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## **ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

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### **Third Opinion on “the former Yugoslav Republic of Macedonia” adopted on 30 March 2011**

#### **EXECUTIVE SUMMARY**

Since it ratified the Framework Convention in 1997, “the former Yugoslav Republic of Macedonia” has continued to pursue its efforts to develop a system of protection of minority rights by adopting legislation extending the use of national minority languages in public institutions, promoting equitable representation of persons belonging to national minorities in the state administration bodies and in other public institutions and extending minority language teaching.

“The former Yugoslav Republic of Macedonia” adopted the Antidiscrimination Law in April 2010 and the establishment of the Commission for Protection Against Discrimination is ongoing. The law provides a clear legal basis for protection against discrimination and establishes a judicial procedure for its enforcement. However, cases of discrimination of the Roma in the fields of education, employment, housing and health care continue to be reported.

The authorities continue to provide various forms of support for cultural activities of national minorities, but the funding is limited and insufficient to meet the needs, especially of persons belonging to smaller groups.

A well-developed system of minority language education exists in “the former Yugoslav Republic of Macedonia”. Minority language, bilingual and trilingual schools and have been well established to provide education in the Macedonian, Albanian, Turkish and Serbian languages. In addition, elective subjects on the language and culture of the Bosniaks, Vlachs and Roma are taught in schools attended by significant numbers of children belonging to these national minorities.

Society in “the former Yugoslav Republic of Macedonia” remains deeply polarised along ethnic lines. This is particularly evident in political life with a predominance of parties established along such ethnic lines, and also in the education system and the media.

Despite some progress towards implementing the legal right to the equitable representation of ethnic communities in the state administration bodies and in other public institutions, in particular as regards persons belonging to the Albanian minority, the number of persons belonging to different ethnic communities in employment still does not correspond to their proportion in society. Persons belonging to numerically-smaller minorities (Bosniaks, Serbs, Turks, Vlachs and Roma) remain significantly underrepresented.

Efforts to improve the situation of the Roma have yielded some results, especially as regards equal access to education for Roma children. Unemployment among the Roma, standing at over 70% remains an issue of great concern, and more sustained efforts are needed to address the situation along with further efforts in the fields of housing, education, and access to health care. In some Roma settlements, the living conditions remain very poor. Cases of ill-treatment by the police continue to be reported.

#### **Issues for immediate action**

- **develop urgently and implement appropriate and targeted policies to address the problems confronting Roma in the field of employment; allocate adequate resources to address the situation of Roma with regard to housing, education, and access to health care and the particular needs of Roma women;**
- **undertake further measures to promote tolerance, mutual understanding, respect and intercultural dialogue, and further measures to combat prejudice towards persons belonging to national minorities, including through the effective implementation and monitoring of the laws adopted to implement the Ohrid Framework Agreement; create opportunities for interethnic dialogue in all spheres of life, in particular aiming to involve in joint activities children and young people living in ethnically-mixed areas;**
- **take measures to effectively redress the underrepresentation of persons belonging to numerically-smaller national minorities in the state administration bodies and in other public institutions at all levels.**

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**THIRD OPINION ON “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”**

1. The Advisory Committee adopted the present Opinion on 30 March 2011 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report, received on 11 March 2010 (hereinafter the State Report), and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Skopje and Tetovo, from 29 November to 2 December 2010.
2. Section I below contains the Advisory Committee’s main findings on key issues pertaining to the implementation of the Framework Convention in “the former Yugoslav Republic of Macedonia”. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee’s first and second Opinions on “the former Yugoslav Republic of Macedonia”, adopted on 27 May 2004 and 23 February 2007 respectively, and in the Committee of Ministers’ corresponding Resolutions, adopted on 15 June 2005 and 9 July 2008.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers’ forthcoming conclusions and recommendations on “the former Yugoslav Republic of Macedonia”.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of “the former Yugoslav Republic of Macedonia” as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of States Parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee’s Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. The Macedonian authorities have maintained a constructive approach to the process of monitoring under the Framework Convention. The Advisory Committee welcomes the willingness to co-operate shown by the authorities during the process leading up to the adoption of the third Opinion. Moreover, the Advisory Committee wishes to highlight useful steps taken by the authorities to disseminate the results of the first two cycles of monitoring. The second Opinion of the Advisory Committee, the government's Comments and the Resolution of the Committee of Ministers on the implementation of the Framework Convention were translated in the Macedonian, Albanian, Bosnian, Serbian, Turkish, Vlach and Roma languages and disseminated. In addition the Advisory Committee's "Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs" was also translated into the Macedonian language and disseminated.

7. The Advisory Committee welcomes the organisation of a follow-up seminar in 2009, which was instrumental in disseminating the results of the second monitoring cycle and preparing for the third cycle of monitoring. The Advisory Committee also notes the organisation of the Conference on "Strengthening the Cohesion of European Societies: Effective Participation of Persons belonging to National Minorities in the Decision-Making Process", in the frame of the Macedonian Chairmanship of the Committee of Ministers of the Council of Europe, organised in June 2010.

8. The Advisory Committee visited "the former Yugoslav Republic of Macedonia" from 29 November to 2 December 2010. It finds that this visit, organised at the invitation of the Macedonian Government, provided a good opportunity to have a direct dialogue with the parties concerned. The additional information provided by the government and by other sources, including by representatives of national minorities, has proved to be most valuable. The meetings took place not only in Skopje, but also in Tetovo.

### **General overview of the implementation of the Framework Convention after two monitoring cycles**

9. Since ratifying the Framework Convention in 1997, "the former Yugoslav Republic of Macedonia" has continued its efforts to protect national minorities. The authorities have continued to show their commitment to the implementation of this treaty. The legal basis established to implement the Ohrid Framework Agreement (OFA) of 2001 generates continued inter-ethnic co-operation and remains vital for political stability of the country. The Advisory Committee notes that the legislation implementing the OFA has been largely put in place.

10. In particular, the Advisory Committee welcomes the adoption in August 2008 of the Law on the Use of Languages, which gives a clear legal status to the Albanian language and regulates its use in parliament, government Ministries, judicial and administrative proceedings. The adoption of the law was followed by the recruitment by the legislature of more skilled translators and interpreters

11. Authorities have also stepped up their efforts to increase participation of persons belonging to national minorities in the workforce of the country. The Law on Promoting and Protecting the Rights of Persons Belonging to Communities which Represent Less than 20% of the Population, adopted in 2008, enshrines the principle of equitable representation in respect of employment of persons belonging to minority communities in the state administration bodies and in other public institutions at all levels.

12. Despite these commendable efforts of the authorities, society in “the former Yugoslav Republic of Macedonia” remains deeply polarised along ethnic lines, with principal national groups – the Macedonian majority and the Albanian minority – living a parallel existence alongside each other, but without significant interaction with each other. Such parallel, co-existence is particularly evident in the education system, the media, political parties and as regards living areas.

13. There have been instances of inter-ethnic tension caused by lack of dialogue, stereotyping and prejudice, such as the portrayal of Albanians as “mountain people” in the first national encyclopaedia. Lack of proper consultation with interested stakeholders of the decision to introduce teaching of the Macedonian language from the first year of schooling of children belonging to national minorities led to protests, which resulted in the decision being withdrawn. Recent calls by some political parties to boycott the census is an indicator of insufficient dialogue on an issue of great importance for the future of inter-ethnic relations in the country.

### **Legislative framework and institutional structures**

14. Progress has been made in the field of legislative and institutional protection against discrimination. Anti-discrimination legislation which also established the Commission for Protection Against Discrimination (CPAD) has been adopted. The law empowers the Commission, together with the courts, to enforce the law and in particular to receive complaints from individuals, initiate proceedings before competent bodies in cases of alleged discrimination, to review draft legislation, suggest amendments to existing legal acts, and to make recommendations. The shifting of the burden of proof provided for in the legislation, the provision enlarging the scope of application of the law to private relations and the provision allowing third-parties to intervene as *amicus curiae* in cases of discrimination are to be welcomed.

15. The Office of the Ombudsman continues to play an active role in protecting human rights. It has received a number of complaints from persons belonging to all ethnic communities regarding discrimination on ethnic grounds, including the non-respect of the legally guaranteed principle of adequate and equitable representation of persons belonging to all ethnic communities in the state administration bodies and other public institutions and reports regarding ill-treatment by the police of the Roma.

### **Support for minority cultures**

16. The authorities continue to provide various forms of support for cultural activities of national minorities, such as libraries, cultural institutes, museums, art galleries, cultural centres, theatres, a cinematographic archive, an opera and ballet, and performing arts festivals. A specialised Bureau for the Promotion and Advancement of the Culture of Communities has also been established within the Ministry of Culture to monitor the encouragement and the advancement of cultural identities of persons belonging to the various ethnic communities.

17. The funding allocated to the performing arts, cultural centres and cultural associations have remained at similar levels in the last five years. Various interlocutors have underlined that public financial support for national minorities’ activities is still limited and insufficient to meet needs. In particular the limited funding allocated to cultural activities of the numerically-smaller groups, such as the Vlachs and Serbs, seriously undermines their efforts to carry out activities aimed at preserving their language and culture. Furthermore, representatives of national minorities are not sufficiently involved in the decision-making process on the distribution of funds for cultural projects.

### **Rights of persons belonging to national minorities in the field of education**

18. A well-developed system of minority language education exists in “the former Yugoslav Republic of Macedonia”. The Law on Primary and Secondary Education establishes that the Macedonian language shall be the language of instruction at primary and secondary level, but also recognises the right of persons belonging to national minorities to the teaching of and in their language. Additionally the Higher Education Act obliges the state to provide minority language education where the language is spoken by over 20% of the country’s population.

19. Albanian minority language, bilingual (Macedonian/Albanian, Macedonian/Turkish and Macedonian/Serbian) and trilingual language schools and have been well-established and provide education to a large number of children belonging to these ethnic groups. In addition, elective subjects on the language and culture of the Bosniaks, Vlachs and Roma language and culture classes are taught in some schools and are attended by significant numbers of children belonging to these national minorities. It is regrettable however, that not all schools attended by children belonging to national minorities offer such elective subjects and consequently a substantial number of children belonging to national minorities have no opportunity to study their language and culture.

20. The lack of opportunities for Roma children to attend pre-school education affects negatively their acquisition of the Macedonian language and jeopardises their further education. There is a lack of qualified teachers speaking the Romani language and no textbooks to teach the Romani language and culture have been developed.

### **Situation of the Roma**

21. The authorities have increased efforts to combat discrimination and integrate Roma into society. The Strategy for the Roma and the National Action Plan for the Decade of Roma Inclusion 2005-2015 has already yielded some results, especially as regards equal access to education for Roma children. The introduction of scholarships specifically earmarked for Roma secondary school students, the reduction by 10% of the average mark required of Roma children to enrol in secondary school and the ethnic quota system at universities are all to be welcome. Other positive measures concern free distribution of textbooks to Roma children attending primary and secondary schools and free school transportation.

22. Cases of discrimination against Roma in the fields of education, employment, housing, security of tenure and health care continue to be reported. Many projects contained in the National Action Plan for the Decade of Roma Inclusion have been downsized or remain unimplemented. The projects which are implemented, such as the inclusion of Roma in pre-school education, and scholarships for Roma secondary-school students, are financed for a large part from non-budgetary sources, and only to some degree by the state budget itself. Additionally, many initiatives remain pilot projects and there is no systematic follow-up provided by state institutions. Some of the newly-hired persons are paid all or part of their salary without having to report for work. This does not help to increase the effective participation of persons belonging to national minorities in the economic life of the country. In addition, it could have a negative impact on the quality and the consistency of services provided by the civil service and fosters resentment in society.

23. The situation as regards employment of the Roma remains unacceptable with more than 70% of Roma remaining unemployed. The action plans in the field of employment have not been implemented at a sustained pace. The authorities have not shown the necessary determination and the inter-ministerial co-ordination working group on implementation of the Roma strategy in 2009 met only twice. In some Roma settlements, inhabitants face most

deplorable living conditions, without proper roofing, electricity, running water, sewage treatment and roads.

24. In spite of the diminishing number of cases of ill-treatment of Roma by the police, such cases continue to be reported. Allegations of discriminatory ill-treatment of Roma are not properly investigated by an independent body and the Sector for Internal Control and Professional Standards (SICPS) within the Ministry of Interior, which is in charge of scrutinising police behaviour cannot be considered to be an impartial and independent investigator.

### **Right of persons belonging to national minorities to effective participation**

25. Persons belonging to national minorities continue to play an active role in the political life of “the former Yugoslav Republic of Macedonia”. There are two major Albanian parties represented in the National Assembly (one in government, one in opposition) and there are a number of parliamentarians elected in respect of all national minorities, including Roma. At the local level, persons belonging to national minorities are widely represented in local authorities. The Action Plan for the Improvement of the Status of Roma Women, the purpose of which is to include Roma women in all spheres of social life, requires sustained implementation and monitoring.

26. Despite some progress towards implementing the right to the equitable representation of ethnic communities in the public sector, at central and local levels, in particular as regards persons belonging to the Albanian minority, their number still does not correspond to the proportion of Albanians in Macedonian society. Persons belonging to numerically-smaller minorities (Bosniaks, Serbs, Turks, Vlachs and Roma) are still significantly underrepresented.

### **Media**

27. Public television (MTV) and radio extensively broadcast programmes in the languages of national minorities (Albanian, Turkish, Serbian, Romani, Vlach and Bosnian). The Parliamentary Channel of the MTV broadcasts the activities from the parliament, which are conducted in the Albanian and Macedonian languages.

28. It is of concern that media outlets, both public and private, remain strongly divided along linguistic lines with very limited opportunities for intercultural dialogue. Only one Albanian language TV channel broadcasts bilingual programmes on a regular basis, thus actively contributing to greater mutual understanding between the Albanian and Macedonian communities.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

##### *Recommendations from the two previous cycles of monitoring*

29. In the previous cycles of monitoring, the Advisory Committee urged the authorities to continue to display a flexible and dynamic approach to the personal scope of application of the Framework Convention. It encouraged them to examine possible inclusion, within the scope of the Framework Convention, of persons belonging to other groups having shown an interest in the protection of this convention, including non-citizens, as appropriate, on an article-by-article basis.

30. The Advisory Committee also urged the authorities to continue their dialogue with the Egyptians in order to review with them the measures needed to preserve their identity and enable them to participate effectively in public affairs.

##### *Present situation*

31. The Advisory Committee notes that there has been no change since the 2<sup>nd</sup> monitoring cycle in the position of the Macedonian authorities concerning the scope of application of the Framework Convention. The declaration deposited by the authorities of “the former Yugoslav Republic of Macedonia” on 2 June 2004<sup>1</sup> remains in force restricting the personal scope of application of the convention to citizens belonging to one of the six enumerated groups.

32. The status of Egyptians<sup>2</sup> as a national minority has not been recognised by the authorities. The Advisory Committee notes in this context that this group had expressed an interest in the protection of the Framework Convention in the past. The dialogue with the representatives of this group, which the Advisory Committee was informed of at the time of its second visit, did not yield any concrete results. The Advisory Committee notes that the main obstacle to the recognition of Egyptians as a separate national group is the consideration by the authorities and the majority of the population, that persons identifying themselves as Egyptians are in fact Roma.

33. With regard to the non-recognition of Egyptians as a national minority, the Advisory Committee reiterates its view, that recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention. In this context, the Advisory Committee examines the personal scope of application given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made.

34. Given the cultural diversity of Macedonian society, and considering that, according to the representatives of the Albanian minority, a significant number of Albanians in “the former Yugoslav Republic of Macedonia” are not citizens of the state, the Advisory Committee believes

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<sup>1</sup> The text of the Declaration contained in a letter from the Minister of Foreign Affairs of “the former Yugoslav Republic of Macedonia”, dated 16 April 2004 reads : ‘Referring to the Framework Convention, and taking into account the latest amendments to the Constitution of the Republic of Macedonia, the Minister of Foreign Affairs of Macedonia submits the revised declaration to replace the previous two declarations on the aforesaid Convention:

The term "national minorities" used in the Framework Convention and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniak people.’

<sup>2</sup> According to the 2002 population census, some 4,000 persons identified themselves as Egyptians.

that protection under the Framework Convention might be extended where appropriate to Albanians, who are not citizens. The Advisory Committee further believes that such protection should also be considered for non-citizens belonging to the Roma and other minorities.

35. The Advisory Committee would like to remind the authorities that the citizenship criterion is considered as a restrictive element that can have discriminatory effects in some areas of life. Indeed, using a citizenship requirement in a general provision dealing with the scope of application of minority rights is not appropriate as these rights are human rights and not rights of citizens. In particular, the Advisory Committee considers that the authorities should review the use of the citizenship criterion and limit its use only to those provisions, such as those relating to electoral rights at national level, where such a requirement is relevant. This would be consistent with current efforts at European level to develop a more nuanced approach to the application of the citizenship criterion in the protection of national minorities.<sup>3</sup>

36. The Advisory Committee welcomes the conclusion in 2007 by “the former Yugoslav Republic of Macedonia” and the Republic of Croatia of an agreement on the preservation and promotion of the national identity of the respective ethnic communities living in both countries. According to the information contained in the State Report, this agreement protects the rights of persons belonging to the Croat national minority living in “the former Yugoslav Republic of Macedonia” (see also comments under Article 18). The Advisory Committee considers that it is an important step towards formal recognition of the status of persons of Croat ethnicity as a national minority.

#### *Recommendations*

37. The Advisory Committee encourages the Macedonian authorities to pursue a more inclusive approach and to consider extending the protection of specific articles of the Framework Convention to resident non-citizens belonging to national minorities.

38. The Advisory Committee urges the authorities to engage in a dialogue with persons belonging to groups interested in the protection offered by the Framework Convention. In particular, the authorities are encouraged to intensify their dialogue with representatives of the Egyptian community.

39. The Advisory Committee encourages the authorities to consider introducing measures leading to the recognition of the status of persons of Croat ethnicity, as a national minority.

### **Data collection**

#### *Recommendations from the two previous cycles of monitoring*

40. In the previous cycles of monitoring, the Advisory Committee underlined the importance of having reliable data on the ethnic composition of the population and noted that persons belonging to national minorities in particular have disputed the results of the population census. It encouraged the authorities in charge of collecting and processing data related to ethnic origin to pay due attention to the right of every person belonging to a national minority “freely to choose to be treated or not to be treated as such”, contained in Article 3 of the Framework Convention, as well as to the principles enshrined in the Committee of Ministers’ Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes.

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<sup>3</sup> See Venice Commission, Report on Non-citizens and Minority Rights, CDL-AD(2007)001, 18 January 2007, pointing out that citizenship should not be regarded as an element of the definition of the term ‘minority’ but may appropriately be regarded by states as condition necessary to enjoy *certain* minority rights.

*Present situation*

41. The Advisory Committee notes that a new population census, originally scheduled for April 2011 in “the former Yugoslav Republic of Macedonia” has been postponed until October 2011. The Advisory Committee further notes that the state Statistical Office conducted a Census Test in 2009 which contained questions on ethnic origin, religion and language.

42. The Advisory Committee notes that the law on the Census was adopted in December 2010. According to the information provided by the authorities, the questionnaire to be used in the census was drafted in consultation with representatives of national minorities. The Advisory Committee welcomes the information that the questionnaire, which has been translated into seven languages spoken by persons belonging to national minorities, contains optional open-ended questions on ethnic origin, religion and language. It is planned that the census will be monitored by EUROSTAT.

43. The Advisory Committee takes note of calls by some political parties to boycott the census, on the grounds that a census conducted outside the July-August period will not enumerate the 200,000 strong diaspora usually returning home for the summer holidays. According to the information obtained by the Advisory Committee, it is claimed that such timing may disproportionately affect persons belonging to the Albanian minority.

44. The Advisory Committee reiterates its view that it is important that in the months preceding the census, the authorities raise awareness of its importance among the persons belonging to national minorities, in co-operation with minority representatives aimed at ensuring full participation. These activities relate to the importance and usefulness of the collection of information about the ethnic composition of the population, as well as about the national safeguards and international standards for the protection of personal data. Ethnic data collection should be conducted in close co-operation with national minority representatives and with full respect for safeguards, notably those related to the protection of personal data, the specific and limited use of such data by the authorities, and the free, informed and unambiguous consent of the persons concerned, as laid down in the Committee of Ministers Recommendation (97)18 concerning the protection of personal data.

45. The Advisory Committee welcomes plans to include persons belonging to the different national minorities among the census enumerators which, in principle, should promote the atmosphere of trust necessary to obtain reliable figures in respect of the ethnic composition of the population. The Advisory Committee regrets however that the available options do not allow the respondents to indicate more than one ethnic affiliation or more than one language, which is contrary to the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing.<sup>4</sup>

*Recommendations*

46. The Advisory Committee urges the authorities that in carrying out the census care should be taken to include persons belonging to national minorities, and persons speaking the minority languages among the census officials. In particular it is important that sufficient numbers of persons belonging to relevant national minorities are included among census enumerators in the areas where substantial numbers of persons belonging to those national minorities live.

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<sup>4</sup> Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: “respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so”, paragraph 431: “Questions will generally refer to one language only. Multiple languages may be required for the mother tongue and main languages of minority groups”.

47. The Advisory Committee encourages the authorities to process the census data in strict conformity with the principle of self-identification and with the recommendations of the Conference of European Statisticians, in order to ensure that reliable figures in respect of the ethnic composition of the population are collected.

## **Article 4 of the Framework Convention**

### **Legal and institutional framework for combating discrimination**

#### *Recommendations from the two previous cycles of monitoring*

48. In the previous cycles of monitoring, the Advisory Committee found shortcomings in the legal framework offering protection against discrimination and urged the authorities to examine existing anti-discrimination provisions and take the necessary legislative steps, including, as appropriate, through the adoption of comprehensive anti-discrimination legislation.

49. The Advisory Committee also asked the authorities to make more determined efforts to raise public awareness of human rights and of action to combat discrimination, among others by involving and supporting NGOs active in this field in order to increase their capabilities.

#### *Present situation*

50. The Advisory Committee welcomes the adoption of the Anti-Discrimination Law in April 2010 (in force as from 1 January 2011) which provides a clear legal basis for protection against discrimination, including in the field of employment. The law provides protection against and prohibits discrimination (among others) on racial, ethnic, national or religious grounds and establishes the courts' jurisdiction in alleged cases of discrimination. The Advisory Committee notes the shifting of the burden of proof envisaged in the legislation, the provision enlarging the scope of application of the law to private relations, and the provision allowing third-parties to intervene as *amicus curiae* in cases of discrimination.

51. The Advisory Committee also notes the ongoing establishment of the Commission for Protection Against Discrimination (CPAD) which has been empowered, together with the courts, to enforce the law and in particular to receive complaints from individuals, initiate proceedings before competent bodies in cases of alleged discrimination, to review draft legislation, suggest amendments to existing legal acts, and to make recommendations to state and municipal authorities on the elimination of discriminatory practices and on repealing their previous decisions.

52. Due to the fact that the CPAD had not started its operation at the time of consideration of this Opinion, the Advisory Committee is not in a position to make an assessment of its composition, functioning and impact.

53. The Advisory Committee notes that the Office of the Ombudsman continues to play an active role in protecting human rights in "the former Yugoslav Republic of Macedonia" and it received a substantial number of complaints from persons belonging to all ethnic communities (3,632 in 2009, last year for which figures are available). The Advisory Committee notes that these complaints concerned a large variety of issues including a small number of complaints (20) alleging discrimination and inadequate or inequitable representation.

54. According to the information provided by the Ombudsman in the Annual Report for 2009, the legally guaranteed principle of adequate and equitable representation of persons belonging to all ethnic communities has not been sufficiently implemented in the state administration bodies and other public institutions and further efforts need to be undertaken towards integration of all persons belonging to minorities through the mechanisms of adequate

and equitable representation in all institutions of the legal and political system (see also comments under Article 15 below). The Advisory Committee further notes that the Ombudsman recorded nine complaints from Roma alleging ill-treatment by the police.

55. The Advisory Committee further notes that the applicants to the Ombudsman are reluctant to complain against discrimination as such and formulate their grievances in a way which allows the Ombudsman to seek redress concerning a specific issue, in particular as regards employment or working conditions.

#### *Recommendations*

56. The Advisory Committee encourages the authorities to provide the newly established Commission for Protection Against Discrimination with the appropriate financial and human resources and the composition and structures necessary to fulfil its duties effectively and independently.

57. The Advisory Committee urges the authorities to continue to support the Office of the Ombudsman, in order to allow it to carry out its duties effectively and independently.

### **Full and effective equality. The situation of the Roma**

#### *Recommendations from the two previous cycles of monitoring*

58. In the previous cycles of monitoring, the Advisory Committee, having noted discriminatory practices against the Roma, called on the authorities to take appropriate steps to remedy the situation. In particular, it urged the authorities to step up, in close co-operation with the Roma, their efforts to ensure full and effective implementation of the National Strategy for the Roma and the Action Plan to combat discrimination against the Roma in all fields.

59. The Advisory Committee also called on the authorities to eliminate any undue requirements for registration with employment agencies.

60. The Advisory Committee further urged the authorities to raise awareness and provide assistance in the relevant fields, such as employment, health care and education, to improve the situation of women belonging to different ethnic communities, in particular, the Roma women.

#### *Present situation*

61. The Advisory Committee welcomes the continued efforts of the Macedonian authorities to combat discrimination and integrate Roma into society. In 2005, the Strategy for the Roma and the National Action Plan for the Decade of Roma Inclusion 2005-2015 were adopted, which laid down a set of tasks geared to equal treatment in the core areas of employment, housing, education, and access to health care.

62. The Advisory Committee notes, however, that according to the information provided by Roma representatives, many projects contained in the National Action Plan have been downsized or remain unimplemented. The Advisory Committee was further informed that the projects which have been implemented, such as the inclusion of Roma in pre-school education, and scholarships for Roma secondary school students are financed to a large part from non-budgetary sources, and only to some degree by the state budget itself. Additionally, many initiatives remain pilot projects and there is no systematic follow-up provided by state institutions.

63. The Advisory Committee recognises significant efforts undertaken by the Macedonian authorities to tackle the discrimination of Roma children in access to education. It notes with

concern, however, in this context, the unacceptable level of overcrowding in the Suto Orizari School attended primarily by Roma children (see related comment under Article 12 below).

64. The situation as regards employment of the Roma remains unacceptable. According to the information obtained by the Advisory Committee, more than 70% of Roma are unemployed. The Advisory Committee, while acknowledging that the unemployment rate in “the former Yugoslav Republic of Macedonia” has been high in general, standing at over 30%, notes with concern that the unemployment among Roma, which is more than double the average rate for society in general points to discriminatory practices in the field of employment.

65. The Advisory Committee has been informed by Roma representatives that active measures to support employment do not adequately accommodate the needs of Roma or have conditions which have the effect of excluding Roma and putting them in disadvantaged positions compared to others. In addition, some measures are inadequately planned and implemented, offer few employment possibilities and have consequences for social aid, although no employment has been secured.

66. The Advisory Committee notes with concern that the housing situation of Roma remains worrying. The living conditions faced by the Roma inhabitants of some settlements, such as the Brest village, 40 kilometres from Skopje, where there is no electricity, no running water, and a lack of roads, are a matter of deep concern.

67. The authorities have implemented a number of projects to remedy the existing problems and improve the infrastructure in the settlements inhabited mainly by the Roma. The Advisory Committee welcomes the adoption of the Law on the Legalization of Illegal Constructions and the Establishment of a Digital Data Base of the Master and Detailed Urban Plans. These initiatives should significantly improve the legal guarantees and security of tenure within the Roma settlements. The Advisory Committee stresses in this context the necessity for flexible implementation of the Law on the Legalization of Illegal Constructions, within a realistic timeframe and without prohibitive fees being imposed on the applicants.

68. The Advisory Committee also acknowledges the steps that the authorities have taken to improve the substandard living conditions in a number of Roma settlements by carrying out technical infrastructure projects, such as laying water pipes and constructing sewer networks, as well as by designing urban plans and the reconstruction of streets in some particularly disadvantaged settlements. The Advisory Committee also welcomes the information that detailed urban plans are in the preparatory stage in the municipalities of Prilep and Bitola, where there are large Roma settlements.

69. The Advisory Committee welcomes the adoption, in 2008, of the Action Plan for the Improvement of the Status of Roma Women, the purpose of which is to include Roma women in all spheres of social life. Nevertheless, the Advisory Committee regrets to note that, according to Roma representatives, the provision of medical services, including gynaecological services in Romani neighbourhoods, remains inadequate.

### *Recommendations*

70. The Advisory Committee strongly urges the authorities to exert more efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma. The authorities must step up their efforts, in particular at local level, to improve the education and employment opportunities and living conditions of Roma and to promote their integration into society.

71. The Advisory Committee recommends that particular attention be paid to improving housing conditions in Roma neighbourhoods. The authorities should ensure that the persons

concerned have the possibility to participate effectively in the consultations and decision-making processes regarding such improvements.

72. The Advisory Committee encourages the authorities to implement the Law on the Legalization of Illegal Constructions in a flexible manner, within a realistic timeframe and without prohibitive fees being imposed on the applicants, with a view to improving the legal guarantees and safeguards of tenure within Roma settlements.

73. The Advisory Committee further urges the authorities to work actively towards improvement of the status of all Roma women and girls through implementation of the Action Plan for the Improvement of the Status of Roma Women, with associated targets and monitoring.

## **Article 5 of the Framework Convention**

### **Preservation of culture of persons belonging to national minorities**

#### *Recommendations from the two previous cycles of monitoring*

74. In the previous cycles of monitoring, the Advisory Committee urged the authorities to identify, in co-operation with representatives of the minorities, means of improving national minorities' access to financial support from the state for their cultural activities and recommended that appropriate attention be paid to supporting smaller communities, including those not mentioned in the constitution, to allow them to preserve and affirm their identities.

#### *Present situation*

75. The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to national minorities, funded by the Ministry of Culture and since 2004, following the decentralisation of the state, by the local authorities. A Bureau for Promotion and Advancement of the Culture of Communities has also been established within the Ministry of Culture to monitor the promotion and the advancement of cultural identities of persons belonging to the communities.

76. The Advisory Committee notes that the state funds 52 national cultural institutions, including libraries, cultural institutes, museums, art galleries, cultural centres, theatres, a cinematographic archive, an opera and a ballet, and performing arts festivals. The authorities continue to support actively new initiatives in the field of culture. The Advisory Committee notes with satisfaction the establishment of the Albanian Theatre in Tetovo which adds to the existing Albanian and Turkish Theatres in Skopje.

77. The Advisory Committee notes, however, that although the allocation of funds to the performing arts, cultural centres and cultural associations have remained at similar levels in the last five years, and that various interlocutors have underlined that public financial support for national minorities' activities is still limited and insufficient to meet the needs. In particular the limited funding allocated to the cultural activities of the numerically-smaller groups, such as the Vlachs and Serbs seriously undermines their efforts to carry out activities aimed at preserving their language and culture. The Advisory Committee further notes that, according to representatives of national minorities, they are not adequately involved in the decision-making process on the allocation of funds for cultural projects.

#### *Recommendation*

78. The Advisory Committee invites the authorities to seek to increase their support for the cultural activities of the national minorities' organisations and to ensure that financial

difficulties will not affect disproportionately persons belonging to national minorities. In this context, it is important to ensure that the national minority representatives are involved in the decisions on the allocation of funds to cultural projects.

## **Article 6 of the Framework Convention**

### **Tolerance and intercultural dialogue**

#### *Recommendations from the two previous cycles of monitoring*

79. In the previous cycles of monitoring, the Advisory Committee urged the authorities to strengthen their efforts to promote tolerance and interethnic relations and to intensify awareness-raising measures in all relevant environments, such as schools, local authorities, media and the judicial system.

80. The Advisory Committee further called on the authorities to safeguard, including by monitoring the media coverage of minority issues, neutral and objective coverage of interethnic issues in the media and to avoid pressure of political parties on the media.

#### *Present situation*

81. The Advisory Committee notes that an institutional framework for tolerance and dialogue generally has been established in “the former Yugoslav Republic of Macedonia”, including in ethnically-mixed municipalities. The legal basis established to implement the Ohrid Framework Agreement of 2001 (OFA) generates continued inter-ethnic co-operation and remains vital for political stability of the country. The Advisory Committee notes with satisfaction that legislation implementing the OFA has been largely put in place. It notes, however, that there have been calls for more vigorous implementation and monitoring of the laws adopted to implement the agreement.

82. The Advisory Committee notes however with concern that society in “the former Yugoslav Republic of Macedonia” remains deeply polarised along ethnic lines, with the principal national groups – the Macedonian majority and the Albanian minority – living a parallel existence alongside each other, but without significant interaction with each other. This phenomenon is particularly visible in the education system, the media, political parties and as regards living areas.

83. The Advisory Committee further notes with concern that the deep politicisation along party lines (the parties themselves being established along ethnic lines) in all walks of public life, in particular employment, introduces additional divisions in society. In addition to creating obstacles to interethnic dialogue among the main ethnic groups in the country, i.e. the Macedonians and Albanians, this situation also puts persons belonging to smaller minorities, such as the Turks, Roma, Bosniaks, Serbs and Vlachs, at a disadvantage, as they do not have strong political entities at their disposal to convey their concerns and to represent them in public.

84. The Advisory Committee welcomes the adoption in August 2008 of the Law on the Use of Languages and the progress achieved since then as regards its implementation. This law, which has been under consideration since the conclusion of the OFA, gives a clear legal status to the Albanian language and regulates its use in parliament, government ministries, court proceedings, administrative proceedings, etc. (see for details comments under Article 10). The Advisory Committee notes in particular that the adoption of the law was followed by the recruitment by the parliament of more skilled translators and interpreters. It notes further that interpretation between Albanian and Macedonian languages is ensured in plenary and committee sessions of parliament and the parliamentary TV Channel.



85. The Advisory Committee notes with interest the authorities undertaking to implement the program on the UN Millennium Development Goals and various activities to implement the national Action Plan Towards EU Integration. These programmes which are intended to strengthen the dialogue and co-operation among ethnic communities in the country and to increase the capacity of central and local bodies to engage in consensual and inclusive decision making processes will also involve civil society and the media in a constructive dialogue, in order to advance intercultural awareness and peaceful co-existence..

86. The Advisory Committee notes with regret instances of inter-ethnic tension caused by lack of dialogue, stereotyping and prejudice. The portrayal of Albanians as “mountain people” in the first national encyclopaedia published by the Macedonian Academy of Sciences and Arts caused interethnic misunderstandings followed by protests by persons belonging to the Albanian national minority. Although the encyclopaedia was withdrawn from use, its publication was detrimental to interethnic relations in the country.

87. The Advisory Committee also notes that the decision to introduce Macedonian language teaching from the first year of schooling of children belonging to national minorities led to protests by parents, which resulted in the decision being withdrawn (see also under Article 14 below). This occurrence demonstrates the lack of dialogue among the key stakeholders regarding an important issue with significant consequences for the whole education process.

#### *Recommendations*

88. The Advisory Committee calls on the authorities to undertake further measures to promote tolerance, mutual understanding, respect and intercultural dialogue, as well as to combat prejudice towards persons belonging to national minorities, including through the effective implementation and monitoring of the laws adopted to implement the Ohrid Framework Agreement.

89. The authorities should seek to create opportunities for interethnic dialogue in all spheres of life, in particular aimed at involving children and young people living in ethnically mixed areas in joint activities.

90. When adopting measures affecting persons belonging to national minorities, the authorities should ensure that adequate information is given to all the groups concerned and that a wide public consultation on the drafts in question is initiated. Considering the impact that such measures may have on respect and mutual understanding between different ethnic groups in society, all awareness-raising measures must be carried out in a respectful, tolerant, and appropriate manner.

### **Police action and respect for human rights**

#### *Recommendations from the two previous cycles of monitoring*

91. In the previous cycles of monitoring, the Advisory Committee noted disturbing cases of violence and ill-treatment inflicted by members of the police directed at persons belonging to minorities, especially the Roma and Albanian, and invited the authorities to examine the situation and carry out an inquiry into police handling of complaints relating to such acts. It also called on the authorities to raise awareness among members of the police force regarding respect for diversity and human rights and step up their efforts to recruit Roma into the police force.

92. The Advisory Committee also recommended that an effective and independent supervisory mechanisms to monitor police behaviour be put in place and that appropriate penalties be applied in established cases of human rights violations by the police.

*Present situation*

93. According to information obtained from non-governmental organisations, the number of cases of ill-treatment by the police has diminished in recent years. However, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially the Roma and persons belonging to the Albanian minority, are disproportionately targeted.<sup>5</sup>

94. The Advisory Committee notes with concern that the lack of proper investigation of cases alleging discriminatory treatment of Roma have been repeatedly confirmed in the judgments of the European Court of Human Rights.<sup>6</sup> In this context the Advisory Committee notes with deep concern the violent clash of 15 April 2010 between 200 riot police and Roma vendors in the market place of Suto Orizari municipality.<sup>7</sup> The Advisory Committee notes that some police units have also been cited in other alleged cases of ill-treatment.<sup>8</sup>

95. The Advisory Committee shares the conclusions of the report of the European Committee for the Prevention of Torture, published on 4 November 2008, which states that the Sector for Internal Control and Professional Standards (SICPS) within the Ministry of Interior, which is in charge of scrutinising police behaviour, cannot be considered an independent body which is able to carry out prompt, thorough and effective investigations when investigating allegations of ill-treatment by law enforcement officials.<sup>9</sup>

*Recommendations*

96. The Advisory Committee strongly urges the authorities to put in place effective and independent supervisory mechanisms to monitor police behaviour, in line with European standards, and to apply the appropriate sanctions in established cases of human rights violations by the police.

97. Reiterating its recommendation in the previous Opinions, the Advisory Committee calls for renewed efforts to recruit Roma to the police and other law enforcement agencies.

**Article 8 of the Framework Convention**

**The right to manifest religion or belief  
and to establish religious institutions, organisations and associations**

*Recommendations from the two previous cycles of monitoring*

98. In the previous cycles of monitoring, the Advisory Committee recommended that the authorities ensure that the right of persons belonging to national minorities to manifest their religion or belief, and to establish religious institutions, organisations and associations was fully respected both in law and in practice. It further called on them to ensure that the new legislation being drafted in this regard provides all the necessary conditions for exercising this right effectively, in line with Article 8 of the Framework Convention.

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<sup>5</sup> See ECRI Report §107.

<sup>6</sup> See the judgment of the European Court of Human Rights of 15 February 2007 in the case of Jasar against “the former Yugoslav Republic of Macedonia” (application n° 69908/01) and the judgment of the European Court of Human Rights of 24 July 2008 in the case of Suleymanov against “the former Yugoslav Republic of Macedonia” (application n° 69875/01)

<sup>7</sup> According to media reports a riot ensued an inspection by the State Inspectorate of Commerce during which 20,000 EUR of merchandise was confiscated and which left many policemen and Roma injured <http://www.balkaninsight.com/en/article/mass-riots-rock-macedonian-roma-settlement#> ;

<sup>8</sup> See <http://www.errc.org/cms/upload/media/03/2B/m0000032B.pdf>: “Written Comments of the European Roma Rights Centre (ERRC) concerning Macedonia for consideration by the United Nations Committee against Torture at its 40<sup>th</sup> Session” of 13 May 2008;

<sup>9</sup> See CPT/Inf (2008) 31 § 35.

*Present situation*

99. The Advisory Committee notes that the Venice Commission in its Opinion on the draft Law on the Legal Status of a Church, Religious Community and a Religious Group, adopted in March 2007, recommended that the text be amended to avoid any discrimination or any unlawful interference by the state in the rights of religious entities and their members. In particular, the Venice Commission recommended that “attention should be paid to reviewing the status and rights of non registered religious entities, the registration process and related issues, freedom of religion and of religious practice”.<sup>10</sup>

100. The Advisory Committee notes with regret that the law, which was subsequently adopted and which entered into force on 1 May 2008, did not follow the above-mentioned recommendations and is perceived by persons belonging to the Serb national minority to be “designed to prevent the Serbian Orthodox Church ever being able to gain legal status.”<sup>11</sup>

101. The status of the Serbian Orthodox Church whose followers are principally persons belonging to the Serb national minority remains unclear. The Church which has around 3000 followers is not allowed by the state to build or maintain any churches in the country.

*Recommendation*

102. The Advisory Committee calls upon the authorities to review legislative provisions and administrative practice to ensure that persons belonging to national minorities do not suffer any discrimination in the exercise of their right to practise their religion, in public or in private, individually or in community with others.

**Article 9 of the Framework Convention****Access to the media for persons belonging to national minorities***Recommendations from the two previous cycles of monitoring*

103. In the previous cycles of monitoring, the Advisory Committee called on the authorities to develop and support initiatives to increase mutual understanding and intercultural dialogue through the media and to promote dialogue between the different communities both through content and through a more inclusive choice of participants in media dialogue. It further recommended that the authorities support efforts made by the media themselves and by associations of media professionals to strengthen their systems of self-regulation and self-monitoring.

104. The Advisory Committee also urged the authorities to focus more on the media-access needs of numerically-smaller groups and to seek ways of improving the situation of such persons in this area.

*Present situation*

105. The Macedonian Constitution guarantees freedom of expression and freedom of the press. In addition to the three public television channels, there are more than 100 commercial TV and radio stations. The second channel of the public television (MTV) broadcasts programmes exclusively in the languages of national minorities (Albanian, Turkish, Serbian, Romani, Vlach and Bosnian), the allocation of time in the programming being proportional to

<sup>10</sup> See doc. ref.: CDL-AD(2007)005 §§ 97-98 [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)005-e.pdf](http://www.venice.coe.int/docs/2007/CDL-AD(2007)005-e.pdf)

<sup>11</sup> See “Macedonia: Religious freedom survey”, [http://www.forum18.org/Archive.php?article\\_id=1094](http://www.forum18.org/Archive.php?article_id=1094), published on 26 February 2008.

the number of persons belonging to the given national minority. The third Channel of the MTV broadcasts activities from the parliament, which are conducted in the Albanian and Macedonian languages.

106. The Macedonian public radio broadcasts programmes in the languages of the six national minorities, including Albanian (69 hours per week) and Turkish (35 hours per week) and Bosnian, Romani, Serbian and Vlach for 30 minutes each per day.

107. In addition to the public programming in the languages of national minorities, there are a number of commercial TV stations broadcasting in Albanian, Turkish and Romani languages. A private radio station broadcasts in the Vlach language.

108. Despite this lively media scene, the Advisory Committee notes with concern that the media outlets, both public and private, remain strongly divided along linguistic lines with very limited opportunities for intercultural dialogue. Only one Albanian language TV channel broadcasts bilingual programmes on a regular basis, thus actively contributing to greater mutual understanding between the Albanian and Macedonian communities.

109. There are no legal barriers to the establishment and distribution of minority language newspapers in “the former Yugoslav Republic of Macedonia”. The Advisory Committee notes with concern that financial difficulties have resulted in the closure of a number of newspapers published in minority languages, leaving only one daily Albanian language newspaper.

110. According to the information at the disposal of the Advisory Committee, the Code of Journalists, adopted by the Association of Journalists in 2001, contains no mechanism for monitoring of professional standards. The Advisory Committee also notes with concern that, according to information received from a number of concurring sources, there is a “growing tendency among journalists to opt for calculated self-censorship”, which can be attributed to political pressure and threats which were particularly visible during the 2009 electoral campaign.<sup>12</sup>

### *Recommendations*

111. The Advisory Committee encourages the authorities to continue supporting radio and television broadcasting in the languages of the national minorities.

112. More strenuous efforts are needed to develop and support initiatives to increase mutual understanding and intercultural dialogue through the media and to promote dialogue between the different communities.

113. The authorities are encouraged to introduce legislative guarantees for the protection of journalistic freedom, and to support self-regulation and self-monitoring mechanisms by the media.

## **Article 10 of the Framework Convention**

### **Use of minority languages in communication with public authorities and by public authorities**

#### *Recommendations from the two previous cycles of monitoring*

114. In the previous cycles of monitoring, the Advisory Committee urged the authorities to lay down in law the constitutional guarantees relating to the use of minority languages in

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<sup>12</sup> See Balkan Media Report “[EU Resolution Voices Alarm Over Macedonia Media](#)” of 11 February 2011.

communication by and with public authorities and by public authorities, including through future legislation on the use of languages and alphabets.

115. The Advisory Committee also asked the authorities to expand the training and recruitment of qualified interpreters for effective implementation of current statutory provisions regarding the use of minority languages in criminal procedure, as well as in the work of local and central government and in relations with the latter.

#### *Present situation*

116. The Advisory Committee welcomes the adoption in 2008 of the Law on the Use of Languages. This law regulates the use of languages spoken by at least 20% of the citizens of the country. In practice, it applies to the Albanian language. According to this law, a language different from Macedonian may be in official use within the state authorities of the Republic in compliance with its provisions.

117. The law lays down the rules for the use of the Albanian language in the parliament, in communication between the public and the government ministries, in court proceedings, in administrative proceedings, in the enforcement of sanctions and by the Ombudsman's Office. It also regulates the use of the Albanian language in the electoral process, in direct voting, in the issuance of personal identification documents, in civil registration documents, in broadcasting activities, in local self-government, education, science, culture and in other areas and institutions.

118. The Advisory Committee notes, that in addition to the Law on the Use of Languages, the Law on Local Self-Government, adopted in 2002, also provides for the use of languages other than the Macedonian language in municipalities in which the minority language is spoken by at least 20% of the population. This provision, in addition to regulating the use of the Albanian language in a large number of municipalities in the country, was also extended to allow for the use of the Turkish language in the Gostivar Municipal Council and the Vlach language in the Krusevo Municipal Council, in spite of the fact that the 20% threshold was not attained in respect of these two languages in the municipalities in question. On the other hand, the Advisory Committee notes with regret that the Romani language, while fulfilling the criteria for the legal status as official language in the Suto Orizari municipality, is not used in administration.

119. The Advisory Committee notes with regret that, in practice, representatives of national minorities claim that the possibilities to use minority languages other than Macedonian in relations with the administrative authorities remain limited on account of the lack of qualified interpreters and translators. Any additional difficulty stems from the insufficient language skills of civil servants. The Advisory Committee welcomes in this context the strategic plan adopted by the Secretariat for the Implementation of the Ohrid Framework Agreement providing for the additional training of interpreters, which should contribute to an improved observance of the law.

#### *Recommendations*

120. The Advisory Committee recommends that the authorities put in place conditions necessary for the use of languages of national minorities in dealings with administrative authorities in all municipalities where the law is applicable.

121. The Advisory Committee also recommends that the authorities provide financial means necessary for employment of more qualified interpreters and translators and additional support to civil servants to acquire more skills in the minority languages.

## **Article 11 of the Framework Convention**

### **Use of minority languages for names of persons**

#### *Recommendations from the two previous cycles of monitoring*

122. In the previous cycles of monitoring, the Advisory Committee, encouraged the authorities to pursue their efforts to ensure the proper implementation of the legislative provisions governing the use of minority languages in identity papers and certain other personal documents.

#### *Present situation*

123. The Advisory Committee welcomes the adoption in 2007 of amendments to the Law on Identification Card, which created the necessary conditions for issuing new identification documents. The Advisory Committee has been informed that this provision is applied in practice and that a bilingual document, in Macedonian and in a language and script used by the person belonging to a national minority, is issued on demand.

#### *Recommendation*

124. The authorities should continue to issue bilingual identification documents in Macedonian and in a language and script used by persons belonging to national minorities in strict observance of the law.

### **Use of minority languages for local place names**

#### *Recommendations from the two previous cycles of monitoring*

125. In the previous cycles of monitoring, the Advisory Committee urged the authorities to take steps to ensure that the existing legislation on the use of local place names in minority languages was implemented in practice.

#### *Present situation*

126. The Advisory Committee notes with satisfaction that, according to persons belonging to national minorities, the implementation of the legislative provisions has improved in recent years. Bilingual (Macedonian and Albanian language) and trilingual (Macedonian, Albanian and Turkish language) signs are in use in municipalities where the number of persons belonging to a national minority is not lower than 20% of the local population. The Advisory Committee particularly welcomes the introduction of bilingual signs in a number of municipalities, including in the Skopje urban area, where the numerical threshold has not been attained. The Advisory Committee also notes with satisfaction that place names increasingly refer to persons and events connected with a national minority.

#### *Recommendation*

127. The authorities should continue to display bilingual and trilingual signs in municipalities inhabited by a substantial number of persons belonging to a national minority.

## Article 12 of the Framework Convention

### Multicultural and intercultural education

#### *Recommendations from the two previous cycles of monitoring*

128. In the previous cycles of monitoring, the Advisory Committee urged the authorities to step up their efforts to promote and facilitate intercultural understanding and contact in and through schools.

129. The Advisory Committee also called upon the authorities to take determined steps to promote mutual knowledge and understanding between pupils, teachers and families belonging to different ethnic communities.

#### *Present situation*

130. The Advisory Committee notes with regret that currently the situation, as regards schools, has not changed significantly from the second Opinion. Schoolchildren belonging to the Macedonian majority and the Albanian national minority have few opportunities for contact with each other in the school environment and there are not many joint activities. Moreover, the Advisory Committee received reports that the textbooks used in schools do not show a balanced approach towards the history of national minorities, and sufficient information about all national minorities in “the former Yugoslav Republic of Macedonia”.

131. The Advisory Committee notes with satisfaction the adoption in 2010 of the Government Policy Paper “Steps Towards Integrated Education” elaborated in close co-operation with the OSCE High Commissioner on National Minorities (HCNM). The Policy Paper implements the National Strategy for the Development of Education 2005-2015, and the Concept for a Nine Year Primary School Education adopted in 2007 to promote and facilitate intercultural understanding and contact in the school environment.

132. The Advisory Committee notes with interest that the proposed policy measures aim at improving the situation of education in several areas. These include democratic school governance in a decentralised environment, joint curricular and extra-curricular activities, language acquisition, teacher training and textbooks.

133. The implementation of the policy measures has been entrusted to the Ministry of Education and Science and other central and municipal bodies and a timetable for specific actions to be taken has been adopted. The Advisory Committee notes that the success of the implementation of the policy depends on the co-operation of all interested stakeholders and on the allocation of adequate financial resources. In this context, the Advisory Committee notes that, although the budget for education has been raised in recent years, the resources allocated have not been sufficient to implement the National Strategy for the Development of Education 2005-2015 effectively.

#### *Recommendations*

134. The Advisory Committee encourages the authorities to implement vigorously the Policy Paper “Steps Towards Integrated Education” and to allocate the necessary financial and human resources which will be necessary to ensure effective implementation of the Policy.

135. The authorities should continue to review the existing textbooks in consultation with minority representatives, with a view to ensuring a better reflection of the history, culture, traditions, and the current situation of national minorities, which should form a part of the curriculum of all students in order to foster mutual respect and understanding.

136. The Advisory Committee also calls on the authorities to step up their efforts to create opportunities for contact among school children of different ethnic backgrounds in the school context and by organising joint curricular and extra-curricular activities.

### **Situation of the Roma**

#### *Recommendations from the two previous cycles of monitoring*

137. In the previous cycles of monitoring, the Advisory Committee urged the authorities to continue developing the measures provided in the national strategy for the Roma in order to guarantee the Roma equal opportunities for access to education, whether they be children or adults. It also encouraged the authorities to step up efforts to raise awareness in the school environment in order to forestall and eliminate practices leading to discrimination against and separation of Roma pupils, and to train teachers for work with Roma pupils.

#### *Present situation*

138. The Advisory Committee welcomes the initiatives taken by the authorities to address the concerns of the Roma regarding equal access to education within the framework of the Action Plan for the Decade of Roma Inclusion 2005-2015. The introduction of scholarships specifically earmarked for Roma secondary school students, granted to 650 Roma students in 2008/09, the reduction by 10% of the average mark required of Roma children in order to enrol in secondary school of their choice, and the ethnic quota system at universities are all to be welcomed. Other positive measures concern free distribution of textbooks to Roma children attending primary and secondary schools and free school transportation.

139. The Advisory Committee recognises that efforts have been made to tackle the unsatisfactory situation of Roma children in the education system. Several projects, including those using mediators, implemented by civil society, international organisations and the Directorate for the Development and Promotion of Education in Languages of the Communities within the Ministry of Education have contributed to reduction of the drop out rate. The reduction of the drop-out rate between fifth and sixth grade among girls was particularly noticeable. In the schools covered by the project in 2010, the number of Roma boys is only 3,8% higher than the number of girls which is one indicator of the progress achieved so far.

140. The introduction of scholarships specifically earmarked for Roma students and arrangements for transport of students from Roma neighbourhoods to schools in the surrounding areas attended by students from different ethnic backgrounds have contributed significantly to a higher attendance, lower drop-out rate and higher performance results of Roma children. More than 300 Roma students currently study at higher-level educational institutions, which is a most welcome development as this figure demonstrates a dramatic increase from three Roma students attending university in 1993 to 150 Roma students in 2005.

141. Despite the progress achieved generally in the field of education, there are some challenges still requiring serious attention by the authorities. The Advisory Committee was deeply concerned to learn that, in the Suto Orizari Primary School, attended almost exclusively by Roma children, teaching is organised in four shifts to accommodate all the children of school age living in that community. Such overcrowding, impacting on the quality of education, is of deep concern as it is detrimental to the educational process and undermines the prospects for the children concerned. The Advisory Committee considers that urgent additional efforts are required to construct another school in the area and, as a temporary measure, to increase transport options for the students affected by this situation. The Advisory Committee also notes with concern, that in spite of the fact that secondary education is compulsory in “the former



Yugoslav Republic of Macedonia” there is no secondary school in Suto Orizari, a municipality of 17,357 inhabitants, according to the census of 2002.

142. The Advisory Committee notes with concern that insufficient knowledge of the Macedonian language by Roma children at the time of entrance into the first grade of primary school constitutes a serious handicap and puts them at a serious disadvantage in following tuition in the Macedonian language. In this context, the Advisory Committee is seriously concerned by the lack of opportunities for Roma children to attend pre-schools, which would allow for the Macedonian language acquisition and would prepare them for further education.

143. The problem is exacerbated by lack of qualified teachers speaking the Romani language and the fact that there is no Romani language department within the existing teacher training institutions. As a result, according to figures for the school year 2008/09 provided by the Directorate for the Development and Promotion of Education, out of 14,189 teachers working in primary schools only 24 were Roma, whereas the number of Roma pupils stood at 10,551. This very low ratio of Roma teachers to Roma students, in addition to sharing the lack of tuition and guidance in the Romani language, does not provide positive role models and is not conducive to increasing self-esteem among Roma children.

144. The government has been implementing a number of projects in these areas in co-operation with civil society. Twelve Roma Information Centres, the purpose of which is to offer assistance and support to persons belonging to Roma communities, have been opened. The Advisory Committee, while welcoming this development, notes with concern that the funding for the Centres comes primarily from civil society resources.

#### *Recommendations*

145. The Advisory Committee encourages the authorities to pursue their efforts to tackle the difficulties facing Roma pupils in the education system at all levels and to support further programmes in this regard. Systematic monitoring and evaluation of these programmes is essential. Roma communities should be involved effectively at all stages in education programmes, including their design, monitoring and evaluation.

146. The Advisory Committee calls on the authorities, as a matter of priority, to make more sustained efforts to ensure access to preschool education for all Roma children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups.

147. More steps should be taken to raise awareness of teachers on Roma culture and rights and to provide those working in areas with substantial numbers of Roma with more adapted training. More systematic efforts should be taken to train teachers speaking the Romani language.

148. The Advisory Committee calls on the authorities to make more sustained efforts to promote the Roma language, culture and traditions, and to portray a more positive image of Roma identity among other children, families and all teachers and educators.

### **Article 13 of the Framework Convention**

#### **Private education establishments**

##### *Recommendations from the two previous cycles of monitoring*

149. The Advisory Committee, having noted that the prohibition in domestic legislation to establish private primary schools might put persons belonging to national minorities at a

disadvantage regarding primary education in minority languages, urged the authorities to review the situation so as to allow the establishment of such schools.

*Present situation*

150. The Advisory Committee notes with regret that the situation with regard to the establishment of private primary schools has not changed in “the former Yugoslav Republic of Macedonia”.

*Recommendation*

151. The Advisory Committee reiterates its call that the authorities introduce, in line with the first and second Opinions of the Advisory Committee, the appropriate legal guarantees to enable national minorities to set up and manage their own private educational and training establishments. Legislation and practice must be in conformity with Article 13 of the Framework Convention and the conditions described therein.

**Article 14 of the Framework Convention**

**The right to learn the minority language  
and the conditions for teaching in this language**

*Recommendations from the two cycles of monitoring*

152. In the previous cycles of monitoring, the Advisory Committee found shortcomings in the teaching of and in the minority languages and urged the authorities to broaden the opportunities of persons belonging to minorities for learning their languages and, according to their actual needs and demands, for receiving an education in these languages.

153. The Advisory Committee also asked the authorities to continue their efforts to train minority language teachers and to prepare the necessary teaching materials and to devote attention to the needs of smaller communities.

*Present situation*

154. The Advisory Committee notes with satisfaction that, in accordance with Article 48 of the Constitution and Articles 4 and 9 of the Law on Primary and Secondary Education, a well-developed system of minority language teaching exists in “the former Yugoslav Republic of Macedonia”. The law establishes that the Macedonian language shall be the language of instruction at primary and secondary level, but also recognises the rights of persons belonging to national minorities to teaching of and in their languages. Additionally, the Higher Education Act obliges the state to provide minority language education where the language is spoken by over 20% of the country’s population (in practice, this provision applies only to the Albanian language).

155. The Advisory Committee notes that the Directorate for the Development and Promotion of Education in Languages of the Communities within the Ministry of Education was established to implement the government’s policies for education in minority languages spoken by officially-recognised national minorities not meeting the 20% threshold of the country’s population (Bosniaks, Roma, Serbs, Turks and Vlachs).

156. The Advisory Committee notes that of the total number of 341 primary schools, attended by 207,505 children (in the academic year 2008/2009), there were 241 schools conducting tuition in one language. In these unilingual schools, the language of education was Macedonian in 185 schools, Albanian in 55 schools and Turkish in one school. In addition to these schools,

there were 59 bilingual schools providing tuition in Macedonian and Albanian, 20 schools with Macedonian and Turkish and three schools with Macedonian and Serbian languages of instruction. Finally, there were 15 trilingual schools, of which 13 provided tuition in the Macedonia, Albanian and Turkish languages, and two in the Macedonian, Albanian and Serbian languages.

157. The Advisory Committee notes with concern the insufficient dialogue with key stakeholders regarding the decision to introduce Macedonian language teaching from the first year of schooling of children belonging to national minorities. This led to protests, which resulted in the decision being withdrawn.

158. The Advisory Committee notes that a number of schools taught in the academic year 2008/09 (the last year for which data was available) elective subjects on the language and culture of the Bosniaks, Vlachs and Roma. These subjects were taught in some schools attended by significant numbers of children belonging to national minorities. The Advisory Committee notes, however, that a considerable number of children of Bosniak, Vlach or Roma origin attended schools which did not provide such opportunities. Consequently, the Advisory Committee further notes that these subjects were studied by a relatively small proportion of children from each minority in question. Of the 1,802 Bosniak children attending the third to eighth grades (grades when the subject matter in question is taught), only 377 children studied the language and culture of the Bosniaks; of the 10,551 Roma children attending the third to eighth grades, 2,191 children studied the language and culture of the Roma. The data for the Vlach children, according to which there are only 307 students who declared to be of Vlach nationality, the elective subjects on the language and culture of the Vlachs is studied by 716 students. This situation can in all likelihood be explained by the fact that not all Vlach children are declared correctly as such to the school authorities.

159. The Advisory Committee further notes with regret that the textbooks used to teach the Vlach language and culture are out of date and rare. For example, a textbook entitled “Bukvar”, developed to teach the Vlach language to small children over one year old is used in three successive grades. For the Bosniak and Roma courses there are no textbooks at all.

160. The Advisory Committee welcomes in this context the recent opening of the section for the Roma language at the Cyril and Methodius State University and hopes that graduates from this section will be better prepared to teach the Romani language. The Advisory Committee notes however with regret, that no higher education institution provides teacher training for the Vlach language and, consequently, there are no appropriately qualified teachers of this language in “the former Yugoslav Republic of Macedonia”. Teachers currently teaching the Romani and Vlach languages usually belong to the respective national minority and have graduated from the university faculties of pedagogy, philology, philosophy or natural sciences.

161. The Advisory Committee considers that the authorities should help to train teaching staff in the Vlach and Romani languages and to develop the necessary teaching materials, taking into consideration, in the case of the Romani language, the Curriculum Framework for Romani which has been developed in co-operation with the European Roma and Travellers Forum,<sup>13</sup> with a view to creating opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

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<sup>13</sup> [http://www.coe.int/t/dg4/linguistic/Source/Rom\\_CuFrRomani2008\\_EN.pdf](http://www.coe.int/t/dg4/linguistic/Source/Rom_CuFrRomani2008_EN.pdf) “A Curriculum Framework for Romani” developed in co-operation with the European Roma and Travellers Forum. Language Policy Division, Council of Europe, Strasbourg 2008.

*Recommendations*

162. The Advisory Committee calls on the authorities to review the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching minority languages corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings.

163. Further efforts are needed to provide adequate support for minority language teaching, including by raising awareness of existing possibilities among parents, children and public officials, in particular in areas inhabited by substantial numbers of persons belonging to national minorities. In particular, the Advisory Committee urges the authorities to consider reforming the framework for teaching minority languages in a way which would oblige school principals to introduce elective subjects on the language and culture of the Albanian, Bosniak, Serb, Turk, Vlach and Roma national minority on request from a small number of parents belonging to the respective group.

164. The Advisory Committee calls on the authorities to ensure an adequate supply of school manuals and textbooks in the appropriate languages for minority language teaching, including as regards Romani language.

**Article 15 of the Framework Convention**

**Effective participation of persons belonging to minorities in public affairs**

*Recommendations from the two previous cycles of monitoring*

165. In previous cycles of monitoring, the Advisory Committee encouraged the authorities to ensure, in accordance with the Ohrid Agreement, the equitable representation of persons belonging to national minorities in public life, centrally and locally, and with due regard for the needs of numerically-smaller communities in this field.

166. The Advisory Committee also urged the authorities to combat the marginalisation and social exclusion of the Roma and help make their participation in public affairs more effective.

*Present situation*

167. The Advisory Committee notes with satisfaction that persons belonging to national minorities continue to play an active role in the political life of “the former Yugoslav Republic of Macedonia”. There are two major Albanian parties represented in the National Assembly (one in government, one in opposition) and there are a number of parliamentarians elected in respect of all national minorities recognised in “the former Yugoslav Republic of Macedonia”, including Roma. At the local level, persons belonging to national minorities are widely represented among the authorities.

168. The Advisory Committee notes that interpretation between the Albanian and Macedonian languages is ensured in the plenary and committee sessions of the National Assembly.

169. The Advisory Committee welcomes the adoption in 2008 of the Law on Promoting and Protecting the Rights of Persons Belonging to Communities which Represent Less than 20% of the Population, which complements the legislative acts adopted to implement the Ohrid Framework Agreement. The Advisory Committee notes with satisfaction that the above-mentioned law enshrines the principle of equitable representation in respect of employment of persons belonging to minority communities in the state administration bodies and in other public institutions at all levels.

170. The Advisory Committee further notes that the Agency for the Exercise of Rights of Persons Belonging to Communities was established to promote and monitor the implementation of the law and that a special fund was set up to implement specific programmes in the field of employment of persons belonging to national minorities.

171. The Advisory Committee notes, in this context, that there has been some progress towards implementing the right to the equitable representation of ethnic communities in the public sector, at central and local levels, thus implementing the Law on Civil Servants. According to the latest available figures for 2009 the overall number of civil servants from minority ethnic communities was 29%. In particular, it seems that the number of persons belonging to the Albanian minority employed in the civil service has increased, although it still does not correspond to the proportion of Albanians in Macedonian society. It must be noted with regret, however, that persons belonging to numerically-smaller minorities (Bosniaks, Serbs, Turks, Vlachs and Roma) are still significantly underrepresented.

172. The Advisory Committee also notes that many new employees belonging to national minorities, hired to increase the quota of such persons within the workforce, do not have clearly defined job descriptions, or even proper workplaces. The Advisory Committee received disconcerting reports that some of the newly-hired persons are paid all or part of their salary without having to report for work. This does not help to increase the effective participation of persons belonging to national minorities in the economic life of the country. In addition, it could have a negative impact on the quality and the consistency of services provided by the civil service and foster resentment in society.

173. The Advisory Committee notes with concern that the current economic difficulties experienced in “the former Yugoslav Republic of Macedonia” have hit particularly hard the Roma, among whom the unemployment rate is more than double the national average. In this context, the Advisory Committee regrets to note that according to Roma representatives, implementation of the action plans in the Framework of the 2005-2015 Decade of Roma Inclusion have not been implemented at a sustained rate. The authorities have not shown the necessary determination and the inter-ministerial co-ordination working group on implementation of the Roma strategy met only twice in 2009.

#### *Recommendations*

174. The Advisory Committee urges the authorities to take effective measures to redress the underrepresentation of persons belonging to numerically-smaller national minorities in state administration bodies and in other public institutions at all levels. The authorities should ensure that posts which are offered to persons belonging to national minorities have clear duties and remits associated with them which allow for the effective participation of persons belonging to national minorities in the economic life of the country.

175. The authorities should continue and increase efforts to develop and implement policies to address the problems confronting the Roma in the field of employment, and allocate adequate resources to remedy the situation.

### **Article 17 of the Framework Convention**

#### **Transfrontier contacts**

##### *Present situation*

176. The Advisory Committee welcomes the entry into force of the visa-free regime for travel between Albania and “the former Yugoslav Republic of Macedonia”.

*Recommendation*

177. The Advisory Committee encourages the authorities to pursue their efforts to conclude similar agreements with other neighbouring countries, which would strengthen the protection of the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

**Article 18 of the Framework Convention**

**Bilateral co-operation in the field of protection of national minorities**

*Recommendations from the two previous cycles of monitoring*

178. In the previous cycles of monitoring, the Advisory Committee urged the authorities to develop initiatives taken in relation to minority protection in the context of bilateral co-operation with all neighbouring countries.

*Present situation*

179. The Advisory Committee welcomes the signing in 2007 of the bilateral agreement between “the former Yugoslav Republic of Macedonia” and the Republic of Croatia for the preservation and promotion of national identity of the respective ethnic communities living in both countries. The Advisory Committee notes that, according to the information contained in the State Report, this agreement protects the rights of persons belonging to the Croat national minority living in “the former Yugoslav Republic of Macedonia” to express, preserve and promote their national, cultural, linguistic and religious identity, to study their minority language and to participate effectively in public affairs.

*Recommendation*

180. The Advisory Committee encourages the authorities to draw on the provisions of the 2007 Agreement with the Republic of Croatia and consider introducing measures for the preservation, protection and promotion of national identity of persons belonging to the Croat community.

### III. CONCLUSIONS

181. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to “the former Yugoslav Republic of Macedonia”.

#### **Positive developments following two cycles of monitoring**

182. “The former Yugoslav Republic of Macedonia” has pursued a constructive approach towards the monitoring process and has taken useful steps to disseminate the results of the two first cycles of monitoring. The second Opinion of the Advisory Committee, the government’s Comments and the Resolution of the Committee of Ministers on the implementation of the Framework Convention were translated in the Macedonian, Albanian, Turkish, Bosnian, Vlach and Roma languages and disseminated. In addition, the Advisory Committee’s “Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs” was also translated into the Macedonian language and disseminated.

183. The authorities have also maintained an inclusive approach in practice in the communication with representatives of the national minorities. Following the adoption of the Resolution of the Committee of Ministers on the implementation of the Framework Convention by “the former Yugoslav Republic of Macedonia” in July 2008, the authorities organised a follow-up seminar in January 2009 to discuss with representatives of government agencies, minority representatives and civil society the recommendations and to prepare for the third cycle of monitoring.

184. In June 2010, within the framework of its Presidency of the Committee of Ministers, the Ministry of Foreign Affairs of “the former Yugoslav Republic of Macedonia” organised an international Conference on “Strengthening the Cohesion of European Societies: Effective Participation of Persons belonging to National Minorities in the Decision-Making Process”.

185. Since ratifying the Framework Convention in 1997, “the former Yugoslav Republic of Macedonia” has continued in its efforts to protect national minorities. The authorities have continued to show their commitment to the implementation of this treaty. The legal basis established to implement the Ohrid Framework Agreement of 2001 generates continued inter-ethnic co-operation and remains vital for the political stability of the country. The Advisory Committee notes with satisfaction that the legislation implementing the OFA has on the whole been adopted.

186. Measures have been taken with a view to improving the legislative framework to prevent and combat discrimination. The Anti-Discrimination Law was adopted in April 2010 and the Commission for Protection Against Discrimination (CPAD) has been established. The Commission has been empowered, together with the courts, to enforce the law and in particular to receive complaints from individuals, initiate proceedings before competent bodies in cases of alleged discrimination, to review draft legislation, suggest amendments to existing legal acts, and to make recommendations. The shifting of the burden of proof, the provision enlarging the scope of application of the law to private relations and the provision allowing third-parties to intervene as *amicus curiae* in cases of discrimination are also included in the law.

187. The Office of the Ombudsman continues to play an active role in protecting human rights. It receives a number of complaints from persons belonging to all ethnic communities regarding discrimination on ethnic grounds, including the non-respect of the legally guaranteed principle of adequate and equitable representation of persons belonging to all ethnic

communities in state administration bodies and other public institutions and reports regarding ill-treatment by the police of persons belonging to the Roma community.

188. Persons belonging to national minorities continue to play an active role in the political life of “the former Yugoslav Republic of Macedonia”. There are two major Albanian parties represented in the National Assembly (one in government, one in opposition) and there are a number of parliamentarians elected in respect of all national minorities, including Roma. At the local level, persons belonging to national minorities are widely represented in local authorities. The Law on Promoting and Protecting the Rights of Persons Belonging to Communities which Represent Less than 20% of the Population, adopted in 2008, enshrines the principle of equitable representation in respect of employment of persons belonging to minority communities in state administration bodies and in other public institutions at all levels.

189. The adoption in August 2008 of the Law on the Use of Languages, which has been under consideration since the conclusion of the Ohrid Agreement, gives a clear legal status to the Albanian language and regulates its use in parliament, government Ministries, judicial and administrative proceedings. The adoption of the law was followed by the recruitment of more skilled translators and interpreters.

190. The authorities continue to provide various forms of support for the cultural activities of national minorities, such as libraries, cultural institutes, museums, art galleries, cultural centres, theatres, a cinematographic archive, an opera and a ballet, and performing arts festivals. A specialised Bureau for Promotion and Advancement of the Culture of Communities has been established within the Ministry of Culture to monitor the promotion and the advancement of the cultural identities of persons belonging to the various communities.

191. Public television (MTV) and radio extensively broadcast programmes in the languages of national minorities (Albanian, Turkish, Serbian, Romani, Vlach and Bosnian). The Parliamentary Channel of the MTV broadcasts the activities from the parliament, which are conducted in the Albanian and Macedonian languages.

192. A well-developed system of minority language education exists in “the former Yugoslav Republic of Macedonia”. The Law on Primary and Secondary Education establishes that the Macedonian language shall be the language of instruction at primary and secondary level, but also recognises the rights of persons belonging to national minorities to teaching of and in their language. Additionally, the Higher Education Act obliges the state to provide minority language education where the language is spoken by over 20% of the country’s population.

193. The authorities have increased efforts to combat discrimination and integrate Roma into society. The Strategy for the Roma and the National Action Plan for the Decade of Roma Inclusion 2005-2015 has already yielded some results, especially as regards equal access to education for Roma children. The introduction of scholarships specifically earmarked for Roma secondary school students, the reduction by 10% of the average mark required of Roma children to enrol in secondary school of their choice, and the ethnic quota system at universities are all to be welcomed. Other positive measures concern free distribution of textbooks to Roma children attending primary and secondary schools and free school transportation.

### **Issues of concern following two cycles of monitoring**

194. Society in “the former Yugoslav Republic of Macedonia” remains deeply polarised along ethnic lines, with the principal national groups – the Macedonian majority and the Albanian minority – living a parallel existence alongside each other, but without significant interaction with each other. Such a parallel co-existence is particularly evident in the education system, the media, the political parties and as regards living areas. There have been instances of inter-ethnic



tension caused by lack of dialogue, stereotyping and prejudice, such as the portrayal of Albanians as “mountain people” in the first national encyclopaedia.

195. Cases of discrimination against Roma in the fields of education, employment, housing, and health care continue to be reported. Many projects contained in the National Action Plan for the Decade of Roma Inclusion have been downsized or remain unimplemented. Those projects which have been implemented, such as the inclusion of Roma in the pre-school education, and scholarships for Roma secondary school pupils are financed for a large part from non-budgetary sources, and only to some degree by the state budget itself. Additionally, many initiatives remain pilot projects and there is no systematic follow-up provided by state institutions.

196. The situation as regards employment of the Roma remains unacceptable with more than 70% of Roma remaining unemployed. The action plans in the field of employment have not been implemented at a sustained rate. The authorities have not shown the necessary determination and the inter-ministerial co-ordination working group on implementation of the Roma strategy met only twice in 2009. In some Roma settlements, inhabitants face the most deplorable living conditions, without proper roofing, electricity, running water, sewage treatment, or roads.

197. Despite some progress towards implementing the right to the equitable representation of ethnic communities in the public sector, at central and local levels, in particular as regards persons belonging to the Albanian minority, the number of representatives still does not correspond to the proportion of Albanians in Macedonian society. Persons belonging to numerically-smaller minorities (Bosniaks, Serbs, Turks, Vlachs and Roma) are still significantly underrepresented. Many new employees belonging to national minorities, hired to increase the quota of such persons within the workforce, do not have clearly defined job descriptions, or even proper workplaces. Some of the newly-hired persons are paid all or part of their salary without having to report for work. This does not help to increase the effective participation of persons belonging to national minorities in the economic life of the country. In addition, it could have a negative impact on the quality and the consistency of services provided by the civil service and foster resentment in society.

198. Although the funding allocated to the performing arts, cultural centres and cultural associations have remained at similar levels during the last five years, various interlocutors have underlined that public financial support for the activities of the national minorities is still limited and insufficient to meet the needs. In particular, the limited funding allocated to cultural activities of the numerically-smaller groups, such as the Vlachs and Serbs, seriously undermines their efforts to carry out activities aimed at preserving their language and culture. Representatives of national minorities are not sufficiently involved in the decision-making process on the distribution of funds for cultural projects.

199. In spite of the diminishing number of cases of ill-treatment by the police, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially the Roma and persons belonging to the Albanian minority, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not properly investigated by an independent body and the Sector for Internal Control and Professional Standards (SICPS) within the Ministry of Interior, which is in charge of scrutinising police behaviour, cannot be considered to be an impartial and independent investigator.

200. The possibilities to use minority languages other than Macedonian in relations with the administrative authorities remain limited on account of the lack of qualified interpreters and translators. An additional difficulty stems from the insufficient language skills of civil servants.

201. The lack of opportunities for Roma children to attend pre-school hinders their acquisition of the Macedonian language and jeopardises their further education. There is a lack of qualified teachers speaking the Romani language and no textbooks to teach the Romani language and culture have been developed.

### **Recommendations**

202. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

### **Issues for immediate action<sup>14</sup>**

- **develop urgently and implement appropriate and targeted policies to address the problems confronting Roma in the field of employment; allocate adequate resources to address the situation of Roma with regard to housing, education, and access to health care and the particular needs of Roma women;**
- **undertake further measures to promote tolerance, mutual understanding, respect and intercultural dialogue, and further measures to combat prejudice towards persons belonging to national minorities, including through the effective implementation and monitoring of the laws adopted to implement the Ohrid Framework Agreement; create opportunities for interethnic dialogue in all spheres of life, in particular aiming to involve in joint activities children and young people living in ethnically-mixed areas;**
- **take measures to effectively redress the underrepresentation of persons belonging to numerically-smaller national minorities in the state administration bodies and in other public institutions at all levels.**

### **Further recommendations<sup>15</sup>**

- provide the newly established Commission for Protection Against Discrimination with the appropriate financial and human resources and the composition and structures necessary to allow it to fulfil its duties effectively and independently; continue to support the Office of the Ombudsman;
- seek to increase support for the cultural activities of the national minorities' organisations and ensure that financial difficulties will not affect disproportionately persons belonging to national minorities; involve national minority representatives in the decisions on the distribution of funds allocated to cultural projects;
- put in place effective and independent supervisory mechanisms to monitor police behaviour, in line with European standards and to apply appropriate sanctions in established cases of human rights violations by the police;

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<sup>14</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>15</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- put in place conditions necessary for the use of languages of national minorities in dealings with administrative authorities in particular by providing financial means necessary for employment of more qualified interpreters and translators; provide additional support to civil servants to acquire more skills in the minority languages;
- make sustained efforts to ensure access to preschool education for all Roma children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups; raise awareness of teachers on Roma culture and provide those working in areas with substantial numbers of Roma with more adapted training.