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

**COMMENTS OF THE GOVERNMENT OF  
“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”  
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
BY “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”**

(received on 5 September 2007)

**COMMENTS BY THE GOVERNMENT OF THE REPUBLIC OF  
MACEDONIA ON THE OPINION OF THE ADVISORY COMMITTEE OF 23  
FEBRUARY 2007 ON THE IMPLEMENTATION OF THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES IN  
THE REPUBLIC OF MACEDONIA**

**General Comments**

The Government of the Republic of Macedonia attaches greatest attention to the implementation of the Framework Convention for the protection of national minorities. Since the adoption of the Advisory Committee's first Opinion in May 2004, a lot of efforts have been invested in upgrading the participation of persons belonging to the ethnic communities in all spheres of the Macedonian society. We are glad to find appropriate references to those achievements in the Second Opinion of the Advisory Committee on the Republic of Macedonia, adopted in February 2007. It is worthy to mention the improvements made across the wide social spectrum which, inter alia, encompasses the area of education, use of languages, media, combating discrimination and institutional setting to increase participation of persons belonging to the national minorities in public life at central and local level.

In addition to the obligations under the FCNM, the basic framework of the Government of the Republic of Macedonia in relation to minority policy setting continues to be the commitment to the full implementation of the Framework Agreement in the legislation and practice in the Republic of Macedonia, what is one of the highest political priority goals and tasks of the Government.

To improve the coordination in the field of human rights protection, in general, among various ministries and institutions, the Government of the Republic of Macedonia has established an inter-sectoral body, which has intensified its work in 2007. This body has to coordinate the work of all the actors involved in the implementation of the recommendations of the UN Human Rights Treaty bodies and the monitoring mechanisms of the Council of Europe, received during the period of 2006 and 2007. In particular, the recommendations concerning the implementation of the Convention for the elimination of all form of discrimination against women, Convention for the elimination of all forms of racial discrimination and the International covenant for economic, social and cultural rights.

For the improvement of minorities rights and upgrading the level of protection of persons belonging to national minorities, in January 2007 the Government of the Republic of Macedonia adopted the Strategy for equitable representation of non-majority communities. The Strategy envisages set of measures and activities to intensify the adequate and equitable representation of communities. An Action plan for the implementation of the Strategy has been developed. With the intention to make the work of the Sector for the Implementation of the Framework Agreement more transparent and closer to the citizens, a tree lingual web site has been created ([www.siofa.gov.mk](http://www.siofa.gov.mk)). Also, the Government adopted the decision to upgrade the Sector into a Secretariat with more personnel and competences.

As a result of all the measures undertaken the representations of persons belonging to communities in the public administration and public institutions has been increased substantially. The Government of the Republic of Macedonia decided to increase the State budget by 3,5 times in 2007 in order to provide grounds for better representation of all the communities. In January 2007 the general level of representation is 22,2 % (ethnic Albanians 16.9, ethnic Serbs 1,6%, ethnic Turks 1,5%, Roma 0,6%, Vlachs 0,5%, Bosniacs 0,3% and others 0,8%).

The question for a greater involvement in politics and public affairs of persons belonging to numerically smaller minorities is under consideration by the Parliament. Elaboration of adequate solutions in this regard in the Electoral Code is underway, which should provide more guarantees to ensure their full and effective equality in line with the recommendations contained in Committee of Minister's Resolution (2005) 4 on the implementation of the FCNM by the Republic of Macedonia.

The Government has undertaken a lot of activities to address the problems of the **Roma community** combating their marginalization. National strategy aiming at this objective is in place and is already operational.

The Ministry of Labor and Social Policy within its budget has devoted financial means for the implementation of two projects:

- Integration of Roma children in pre-school education (kindergartens). This project has been realized in 15 kindergartens in the country, starting from October 2006 until 2008. In the time period of two years the plan is to integrate 450 children at 4,5 – 6 years of age. 15 kindergarten teachers from the Roma community are planned to work with these children, which to a certain extent addresses the problem of employment.

This year, on the occasion of 8<sup>th</sup> April- the International Roma Day, the initiative for opening of the first Roma Secondary school has been promoted, which is not only the first of its kind in the Republic of Macedonia, but also in the wider region.

In January 2007 the Parliament of the Republic of Macedonia organized, together with members of the European Parliament, a public hearing on Roma issues in Macedonia entitled Lack of Knowledge or Political Will. The hearing was attended by the President of Parliament, Minister of Foreign Affairs, Deputy Minister of Education, members of the European Parliament, members of the Macedonian Parliament. NGOs, political parties, international organizations. etc.

Within the Decade of Roma inclusion, the Government of the Republic of Macedonia has supported also the project for the establishment of 8 Roma Information Centers throughout the country. The purpose of these centers is to provide information to ethnic Roma for the effective realization of their rights and to facilitate the cooperation between the local authorities and the civil sector. The project has started to be operational in March 2007 and encompasses the municipalities of Skopje, Tetovo, Gostivar, Bitola, Prilep, Kumanovo, Stip and Delcevo. The intention is to establish a link between the Roma community and the institutions at local level, such as: Employment Agency, Center for Social Affairs, Institute for Health protection, Units of Local

Self-government, Councilors for education at local level and the Sector for Urban Planning at local level. For the implementation of this project a partnership relation has been set up with 8 Roma NGO's.

Roma access to health services has been tackled below in the comments provided by the Ministry of Health.

The Government of the Republic of Macedonia has also been very active to ensure functioning **political dialogue** among various political actors belonging to the ethnic communities. The dialogue is a continuing process and the result of it has to be assessed further. However, it is important to state that national mechanisms to enable political dialogue are functioning and are at the disposal of all political subjects. How to better find common ground on different and some times opposing interests is a question of evolving political culture and not of having proper legislation and administrative practice. Those issues are not just typical for the Macedonian society but are imminent to lot of other countries. Therefore, when approaching and analyzing them, one has to be equipped with lot of understanding and patience, having in mind their specific and time consuming character.

**The particular comments of the line ministries and other competent authorities are the following:**

#### **Ministry of Culture**

In respect of the remarks presented in the Opinion of the Advisory Committee that the support for the promotion of the cultural identity and of the cultural heritage of various communities is inappropriate, the Ministry of Culture underlines that in pursuance with the Law on Protection of Cultural Heritage adopted in March 2004, cultural heritage is protected as a fundamental value of the Republic of Macedonia and it is protected obligatorily on the entire territory of the Republic of Macedonia.

The protection of cultural heritage is governed by its value, significance and level of endangerment, regardless of the time, place and manner of its creation and who created it, who owns or disposes with the heritage, then regardless whether it is of worldly or religious character and regardless of the confession to which it belongs.

The cultural heritage on the territory of the Republic of Macedonia is an expression and a confirmation of the universal values that have existed on this territory. Cultural heritage is protected according to criteria established by law. Items that are of the highest national importance and have universal values for humanity, its history, culture, art, science or technical progress, or which are unique and are most characteristic of a certain type of creation in a given period, or are characteristic of a given style, or items that have greatly influenced the development of culture, art, science, technical development, or are testimony to ideas, beliefs, important events or renowned personalities are protected as a cultural heritage of special importance. The only criterion governing the placement of a given item under protection is its values, regardless whether it is of worldly or religious character and regardless of the fact which religion it belongs to.

As a result of the long year Ottoman rule in the Republic of Macedonia there are numerous buildings constructed of the Islamic architecture, which are excellent examples of Islamic art. In the last period, many such buildings have been placed under protection and there have been measures undertaken for their conservation and presentation.

The fostering of folklore, customs, old crafts and other similar values, as well as free creative activities most often signify the identity of a people, nation or community. For the first time in the Macedonian legislation, the Law on Protection of Cultural Heritage has introduced the category of spiritual cultural heritage. Hence, the scope of protection has been expanded with protection of non-material items. Thus, the Republic of Macedonia pays particular attention to and supports the various forms of creativity, related to the fostering of folklore, customs and tradition of all communities in the country.

In relation to the recommendations made in paragraph 74 and 75 of the Advisory Committee's second Opinion the attention has to be drawn to some acts and policy decisions. Namely, the Government has decided to allocate substantial financial resources for the renovation of mosques, cultural monuments, religious places of the non-majority communities. In this regard, several decisions have been reached, among which: decision for a construction of an Albanian theatre in Tetovo, for the establishment of an Institute of Albanology in Skopje, support in the creation of a monument dedicated to the National hero Skenderbeg in Skopje, as well as a decision to finance the University library in Tetovo.

In the sphere of legislation, the Government's dedication to provide support for promoting the cultural identity of different communities has been transposed in the amendments to the Law on State holidays. Changes have been introduced by which religious holidays and holidays of the non-majority communities (Albanian, Turk, Serb, Roma, Vlach, Bosniac and Jew community) have been declared as State holidays.

At the initiative of the Prime Minister and as a way of contributing to the international efforts for the promotion of intercultural and inter-religious dialogue, the Government of the Republic of Macedonia will host a World Conference on Dialogue among Religions and Civilizations is scheduled to be held in Ohrid from 26 to 28 October 2007.

### **Ministry of the Interior**

#### **Identification documents paragraphs - 20, 131, 132, 133**

In the context of the application of the procedure for passport issuance, starting with filing of the applications over to printing the forms and entering personal data on the passport, there is full observance of the legal procedures related to the right to use the language and alphabet by citizens who speak an official language different from the Macedonian, as prescribed by the relevant laws.

As of December 2004, there are passports issued in which the text is printed in addition to the Macedonia language and its Cyrillic alphabet, in the Albanian language and alphabet, as well and the same is applied for the entered personal data.

As of 2 April 2007, under the implementation of the Project New Personal Documents, citizens speaking a language other than the official

language (Serbs, Bosniacs, Turks, Vlachs) upon their request may have their names and surnames printed on the passport in their language, as well.

National minorities are issued personal documents - passports using their language and alphabet to enter their personal names upon their request.

In respect of the issuance of personal identification documents, the laws regarding the right of persons speaking an official language different from the Macedonia to use their language and alphabet are fully applied.

Currently, in the Republic of Macedonia there are ID's issued printed in the Macedonian language and its Cyrillic alphabet and in the Albanian language and alphabet.

Under the new Personal Identification Documents Project and applying the provisions of Articles, 1,2,3,4 and 5 of the Law amending and supplementing the Law on Personal Identification Document (Official Gazette of the Republic of Macedonia No. 19/2007) as of 1 October 2007, there will be technical conditions created to issue ID's in which the personal name will be printed in the Macedonian language and its Cyrillic alphabet, and in the language and alphabet used by the citizen, upon his /her personal request.

In the area of traffic, the format of the driver's license, the driver's certificate, the tractor driver's license, the registration license, the registration certificate and the provisional registration certificate are printed and data is entered in the Macedonian language and its Cyrillic alphabet.

Under the new Personal Identification Documents Project, applying the provisions of the Law amending and supplementing the Law on Security in Road Traffic (Official Gazette of the Republic of Macedonia No. 19/2007), as of 1 October 2007, there will be technical conditions created to issue driver's licenses, in which the personal name will be printed in addition to the Macedonian language and its Cyrillic alphabet also in the language and alphabet used by the concerned citizen upon his/her personal request.

#### **Article 11, paragraph 130**

Personal identification documents are issued to citizens of the Republic of Macedonia based on the personal data entered in the Registry of Births. In case citizens want to change their personal name, or only name or only the surname, they can file an application in accordance with the Law on Personal Name (Official Gazette of the Republic of Macedonia No. 8/95) and change their name according to their wish, provided that all conditions envisaged in the said Law have been met. It is underlined that the Law does not envisage prohibitions as regards the choice of the personal name, except that the personal name must not offend the public moral.

As regards the transliteration of personal names, it is underlined that the transliteration is done following the rules of the orthography of the Macedonian language, i.e. of the language into which the transliteration is done.

In respect of the elaboration of the results of the first cycle and the current state of play in the use of languages by persons belonging to the communities, it is necessary to make the necessary terminological adjustments, in line with the legal provisions regulating issues related to identification documents of citizens of the Republic of Macedonia, especially in light of the Law on Identification Documents. This implies adequate

harmonization of the legislative solutions interpreted in the text with the applicable legal provisions regulating this matter.

### **Ministry of Health**

The Ministry of Health **does not** agree with the conclusion contained in paragraph 57 of the Opinion, which underlines that the access to social assistance and health care by the Roma is a serious problem, underscoring as well the issue of often reporting serious problems in acquiring treatment and segregation in hospitals, lack of access to medications and inability to pay for the services and points to the following:

-All citizens of the Republic of Macedonia regardless of their ethnic affiliation equally enjoy the right to health care, in accordance with the provisions of Article 3, paragraph 1 of the Law on Health Protection (Official Gazette of the Republic of Macedonia No. 38/91, 46/93, 55/95, 10/04 and 84/2005, 111/2005, 65/2006 and 5/2007) according to which "Everyone shall have the right to health care."

-Equality of citizens in the area of health care is set forth by the provisions of Article 2, paragraph 2 of the Law on Health Insurance (Official Gazette of the Republic of Macedonia No. 25/00, 34/00, 96/00, 50/01, 11/02, 31/03, 84/05, 37/2006 and 36/2007) according to which "Compulsory health insurance is established for all citizens of the Republic of Macedonia in order to ensure health services and pecuniary compensation based on the principles of comprehensive coverage, solidarity, equality and effective use of facilities under conditions set forth in this Law and regulations adopted in pursuance with this Law."

-The Law on Health Protection envisages adoption of Annual Health Protection Programs funded under the Budget of the Republic of Macedonia. The activities set forth in these Programs are implemented for the entire population, regardless of their religious, national or other affiliation or insurance status. In designing and implementing the program activities there is special focus on achieving better coverage of vulnerable populations, population in rural areas and risk categories. In the context of the implementation of activities sanitary epidemiological supervision, control of the drinking water quality, disinfection and disinsection of certain areas, health education in cooperation with NGO's, work of visiting nurses on detection of non-immunized children are of special importance. These Programs facilitate access to certain types of health care services for the unemployed and persons not insured on any grounds.

-In the Municipality of Suto Orizari, which is predominantly with Roma population, with the support of the Ministry of Health and international organizations, there has been a Youth Friendly Service opened, which offers free of charge preventive health and educational services to the young people in this Municipality.

-There are specially designed activities undertaken with a focus on the Roma population under the HIV/AIDS and Tuberculosis Programs, supported through a grant by the Global Fund.

-In this respect there should be reference made the Deontological Codes of professional associations of doctors, dentists and pharmacists of the Republic of Macedonia which state that engaging in the doctor's, dentist's or pharmacist's profession, doctors, dentists, i.e. pharmacists of Macedonia are

obliged to protect the honor and noble tradition of their profession and in performing their professional duties they shall not allow making any difference based on gender, age, **ethnic affiliation**, race, political affiliation, sexual orientation, disability, and social and economic position.

-According to the data contained in the 2006 Report of the National Ombudsman, there have been no applications filed based on discrimination of Roma patients by the health care personnel.

### **Broadcasting Council**

At its session held on 10 May 2007, elaborating the issue of comments contained in the Second Opinion on the Republic of Macedonia, the Broadcasting Council concluded that the conclusions contained in the Second Opinion related to the access of ethnic communities to the media correctly reflect the current situation from the regulatory aspect and that the recommendations of the Advisory Committee are related primarily to the media outlets and media professionals.

### **Commission for Relations with Religious Communities and Groups**

The right to freely manifest one's freedom of religion and conviction is regulated in Articles, 9, 16 and 19 of the Constitution of the Republic of Macedonia.

According to the provisions of Article 9 of the Constitution of the Republic of Macedonia, citizens are equal in their freedoms and rights regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status.

Article 16 of the Constitution of the Republic of Macedonia guarantees the freedom of personal conviction, conscience, thought and public expression of thought.

Article 19 of the Constitution of the Republic of Macedonia guarantees the freedom of religion.

"The right to express one's faith freely and publicly, individually or with others is guaranteed."

According to Amendment VII to the Constitution of the Republic of Macedonia "The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other religious communities and groups are separate from the state and are equal before the law.

The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, and Evangelical Methodist Church, the Jewish Community and other religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law. "

According to the above quoted provisions of Amendment VII to the Constitution of the Republic of Macedonia religious communities and religious groups may freely establish social and charitable organizations in a procedure established by law.

The status of religious communities and the establishment of religious groups are regulated in the Law on Religious Communities and Religious Groups (Official Gazette of the Republic of Macedonia No. 35/97).



There is no uncertainty or confusion among persons belonging to minorities in respect of the procedure for registration of religious communities.

In the Republic of Macedonia, there is the guaranteed freedom of expressing one's faith and affiliation to a religious community or a religious group. According to Article 4 of the Law on Religious Communities and Religious Groups it is prohibited to prevent citizens in exercising their religious freedoms.

"It is hereby prohibited to force or prevent citizens in any way from becoming a member or being member of a religious community or a religious group.

It is prohibited to force citizens to participate or not to participate in religious rites and other types of expressing one's faith.

Citizens may not be deprived of the rights they have under the Constitution and law on grounds of their religious conviction, belonging to a religious community or religious group, performing or participating in the performance of religious rites and other types of expressing one's faith. "

The Constitutional Court of the Republic of Macedonia has adopted two Rulings abolishing articles of the Law on Religious Communities and Religious Groups:

Article 3, paragraph 1, Article 10, Article 11, paragraph 2, Articles 13 and 14 and Article 22, paragraph 2 as well as Articles 19 and 23.

The two Constitutional Court Rulings abolishing certain provisions of the Law on Religious Communities and Religious Groups do not imply amendments to the Law – it simply implies that certain provisions are deleted. In fact the Constitutional Court does not have the right to amend the Law, as prescribed by the Rules of Procedure of the Constitutional Court which upon a filed motion assesses the level of harmonization of a law with the Constitution, and in case a conclusion is adopted that the law runs contrary to the Constitution, then the Court abolishes certain articles or the entire Law.

In the Republic of Macedonia, religious communities and religious groups are not registered according to which minority group they belonging to, but according to their religious belief and the types of expression of the faith.

Accordingly, these provisions could not be discriminatory at all especially in light of the fact that the Constitution of the Republic of Macedonia in its Article 8, paragraph 1, subparagraph 1 establishes as one of the fundamental values that "the basic freedoms and rights of the individual and citizens recognized in international law and set down in the Constitution as one of the fundamental values of the constitutional order of the Republic of Macedonia", which also encompasses freedom of thought, conscience and religion, while this right also includes the freedom to change one's faith or conviction, as well as the freedom to expressing one's faith or conviction individually or in community with others, publicly or privately, through religious service, religious teaching, sermons, religious rites and ceremonies.

It is underlined that it is expected that a new democratic and liberal Law on the Legal Status of Church, Religious Community and Religious Group will be adopted soon. It has been drafted in transparent consultations with OSCE/ODIHR and the Venice Commission, taking care of the Macedonian specificities and the international standards in this sphere.

### **Regarding the use of minority languages in communication with public authorities and by public authorities- Article 10 of the Framework Convention**

Aiming at increasing the adequate and equitable representation of persons belonging to minorities but also with the intention to upgrade the use of minority languages, at the end of 2006 the Government decided to employ 99 interpreters into Albanian language in the public and court administration. This process continued in 2007 by expending job opportunities within the civil service for more than 200 civil servants belonging to the minority communities. (Referring to the recommendations contained in paragraph 129 and 229 of the Advisory Committee's Second Opinion)

The new draft of the Rules of Procedure of the Assembly contains proposal to upgrade the use of minority languages spoken by at least 20% of the citizens in the Republic of Macedonia in the work of the Parliamentary Committees. This proposal presents an improvement in comparison to the regulations contained in the existing Rules of procedure of the Macedonian Assembly of 2002.

### **Regarding measures in the field of education and providing equal opportunities for access to education- article 12 of the Framework Convention**

In the sphere of education the Law on primary education has been amended by introducing compulsory 9 year primary education and introducing optional classes of religious education. The intention is to promote the universal values all the religions are based on and to develop the civic understanding among the pupils, but also to enable the development of their individual religious identity.

In April 2007 amendments were made to the Law on secondary education transforming it into a compulsory and free education. The aim is to upgrade the level of education of all the citizens, and especially the ones belonging to minority communities, which, in the past, had experienced limited access to all profiles of secondary education in their own language. By these improvements, the objective of the Government of the Republic of Macedonia is to strengthen the human capacity, to decrease the unemployment, to increase the social cohesion and to eliminate the social injustice and discrimination.

### **Conclusion**

The Government of the Republic of Macedonia highly values the activities of the Advisory Committee in the process of monitoring the implementation of the Framework Convention and considers that the fulfillment of the obligations under the Convention must be a continued pan-European process.