to 62.4% and is progressing.

In 2014, in cooperation with the National Roma Centre in Kumanovo, the Ministry of Education and Science prepared a Strategy introducing Roma education mediators in the education system. It is envisaged that the first Roma education mediators will start working in the education system as of September 2015, i.e. with the start of the 2015/2016 school year.

During the summer period and prior to the start of each school year, in cooperation with Roma non-governmental organizations and Roma Information Centres, the Ministry of Education and Science

organizes information dissemination activities among the Roma population regarding the importance of enrolling children in schools, i.e. enrolling their children in the first grade of primary education and in the first year of secondary education. These information dissemination activities are organized in the form of informative workshops and through direct visits to Roma families in their homes. The aim is to raise the awareness among parents by informing them and by providing with assistance for enrolment of their children in primary and in secondary schools.

Ladies and Gentlemen,

I would like to now briefly inform you about a number of issues that might be of interest to you.

In respect of the implementation of the **Ruling of the Constitutional Court, dated 15 July 2014 abolishing Article 37, paragraph 1, item 6 and Article 38, paragraph 4 of the Law on Travel Documents of Nationals of the Republic of Macedonia**, I would like to underline that the said Ruling is fully abided by. Thus, the following provisions are no longer used as grounds to reject filed applications for passport or visa; *“if the person has been subject to forced return or deportation from another country because the person has violated the regulations for entry and stay in the concerned state”*, and nationals are no longer denied exit from the Republic of Macedonia on the basis of these provisions of the Law on Travel Documents of the Nationals of the Republic of Macedonia.

As regards activities of the Ministry of the Interior, let me inform you that in 2014, the Ministry of the Interior promoted the **Human Rights Concept**, which defines the strategic commitment of the Ministry to raising the already attained level of respect for and protection of human rights. The Concept is to serve as the fundamental reference document of the Ministry and of the Police with respect to the policy and procedures respecting human rights, with a view to ensuring the maximum level of protection and guarantees for fundamental human rights and freedoms.

At the end of my introductory presentation, I would like to inform you that in April 2012, the Government of the Republic of Macedonia established an Inter-Sector Human Rights Body, chaired by the Minister of Foreign Affairs, while its members are the State Secretaries of all in-line Ministries and governmental bodies. The external members of the Body are: the Deputy Ombudsman, the President of the Agency for Audio and Audiovisual Media Services, the President of the Commission for Protection against Discrimination, and the President of the Commission for Protection of the Right to Free Access to Public Information.

The Body's competences consist of the following: advancing the coordination of human rights activities of all in-line Ministries and governmental bodies; information exchange and **implementation of recommendations contained in reports of relevant Committees and other bodies of the UN, including the CERD**, Council of Europe, the EU, and other international organizations; presenting

proposals for the improvement of human rights legislation and presenting proposals to the Government for pursuance of activities of importance for human rights promotion in the Republic of Macedonia.

Distinguished members of the Committee, I thank you for your attention and look forward to our dialogue.