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

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA\***

[21 July 2005]

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\* The information submitted by The former Yugoslav Republic of Macedonia in accordance with the guidelines concerning the initial reports of States parties is contained in the core document (HRI/CORE/1/Add.3).

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### Article 1 of the Covenant

1. In conformity with principles of the Charter of the United Nations concerning the right of all nations to self-determination, the citizens of The former Yugoslav Republic of Macedonia expressed their will and voted for the establishment of the Republic as a sovereign and independent State in the referendum held on 8 September 1991, confirming by way of plebiscite the statehood and sovereignty of the Republic. The referendum results were reaffirmed in the Declaration adopted by the National Assembly of The former Yugoslav Republic of Macedonia at its session held on 17 September 1991 determining, inter alia, that: *“The former Yugoslav Republic of Macedonia, as a sovereign and independent State, will be committed to consistent respect of the generally accepted principles contained in the United Nations documents, the Organization for Security and Cooperation in Europe Helsinki Final Act, and in the Charter of Paris for a New Europe. The former Yugoslav Republic of Macedonia based its international legal personality upon the respect of international norms regarding the relations between States and upon the full respect of the principles of territorial integrity and sovereignty, of non-interference in internal affairs, strengthening of mutual respect and trust, and development of comprehensive cooperation of mutual interest with all countries and peoples.”*

2. The new Constitution of The former Yugoslav Republic of Macedonia (hereinafter referred to as “the Constitution”), which was prepared in parallel with the independence activities, was adopted by the Assembly of The former Yugoslav Republic of Macedonia on 17 November 1991.

3. On 19 December 1991, the Assembly of The former Yugoslav Republic of Macedonia adopted a Declaration calling for international recognition of the Republic as a sovereign and independent State.

4. The former Yugoslav Republic of Macedonia became a full-fledged member of the United Nations on 8 April 1993.

5. Amendments 4 to 18 of the Constitution were adopted on 17 November 2001.

6. The political system and the objectives which determine it are set forth in the Preamble to the Constitution:

“The citizens of the Republic of Macedonia, the Macedonian people, as well as the citizens living within its borders who are Albanians, Turks, Vlachs, Serbs, Roma, Bosniac people and other nationalities living the Republic of Macedonia, taking responsibility for the present and future of their own State, aware and grateful to their predecessors for their endeavors and struggle to create an independent and sovereign State of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations for the common good - the Republic of Macedonia, in accordance with the traditions of statehood of the Krushevo Republic and the decisions of the Antifascist Assembly for National Liberation of Macedonia, and the Referendum of September 8, 1991, have decided to establish the Republic of Macedonia as an independent, sovereign State, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil freedoms, providing peace and

coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and in this regard through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, adopt this Constitution.”

7. Under article 1 of the Constitution, The former Yugoslav the Republic of Macedonia is defined as a sovereign, independent, democratic and social State. Under article 2, sovereignty is derived from the citizens and belongs to the citizens. Citizens exercise authority through democratic elections of representatives, through referendum and through other forms of direct expression.

8. Article 8 of the Constitution defines the fundamental values of the constitutional system of The former Yugoslav Republic of Macedonia: the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; the free expression of national identity; the rule of law; the division of State power into legislative, executive and judicial branches; political pluralism and free, direct and democratic elections; the legal protection of property; the freedom of the market and entrepreneurship; humanism, social justice and solidarity; local self-government; appropriate spatial planning to promote a congenial human environment, as well as environmental protection and development; and respect for the generally accepted norms of international law.

9. *“All the natural resources of the Republic of Macedonia, the flora and fauna, amenities in common use, as well as the objects and buildings of particular cultural and historical value determined by law are amenities of common interest for the Republic and enjoy particular protection. The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of the Macedonian people and of the nationalities and the treasures of which it is composed, regardless of their legal status”* (article 56 of the Constitution).

10. The manner and conditions under which amenities of common interest for the Republic, determined by law, may be approved for use are regulated by the Law on Concessions.

### **Article 2 of the Covenant**

11. By a decision of the Government on 20 September 1993,<sup>1</sup> The former Yugoslav Republic of Macedonia acceded to the International Covenant on Economic, Social and Cultural Rights. The rights guaranteed in the Covenant are incorporated in the legal system of The former Yugoslav Republic of Macedonia through the 1991 Constitution, which contains a special chapter (chap. 2) dedicated to economic, social and cultural rights. Not only in terms of their structure, but also in terms of the content of these rights, the Constitution fully incorporates the provisions of the International Covenant on Economic, Social and Cultural Rights. Detailed information on the implementation of the provisions of the Covenant is outlined in the present report according to articles of the Covenant.

12. The rights and freedoms guaranteed by the Constitution, and further elaborated in the domestic legislation, are enjoyed by all citizens over whom the jurisdiction of The former

Yugoslav Republic of Macedonia extends. According to article 9 of the Constitution, *“Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law.”*

13. In the domestic legal system, human freedoms and rights represent a basic constitutional postulate. As a rule, freedoms and rights are recognized on the basis of the Constitution, while the conditions and manner of their realization may be prescribed by law only if explicit constitutional authorization for this exists, and only within the framework of such authorization.

14. The protection of human freedoms and rights is guaranteed in article 50 of the Constitution, according to which: *“Every citizen has the right to invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of the Republic of Macedonia, through a procedure that is based upon the principles of priority and urgency. Judicial protection of the legality of individual acts of State administration, as well as of other institutions carrying out a public mandate, is guaranteed.”*

*“A citizen has the right to be informed on human rights and basic freedoms, as well as actively to contribute, individually or jointly with others, to their promotion and protection.”*

15. The exercise of the judicial function is crucial for an efficient realization of this form of protection and especially its independence and autonomy. A number of provisions in the Law on Courts guarantees the independence of the courts in performing their judicial function. In addition, for an efficient implementation of legal protection, the Law prescribes that every State organ, when this is placed in its competence, is obliged to carry out a court decision. Court decisions are carried out in a prompt and efficient manner, and cannot be hindered by a decision of any other State organ.

16. Besides the regular courts, the freedoms and rights of citizens are also protected by the Constitutional Court of The former Yugoslav Republic of Macedonia (hereinafter referred to as “the Constitutional Court”). According to article 110, paragraph 1, subparagraph 3, of the Constitution, the Constitutional Court protects the freedoms and rights of the individual and citizen relating to freedom of belief, conscience, thought and public expression of thought, political association and activity, as well as of the prohibition of discrimination among citizens on the grounds of sex, race, religion or national, social and political affiliation.

17. Protection of human rights and freedoms before the Constitutional Court is regulated by the rules of procedure of the Constitutional Court, according to which a citizen may demand protection of his freedoms and rights before the Constitutional Court within two months of the day the effective decision is delivered, that is to say from the day a person learns that a violation has been committed, but not later than five years from the day when it was committed. As a rule, the Constitutional Court decides on the basis of a public hearing in which the national Ombudsman is one of the participants. The Constitutional Court shall determine whether human rights and freedoms have been violated, and depending upon this, it shall revoke the individual act, prohibit the action causing violence, or it shall dismiss the case. The Constitutional Court may make a decision to suspend an individual case or course of action pending the final decision.

18. Apart from direct constitutional and judicial protection, and within the framework of its basic competence (control of constitutionality and legality), the Constitutional Court permanently ensures a so-called abstract protection of human rights through its right to annul or revoke provisions of the laws and by-laws which are in contradiction to the Constitution, that is to say by which the constitutionally guaranteed rights are violated. From 1993 to 1997, the Constitutional Court, in deciding on the conformity of laws with the Constitution, revoked in numerous cases specific provisions of laws and other regulations by which the rights guaranteed by the Constitution were violated.

19. For the protection of the constitutional and lawful rights of citizens that have been violated by agencies of the State administration or by other organs and organizations that have public authority, the Constitution provides for the institution of the office of the Ombudsman. The Ombudsman is elected by the Assembly of The former Yugoslav Republic of Macedonia for a period of eight years, with the right to a second term. According to the Law on the Ombudsman, the Ombudsman has one or more deputies who are elected and dismissed by the Assembly of The former Yugoslav Republic of Macedonia, upon his/her suggestion, for a term of eight years, with the right to a second term.

20. The Parliament established the Permanent Survey Commission for the protection of the freedoms and rights of the citizen (art. 76, item 4, of the Constitution) in order to protect the human rights of the individual. Its findings are used for initiating a procedure for determining the extent of responsibility of holders of public office who have endangered or violated the freedoms and rights of citizens. In its work, the Commission cooperates with scientific and professional organizations, relevant foreign and international bodies, as well as working bodies of the Parliament.

21. In accordance with article 29 of the Constitution, foreigners enjoy freedoms and rights guaranteed by the Constitution, under conditions regulated by law and international agreements. The former Yugoslav Republic of Macedonia guarantees the right of asylum to foreigners and stateless persons persecuted for democratic or political beliefs and activities. Extradition may only be carried out on the basis of a ratified international agreement and on the principle of reciprocity. A foreigner cannot be extradited for a political criminal offence, whereby acts of terrorism are not regarded as political criminal offences.

22. Pursuant to article 31 of the Constitution, a foreigner in The former Yugoslav Republic of Macedonia may acquire the right of ownership of property, under conditions determined by law. Pursuant to article 2 of the Law on Ownership and other Property Related Rights (Official Gazette of The former Yugoslav Republic of Macedonia, No. 18/2001), all domestic and foreign natural and legal persons may acquire the right of ownership. Besides this, article 59 of the Constitution also gives entitlement to freely transfer invested capital and profits.

23. Under the Law on Movement and Residence of Aliens (Official Gazette of The former Yugoslav Republic of Macedonia, Nos. 36/92, 66/92, 26/93 and 45/02) foreign nationals have the right to temporary and permanent residence in a manner and under conditions determined by this law. The provisions of this Law regulate in detail the conditions and the procedure for acquiring temporary or permanent residence, as well as the rights and obligations of the person requesting residence.

24. Article 12 of this Law stipulates that a foreigner entering the country for purposes of employment, education, scientific research or performance of a certain professional activity must be issued a visa. The visa application is submitted to the consular mission abroad. On the application form, the foreigner states the reasons for the visit, for instance the company/organization for which s/he would be working, the educational institution at which s/he would be studying, or the type of scientific research in which s/he would be engaged.
25. The issuance of certain types of visa requires the approval of the Ministry of the Interior. Upon receiving a request from the consular office, and before issuing its approval, the Ministry of the Interior obtains an assessment from the Ministry responsible for the area in which the foreigner would be engaged during his/her stay in the country.
26. Once the consular office has received the approval of the Ministry of the Interior, the foreigner is issued an entry/exit visa with validity of up to one month. The visa is clearly marked with the purpose for which the visa is issued, such as employment, education or scientific research.
27. Upon entry in The former Yugoslav Republic of Macedonia, the foreigner holding a visa is obliged to submit an application for a temporary residence permit at a local unit of the Ministry of the Interior at the place of residence.
28. A foreigner who applies for a temporary residence permit for employment purposes, should attach the approval for employment (work permit) to the application form, which s/he obtained from the Employment Bureau on entry into the country. The foreigner applying for a temporary residence permit in order to pursue studies ought to enclose a certificate verifying his/her status as a full-time student at the relevant school or university in the country.
29. A foreigner applying for temporary residence permit for purposes of research should also submit the approval for performance of scientific research issued by the competent institution or organization.
30. In addition to the above-mentioned documents, the foreigner is also obliged to show evidence of means of subsistence, or other validatory documents such as bank account statement, salary or scholarship verification.
31. The local unit of the Ministry of the Interior issues the temporary residence permit by stamping the foreigner's travel document with a validity period of one year or until the expiry of the travel document, if less than a year. The temporary residence permit may be renewed upon application by the foreigner, but this must be filed prior to the expiry of the temporary residence permit, as long as the conditions under which the initial permit was issued remain the same and the reasons for the extension can be supported by evidence.
32. After a foreign national has continuously resided in The former Yugoslav Republic of Macedonia for at least three years (on the basis of temporary residence) s/he may be issued a permanent residence permit.
33. According to law, international conventions and agreements concluded with other States, foreign nationals have the same rights as other citizens of The former Yugoslav Republic of Macedonia, or to the extent and level established with bilateral agreements on the principle of reciprocity.

34. According to the Law on Social Protection (Official Gazette of The former Yugoslav Republic of Macedonia, Nos. 50/1997, 16/2000, 17/2003 and 65/2004) foreign nationals with permanent residence enjoy the same rights in respect of social protection as nationals of The former Yugoslav Republic of Macedonia.

35. These persons may also participate in the labour market under conditions prescribed with the Law on Conditions for Establishing Labour Relations with Aliens (Official Gazette of The Federal Republic of Yugoslavia, Nos. 11/1978 and 65/1989, as well as the “Official Gazette of The former Yugoslav Republic of Macedonia”, No 12/1993). This Law regulates the procedure, terms and conditions under which foreigners may participate in the labour market and enjoy the rights and obligations resulting from employment in The former Yugoslav Republic of Macedonia. Foreigners are employed on the basis of a previously issued working permit, following which temporary residence is granted.

### **Article 3 of the Covenant<sup>2</sup>**

36. In accordance with article 9 of the Constitution, all citizens have equal rights and freedoms irrespective of gender, race, skin colour, nationality and social origin, political and religious beliefs, property and social status.

37. Accordingly, the Constitution recognizes all economic, social and cultural rights guaranteed under the International Covenant on Economic, Social and Cultural Rights, equally for women and men.

38. Additionally, gender equality is implemented throughout the entire legal system.

39. By a Government decision of January 1997, the Department for Gender Equality Promotion (DGEP) was established in the Ministry of Labour and Social Policy. The basic function of DGEP is to positively impact the advancement of the position of women and to promote gender equality, in accordance with international conventions that The former Yugoslav Republic of Macedonia has ratified, ensuring for all women full enjoyment of human rights. DGEP fulfils this function by initiating specific activities under the National Gender Equality Action Plan, which the Government adopted in 1999, and which aims to attain the objectives and priorities set forth in the said Action Plan.

40. Furthermore, DGEP coordinates gender equality activities in the public sector by considering laws, by-laws and decisions that the Government adopts and offering proposals and initiatives to overcome problems faced by women in The former Yugoslav Republic of Macedonia. DGEP also cooperates with numerous non-governmental organizations (NGOs) and supports their activities.

41. To ensure gender mainstreaming as well as the advancement of women at the local level, 10 Gender Equality Committees have been established in 10 cities across the country. These Committees have been established in accordance with the Statute of the Local Government Councils and their members are both men and women councillors at the municipal councils. The Committee members belong to various political parties.



42. The basic task of the Gender Equality Committees is to positively influence local policy in terms of gender equality, in order to overcome specific problems that women face at the local level. The Committees prepared their local action plans, envisaging various goals and needs for each separate municipality, to be realized in the short term.

43. There are numerous NGOs in the country working for the promotion of human rights, the elimination of discrimination against women and the attainment of gender equality. In the last several years, the many activities of the participants in the women's movement have yielded great results.

44. The Macedonian Women's Lobby (MWL) was established in March 2000. MWL exerts pressure on the public sector and the media. The group is an open coalition of women representing various women's groupings: NGOs, political parties, government institutions, local government, trade unions, media, individual women in various areas and of various national, ethnic, party and religious background. That same year, the Ministry of Labour and Social Policy provided premises for the National Office of the Macedonian Women's Lobby which gives logistical support for the realization of the programme activities, that is to say the goals of MWL, in line with the National Gender Equality Action Plan.

45. A Women's member of Parliament Association was established in March 2003. This Association provides logistical support to female members of Parliament in the performance of their professional duties, in particular from the perspective of gender equality. The Association gives all members of Parliament belonging to the various political parties represented in Parliament the opportunity to meet, debate and discuss current issues, meet representatives of NGOs, trade unions, the media and citizens. Furthermore, the Association facilitates exchange of experience and cooperation with women members of Parliament from other countries.

46. The establishment of MWL and of the Women members of Parliament Association was instituted under the project activities of the Stability Pact Gender Equality Task Force.

47. In The former Yugoslav Republic of Macedonia, there are more than 45 active women's NGOs, staffed by over 100,000 women volunteers.

48. NGOs and Government institutions have shown professionalism in their collaboration over the years, and this has resulted in progress in terms of gender equality.

#### **Women in the legislative, executive and judiciary powers and in local government**

49. Currently, there is a multiparty Parliament in place, established as a result of the fourth parliamentary elections in 2002. It is important to point out that there has been an increase in the number of women members of Parliament. Hence, for the first time 22, or 18.3 per cent, of 120 members of Parliament elected are women. This was made possible by the amendments and supplements to the Law on Election of Members of the Parliament, in 2002, which in article 37 envisages that each gender is to have at least a 30 per cent representation on the proposed list of candidates.

50. At the first parliamentary elections in 1990, conducted according to the majority rule, 5 or 4.2 per cent of 120 members of Parliament were women. In 1994, the next parliamentary elections were conducted following the same model. Thus, of a total 120 members of Parliament, 4 or 3.3 per cent were women. At the third, 1998, parliamentary elections, which were conducted following the mixed model, namely a combination of the majority and proportional electoral model, 9 or 7.5 per cent of the 120 members of Parliament were women.

51. The situation in the executive power is the following: To date, the number of women in the Cabinet of 20 or 27 members has never exceeded 3. In the current coalition Government Cabinet of 19 ministers, 3 are female namely a minister for foreign affairs, 1 for justice and a deputy prime minister in charge of European integration. According to Government data, the Secretariat General of the Government, as the Government's professional service, employs 107 civil servants, 70 of whom are women. Thirty-two of this number have managerial functions.

52. According to information from the Civil Servants' Agency (Central Registry), which are still elaborated, of the total number of civil servants (without taking into account employees at the Parliament, at the Ministry of the Interior, Ministry of Economy and some first instance courts in the country) of the total number of 7,500 civil servants, 3,834 or 51.12 per cent are women. Of the total 1,014 managerial civil servants 44.08 per cent or 447 are women.

53. According to the data from the Parliament of the total number of civil servants, 113 are women, 32 or 28.31 per cent of whom have managerial positions.

54. Women are better represented in the judiciary, as illustrated by the data of 30 June 2004, which shows that of the 24 judges in the Supreme Court, 7 or 29.16 per cent are women.

55. Furthermore, at the three Courts of Appeal in Skopje, Bitola and in Stip, out of the total number of 83 judges, 39 or 46.98 per cent are women.

56. Of the total 525 judges at the courts of first instance in The former Yugoslav Republic of Macedonia, 286 or 54.47 per cent are women. Thus, of the total 632 judges in all courts, at all levels in the country, 332 or 52.53 per cent are women.

57. It can be concluded from the above-mentioned that the number of women judges in the lower instances is satisfactory as there is balanced representation of the two genders. However, if one considers the number of women at the Supreme Court as the highest instance judicial body in The former Yugoslav Republic of Macedonia, the picture is quite different. The 29.16 per cent representation or 7 women judges out of 24 in total is not satisfactory.

58. Of the total number of lawyers – 1,314 members of the Bar Association of The former Yugoslav Republic of Macedonia 419 or 31.88 per cent are women. The data are of the Bar Association of The former Yugoslav Republic of Macedonia, last updated on 31 December 2003.

59. Local government: The local elections held in March 2005 were conducted in accordance with the new territorial division. Of 1,391 elected councillors, 309 are women. Three of the 85 elected mayors are women.

60. According to the results of the first local elections of 1990, of a total 70 elected members of the Assembly of the Municipal Community of Skopje, only 4 were women or 5.7 per cent, while among the 1,510 elected members of the Municipal Assemblies only 74 or 4.9 per cent were women. In the 1996 local elections, there was not a single woman represented among the 124 elected mayors, and as regards the municipal councils, out of the total 1,710 councillors only 105 were women (or 6.1%). In the 2000 local elections, 3 women, or 2.5 per cent, were elected as mayors and 161 women were elected among the total number of 1,906 elected councillors, which is 8.4 per cent representation.

#### Candidates and elected councillors at local elections, 1990, 1996 and 2000

Period	Candidates		Elected	
	Women	Men	Women	Men
1990	352 (6.34%)	5 194 (93.6%)	74 (4.9%)	1 436 (95.1%)
1996	1 230 (9.7%)	11 494 (90.3%)	105 (6.1%)	1 615 (93.9%)
2000	1 265 (12.9%)	8 526 (87.1%)	161 (8.4%)	1 745 (91.6%)

61. It can be seen from the table above that the number of women-candidates increased from 9.7 per cent at the 1996 elections to 12.9 per cent at the 2000 elections. The number of elected women councillors also increased from 6.1 per cent in 1996 to 8.4 per cent in 2000.

#### Candidates and elected mayors at local elections

Period	Candidates		Elected	
	Women	Men	Women	Men
1996	23 (3.9%)	563 (96.1%)	-	118 (100%)
2000	26 (5.2%)	471 (94.8%)	3 (2.5%)	120 (97.5%)

62. In June 2004, among the amendments and supplements to the Law on Local Elections a new article 15, subparagraph (a), was inserted which reads as follows: *“Each gender shall have at least 30 per cent representation at the upper and lower halves of the lists of candidates proposed for members of the municipal councils and of the Council of the City of Skopje.”*

#### Women in education

63. According to the Constitution (art. 44) everyone has the right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free.

64. The applicable legislation regulating education applies equal treatment of pupils and students, in terms of gender.

65. The current legislation regulating primary education, the Law on Primary Education of 1995, which is in accordance with the Constitution, and part of the reform programme for transformation of the education system, there is an evident commitment to ensuring equality between male and female pupils and students which is of fundamental importance and a precondition for progress of the entire social system. This implies creating equal conditions in all aspects, which also means equal access to education and all types of training in the single

education system. Similarly, there is no discrimination against female pupils compared to male pupils, in the preschools and primary schools. This confirms that there are no gender-related differences in the exercise of the basic rights and freedoms by female pupils in preschools and in the primary school system.

66. Furthermore, the 1995 Law on Secondary Education, more precisely article 3, paragraph 2, guarantees equal right of women to access to secondary education envisaging that: “*Discrimination on grounds of gender, race, conviction, property and social status is prohibited.*”

67. The Law on Higher Education of 2000 has a separate article (art. 2) which regulates the right to education for nationals of The former Yugoslav Republic of Macedonia at institutions of higher learning, under equal conditions, meaning equal access of the male and female population to higher education.

68. All classes are established with heterogeneous gender structure and primary pupils of both genders receive equal treatment. The share of female pupils in the total number of pupils enrolled in primary schools in the reporting period is given in the table below:

Ordinal Number	Academic year	Number of regular primary schools	Total number of pupils	Total number of female pupils	% of female pupils
1.	1995/96	1 046	259 515	125 310	48.3
2.	1996/97	1 045	258 587	124 817	48.3
3.	1997/98	1 043	256 275	123 629	48.2
4.	1998/99	1 041	255 150	123 068	48.2
5.	1999/2000	1 036	252 212	121 768	48.2
6.	2000/01	1 021	249 375	120 478	48.4
7.	2001/02	1 007	244 740	118 563	48.4

69. Based on the previous quantitative indicators, it can be concluded that there is equal treatment of pupils of both genders, in terms of the enrolment policy, the education process and the acquisition of diplomas. The minimal differences in the percentage ratio of participation of the genders are caused by the birth rate, and the generations of pupils.

70. In the reporting period, the share of female students in the total number of secondary school students is 48.6 per cent, which corresponds to the percentage of female population in primary school and which confirms the equal representation of female students compared with male students, in secondary education.

71. In respect of the ethnic affiliation of pupils female Macedonian pupils have 51 to 52 per cent share, female Albanian pupils 37 per cent up to 41 per cent, female Turks 29 to 37 per cent; Roma 31 to 40 per cent; female Vlach pupils 46 to 52 per cent and female Serb pupils 39 to 42 per cent, which shows the progressive trend.

72. Gender equality in secondary education equally applies to selection of profession, professional orientation, and acquisition of diplomas. Despite the fact that continuous activities are undertaken for advancement of equal participation of female children, in underdeveloped mountainous regions, traditional attitudes still prevail, resulting in non-participation of female children in secondary education.

73. At the two State Universities in the country, Sts. Cyril and Methodius University in Skopje and St. Clement of Ohrid in Bitola, there were a total number of 44,710 students enrolled for the 2001/02 academic year, 24,691 or 55.2 per cent of whom were female. Of the total 43,587 students registered in the faculties, 23,905 or 54.8 per cent were women, and at junior vocational colleges of a total number of 1,123 students, 786 or 70 per cent were female students.

74. Compared to previous academic years it can be concluded that the percentage of women students ranged from 54.6 to 55.8 per cent for that period, which points to a higher participation by female students. To be specific, in 2000/01 of the total number of 40,246 students, 22,463 or 55.8 per cent were women; in the 1999/2000 academic year out of a total 36,922 students, 20,325 were women or 55.04 per cent; during the 1998/99 academic year the total number of students was 34,850, while 19,238 of them were women, and in the 1997/98 academic year out of a total 32,048 students, 17,484 or 54.6 per cent were women.

75. The percentage of female population in the total number of those enrolled at institutions of higher education for the current period increased from 7,930 to 9,702 students, which is a 22.3 per cent increase, increased from 4,324 to 5,341 female students, which is a 23.5 per cent increase. The percentage of female students in the total number of newly enrolled students ranges from 53 to 55 per cent and corresponds to the percentage of female students in the total number of enrolled students.

76. Based on the statistical data on the number of students graduating from higher education institutions, the percentage of female students in this period is 53.6 to 62.8 per cent or 59.1 per cent on average.

77. The percentage of female graduates with a Master of Science ranges from 41.1 to 52.8 per cent for the same period, or 48.4 per cent in average, while the percentage of female Ph.D.s ranges from 30 to 43.5 per cent or 35 per cent on average for the said period.

78. The percentage of female graduated students according to ethnicity is the following: female Macedonian students 54.8 to 61.6 per cent, or 59 per cent on average; female Albanian students from 35 to 59 per cent, or 48 per cent on average; female Turks 38.9 per cent up to 69.2 per cent, or 52 per cent in average; Roma female students 45.8 per cent; Vlach female students 50.6 per cent; female Serb students 50 per cent and female students of other ethnic background 54 per cent.

79. Furthermore, of the total 809 scholarships granted for the most-wanted professions, 531 or 68.6 per cent were awarded to female students.

80. The total number of students' credits in the reporting period was 20,918, 14,362 of which were awarded to female students, representing 68.6 per cent.

81. Students of both genders are also equally represented in terms of adult education programmes for secondary education, which is in the form of self-financed self-education, involving sitting certain course or programme examinations in the secondary schools.

82. In addition, the Law provides for the opportunity for occupational training of two years, for persons without a primary school-leaving certificate, envisaging that these persons would also complete the prescribed programme for primary education in parallel with the training.

### **Women and employment**

83. In accordance with the Constitution (art. 32, para. 1) everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment, and every job is open to all under equal conditions, that is to say without any discrimination, including gender-based discrimination.

84. In pursuance of these constitutional provisions, several laws have been adopted and collective agreements have been concluded, in full compliance with the above-mentioned constitutional rights in the field of labour, namely, the following: the Law on Labour Relations, the Law on Employment and Insurance in the event of Unemployment and the Law on Employment Promotion.

85. Two collective agreements have been concluded at the national level: General Collective Agreement for the Economic Branches in The former Yugoslav Republic of Macedonia and the General Collective Agreement for Public Services, Public Enterprises, State Bodies, Local Government Bodies and Other Legal Entities Performing Non-Economic Activities. Almost all branch collective agreements have been concluded, based on these two collective agreements.

86. Issues pertaining to labour relations fall under the Law on Labour Relations adopted in 1993, which has been amended and supplemented on several occasions within the framework of reforms in the area of labour market and under other projects. Issues in this area are also regulated by several other legislative documents, collective agreements and employment contracts.

87. In accordance with the Stabilization and Association Agreement that The former Yugoslav Republic of Macedonia and the European Union (EU) signed on 9 April 2001, the Government adopted a Programme for approximation of the legislation of The former Yugoslav Republic of Macedonia with that of EU. These documents refer to labour-related Directives with which the national legislation is to be harmonized, defining as well the schedule and stages for harmonization of the national legislation with the EC Directives. In the first stage there has been harmonization of the labour regulations with several directives of the EC: Council Directive 75/117/EEC on the principle of equal pay for men and women, Directive 76/207/EEC on the equal access to work, education and equal conditions for work and to a certain extent with Directive 97/80/EEC on the burden of proof in cases of discrimination. These Directives relate to the Law on Labour Relations and some of them apply to other labour related laws.

88. Hence, article 8, subparagraph (a), of the Law on Labour Relations (Official Gazette of The former Yugoslav Republic of Macedonia No. 25/2003) sets forth that the employer must not place the job seeker or the employee in an unequal legal position on grounds of race, colour of skin, gender, age, disability, religion, political or other belief, membership of trade unions, national or social origin, family status, property status or on grounds of other personal circumstances.

89. Men and women must be ensured equal opportunities and treatment in employment, promotion, worker's insurance, working hours and employment contract termination. Furthermore, according to article 70, subparagraph (a) of the Law on Labour Relations, another article 70 (a) is added (Official Gazette of The former Yugoslav Republic of Macedonia No. 25/2003) which reads as follows: "*In respect of equal jobs with equal demands of job performance, the employer shall be obliged to pay employees equal salary regardless of the gender.*" The provisions of the employment contracts and the provisions of the collective agreements, which run contrary to paragraph 1 of this article shall be deemed null and void.

90. According to the data collected in the Labour Force Survey of April 2003 by the State Statistical Office, the percentage rate of increase was 43.4 per cent for women and 65.6 per cent for men. It can be noted that the activity rate trends, starting with 1996, when labour force surveys were first conducted in the country, shows no significant change, that is to say, there has only been a slight decrease or increase each year. The trend in the participation of women in the activity rate shows no discrepancies, it ranges from 20.1 to 25.3 per cent in the same period. There is a similar trend in the participation of women and men in the labour force, which is 60.3 per cent for men and 39.6 per cent for women (2003).

**Percentage of employment activity, by gender (1996-2003)**

Activity rate	1996	1997	1998	1999	2000	2001	2002	2003
Total	54.9	53.7	54.8	53.1	52.9	55.5	52.6	54.5
Men	67.0	66.5	67.4	65.5	64.4	65.6	63.7	65.6
Women	42.9	41.2	42.2	40.8	41.7	45.5	41.5	43.4

91. Unemployment figures from in the last several years point to a trend of higher numbers of unemployed women vis-à-vis men, and this trend persisted from 2000 to 2003. Women have a 44.7 per cent share in the total unemployed urban population, and 30.0 per cent of the unemployed rural population. Women in rural areas have a 71.6 per cent share in the total number of unemployed women, while unemployed women from urban areas have a 28.4 per cent share in the total number of unemployed women.

92. The inactive population, according to the data of the 2003 Labour Force Survey was 45.5 per cent of the total population. Out of the total inactive population, 445,900 are women, or 62.1 per cent, while 272,500 are men, or 37.9 per cent.

93. In 2003, women comprised 40 per cent of the total number of employed.

**Employment rates in the 1996-2003 period (%)**

Employment rate	1996	1997	1998	1999	2000	2001	2002	2003
Total	37.4	34.4	35.9	35.9	35.8	38.6	35.8	34.5
Men	47.5	44.6	45.4	44.6	44.7	46.3	43.5	41.3
Women	27.4	24.4	26.3	27.2	27.1	30.9	28.1	27.7

*Source:* 2003 Labour Force Survey.

94. There is an evident difference in the participation of women compared with men, in terms of professional qualifications. At 46.8 per cent, women are most highly represented among the groups of working people with higher education, and also among the working people with vocational junior college education, at 46.7 per cent.

95. The difference in the percentage of women as regards professional qualifications is evident when one compares women's participation in sectors of employment. Women are usually employed in sectors that are traditionally considered more appropriate for the employment of women.

96. An especially indicative group among women is the group of unpaid domestic workers, which again confirms women's vulnerable position in the family, and in the society overall. Conversely, twice as many women are in this category, men comprising 36.8 per cent.

97. In terms of economic status and in addition to the already mentioned category of unpaid domestic workers, women more often take the role of employees - 40.7 per cent, then employers 20.9 per cent, and self-employed 18.4 per cent. Contrary to women, self-employed men make up 81.6 per cent, employers 79.1 per cent, employed 59.3 per cent and they are less represented in the category of unpaid domestic workers.

**Articles 4 and 5 of the Covenant**

98. According to article 54 of the Constitution, freedoms and rights of the individual and citizen can be restricted only in cases determined by the Constitution. The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution. The restriction of freedoms and rights cannot be based on sex, race, colour of skin, language, religion, national or social origin, property or social status. The restriction of freedoms and rights does not apply to the right to life, the prohibition of torture, inhuman or degrading treatment or punishment, the legal determination of punishable offences and sentences, or to the freedom of personal conviction - conscience, thought and religious confession.

99. The Constitution foresees two kinds of restrictions of human freedoms and rights: restrictions that are enumerated for specific freedoms and rights,<sup>3</sup> and a general provision on the restriction of freedoms and rights during a war or a state of emergency.

100. The provision laid down in article 54, paragraph 1, of the Constitution is significant because it determines that restrictions on freedoms and rights may be imposed only in the cases foreseen in the Constitution. In other words, they cannot be subject to regulation by some other



legal act that is subordinate to the Constitution, if there are no clear constitutional grounds for this. In the second paragraph of this article, and in accordance with article 4 of the Covenant, war and emergency are foreseen as relevant circumstances under which the freedoms and rights may be restricted. The terms war and emergency situation are defined by the Constitution itself, according to which war occurs when there is direct danger of war by an attack upon The former Yugoslav Republic of Macedonia, or when the Republic is attacked or war has been declared (article 124 of the Constitution). An emergency, according to article 125 of the Constitution, arises when a major natural disaster or epidemic takes place. A state of war is declared by the Assembly by a two-thirds majority of the total number of representatives, upon the proposal of the President, the Government, or at least 30 representatives. If the Assembly cannot meet, the decision for declaring a state of war is made by the President of the Republic, who submits it to the Assembly for approval as soon as it is able to meet. The same rules apply to emergency situations; however, according to the Constitution, a state of emergency can remain in force for a maximum of 30 days.

101. In the event of war or a state of emergency, the Government issues decrees with legal power, in conformity with the Constitution. This authorization of the Government lasts until the end of the war or the emergency, on which the Assembly decides. During a state of war, if the Assembly cannot meet, the President may appoint and discharge the Government and officials appointed and elected by the Assembly. The mandates of the President of the Republic, of members of Assembly, of the judges of the Constitutional Court and other judges, and of the members of the Republic Court Council are extended during a period of state of war or emergency.

102. The responsibilities of the State authorities (Assembly, President of the Republic, Government, Ministry of Defence and other bodies of State administration) in the field of defence are regulated by the Law on Defence.

103. The Government may not adopt acts which derogate from provisions from the Constitution relating to human rights and freedoms that are implemented directly on the basis of the Constitution. However, with regard to those freedoms and rights for which, according to the Constitution, the conditions and manner of implementation are prescribed by law, the possibility remains for these to be regulated differently under conditions of a state of war, by an act of the Government. Such an act of the Government may not suspend provisions of the Constitution, which means that they may not suspend the respective rights, either; only a stricter and more restrictive regime of implementation may be stipulated (for example, in relation to the right to work, freedom of movement and residence).

104. The provisions of article 54, paragraphs 3 and 4, of the Constitution are in accordance with article 4 of the Covenant. They stipulate a prohibition of discrimination in cases of restriction of human rights and freedoms, as well as an explicit prohibition on restricting specific human rights and freedoms.

105. In the legal system, the issue of the relationship between domestic and international law is a constitutional and a legal matter. According to article 118 of the Constitution, which deals with international relations, the international agreements that have been ratified in accordance with the Constitution are a part of the domestic legal system and may not be changed by law.

Therefore, and in conformity with article 98, paragraph 2, of the Constitution: “The courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution.”

106. According to article 8 of the Constitution, the basic freedoms and rights of the individual and citizen, recognized by international law and determined by the Constitution, as well as the respect of generally accepted norms of international law, are fundamental values of the constitutional system of The former Yugoslav Republic of Macedonia. In this sense, rights that are recognized in international documents, among them the rights determined and guaranteed by the International Covenant on Economic, Social and Cultural Rights are fully incorporated in the Constitution and in the domestic legislation.

#### **Article 6 of the Covenant**

107. In accordance with article 32, paragraph 1, of the Constitution everyone has the right to work, free choice of employment, protection at work and material assistance during temporary unemployment, while according to paragraph 2, of the same article every job is open to all under equal conditions and according to paragraph 5, of the same article, the exercise of the rights of employees and their position are regulated by law and collective agreements.

108. In pursuance of these constitutional provisions several laws have been adopted and a number of collective agreements have been concluded, fully respecting the above-mentioned constitutional rights in the area of labour legislation.

109. The following Laws have been adopted: Law on Labour Relations (Official Gazette of The former Yugoslav Republic of Macedonia No. 80/2003); Law on Employment and on Insurance in the event of Unemployment (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 37/1997, 25/2000, 101/2000, 50/2001, 25/2003, 37/2004 and 04/2005). Two general collective agreements have been concluded in the economic and non-economic sectors: General Collective Agreement for the Economic Sectors in The former Yugoslav Republic of Macedonia (Official Gazette of The former Yugoslav Republic of Macedonia No. 29/1994 and 87/2001) and the General Collective Agreement for Public Services, Public Enterprises, State Bodies, Local Government Bodies and other Legal Entities Performing Non-economic Activities (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 30/1994 and 73/2001). Based on these two general collective agreements almost all branch collective agreements (according to the economic and non-economic sectors) have been concluded.

#### *Collective implementation of rights:*

110. According to article 3 of the Law on Labour Relations the employee establishes employment voluntarily in a manner and under conditions determined by law and collective agreement.

111. Under article 5 of the Law on Labour Relations employments rights, laid down in the Constitution, law and collective agreement may not be deprived or limited by a decree or action of the employer.

112. Article 69, paragraph 2, of the Law on Labour Relations regulates the right of the employee to a salary.

113. According to article 134 of the Law on Labour Relations, in the exercise of particular employments rights, employees are entitled to request protection from employers, subsequently before the competent court, the trade union, labour inspectorate and other bodies in compliance with the law.
114. Article 7 of the Law on Labour Relations regulates the right of every person to maintain employment if they meet the general conditions determined by this and other laws, as well as specific conditions determined by law, collective agreement and the decree of the employer.
115. Article 70 of the Law on Labour Relations regulates the salaries of employees (the Law does not differentiate between men and women) for full-time employment. The full-time employment salary may not be lower than the lowest salary determined for particular levels of work complexity, in compliance with the law or respective collective agreement.
116. Furthermore, in accordance with this Law the employee may be assigned to any job that corresponds to the level of professional qualification (the Law does not differentiate between men and women nor does it pose any obstacles for the reassignment of the employee at other jobs).
117. Full-time working hours amount to a 40-hour working week while employees have the right to a 30-minute recess during the working day.
118. According to articles 46 and 47 of the Law on Labour Relations employees are entitled to leave after two consecutive working days of at least 12 hours and they are entitled to at least 24 uninterrupted hours' weekly leave.
119. Article 48, paragraph 1, of the Law on Labour Relations regulates the right to annual leave in a calendar year of minimum 18 and a maximum of 26 working days, while article 79 regulates the right of employees to salary compensation for leave, under conditions and in the amount laid down in a law and collective agreement, especially for annual leave, leave for holidays, pregnancy, delivery and maternity, vocational training, training, change of qualification and advanced qualification training.
120. Article 63 regulates the rights of female employees in the course of pregnancy, delivery and maternity. Hence, female employees have the right to maternity leave of nine continuous months, with compulsory start of this leave 28 days prior to delivery, or based on findings of the relevant doctor, 45 days before delivery.
121. In accordance with article 7, a person of 15 years of age may be employed, while for underground work and mining only 18-year-olds may be employed, provided that they are in good health condition.
122. Employees younger than 18 years of age may not be assigned to jobs that primary require strenuous physical work, underground work or work under water, nor to jobs that could have harmful effects on the health or life. The working hours of employees younger than 18 years of age may not exceed 40 hours, while in the industrial and construction industries employees under the age of 18 may not work at night between 10 p.m. and 6 a.m.

123. In all the above-mentioned cases, the legislator has envisaged penalties meaning minor offence sanctions for the employers and the authorized person, if acting in contravention to provisions set forth in the Law (art. 145).

124. Following independence, the process of economic transition in the country was conducted in especially unfavourable conditions. The changes in the economy, the privatization and restructuring of State-owned companies, the loss of traditional markets in the region, the period of sanctions and closed borders to neighbouring countries, as well as the security-related instability in the entire region, and particularly the recent conflict on the territory of the country, have all resulted in slow development and an unfavourable economic ambience in the country, with a subsequent drop in the employment rate and enormous increase of the unemployment rate.

125. However, despite all these negative and unfavourable conditions in the transition period, characterized by significant economic decline and very low investment level, it has to be stressed that the high unemployment rate originated even before the transition period when there was open employment. Namely, registered unemployment has been increasing as of the early 1960s, being 25 per cent during the period of acquiring independence, increasing significantly in the mid-1990s.

126. Thus, it can be concluded that unemployment in the country is not primarily and exclusively owed to restructuring of the economy in the transition period. Instead, it is mainly a result of the long-term unfavourable demand for labour.

127. Furthermore, it is important to point out that a certain increase in the registered unemployment in the country is owed to the fact that health insurance for the unemployed is provided through the public placement services, which has led to a situation in which a certain number of persons register as unemployed in order to acquire health insurance, although they are not actively seeking employment or are employed in the informal sector.

128. The State Statistical Office has been conducting Labour Force Surveys since 1996, providing data and information about the labour market, as well as unemployment and employment trends in the country. The Surveys are conducted to international standards and in accordance with the rules and principles of the International Labour Organization. These surveys were conducted annually until 2004, when the cycle changed to quarterly. The surveys are conducted across the entire country on a 10,000-household sample, which is 1.8 per cent of the total number of households in the country.

129. The latest information from the 2004 third quarter Labour Force Survey shows a 37.7 per cent unemployment rate, which is an increase over the previous period. (Data for the fourth quarter are yet to be published.)

130. According to the data published after the 2004 third quarter Labour Force Survey, the total labour force, that is to say active population is 854,620 persons, the number of employed is 532, 210, of whom 205,833 (38.7%) are women. The number of unemployed persons is 322,410, of whom 131,787 (40.9%) are women. According to this data, the activity rate is 53.6 per cent, the employment rate is 37.3 per cent and the unemployment rate is 37.7 per cent.

131. As regards the classification of employees according to age, 18.6 per cent of the total number of employed are aged 30 years or under, while 23.4 per cent of the employed are aged 50 years or over.

132. Out of the total number of unemployed persons (322,410), 40.6 per cent are aged 30 years or under, and 13.1 per cent are aged 50 years or over.

133. The following table shows the basic indicators of the labour market, based on the Labour Force Survey conducted for 2004:

**Labour force survey data**

	2004
Rate of participation of labour force aged 15 to 64	58.8
Rate of participation of labour force (15+) (%)	52.2
Rate of participation of labour force, women (15+) (%)	40.9
Employment rate (%)	32.8
Employment rate, women (%)	25.4
Unemployment rate (%)	37.2
Unemployment rate, women (%)	37.8
Share of long-term unemployment in the total unemployment rate (>1)	85.4
Unemployed with primary or lower education (%)	-
Employment in agricultural sector (% of total employment)	-
Employment in the industrial sectors (% of total employment)	-
Employment in the service sector (% of total employment)	-
Employed (% of total employment)	75.4
Employers (% of total employment)	5.9
Self-employed (% of total employment)	10.2
Unpaid household workers (% of total employment)	8.5

The following data are for previous years:

	1996	2002	2003
Rate of participation of labour force aged 15 to 65 years	60.6	59.8	61.3
Rate of participation of labour force (15+) (%)	54.9	52.6	54.5
Rate of participation of labour force, women (15+) (%)	42.9	41.5	43.4
Employment rate (%)	37.4	35.8	34.5
Employment rate, women (%)	27.4	28.1	27.7
Unemployment rate (%)	31.9	31.9	36.7
Unemployment rate, women (%)	36.2	32.3	36.3
Share of long-term unemployment in the total unemployment (> 1 year)	80.7	84.6	85.1
Unemployed, with primary or lower education (%)	38.7	38.5	
Employment in the agriculture sector (% of total employment)	18.6	24.0	22.0
Employment in the industrial sectors (% of total employment)	37.8	33.4	33.9
Employment in the service sector (% of total employment)	43.6	42.3	44.1
Employees (% of total employment)	78.9	70.7	72.7
Employers (% of total employment)	2.9	6.8	7.6
Self-employed (% of total employment)	11.2	10.3	8.2
Unpaid household workers (% of total employment)	7.0	12.2	11.4

Source: State Statistical Office LFS 1996, 2002 and 2003.

134. It should be emphasized that there is a significant difference between registered unemployment (unemployed persons registered with the Employment Bureau of The former Yugoslav Republic of Macedonia) and unemployment which is registered under the labour force surveys. In addition to administrative and methodological reasons, this large discrepancy is a result of the fact that certain persons are not registered as employed by their employers or of the fact that a certain number of persons work in unregistered companies (informal sector), while such persons register themselves as unemployed in order to acquire health insurance.

135. The employment policy of the Government involves a wide range of measures, activities and areas of intervention related to employment and the labour market. Most of the measures and activities in this area have been thus far related to the labour market policy. In this context, the focus has been primarily placed on the changes in the labour legislation and the passive policy, with a later shift towards a proactive labour market policy. These policies are mainly implemented by promoting relevant mechanisms for encouragement of investments and creating new jobs and by a series of reforms of the labour market, aimed at creating a favourable climate enabling its greater flexibility.

136. As increasing employment is the basic goal of the employment policy, the Government has prepared and adopted a National Action Plan on Employment (NAPE) 2004 to 2005.

137. NAPE was prepared following the Guidelines on Employment under the EU Employment Strategy, and adjusted to the conditions and specific features of the labour market in the country, while the relevant wider social, economic and other factors, having an impact on employment, have also been taken into consideration in its preparation. This Plan defines the framework of the national employment policy and the specific measures aimed at increasing employment and dealing with labour-force discrepancies and social exclusion, and the specific preconditions and the schedule for its implementation. The Plan has been prepared as a concise working paper defining the goals of the Government in terms of increasing employment and reducing poverty and social exclusion.

138. The process of developing NAPE is an important factor in the establishment of a coherent system for designing and implementing the employment policy, with enhanced participation of social partners and NGOs, involved in the labour market development.

139. It is mainly based on the following segments:

Active and preventive measures related to the unemployed and inactive persons;

Advancement of human resource development and lifelong learning;

Creating new jobs and promoting entrepreneurship.

140. The active labour market policies promoted by the Government will be focused on three types of measures: providing support for ensuring work (information, mediation and advisory services, organizing training programmes (qualification and change of qualification training) and creating conditions and providing support for direct job opening.

141. The Employment Bureau of The former Yugoslav Republic of Macedonia is a public institution that applies concrete programmes, measures and activities in the pursuance of the labour market policy. The work of the Employment Bureau is regulated by the Law on Employment and Insurance in the event of Unemployment.

142. The activities of the Employment Bureau are aimed at exchange of labour, in terms of providing services to employers, advice to employers about laws and other regulations and their application, training, change of qualifications and improved qualification for unemployed and other persons, advices to employers about employment of unemployed person under facilitated conditions, services to unemployed persons and other job-seeking persons, professional orientation of unemployed persons and other job-seeking persons, mediation in employment in the country and abroad, records of employers and unemployed persons, public works and insurance in the event of unemployment.

143. The Employment Bureau is run by a Management Board of the Employment Bureau composed of nine members from the ranks of experts with knowledge and experience in the field of employment, five of which are appointed by the Government and two members each are representatives of the employers' organization and of the organization of the majority trade union.

144. Under the EU Community Assistance to Reconstruction, Development and Stabilization (CARDS) Programme, the Employment Bureau is actively involved in the implementation of the Project: *“Technical assistance for institution-building in support of the employment policy in Macedonia.”* One of the project components is dedicated to strengthening the capacities and material and human resources of the Employment Bureau and of the Employment Centres. Under this project measures have already been undertaken for the modernization of the Employment Bureau for purposes of improving its organization and method of work, with a focus on the active measures of the labour market policy.

145. The employment measures and activities implemented by the Employment Bureau are grouped into several segments, such as:

### **Services for exchange of labour of unemployed and other job-seeking persons**

#### *Employment related advisory services*

146. The employment-related advisory services involve services to the unemployed and other job-seeking persons under which knowledge and techniques for successful job seeking and employment are transferred. The objective of this programme, in the job clubs within the Employment Bureau, is to encourage initiative and active approach by persons seeking jobs towards finding employment. This strengthens their capacity for successful presentation in the labour market, active job seeking and employment. The job club beneficiaries receive advisory and informative services related to their rights and obligations, information about the state of the labour market, education on various employment issues, training through workshops providing psychological assistance and support, skills for successful presentation in the labour market, skills for preparation of a job search plan and encouragement and training for self-employment.

*Professional orientation*

147. Advisory services for professional orientation are provided to unemployed, pupils, students, employed and disabled persons in order to help them in the choice of profession and professional development. The professional orientation services that the Employment Bureau provides to the unemployed and to other job seekers are related to choice of profession or employment by way of tests and interviews, and information about the demand for a certain profession and job opportunities. These measures cover individual advisory services in the choice of profession following the wishes, interest and capabilities of the unemployed person for a specific profession, on one hand and following the demands at the labour market, on the other hand. In addition to professional advice and orientation in terms of assistance in the choice of profession and future employment of the unemployed and other job seekers, the activities of professional selection also involve the employers, in terms of providing them with assistance in the selection of candidates for training, change of qualification or advanced training and in the selection of candidates for employment.

*Preparation for employment of the unemployed and other persons*

148. One of the rights of the unemployed is the right to preparation for employment (training, change of qualifications or advanced qualification).

149. This measure ensures acquiring new and supplementing the existing knowledge of the unemployed and other persons for purposes of their employment.

150. Training, change of qualification or advanced qualification of the unemployed and other persons are provided according to the requirements of a specific, identified employer and may last from one to three months. The employer is obliged to employ on a full-time basis (that is for an unlimited period of time) at least 90 per cent of the total unemployed covered by the activities for preparation for employment and not terminate their employment for at least a year. The Employment Bureau gives the jobless persons financial assistance in the amount of 65 euros monthly while they are being prepared for employment, while the employer, with which the preparations are conducted, is paid a share of the costs for the preparations for employment in the amount of 33 euros per month, per unemployed person.

151. The funds to finance this measure are ensured based on the contributions to the Employment Bureau. The following table gives a review of the number of completed training programmes, requalification or advanced qualification programmes and the number of persons covered under such programmes during the last four years (the data for 2004 is not complete):

Year	Number		
	Employment preparation programmes completed	Unemployed persons who participated in employment preparation programmes	Unemployed persons employed upon completion of employment preparation programme
2000	279	6 498	4 358
2001	286	4 978	4 049
2002	91	1 806	1 540
2003	88	2 770	2 092

*Source:* Employment Bureau of The former Yugoslav Republic of Macedonia.



*Investing the unemployment financial benefit*

152. Aimed at encouraging employment and stimulating employers and the unemployed, this measure gives the opportunity for the unpaid part of the unemployment benefit, upon request of the unemployed person, is paid as a one-off amount or in monthly instalments if the unemployed person uses the funds for purposes of full-time employment (employment for unlimited period of time). The funds to finance this measure are provided from the employment contributions to the Employment Bureau. Considering the fact that this measure is applied as of the adoption of the Law amending and supplementing the Law on Employment and Insurance in the event of Unemployment, dated 22 June 2004, a relatively small number of persons have taken advantage of this. Considering the expressed interest, it is expected that a significant number of unemployed persons, or beneficiaries of unemployment assistance, will use this measure.

*Employment of disabled persons*

153. The Law on Employment of Disabled Persons (Official Gazette of The former Yugoslav Republic of Macedonia No. 44/2000 and 16/2004) that entered into force in June 2000 regulates the specific conditions and incentives for employment and work of disabled persons, as one of the most vulnerable groups experiencing particular difficulties in finding jobs.

154. This measure covers disabled persons with sight, hearing and speech impairments, with voice and speech impediments, physically disabled persons, persons with moderate impairments in the mental development, persons with combined impairments and persons with psychoses who in the light of the level of their impairment require specific conditions for work.

155. Fifteen per cent of the total amount of employment contributions are allocated to the so-called Special Fund, to finance this service.

156. These funds are used to finance:

Job training for disabled persons by which they acquire practical skills for certain tasks according to the needs of the employer and the disabled persons, and job training for employed disabled persons that do not possess skills for performance of specific tasks;

Full-time employment of disabled persons: depending on the level of disability each full-time disabled employee is allocated a grant in the amount of 3,700 euros, i.e. 5,600 euros, while the employer is under the obligation not to terminate employment for at least three years from the day of employment;

Adjustment of the work place where the disabled person will work, for which a grant is allocated in the amount of up to 5,600 euros;

Procurement of equipment necessary for the employment and work of the disabled person for which a grant in the maximum amount of 9,300 euros is allocated, once in three years; and

Completion of the construction and adjustment of a given working place for the employment and work of disabled persons for which a grant of up to 9,300 euros is allocated, once in three years.

157. Since the adoption of the Law, a total of 1,132 disabled persons have been employed (status of 1 October 2004, inclusive).

158. Since the adoption of the Law, and up to October 2004 a total amount of 5,201,198 euros have been allocated on all the above-mentioned grounds.

#### *Public works*

159. Unemployed persons registered with the Employment Bureau are engaged for public works, which are based on a public works programme, prepared by the organizer. Organizers of public works can be units of the local government and interested public sector employers.

160. In the course of performance of the public works, the organizer pays the workers, provides transportation or compensation for transportation to and from the workplace, food and occupational and health insurance.

161. If the public works supervisor engages unemployed persons - beneficiaries of financial benefit for more than 30 working days, the supervisor is entitled to monthly financial compensation from the Employment Bureau in the amount of the financial remuneration for the engaged unemployed person. The funds to finance this measure are allocated from the Employment Bureau and the organizer of the public works.

#### **Law on employment promotion**

162. The Law on Employment Promotion was adopted in March 2003, as part of the macro-economic policy of The former Yugoslav Republic of Macedonia, aimed at reducing unemployment. The purpose of this Law was to directly promote employment through decreasing labour costs.

163. Hence, under this measure, the employer who employed a jobless person on a full-time basis was compensated the funds paid for the pension and disability insurance contributions, the health insurance contributions and the employment contribution, for each newly employed person for a period of 24 months of employment.

164. The target groups of this measure were:

Long-term unemployed persons registered with the Employment Bureau;

Unemployed persons who have been dismissed due to bankruptcy or as redundancy work force or owing to structural or other changes;

Unemployed persons that are beneficiaries of social pecuniary benefit, capable of work and socially uninsured.

165. The employers were compensated the funds paid for contributions on salaries in the fixed amount of 69 euros per employee for each newly employed person.

166. An employer of formerly unemployed persons receiving financial benefit and social assistance, in addition to compensation for the paid contributions, is also entitled to payment of supplementary quarterly funds in the amount of 25 per cent of the average net salary per employee or if s/he employed social assistance beneficiaries in the amount of the average paid social financial benefit in the previous year.

167. The employer was under the obligation to keep the person employed at least double the time period in which the employer utilized the compensation for the contributions paid on salaries.

168. The Law on Employment Promotion was applied in the period from 16 April to 31 December 2003. In this period of application of the Law, there was a total number of 15,308 unemployed persons.

169. The funds necessary to exercise the rights under this measure were provided for under the State budget, in the framework of funds allocated for the implementation of the Programme for Employment Promotion and Increase of the Flexibility of the Labour Market, in the amount of 32,609,617 euros.

#### **Allocation of arable State owned land for usufruct**

170. In July 2003, the Government adopted a Decision for allocation of State-owned arable land for usufruct by certain categories of socially uninsured persons (Official Gazette of The former Yugoslav Republic of Macedonia No. 51/2003).

171. The following categories are encompassed:

- Social assistance beneficiaries;
- Unemployment benefits beneficiaries;
- Long-term unemployed person, registered as unemployed with the Employment Bureau for more than a year;
- Employees of employers holders of usufruct rights for State-owned land for whom no salaries or contributions on salaries have been paid for more than a year; and
- Socially uninsured farmers who do not possess land.

172. The Minister of Agriculture, Forestry and Water Economy has concluded agreements with the beneficiaries of the usufruct right, which inter alia define the duration of the agreement, the amount of the compensation for the use, and the assistance that the State provides for to start the usufruct activities.

173. The duration of the Agreement for allocation of State-owned arable land for usufruct may not be less than 3 years and not longer than 15 years and may be renewed. The Ministry of Agriculture, Forestry and Water Economy has thus far concluded 173 usufruct agreements.

### **Article 7 of the Covenant**

174. The salary system in The former Yugoslav Republic of Macedonia is laid down in the Constitution (art. 75), in the Law on Labour Relations, the Law on Payment of Salaries in The former Yugoslav Republic of Macedonia and in Collective Agreements.

175. The payment of net salaries and certain types of allowances by employers is regulated by the Law on Payment of Salaries in The former Yugoslav Republic of Macedonia (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 70/1994, 62/1995, 33/1997, 50/2001, 26/2002 and 46/2002).

176. Of all the provisions of this Law, only article 5, applies to employers with more than 51 per cent privately-owned assets.

177. Salaries to be paid by employers having State-owned capital up to 70 per cent, and as of April 2002, up to 51 per cent, are determined by the Law on Salaries of December 1993, in which the possible amount of the monthly salary funds is determined. In this respect, there is a possibility provided that employers to which the Law applies may make monthly adjustments to the salaries partially in line with the rate of increase of costs of living, and as of July 2001, they may make corrections up to 50 per cent of the growth rate of the costs of living, while budget beneficiaries, public health-care institutions and funds, in accordance with this Law, do not have the right to salary increase. In pursuance of the Law, the salary amount is distributed per employee in accordance with the criteria set forth in the collective agreements, at the level of employer.

178. Salaries to be paid by employers having privately owned capital are paid from the assets of the employer commensurate with the performed job and in accordance with the conditions and criteria set forth in law and collective agreement.

179. The General Collective Agreement for the Economic Sectors in The former Yugoslav Republic of Macedonia signed by the Confederation of Labour Unions of Macedonia and the Chamber of Commerce of Macedonia and the General Collective Agreement for Public Services, Public Enterprises, State Bodies, Local Government Bodies, and other Legal Entities Performing Non-Economic Activity, signed by the Confederation of Labour Unions of Macedonia and the Government envisage that the participants in the collective bargaining are to agree upon and publish the lowest salary commensurate to the complexity of the performed job. However, ever since the signing of the Collective Agreements, after long negotiations, due to opposing positions and opinions regarding the amount of lowest salary, the parties to the Collective Agreement for the Economic Sectors are yet to establish the amount of the lowest salary. This means that despite the established system of the lowest salary, the system is still to be applied. Contrary to the above-mentioned Agreement, the parties to the Collective Agreement for the Public Sector reached consensus on the amount of the lowest salary, which as of June 2002 is 5,060 Macedonian denars (Mden).

180. The payment of the minimum salary is protected by law. This means that employers are under obligation to pay the agreed upon amount of the minimum salary. In case of non-payment of the set amount, the employer is liable to sanctions.

181. The Collective Agreements envisage that in determining the minimum salary the following factors are to be duly taken account of: cost of living, economic opportunities in the country, the average salaries in the country, the level of productivity, social contributions and other economic and social factors.

182. Further, the Collective Agreements allow for employers that are facing difficulties in their business to reduce the minimum salary by 20 per cent. The reduction can be prolonged for a maximum of six months, at the most. After the difficulties have been overcome, the employer is obliged to pay the difference between the minimum salary and the reduced salary.

183. The Collective Agreements also envisage that the amount of the minimum salary is to be determined and published at least every quarter, and monthly if the costs of living shows a monthly growth rate of over 5 per cent.

184. The established mechanisms for determining, harmonizing and payment of the minimum salary may be applied and followed after the minimum salary has been established.

185. The average net salary per employee for 2003 was 11,824 Mden, in October 2004 it was 12,609, and from January to October 2004 period (latest statistical data) it was 12,270 Mden.

186. The index of costs of living in 2004 decreased by 0.4 per cent compared to 2003. The following table shows the trends in the last several years.

**Cost of living trend, 1997 to 2004**

Cost of living	1998	1999	2000	2001	2002	2003	2004
	1997	1998	1999	2000	2001	2002	2003
	-0.1	-0.7	5.8	5.5	1.8	1.2	-0.4%

187. The trends in the cost of living index in 2004 varied according to consumption group. Thus, there was an increase with the following groups: household items 4.2 per cent increase, transportation vehicles and services 4.0 per cent increase, heating and lighting 3.0 per cent increase, culture and entertainment 1.3 per cent increase, tobacco and beverages 1.1 per cent increase, clothing and shoes 0.9 per cent and hygiene and health 0.4 per cent increase.

188. The index decreased with the food group by 3.1 per cent and housing (rent, water and services) by 0.3 per cent.

189. The value of the consumer basket for food and beverages, for a four-member family in December 2004, calculated based on the retail prices, is 9.845 Mden, and is lower by 0.4 per cent compared with the previous month.

190. An employer may introduce working hours shorter than 40 hours per working week in cases and under conditions set forth in the Law on Labour Relations (reduced working hours).

191. The employer may introduce working hours under 40 hours per week in cases when the work is organized in shifts, but not less than 32 hours for employees working in shifts.

192. According to article 37 of the Law on Labour Relations if the employee is engaged in a particularly strenuous job that is hazardous to the health, and such harmful conditions cannot be fully eliminated with protective measures, the employed may work reduced hours commensurate with the harmful effects of the job, but not less than 30 hours per week, in accordance with the collective agreement. The working hours referred to in paragraph 1, of this article shall be considered as full-time working hours.

193. The following jobs are considered to be especially strenuous, difficult and hazardous to health: exceptionally difficult physical labour; work under increased atmospheric pressure or intense noise; work in water or under high humidity; work exposed to ionizing radiation; work with patients contaminated with contagious diseases or with infected materials; surgical work in operating rooms; psychiatry work; work with patients with the most serious mental development impairments; work in forensic medicine and pathological anatomy; work with harmful chemicals, work of aviation personnel; dancers; wind instrument musicians, folk dancers and opera singers.

194. The approval for reduced working hours on jobs referred to in paragraph 3, of this article is issued by the State administration body in charge of labour affairs, after the State administration body has acquired opinion from the industrial medicine institution and the Labour Inspectorate.

195. The employee working on jobs referred to in the above paragraph may not work longer hours than the agreed reduced working hours.

196. The employer may determine reduced working hours for performance of everyday duties on a smaller scale or when this is required by the character of the job to be performed.

197. The worker engaged to do a job at reduced working hours may be employed with several employers, thus attaining full working hours.

198. In accordance with article 60 of the Law on Labour Relations, the employer is obliged to ensure the necessary conditions for protection at work prescribed by this Law, in another law or collective agreement.

199. Employees acquire protection at work in compliance with the prescribed measures and standards of work protection and they are obliged to respect the measures for protection at work and perform the duties with diligent care in order to protect their lives, and the lives and health of other employees and citizens.

200. Employers are obliged to inform the employees about all dangers on the job and about the rights and obligations in relation to protection at work and the working conditions.

201. The Law on Labour Relations stipulates special protection for women, young and disabled employees.

202. Female employees are entitled to nine months' continual leave from work during pregnancy, delivery and maternity, and one year's leave following a multiple birth.

203. Female employees who have adopted a child have the same rights. While on maternity leave, they are entitled to compensation of salary in accordance with the health-care regulations.
204. The father of the child is entitled to exercise this right in case of the death of the mother, if the mother abandons the child or if owing to justified reason the mother is prevented from exercising this right.
205. Female employees who are pregnant or who have a child of two years of age or under, may not work longer than full working hours, at night, while single parents having a child under seven or a seriously disabled person may work longer than the full working hours or at night only based on their written consent.
206. One of the parents of a severely disabled child is entitled to work half the working hours in case both parents are employed. Employees who are single parents of severely disabled child also are entitled to reduced working hours, based on the findings of the competent medical board, if the child is not accommodated with a social health-care institution.
207. Employees under 18 years of age and female employees may not carry out jobs that consist primarily of strenuous physical work, underground work or work under water, or on jobs that could have damaging effect on the life and health, as set forth in collective agreement.
208. Employees under 18 years of age are entitled to annual leave according to the grounds and standards by which the duration of annual leave is determined for other employees, increased by seven additional working days.
209. Female employees in the industrial and construction industries may not be assigned to night work, if such work would prevent them from having a break of at least seven hours from 10 p.m. to 5 a.m. the following day. This does not apply to female employees that have special authorities or responsibilities or that work on health, social and other protection of employees.
210. Female employees may be assigned to night shifts when that is required to continue interrupted work due to force major or when needed to prevent damages to raw materials or other substances. Furthermore, female employees may be assigned to night shifts when compelled by particular economic, social and similar circumstances, under the condition that employers are granted approval for introducing such work, issued by the State administration body in charge of labour affairs.
211. Employees under 18 years of age may not be assigned to work longer than the 40-hour working week, and they may not work at night between 10 p.m. and 6 a.m., unless this is required by a public interest, or owing to especially difficult circumstances, upon an approval by the State administration body in charge of labour affairs.
212. Under article 74, Disabled employees are entitled to reduced working hours, reassignment, retraining and advanced training and the right to appropriate financial compensation pertaining to the exercise of such right, in accordance with the relevant provisions of the Law on Pension and Disability Insurance.

213. Employees with impaired working capabilities and employees in jobs at which there is a threat of disability occurring have the right to be reassigned to an appropriate job. In such cases, the employer is obliged to ensure the job for which the employee is capable of, under conditions and in a manner set forth in the collective agreement.

214. Equality of rights between men and women is based on the constitutional provisions contained in article 9 on equality of citizens, in which gender is referred to as one of the grounds for the prohibition of discrimination.

215. Accordingly all economic, cultural and social rights (social security and social insurance) are equally recognized and are exercised under equal conditions by men and women, as set forth in law and collective agreement.

### **Article 8 of the Covenant**

216. According to article 20 of the Constitution citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

217. The exercise of trade union rights and freedoms is basically regulated in the legal system and collective agreements.

218. Namely, there are no obstacles to trade union organization and work. Specifically, this is regulated in the applicable collective agreements at the national level, in the branch collective agreements and in collective agreements at the level of companies.

219. The Law on Labour Relations, which contains a separate chapter, entitled Trade unions and employers, is of special importance for the further operationalization of the constitutional provisions of article 37 related to trade union organization. The provisions contained in the said Chapter regulate several issues having an impact on the trade union organization, such as: freedom of trade union organization, protection of the work of trade union organizations and trade union representatives and the trade union-related duties of employers.

220. The freedom to form trade unions gives employees the right to establish trade unions and to freely become their members or resign from their membership. Membership in trade unions is on voluntary basis. According to the legislation of the country membership in a trade union is not an obligation of the employee or a condition for the exercise of any of the employment related rights. Employees have the right, without prior approval, to establish their organizations, and governed by their choice, become members of such organizations. The right to form trade unions is exercised in the form of self-organization, in compliance with the constitutionally guaranteed right of citizens to establish trade unions. The forming of a trade union does not require acquiring prior approval by a State body or already established trade union, when a new trade union is formed. An important prerequisite in this respect is that the manner and conditions under which the trade union is established and the membership terms are set forth in a Statute. The freedom of trade union organization is further ensured under the provisions prescribing that the organizations may not be terminated by and their activities may not be subject to administrative ban, if they are established and perform their activities in accordance with the law and other regulations, and in accordance with the provisions under which trade union activities and activities of their representatives may not be limited by decrees of the employers if the activities are in accordance with the law and collective agreement.



221. The Law on Labour Relations prescribes that only those trade union activities of employees implemented through the employees' organization, which has a statute, rules of procedure and a programme, may be considered as legitimate.

222. The Law on Labour Relations sets forth the general obligations for the employer to create conditions for the activities of the trade union for the protection of the employees' rights. This general legal provision is elaborated in greater detail by the relevant provisions of the General Collective Agreement for the Economic Sectors in The former Yugoslav Republic of Macedonia and the General Collective Agreement for Public Services, Public Enterprises, State Bodies, Local Government Bodies, and other Legal Entities Performing Non-Economic Activity. The solutions prescribed in the said two collective agreements have been mainly transposed from international documents of the International Labour Organization, such as its Convention concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, 1971 (No. 135) and the Workers' Representatives Recommendation, 1971 (No. 143) for protection of and facilities for workers' representatives.

223. The Law on Labour Relations envisages special protection of the trade union representative. Hence, the trade union representative may not be held responsible nor placed in unfavourable position, which also includes dismissal because of membership of trade union or participation in trade union activities aimed at protecting the rights and interests of employees, if the representative acts in accordance with the law and collective agreement. The trade union representative is entitled to such protection in the course of his/her term of office. In addition to the special protection set forth in the Law on Labour Relations, General Collective Agreements determine that the representative of the trade union organization may not be reassigned to another job with the same or another employer; be designated as redundant labour force and on such grounds be reassigned and may not be subject to proceedings for dismissal, because of trade union activities aimed at protecting the rights and interests of employees. According to the provisions of the General Collective Agreements, the trade union representatives are to be relieved of duties in order to attend training necessary for the efficient performance of duties at the trade union. Furthermore, a member of the trade union who has been elected, to the managerial bodies of the trade union, upon completion of the term of office is entitled to return to work with the employer at a job that is appropriate to his/her qualifications.

224. Article 37 of the Constitution sets forth the right to trade union organization and provides for the possibilities for legal limitation on the right to trade union organization in the Armed Forces of The former Yugoslav Republic of Macedonia, police and State administration bodies, which thus far has not been further elaborated in the relevant laws.

### **The right to strike**

225. The right to strike is constitutional. Article 38 of the Constitution guarantees the right to strike. The Constitution provides for the possibility of legal limitation on the exercise of this right at the Armed Forces, police and State administration bodies.

226. Article 79 of the Law on Labour Relations envisages that employees have the right to strike for the purpose of exercising their employment related economic and social rights, which they exercise in accordance with the law. This is the Law on Strike, which inter alia, defines the conditions under which the right to strike may be exercised in companies and in State administration bodies.

227. In enterprises that perform activities of special public interest, and in companies of special importance for the defence, the right to strike may be exercised subject to fulfilment of the following conditions: provision of the minimum operating process which ensures the security of citizens and their property, or which represents an indispensable condition for life and work of citizens or for the work of other enterprises; and which ensures fulfilment of international obligations. Employees of State administration bodies exercise their right to strike subject to the condition that the strike does not substantially threaten the fulfilment of the function of the concerned State administration body.

228. Article 90 of the Law on Courts regulates the right to strike in the judiciary and the manner of work of courts in conditions of strike. Thus, in the course of a strike, the court performs activities related to the scheduled hearings and trials and those necessary for the serving of court documents within the legally prescribed period. Court proceedings defined in law as urgent, that is activities which according to law and their nature are urgent, are obligatorily implemented by courts even in the course of strike by the court officers. Proceedings of such character are the investigations and trials in criminal law matters, proceedings in which the person charged is detained, proceedings related to temporary measures, disputes for publication of corrections to published information, out of court proceedings and enforcement cases related to the education and protection of children and cases of alimony, out of court proceedings for detention of persons in health-care institutions.

229. According to article 70 of the Law on Internal Affairs, employees of the Ministry of the Interior may exercise their right to strike under the condition that the strike does not substantially affect the regular exercise of duties and tasks of the Ministry, as set forth in the Law.

230. The Law on Health Care prescribes the conditions under which employees in the health-care sector exercise their right to strike. The basic requirement in this respect is that the strike does not endanger the life and health of citizens requiring health care. In order to eliminate detrimental consequences that could result from non-provision of health-care services to citizens in the course of the strike, the managing body of the health-care institution is obliged to provide for emergency medical assistance and minimum functioning of all organizational units of the health-care institution.

231. The Law on Strike envisages several guarantees for the rights of employees participating in the strike, provided that the strike is organized in a manner laid down in law. According to the Law, the organization or participation in the strike under conditions prescribed by the Law on Strike does not constitute violation of employment obligations; this may not be used as grounds for institution of proceedings for establishment of the responsibility of the employee, and this may not result in dismissal. The employee participating in the strike exercises the basic employment related rights. The General Collective Agreements envisage the right to material compensation during strike, in the minimum amount of 60 per cent of the lowest salary determined in the Collective Agreement, if the strike is organized and justified in compliance with the Law. According to the Law on Pension and Disability Insurance the time that the insured person has spent participating in the strike organized in accordance with the strike related regulations is considered as part of the years of service for calculation of pension and disability insurance.

232. The constitutionally guaranteed right to strike is also subject to criminal law protection. Article 156 of the Criminal Code qualifies the crime of violation of the right to strike, which consists of deprivation of or limitation of the right to strike by use of force or serious threat. The Law envisages a fine or prison sentence of up to one year as a sanction for the violations.

233. According to the Confederation of Labour Unions of Macedonia there are practical problems in the exercise of the right to strike, such as resistance by employers to trade union organization; undertaking repressive measures in certain establishments against trade union representatives, when they stand in defence of the employment-related rights of employees or against privatization.

234. One of the basic trade union rights, the right to collective bargaining, has still not been fully understood, particularly as a source of law. In practice, certain solutions regulated in collective agreements are suspended, or amended by laws, instead by a procedure established in collective agreements.

235. The right to strike in the country is guaranteed by the Constitution, in accordance with international conventions. The former Yugoslav Republic of Macedonia is one of the rare countries in which the right to strike is guaranteed in the Constitution.

236. However, laws adopted in certain economic sectors envisage the possibility to limit the right to strike. Such is the case of the Law on Energy against which the Confederation of Labour Unions of Macedonia has submitted a requests before the Constitutional Court, which has been accepted and consequently one article of the said Law has been abolished.

237. The Confederation of Labour Unions of Macedonia has had objections regarding certain aspects of the strike, which it has submitted in writing to the proposing body- the Government considering that certain solutions limit the constitutional right to strike. The objections submitted by the Confederation have not been accepted fully.

238. The Confederation of Labour Unions of Macedonia considers that the provisions laid down in article 4 regarding the provision of salary compensation, as the minimum by which all employees are ensured just and equal remuneration, are not sufficiently applied.

239. According to the Confederation, the reason is that the sections of the collective agreements related to salary cannot be applied, considering that for several years salaries are established by law, as well as taking into consideration the fact that the lowest amount of salary, as the minimum provided for all employees, has not been established, which is an obligation deriving from collective agreements.

#### **Article 9 of the Covenant**

240. Social protection and social security of citizens are guaranteed in article 35 of the Constitution, following the principle of social justice. This article also guarantees the right to assistance to citizens who are infirm or unfit for work, as well as special protection for disabled persons, and conditions for their involvement in the life of the society.

241. **The Law on Health Care** (Official Gazette of The former Yugoslav Republic of Macedonia No. 17/1997) regulates the rights to health care of citizens, the health insurance relations and rights, the procedure for exercise the right to health care and the health-care system and organization.

242. According to article 3 of this Law, everyone is entitled to protection of their health. Compulsory health insurance is established, based on the principle of mutuality and solidarity for the purposes of exercising specific rights in case of illness or injury and exercise of other health care related rights, set forth in this Law.

243. Voluntary health insurance is established in respect of certain rights to health care.

244. The Health Insurance Fund, as an integral part of the Ministry of Health, with the capacity of legal person, is concerned with the exercise of specific rights to health care as set out in the Constitution, as well as on the defined needs and interests of society in the area of health care and health insurance rights.

245. According to article 11 of the Law on Health Care, under compulsory health insurance beneficiaries have the right to primary health care, which covers: medical check-ups, medical assistance, expert medical measures and procedures for the improvement of health, emergency medical assistance, medical treatment in the home of the beneficiary; health care during pregnancy and delivery; implementation of preventive, therapeutic and rehabilitation measures; prevention, treatment and rehabilitation for oral and dental diseases; medicines, aids, health education, examination and establishment of illnesses; specialized therapeutic and rehabilitation procedures; prosthesis, orthopaedic and other aids, auxiliary and medical devices and dental-technical devices; examination and establishment of the health status, treatment, rehabilitation, care, accommodation and food in hospitals.

246. The rights to primary health protection, under article 11 of this Law are provided to:

- Employees of municipal and State bodies, of political and social organizations and citizens' associations and members of the Armed Forces;
- Employees with employers performing a registered activity independently or independently with assets owned by citizens, and with private citizens and legal entities (employees of private companies and self-employed persons);
- Nationals of The former Yugoslav Republic of Macedonia employed with foreign employers or on service in international missions and organizations, consular offices or in the personal service of foreign nationals on the territory of The former Yugoslav Republic of Macedonia;
- Citizens engaged in agriculture, economic sectors, poultry raising, beekeeping or fishing, as their only occupation.

247. Furthermore, self-employed persons, members of relevant sports organizations, pension beneficiaries, temporarily unemployed persons, persons still in school or university, on professional training, participants in the People's Liberation Fight (veterans of the Second World

War), military disabled persons, civilian disabled persons, beneficiaries of the basic social protection rights, nationals of The former Yugoslav Republic of Macedonia employed abroad, foreign nationals and stateless persons employed at companies performing an activity on the territory of the country, foreign nationals in the course of their education or professional training, persons serving prison sentence, persons that are detained and are not insured on any other grounds and minors when serving an educational measure and members of the family of the insured person while performing obligatory military service for the period in which they receive material supplements according to specific regulations, are all entitled to primary health care.

248. Citizens not covered with compulsory health insurance may, according to article 12, paragraph 1, apply for obligatory health insurance in order to exercise the right to primary health care, under article 11 of this Law.

249. Citizens of The former Yugoslav Republic of Macedonia who are not subject to insurance in line with articles 12 to 16 of this Law, based on mutual solidarity, have the right to: health care for children and young people under 18 years of age; pupils and students of school age, i.e. university or until attaining 26 or 27 years of age at most; persons over 65 years of age; health care during pregnancy, delivery, nursing, contraception and health care in the event of: contracting a contagious disease or developing a mental illness. The volume and contents of the health care for citizens referred to in paragraph 1, of this article and the manner of the exercise is determined by the Assembly of The former Yugoslav Republic of Macedonia.

250. According to article 18 of the Law on Health Care, insured persons are entitled to financial allowances if they fulfil the following conditions:

- If there has been health insurance coverage for at least six months prior to the event in which the health-care right is to be exercised; except in cases of injury at work and occupational illnesses;
- That the health insurance contribution is regularly paid or with maximum delay of 60 days; and
- If the assessment on temporary incapacity to work (sick leave) has been issued by the doctor or doctor's board.

251. The salary compensation during sick leave is paid as of the first day of sick leave and lasts until the end of the sick leave. It is paid for the days for which salary is paid in accordance with the labour regulations. The Ministry of Health establishes the amount of the compensation, and the base for calculation of the compensation is the average salary for which contributions for health insurance have been paid in the last three months.

252. Salary compensation for sick leave according to article 233 of the Law on Health Care is determined in the amount of at least 70 per cent of the base for compensation of salary, but not less than 70 per cent of the amount of the lowest salary established by the collective agreement.

253. According to article 29, the insured and members of their families have the right to compensation of the travelling and daily costs if they are referred to a medical institution outside of the country, under conditions and in the amount determined by the internal decree of the Ministry of Health.

254. According to article 58, section 4 of the Law on Labour Relations, entitled Special protection of Women, Juveniles and Disabled Employees-, female employees have the right to nine months continuous leave from work during pregnancy, delivery and maternity, and one year's leave following a multiple birth (such as twins or triplets).

255. The father of the child is entitled to exercise these rights in case of death of the mother, or if the mother abandons the child, or if due to justified reasons the mother is prevented from exercising these rights.

256. The adoptive parents have equal rights, under equal conditions as natural parents.

257. Single parents having child younger than seven years, or a child suffering from severe form of disability may work longer working hours or at night only upon their written consent, while one of the parents of severely disabled child has the right to work half the working hours, if both parents are employed or if it is a matter of a single parent, based on the findings of the competent medical board, if the child is not accommodated in an institution for social or health care.

258. In December 1993, The former Yugoslav Republic of Macedonia being a sovereign, independent, democratic and welfare State adopted the Law on Pension and Disability Insurance (Official Gazette of The former Yugoslav Republic of Macedonia No. 80/1993) which for the first time autonomously regulated the relations and rights under pension and disability insurance. The Law is applied as of 1 January 1994. Under this Law pension and disability insurance is compulsory and covers all employees and natural persons performing registered activity. This Law provides pensions according to the pay as you go principle. There have been several amendments to the Law (Official Gazette of The former Yugoslav Republic of Macedonia No. 3/1994, 14/1995, 71/1996, 32/1997, 24/2000, 96/2000, 50/2001, 05/2003 and 50/2004). The Law regulates compulsory pension and disability insurance for employed persons and self-employed persons.

**Basic principles upon which the Law is based:**

Compulsory character of the pension and disability insurance;

The rights depend on the duration and volume of invested insurance funds;

Social justice and solidarity among generations;

Existence of capital financed pension insurance;

Respect for conventions and recommendation of the International Labour Organization.

*Pension and disability insurance rights*

Right to old-age pension;

Right to disability pension;

Right to reassignment to another appropriate job, right to appropriate employment, right to change of qualifications or advanced qualifications and right to appropriate financial benefits;

Right to family pension;

Right to disability insurance benefits;

Right to lowest amount of pension.

*Exercising the right to old-age pension*

259. The only condition for the exercise of the right to old-age pension is that the insured must have reached 64 years of age (for men) and 62 years of age (for women) and to have at least 15 years of service.

260. There are certain conditions facilitated for insured persons –employees of the Ministry of Defence serving in the professional sections of the Armed Forces and employees of the Ministry of the Interior, Ministry of Justice- at correctional-penitentiary facilities. These insured nationals enjoy more favourable conditions for the age level and retirement service years, for exercise of the right to old-age pension, if the employment is terminated following the requirement of the service. Such favourable conditions are related to the wider significance and interest of the duties that such employees perform.

261. In respect of these categories of employees, there are differences in the age-limit for men and women. Male insured citizens may collect old-age pension after attaining 55 years of age, while females may collect after having attained 50 years of age.

262. There is also temporary possibility for insured military and civilian employees in the Armed Forces to exercise the right to old-age pension by buying years of service equivalent to 40 years of accrued years of service (men) and 35 years of accrued years of service (women). These facilities are regulated in the Law on Service in the Armed Forces of The former Yugoslav Republic of Macedonia (Official Gazette of The former Yugoslav Republic of Macedonia No. 62/02, 98/02, 25/03 and 71/03).

263. In the transitional period 1 September 2000 to 31 December 2007, the age-limit for old-age pension will be increased vis-à-vis the conditions envisaged in the Law applied until 31 August 2000.

264. Old-age pension can be collected by the insured upon completion of 35 years of service (women) or 40 years of service (men) if on 1 September 2000 they have completed 30 years of retirement required years service (women) or 35 years of service (men). Old-age pension with buy out of years of service up to 35 years of service (women) and 40 years of years of service (men) may be collected by the insured who have subsidized years of service until 1 September 2005.

*Exercise of right to disability pension*

265. Insured workers that are no longer able to work, those who have reached middle age and who are no longer able to acquire new or advanced qualifications or skills for performance of another appropriate job, are eligible for disability pension provided that: disability is caused by injury at work or occupational illness, regardless of the number of years of service; and disability is not caused by injury outside the workplace or by illness, provided that prior to the disability the person had completed years of service covering one third of the period of attained 20- years of life at most, until the date of occurrence of the disability, counting the full years of service.

266. A disability pension under item 1 is determined by the base pension with maximum percentage (for pension up to 2015 80%, and for pension after 2015 the maximum percentage is gradually decreased reaching 72% in 2040). Disability pension under item 2 is determined on the base pension depending on the number of years of service and attained age, appropriate to the method of calculating old-age pension. The minimum percentage is provided for this type of pension, while if the disability occurred prior to the fulfilment of conditions for old-age pension disability supplement is provided, if the pension is lower than the pension of disabled pensioners having suffered from injury at work, or occupational illness.

*Benefits for physical injury*

267. Physical injury includes loss of, or substantial damage to, certain organs or body parts, which make normal activities difficult regardless of whether or not this constitutes disability.

268. Citizens are ensured benefit for physical injury of at least 30 per cent to 100 per cent (injury at work or occupational illness) regardless of the years of service completed, and for physical injury of 50 to 100 per cent (death or injury outside of work) under the same conditions as for disability pension. The right is ensured for physical injury caused in the course of the insurance period.

*Qualifying for family pension*

269. Members of the family of the deceased insured person: spouse, children and parents maintained by the insured person may qualify for family pension, under conditions laid down in law.

270. Family members qualify for family pension if the deceased insured citizen:

Had completed at least five years of service under insurance or at least 10 years of accrued period for retirement;

Has fulfilled the conditions for old-age or disability pension;

Had been a beneficiary of old-age or disability pension.

The amount of the family pension is determined as a percentage of the pension that the deceased insured citizen would have had at the time of death: 70 per cent for one family member and a further 10 per cent for each additional family member, but not exceeding 100 per cent.



*The right to lowest amount of pension*

271. For purposes of protecting pension beneficiaries of low pensions calculated according to the years of service and salaries, the Law on Pension and Disability Insurance envisages the institution of the lowest amount of pension. This guarantees for the insured person a pension which is higher than the pension determined according to the years of service and the salary. This right is not determined by the material status of the pension beneficiary, but is provided to all pension beneficiaries whose pension according to the years of service and salaries is lower than the lowest possible pension. The institution of lowest amount of pension is based on the principle of social justice and its amount depends on the number of years of service expressed as accrued period for retirement. This means that for longer accrued period for retirement, the pensioner would receive higher amounts as lowest pension.

*The highest amount of pension*

272. The new pension system does not envisage the institute of highest pension, which in the previous system placed a limit on the highest amount of paid pensions. Instead it establishes the maximum base for the calculation and payment of contributions. Thus, the pension directly depends on the amount of funds invested. The limited base of calculation and payment of contributions cannot be higher than the average salary per employee in the country in the current month.

*Pension adjustment*

273. Pension adjustment is an instrument for pension and disability insurance that helps maintain the real value of the pensions following the index of costs of living in the amount of 80 per cent and the trends in the average paid net salary of all employees in the amount of 20 per cent. All rights are adjusted with the single percentage for all pensions beneficiaries.

274. According to the **Law on Social Protection** (Official Gazette of The former Yugoslav Republic of Macedonia No. 50/1997, 16/2000, 17/2003 and 65/2004) the State is the basic provider of social protection to citizens and ensures conditions for its implementation.

275. The Government adopts **Programme for Social Protection** under which it defines areas of social protection, specific needs of population in those areas and the manner of exercising the right to social protection.

276. According to article 20 of this Law, the right to social assistance covers:

Permanent financial benefit for persons incapable for work and socially uninsured persons; social financial benefit for persons capable of work and socially uninsured; financial supplement for assistance and care; the right to health care; compensation of salary for reduced working hours for care for a disabled child; one-off financial benefit or in kind benefit and right to housing;

Persons incapable of work and socially uninsured persons that cannot provide subsistence means on other grounds are entitled to permanent financial benefit.

277. Persons incapable of work within the meaning of this Law are persons with moderate, severe and most severe development impairments, single mothers during pregnancy; children under 15 or 26 years of age, if full-time students, and men and women older than 65.

278. Socially uninsured persons according to article 23 of this Law are persons who do not have income or whose income on all grounds, as a family income is lower than the permanent financial benefit determined by this Law.

279. Permanent financial benefit is a basic right for the beneficiary (article 24 of the Law on Social Protection) and supplements for the other family members incapable of work (co-beneficiaries of the assistance). Family within the meaning of this Law are single persons or community of man and woman, of parents and children and other relatives living in the same household whom they are obliged to provide for according to the Law on Family.

280. Permanent financial benefit as the basic financial right of the beneficiaries is based on the average net salary per employee paid in the non-economic sector in the country in the last three months, which for the beneficiary (single) is 20 per cent; beneficiary with one co-beneficiary 28 per cent; beneficiary and two or more co-beneficiaries 40 per cent. The permanent financial benefit is paid monthly, and the average salary per employee is determined and published by the State Statistical Office.

281. Single pregnant women and single parents have the right to permanent financial benefit for the first three children in order of birth.

282. According to article 27 of the Law on Social Protection permanent financial benefit may be paid to a person who has concluded an agreement for lifelong care with the Social Work Centre and the amount of the permanent financial benefit in this case is established by the Social Work Centre and the beneficiary depending on the value of property which is the object of the provision of lifelong care, upon the previous approval of the Ministry of Labour and Social Policy.

283. Orphans who are not protected under the right to accommodation and do not have any income on grounds of property ownership or property rights and do not acquire income on grounds of other regulations, have the right to permanent social benefit in the amount of the basic financial benefit up to legal age, that is to say until they are able to live independently, but not beyond 26 years of age.

284. Article 28 of this Law regulates the right to social security to persons at retirement age who are not capable of working, socially uninsured, who live with family and who according to the regulations are obligated to provide for his/her subsistence, but whose income per family member is lower than 20 per cent of the average salary determined by the Statistical Office.

285. Persons with working ability, but socially uninsured who are not able to acquire subsistence means on other grounds are entitled to permanent financial benefit.

286. Article 30 regulates the right to financial supplement for assistance and care by another person. This only applies to persons who are not able to perform basic physiological functions (are not able to move in the home neither independently or by use of relevant aids, to maintain

personal hygiene, put on clothes, take food or perform other activities to satisfy the basic needs) or totally blind persons, persons suffering dystrophy or related muscular or neuro-muscular illnesses, cerebral or infantile paralysis, paraplegia and persons with severe or most severe impairments in the mental development over 26 years of age are entitled to this right.

287. The amount of the financial supplement for assistance and care by another person is determined in a decree by the Minister of Labour and Social Policy, and it may not be lower than 20 per cent, or higher than 30 per cent of the average salary.

288. Beneficiaries of permanent financial benefit, persons accommodated with a foster family, and institutions for social protection and beneficiaries of financial supplement for assistance and care by another person have the right to health insurance if they are not able to acquire health insurance on other grounds.

289. The right to salary compensation for reduced working hours for purposes of care for severely disabled child, established under the Law on Labour Relations and the Law on Social Protection is exercised with the Social Work Centre.

290. The amount of salary compensation is 30 per cent of the average salary, published by the Statistical Office.

291. Contributions and other obligations are calculated and paid in the amount of 50 per cent of the base, according to article 180, paragraph 6, of the Law on Pension and Disability Insurance.

292. One-off financial benefits or in kind benefits are provided for persons or families who are socially at risk, because of natural disasters or epidemics, long medical treatment in a health-care institution or other social crisis.

293. In kind benefit within the meaning of this Law is provision of clothes, food and other means necessary for the minimum existential needs of the citizen and family.

294. The amount of the one-off financial benefit is determined in a decree by the Minister of Labour and Social Policy. As an exception, in case of accident, acute health condition requiring hospital treatment and similar, nationals of The former Yugoslav Republic of Macedonia who do not permanently reside in the country, and foreign nationals who do not have permanent residence in the country can also benefit.

295. Article 35 of the Law on Social Protection regulates the right to housing, which is provided for socially uninsured persons who do not have housing. In accordance with the amendments and supplements to the Law on Social Protection (Official Gazette of The former Yugoslav Republic of Macedonia No. 65/2004) this right is transferred under the competencies of the municipalities.

296. The Government adopted a decision, which regulates and defines in detail the conditions, criteria, amount, manner and procedure for establishing and exercising the right to financial social benefit by citizens exposed to social risk. The conditions, amount, criteria and manner of exercising the right are determined by a decree of the Government.

297. The amount of social benefit is determined by the relative level of poverty and the funds earmarked for this purpose.

298. The value of the relative level of poverty is 36,000 Mden annually, or 3,000 monthly.

299. Social benefit for a single member household is established as 57 per cent of the calculated relative poverty level.

300. According to article 3 of the Decision the amount of social security is determined in the following manner:

1,700 Mden for single member household;

2,200 Mden for two-member household;

2,800 Mden for three-member household;

3,600 Mden for four-member household;

4,200 Mden for a household of five or more members.

301. The amounts determined in article 3 of the Decision are paid 100 per cent in the first 24 months as of start of the benefit, and in the subsequent period they are decreased to 70 per cent of the determined amount in the third, fourth and in the fifth year, after which 50 per cent of the established amount is paid.

302. Otherwise, under article 4, the household consists of persons living in a community that earn and spend joint income (they jointly utilize property). Household members within this context are:

The spouse regardless whether it is matter of marriage or extramarital community;

Children born in marriage or born out of wedlock, children who are provided subsistence in the household;

Children who are relatives or have legal relation with the beneficiary or his/her spouse;

Persons who are temporarily staying elsewhere or are temporarily working abroad;

Persons fulfilling military service;

Hospitalized persons.

303. Within the meaning of article 4, paragraph 1, household members are not persons who are serving a prison sentence longer than 30 days, persons accommodated with another family or institution for social protection, in dormitories for education and upbringing of children and youth with impairments in their physical and psychological development.

304. The household has a right to social assistance if the total monthly income of the household members, in accordance with article 10 of this Decision, are lower than the established amount of social assistance for the household of relevant number of members established in article 3 of this said Decision. If the amount of social benefit for the household is lower than 100 Mden, it is not paid out.

305. In accordance with article 7, the household that will receive social security will receive amounts equal to:

The amount determined for the household of relevant number of members, in accordance with paragraph 3, of this Decision, if the household has no income;

The difference between the total monthly income earned by all members of the household on all grounds, under article 10 of this Decision and the amount of social security established for households of relevant number of members in accordance with article 3 of this Decision.

306. The right to social security is applicable on the first day of the month following the date of submission of the application.

307. According to article 8, the amount of social assistance is established and calculated on a quarterly or annual basis depending on the category of the applicant. According to this Decision, applicants fall into the following categories:

*8.1 Households in which the beneficiary is employed*

308. The application under point 8.1 is submitted once a year, while the documents for proof of level of income of the household are submitted quarterly.

309. The monthly income of the household under 8.1 is determined according to the average monthly income in the quarter prior to the submission of the application.

*8.2 Households in which the beneficiary is a pension beneficiary*

310. The application under point 8.2 is submitted once a year.

311. The monthly income of the household under item 8.2 is determined according to the average monthly income in the quarter prior to the submission of the application.

*8.3 Households in which the beneficiary is a registered unemployed person*

312. The application under 8.3 is submitted once a year.

313. Each month on the date determined by the Social Work Centre, the beneficiary is obliged to present confirmation in the form of a card from the relevant employment bureau, in accordance with the Law on Employment, that s/he, i.e., the other members of the household are still unemployed.

314. The monthly income of the household under item 8.3 is determined according to the average monthly income in the last quarter before the submission of the application.

*8.4 Household in which the beneficiary is a beneficiary of permanent financial benefit*

315. The household in which the beneficiary is a beneficiary of permanent financial benefit, in accordance with the Law on Social Protection. The application under item 8.4 is submitted once a year, and the monthly amount is determined according to the average monthly income in the last quarter before the submission of the application.

*8.5 All other households*

316. Applications under item 8.5 are submitted once a year and the necessary documents on the household income are submitted quarterly. The monthly income of the household under item 8.5 is determined according to the average monthly income in the quarter before the submission of the application.

317. Income on the basis of which the material status of the household is determined for future social assistance, according to this Decision is income by all members of the household on the grounds of:

Salaries and salary compensation;

Pensions, old-age pensions, family, disability, veterans', farmer and foreign pensions;

Child supplements;

Unemployment benefit;

Permanent financial benefit;

Property and property rights generated income;

Income from farming;

Income from economic or professional activity in personal capacity; self-employed;

Alimony, scholarships, credits;

Dividends and interest on savings;

Civilian disability compensation;

Bonds for old foreign currency savings;

Other income.

318. The total average monthly income of the household is calculated by summing up all income of the household members earned on grounds referred to in paragraph 1, of this article, calculated for one month.

319. As an exception from article 10 of this Decision the following shall not be considered as household income:

- (a) Financial compensation for physical injury;
- (b) Financial supplement for care and assistance by another person;
- (c) Special supplement;
- (d) Supplement for working engagement;
- (e) Financial compensation of costs for accommodation of a person with a family;
- (f) Rewards and assistance in the event of natural disasters;

320. According to article 12, households do not have a right to receive social security benefits if their members own, in addition to the house or apartment in which they live:

- (a) A second family house or apartment;
- (b) Cottage;
- (c) Business premises;
- (c) Vehicle that can be used for commercial purposes (van, bus, truck, taxi);
- (d) Combine or tractor in good condition;
- (e) Arable land, owned or leased or under a contract for usufruct with an area larger than 7,000 m<sup>2</sup>, in respect of which the arable land designated as fourth or fifth cadastre class is calculated as 40 per cent of the de facto area, and the arable land designated as sixth, seventh, and eighth, cadastre class is calculated as 20 per cent of the de facto area;
- (f) Goods which ensure subsistence means (amounts higher than the amount of the social benefit according to the assessment of the social work centre);
- (g) Savings of 50,000.00 Mden and more;
- (h) Registered motor vehicle.

As an exception of paragraph 1, subparagraphs (e), (f) and (h) of this article, social benefit may be allocated to a household whose members owing to old age, disability or illness cannot effectively use the land or equipment, as well as to households whose members have a registered motor vehicle if it is used for the disabled persons who is a household member.

321. According to article 13, the following are not entitled to right to social benefit:

- (a) Unemployed persons who have not been registered with the employment bureaux competent in accordance with the Law on Employment and Insurance in the event of Unemployment;
- (b) Persons who have been dismissed owing to a fault of the person or upon the persons' requests;

(c) Persons who have rejected an offer for employment, change of qualification or advanced qualification for purposes of employment;

(d) Persons who are not nationals of The former Yugoslav Republic of Macedonia and who do not hold a permanent residence permit.

322. Persons referred to in article 13, paragraph 1, are considered as household members in the calculation of the total income of the household, and are excluded from the right to social benefit.

323. Persons referred to in paragraph 1, subparagraphs (b) and (c), of this article are not entitled to social benefit within six months from the termination of employment, i.e. refusal for change of qualification, advanced qualification for purposes of employment.

324. Social security benefits are paid calculated from the first day of entitlement to social benefit in accordance with this Decision.

325. Beneficiaries of social security may be engaged on works (seasonal work, occasional work) with the exception of pensioners, persons who provide evidence of their incapacity to work because of old age, disability or illness, employed persons, pupils and students.

326. If the beneficiary under this article rejects the work engagement, the person loses the entitlement to social benefit in the next 24 months.

327. The engagement on works of beneficiaries of social benefits shall be conducted in cooperation between the mayor of the local government unit, public enterprises and public institutions and the relevant social work centre or employment agency. The social assistance beneficiary who is engaged on works five days a month at the most, still retains the right to social benefits.

### **Article 10 of the Covenant**

328. The legal system of The former Yugoslav Republic of Macedonia guarantees protection of the family under article 40 of the Constitution according to which: *“The State provides particular care and protection for the family. The legal relations in marriage, the family and extramarital community are regulated by law. Parents have the right and duty to provide for the nurturing and education of their children. Children are responsible for the care of their old and infirm parents. The Republic provides particular protection for orphans and children without parental care.”*

329. The regulation of all relations in the sphere of marriage and family, the special protection of the family, the disrupted relations and violence in marriage and family, adoption, custody, maintenance and the procedures before courts in family and marriage disputes are all regulated in the Law on the Family.

330. The former Yugoslav Republic of Macedonia ensures protection in the event of disrupted relations and violence in the marriage and family. Article 33 (a) of the amendments and supplements of the Law on the Family prohibits any form of violence in the marriage and family.



The Law envisages prohibition of any type of violence among family members, regardless of the gender and age. The perpetrator and victim of violence may be any member of the family, regardless of the age or gender. Whenever learning of cases of domestic violence, the Social Work Centre, upon its own initiative or if requested by a family member, undertakes measures to protect the family and victims of domestic violence, dependent on whether or not the person has legal capacity. Upon the request of the Social Work Centre, the court may pronounce temporary measures against the perpetrator of domestic violence, of a maximum duration of one year.

331. The family is a community of parents and children and other relatives if living in the same household. The family is established upon birth of children or their adoption.

332. The State has the duty to provide special care for and protection of the family, which means that all State bodies, organizations and institutions are to undertake measures the purpose of which is to secure the family as a community of parents, children and other relatives, based on humane relations, mutual assistance, respect and harmony and to prevent and eliminate various forms of disruptions of the relations in the family, as well as the threats to its stability and safety.

333. There are several forms of special protection of the family. For example, the institute of guardianship is used, by which the State ensures protection of children without parents, to minors without parental care, and to senior citizens, with partial or complete lack of legal capacity. Another form of protection is the provision of family pension. In addition, there are other forms of special family protection implemented through various organized activities by the State aiming at prevention and overcoming the basic social risks to which citizens are exposed to (illnesses, injuries, disability, old age, motherhood and family related risks, unemployment risks and professional maladjustment and risks from maladjustment to the social environment).

334. The social protection related rights and their exercise are regulated in the **Law on Social Protection** which envisages several measures of social protection of the family and its members, such as social prevention, consisting of measures to prevent social risks for the family, especially education-advisory services, development of self-help forms, volunteer work and similar; non-institutional protection of the family consisting of professional assistance to family members in overcoming crisis in marriage and family, especially in the parents-children relations and enabling the family to fulfil its functions in the everyday life. Non-institutional protection is carried out in daily centres and in centres for temporary care and accommodation of old persons, person with physical or mental impairments, street children, homeless persons, victims of domestic violence, alcohol abusers, drug and other psychotropic substances abusers, and accommodation with foster families. Institutional protection covers: the right to training for acquiring qualifications for work and productive activities and entitlement to accommodation in institutions for social protection, the right to social assistance, provided in the form of permanent financial benefit for persons incapable of work and socially uninsured persons, social security for skilled persons, but socially uninsured, financial supplement for care and assistance by another person, the right to health care, salary compensation for reduced working hours for care for disabled child, one-off financial benefit and benefit in kind and the right to housing.

335. In addition to social protection and social security measures established in the Law on Social Protection, according to article 5 of this Law, among State efforts to prevent the occurrence of social risks are, inter alia, measures in the area of fiscal policy, employment, scholarship policy, housing policy, health care and education and upbringing.

336. The family also enjoys criminal law protection. The Criminal Code contains a separate chapter entitled “Crimes against marriage, family and youth” which contains the following incriminations- Bigamy (art. 195), Enabling marriage that is not allowed (art. 196), Extramarital life with a juvenile (art. 197), Abduction of a juvenile (art. 198), Change of family situation (art. 199), Abandoning a helpless child (art. 200), Neglect and ill-treatment of a juvenile (art. 201), Non-payment of maintenance (art. 202), Violation of family obligations (art. 203), Serving alcoholic beverages to juveniles (art. 204).

337. Equality of men and women in the marriage and the family is elaborated in several provisions of the Law on Family. According to article 3 of this Law, family relations are based on equality, mutual respect, mutual assistance and subsistence, and protection of the interests of minor children.

338. Equality of men and women is envisaged vis-à-vis children, as well. According to article 8 of the Law, parents have equal rights and obligations towards their children. The parents equally share parental rights, which they exercise jointly, on a consensual basis. If one parent is deceased, is not known, has been deprived of parental rights or is prevented owing to other reasons, the other parent implements the parental rights.

339. The conditions for conclusion and validity of marriage are regulated in article 15 of the Law on the Family, according to which two persons of different gender and of marriageable age may enter into marriage, based on their freely expressed will before a competent body, in a manner determined by law. The conditions for entering into marriage are that the persons are of marriageable age, which according to the applicable legislation of The former Yugoslav Republic of Macedonia is 18 years old. However, according to article 16, paragraph 2, of the Law on Family, the competent court may in an out-of-court procedure, allow the marriage of a person of 16 years of age, if it has established that the person is of the physical and mental maturity necessary for the performance of the rights and duties related to marriage, which is granted based on an assessment from a health-care institution and after the person has been provided professional assistance at the Social Work Centre.

340. In addition to minor age, another obstacle to entering into marriage is the existence of a terminated marriage. Namely, according to article 17 of the Law on the Family, the person may not enter into a new marriage if the previous marriage has not been fully terminated. Furthermore, persons with evident forms of mental illnesses, having psychotic symptoms or residual signs of the illness and are not able to comprehend the meaning of marriage and the obligations related to marriage and who are not able to reason may not enter into marriage. Persons with mental retardation, belonging to the group of persons with severe and most severe mental retardation (of intelligence quotient below 36) may not enter into marriage. Persons with moderate mental impairments and persons with serious hereditary diseases may enter into marriage after having acquired an opinion on the genetic construction issued by the Children’s and Juvenile Mental Health Institute or another relevant institution involved in genetic research.

341. Blood relations are also not allowed to intermarry. Relatives to the first degree of consanguinity (grandmother, grandfather, mother, father, grandchildren or siblings) may not enter into marriage, neither should relatives to the second degree of consanguinity (such as cousins) enter into marriage.

342. Marriage is performed before the State administration body in charge of the Registers of Marriages. The Registrar is obliged to determine whether there are legal obstacles to the marriage, and if the Registrar establishes that the law does not allow the marriage, then s/he will adopt a decision denying the persons the right to enter into marriage.

343. Marriage conducted in a religious ceremony does not have legal effect (art. 30 of the Law on the Family).

344. Article 40 of the Constitution envisages that the State provides particular care and protection to the family. It should be highlighted that family protection is provided in various forms and manners, the most important of which are: family pension, right to health insurance, right to child protection: child supplement, special supplement, assistance in kind –equipment for newborns and participation, right to inheritance and housing rights under certain conditions.

345. Social protection of the family is also provided through various institutions for care, accommodation, education of children, as well as through other forms of organized assistance to the family, and by creating better conditions for running the family household.

346. In order to give appropriate assistance to parents in the exercise of their parental rights, the State provides special care and protection for mothers, orphans or children lacking parental care. The guaranteed rights to health care, social security and social insurance are exercised based on the principles of social justice and solidarity.

347. According to article 14 of the Law on the Family, issues related to special protection and assistance to the family as regards adoption and guardianship, as determined by this Law, are dealt with by the Social Work Centre, which applies methods of professional advisory and counselling interdisciplinary team work.

348. The professional activities related to adoption are under the competencies of the Social Work Centre, and the decision-making body is the Commission for Adoption at the Ministry of Labour and Social Policy.

349. The **Law on Labour Relations** sets forth special protection for women. Hence, according to article 58, female employees are entitled to nine-month continuous leave for pregnancy, delivery and motherhood, and in the event of multiple birth right to one year leave.

350. Based on the findings of the relevant health care body, female employees may start maternity leave 45 days prior to delivery, and obligatorily 28 days prior to delivery. According to article 60, if the female employee delivers a still born child or if the child dies prior to the end of the leave, the employee has the right to continue the maternity leave for a period which according to the doctor's findings is necessary for her recovery after delivery and for overcoming the psychological trauma caused by the loss of child, this period being a minimum of 45 days. During leave on such grounds, female employees have the same maternity leave rights.

351. According to article 61, female employees who are pregnant or who have a child up to two years of age may not work longer than the established working hours, or at night. They cannot be assigned to jobs with harmful effects on her health.

352. According to article 58, female employees have the right to nine months continual leave in the case of delivering one child and one-year's continual leave for a multiple birth.

353. Female employees that have adopted a child have the right to maternity leave until the child reaches nine months of age, or in the event of adoption of (two or more) children one year's leave.

354. A female employee that has adopted a child that is already nine months, but not older than five years of age, is entitled to a leave of absence of three months.

355. Single parents of a child under seven years of age, or a child suffering from severe form of disability, may exceed the normal working hours or work at night only in cases where written consent has been given.

356. According to article 62 of the Law on Labour Relations and article 33 of the Law on Social Protection one of the parents of a severely disabled child has the right to work reduced working hours, if both parents are employed or if of the parent is a single parent, based on findings by the competent doctor's board, and if the child is not living in a health-care institution.

357. The mother has the right to 100 per cent salary compensation while on maternity leave.

358. According to article 17 of the **Law on Health Care**, citizens who are not entitled to insurance based on the principle of mutuality and solidarity are ensured the right to health care or specifically: women in relation to pregnancy, delivery, nursing and contraception.

359. According to article 32 of the **Law on Social Protection** beneficiaries of permanent financial benefit, persons living with another family or in an institution for social protection and beneficiaries of financial supplement for assistance and care by another person have the right to health care if they cannot be insured on other grounds.

360. Under the legal system of The former Yugoslav Republic of Macedonia, all persons who are under 18 years of age have the status of a child. At 18 years of age, the person attains the age of majority and acquires full legal capacity.

361. The right and duty of parents to provide for the subsistence and education of children and the special protection of orphans or children without parental care is envisaged in article 40 of the Constitution.

362. The principles of the child's best interest is envisaged under article 42 of the Constitution, according to which the State provides special protection for mothers, children and juveniles. A person younger than 15 years of age may not be employed. In case of employment of a minor, the minor is entitled to special protection at work. Minors may not be assigned to jobs that have harmful effect on their health and morals. In pursuance with the Law on Labour Relations the employee if younger than 18 years of age is entitled to annual leave, in accordance with the criteria and conditions for determining the duration of annual leave for other employees, to which seven additional working days are added. An employee under 18 years of age may not work longer than the full working hours, while in the sectors of industry, construction and

transportation, the minor may not work at night, between 10 p.m. and 6 a.m. of the following day. The Law on Labour Relations envisages a fine of 500 to 100 average salaries paid in the country for the employer that does not abide by the regulations prescribing special protection of employees under 18 years.

363. The Criminal Code sanctions the violations of the employment rights, including violations of the right to establishment of employment, working hours, leave, protection of minor employees, and the prohibition of overtime and night work.

364. Children are protected under a system of organized measures and activities of the State for care and protection of children, in accordance with the **Law on Child Protection** (Official Gazette of The former Yugoslav Republic of Macedonia No. 98/2000, 17/2003 and 65/2004) and in line with relevant by-laws.

365. Protection of children is an organized activity based on the rights of the child, and the rights and obligations of parents and of the State in respect of family planning, ensuring conditions and standard of living appropriate to the physical, mental, emotional, moral and social development of children. Furthermore, the State has an obligation to create conditions for pursuance of humane population policy, then to provide appropriate material assistance to parents in accordance with the possibilities of the State for the subsistence, raising, care and protection of children and to organize and ensure the development of institutions and services for child protection.

366. A child within the meaning of this Law is a person under 18 years of age, and a person with physical and mental development impairments is legally considered a child until the age of 26. As an exception, in the context of the exercise of the right to child supplement, a child is also a person over 18 years of age, if a regular student.

367. In accordance with article 9 of the Law on Child Protection any mental or physical ill-treatment, punishment or other inhuman treatment or abuse of children, as well as political- or religious-based organization of, and activities for, children and abuse of children for the purposes of political or religious organizations or activities are prohibited, while article 129 prescribes a fine for any misdemeanor perpetrated by any person who organizes and abuses children for the purposes of political- or religion-based organizations or activities, and the person who mentally or physically ill-treats, punishes or otherwise inhumanly treats or abuses children.

368. Child protection is of public interest and is implemented by ensuring relevant rights (child supplement, special supplement, assistance for equipment needed for a newborns and participation in the costs), and through various forms of protecting children (care and education of children of preschool age, vacations and recreation for children and other forms of protection of children).

#### *Child protection rights*

369. The State ensures child protection rights, under conditions set forth in the Law on Child Protection. There is also possibility envisaged for involvement of the municipalities, the Municipality of the City of Skopje and the City of Skopje to ensure large number of the rights, if they secure funds from their own sources for this purpose.

370. *Child supplement* is provided as a financial compensation for covering part of the costs of childcare and development.

371. One parent is entitled to child supplement if the parent is employed, a pension beneficiary or beneficiary of permanent financial benefit, unemployed receiving financial unemployment benefit, farmers- payers of income tax engaged in farming as his/her sole activity, craftsman engaged on traditional crafts or crafts in great demand, national of the State, with permanent residence in the country, for a child-national of the State and if the child is a full-time pupil. The right to child supplement may be exercised by foreign nationals who have residence on the territory of the country, in accordance with the Law on Child Protection.

372. The child supplement is provided depending on the age of the child and the material status of the family.

373. One of the parents or guardians of a child is entitled to child supplement until the child reaches 18 years of age, if the child is a full-time pupil. Child supplement right is also granted to one of the parents of a disabled child who due to illness is not able to attend school, fully and permanently or for a period longer than a year, until the child reaches 18 years of age.

374. The parent is entitled to child supplement for all children for which the parent provides sustenance: children born as a result of marriage or out of wedlock, adopted children, nephews, grandchildren, siblings and other children for whose sustenance they are responsible.

375. In respect of children for whose sustenance the person has undertaken responsibility, the child supplement may be used even when they have parents, but their parents: are fully or permanently incapable of working; are serving prison sentences; have been deprived of their parental rights and if the parents are full-time students.

376. In respect of children for the care of whom the person has taken responsibility, child supplement may be used only in cases when the parents and the children do not possess property or income from which the children could be provided for.

377. Child supplement may be used for a child without parental care, accommodated with a foster family.

378. The material status of the family is established based on the total income and assets of the family acquired in the previous year and depending on the number of family members.

379. The upper limit on the amount of average monthly income and assistance per family member for purposes of receiving child supplement is 16 per cent of the average salary paid per employee in the country, in the first half of the previous year, and for single parents 32 per cent of the average salary paid per employee in the country in the first half of the previous year.<sup>4</sup>

380. The child supplement has the following structure: for a child 15 years of age and under, or until the child is a full-time primarily school pupil – 4.60 per cent of the average salary paid per employee in the country in the first half of the previous year; for a child between 15 and 18 years of age, or until the child is a full-time secondary school student- 7.30 per cent of the average salary paid per employee in the country in the first half of the previous year.

381. Regardless of the number of children in the family, the total monthly amount of child supplement for children whose parent are entitled to it is 1,800 Mden.
382. *Special supplement* is provided in the form of financial benefit for children with specific needs namely those suffering from physical and mental developmental impairment, until they are 26 years of age.
383. A child with special needs is a child with: serious, severe and very severe impairments in physical development; moderate, severe and very severe mental disability, the most severe forms of chronic disease, the highest level of impairment of sight, hearing or speech and those having several types of impairments- combined developmental impairment.
384. The right is exercised by the parent or guardian of the child if the parent or guardian and the child permanently reside in the country, and if the child is a national of The former Yugoslav Republic of Macedonia, regardless of the material status of the family, the number of children in the family, and regardless of whether the child attends school or not.
385. In addition to the right to special supplement, the parent can also exercise the right to child supplement if s/he fulfils the conditions for entitlement envisaged in the Law on Child Protection.
386. The special supplement is 27 per cent of the average salary per employee in the country, during the first half of the previous year.
387. The right to assistance with supplies for a newborn is ensured for the first-born child, as a financial benefit, which is a one-off assistance for the family (according to the amendments to the Law on Child Protection, adopted in September 2004, prior to which assistance was provided in kind).
388. The right is exercised by one of the parents, who should be a national of the country, with permanent residence in the country for a child born on the territory of The former Yugoslav Republic of Macedonia.
389. Entitlement is regardless of material status, for each first-born child, regardless of whether the child was born within the marriage or out of wedlock, and is provided according to the place of residence of the mother.
390. The amount of assistance for equipment for a newborn child is 25 per cent of the average salary per employer in the country in the first half of the previous year.
391. The procedure and manner of exercising the rights to child protection and the amount of assistance is regulated under the Law on Child Protection and the Regulation on the manners, criteria and manner of exercise of child protection rights (Official Gazette of The former Yugoslav Republic of Macedonia No. 39/2003 and 70/2004).
392. The exercise of child protection rights (child supplement, special supplement and assistance for equipment for a newborn) is primarily dealt with by the Social Work Centre competent for area where the applicant for the assistance has residence, while the Minister decides on appeals against the decision of the Social Work Centre.

**Number of families and children who benefited  
from child protection rights, 2003 and 2004**

	Child supplement	Special supplement	Assistance for equipment for a new born child	Total
2003				
Families	28 220	3 522	8 265	40 007
Children	52 633	3 602	8 294	64 529
2004				
Families	21 247	3 983	8 860	33 090
Children	40 165	4 134	9 000	53 299

**Child protection forms**

**(a) Care and education of preschool children**

393. In accordance with the Law on Child Protection, the care and education of children is a form of child protection which is relates to accommodation, stay, care, feeding, education, upbringing, sports, recreation, cultural and entertainment activities, measures and activities for the improvement and maintaining of the health and for encouragement of the mental, emotional, physical, intellectual and social development of children until their enrolment in primary school at seven years of age.

394. The care and education of preschool children is of public interest and in accordance with the Law on Child Protection it can be organized and implemented in institutions for children: kindergartens (private and public). In this respect, the Law provides for the opportunity for natural and legal persons to perform certain activities in the field of care and education of children under conditions and in a manner set forth in the Law (natural persons may be professionally engaged in activities for the organization of lodging, care and feeding of up to three children of preschool age, not less than two hours per day, as well as in activities for the care, lodging, feeding of children with physical or intellectual development impairments - up to three children of up to 10 years of age, not less than two hours daily- under article 59, subparagraphs (b) and (c) of the Amendments and Supplements to the Law on Child Protection, adopted in September 2004. Furthermore, while legal persons entered in the Court Register as agencies providing services for care of children of preschool age, may perform certain activities in this area such as: care for children of preschool age upon call (art. 59, subpara. (d)).

395. In accordance with the amendments to the Law on Child Protection care and education of preschool children shall be organized and implemented in public institutions for children, established by municipal councils, as public kindergartens.

396. The kindergartens perform their activity in accordance with specific plans and programmes.

397. The kindergarten is obliged to present to the parents the programmes it shall implement, the programme objectives, contents and methods of work.



398. Parents have the right to choose the care and education programmes for their children in kindergarten. Furthermore, they also are entitled to participate in the management of the kindergarten, through their representatives elected by the Parents' Council.

399. Public kindergartens organize care and education of children with impairments in their intellectual and physical development, appropriate to the type and level of impairment.

400. The Law on Child Protection envisages that public kindergartens are to take due account of admission of children with impairments in their development, that is of the social and economic situation of the family.

401. In accordance with this Law, other reduced forms of non-institutional care and education may be organized for children that are not covered by the care and education process in kindergartens.

402. In the event that there is no public kindergarten near the place of residence, or all vacancies in the kindergarten have been filled and parents wish to enrol a certain number of children in a kindergarten, according to the norms and standards for operating a kindergarten, the public kindergarten may be allowed to form an additional group and organize activities on other premises.

403. The public kindergarten may occasionally make arrangements for the kindergarten personnel to care for children in their homes, or arrange care by other professionals.

404. The Law provides for the possibility to establish child/parent-counselling service within the kindergarten, which is composed of relevant professional personnel providing assistance to parents regarding the correct development of children, providing assistance to children, as well for their appropriate socialization.

405. The kindergarten may organize other institutional activities to satisfy specific interests and needs of children.

406. The activities to be performed are part of a Programme of activities.

407. According to the designated care and education times, the kindergartens implement programmes for: day care, half-day care, short programmes, pilot programmes, non-institutional forms of activities for children.

408. Short programmes last from 240 to 600 hours annually and are intended for children in remote areas or areas facing a demographic risk, from three years to school age, consisting of care and education with or without feeding. Such programmes also cover children on prolonged hospital treatment.

409. The non-institutional activities are brief programmes of three hours daily, that consist of games, role play, creative workshops, children's workshops in the area of culture, arts, sports. These programmes are intended for children from three years of age to school age and are organized at public kindergartens, upon relevant approval.

410. The pilot programmes are programmes of specific pedagogical principles that are implemented in public kindergartens upon approval.

411. The kindergarten may implement programmes for prolonged stay of children according to the working hours of the parents.

412. Children of preschool age receive care and education in the established network of 184 facilities of 51 public institutions for kindergartens in the country, which have the projected capacity of about 25,000 children, or 11 per cent coverage of generations of children under seven years of age. As of 1 September 2005, children up to six years of age will be covered in the light of the fact that children aged six years and over will be covered by primarily school preparation programmes that will be implemented within the network of public institutions for children--kindergartens to be designated by the Government, according to the new territorial organization of the country, in accordance with standards and norms for the performance of this activity.

413. About 3,300 personnel perform care and education functions in public kindergartens. Among these professionals are: nurses, kindergarten teachers, professional associates (senior medical nurse, social worker, music teachers, art teachers, expert professionals (pedagogue, psychologist, social workers, doctor, special education teacher) and others such as cooks, assistant cooks, administrative employees, in accordance with the Law and the requirements of the activity.

Year	Total		Crèche		Kindergarten		Reduced kindergarten programmes		Non-institutional and other forms	
	Groups	No. of children	Groups	No. of children	Groups	No. of children	Groups	No. of children	Groups	No. of children
2003	1 213	218 412	291	2 688	723	15 318	181	3 505	18	330
2004	1 208	21 378	283	2 819	731	14 944	164	3 248	30	378

#### (b) Vacation and recreation for children

414. Vacation and recreation for children is a form of child protection, which is organized as sojourns, active vacation, socialization of children, educational, cultural entertainment, sports and recreational and other activities for children from 5 to 18 years of age, aimed at promoting the psychomotor development of children, as well as their communication skills, respect for differences, team work, ability to accept themselves and others and orientation in the space.

415. Vacations and recreation for children in the country are realized through the established network of facilities, having the projected capacity of 6,000 beds in one shift.

416. The child camps provide winter vacations, summer vacations, field instruction and other programmes such as excursions, camping, marches, seminars, mini-ski school, recreational environmental protection schools, food; while amendments to the Law provide for these facilities to work as open resort sites and provide other services in periods when they are not providing the above-mentioned services to children.

417. Twenty-six vacation and recreational facilities have been constructed and equipped according to the “Norms for facilities and equipment of children’s camp sites” that fulfil the hygienic and technical conditions for accommodation, rest and recreation.

418. Children enjoy organized vacation and recreation in 5 public institutions and 11 facilities.

419. The Law on Child Protection allows for the establishment of public/municipal and private children’s camps, children’s camps of the City of Skopje and State camps.

420. Following the amendments and supplements to the Law on Child Protection, the provision of vacation and recreation in seasonal children’s camps, which are organizational units of the Ministry of Labour and Social Policy, was abolished. Instead, it is envisaged that the existing public resorts will be privatized. According to amendments to the said Law, the existing public children’s camps will continue functioning as public institutions established by the Government, until the completion of their transformation.

### **Other issues**

421. The former Yugoslav Republic of Macedonia has ratified the Convention on the Rights of the Child and the Convention on the Civil Aspects of International Child Abduction. Hence, children’s rights are ensured in accordance with these Conventions.

422. According to article 16 of the Law on Social Protection, persons who do not have appropriate living conditions in their own family or owing to some other reasons need to be accommodated with another family, in conditions when no other form of social protection can be applied, are entitled to accommodation with a foster family.

423. The right to accommodation with a foster family is ensured for orphans or children without parental care until they are prepared for independent life and work, and until completion of secondary education at the latest, if there are no possibilities to ensure care and education in another manner;

Children with educational and social problems (neglected, abused and socially uninsured children);

Children with disrupted social behaviour;

In accordance with article 19 of the Law on Social Protection the following have the right to be accommodated in an institution for social protection:

Orphans or children without parental care until they are prepared for independent life and work, and until completing secondary school at the latest, if there are no possibilities to provide care and education in another manner;

Children with educational and social problems (neglected, abused and socially uninsured child);

Children with disruptive behaviour.

Pregnant women a month prior to delivery and single parents with a child up to three months of age;

Children with moderate and severe impairments in the mental development referred for purposes of acquiring skills for production activities, children with the most severe impairments in the mental development, physically disabled persons who need permanent accommodation and care.

424. Children referred to in article 19, paragraphs 1, 2 and 3, may be accommodated in pupils' dormitories or another institution that the Social Work Centre considers capable of providing care, education, and normal development of children.

425. As regards other measures undertaken by the State besides applicable laws that regulate children's rights, there is a programme for the protection of street children in cooperation with the Open Society Institute, covering children abused for economic purposes, physically exploited children and child beggars.

426. The activities will be carried out in cooperation with the existing institutions and programmes involved in prevention measures and mental health of children, especially: social work centres, paediatric clinics, psychiatric clinics, children's crisis centres, help lines and other NGOs concerned with the problems of children.

427. Seminars will also be organized for the personnel working with these persons, that is social workers, instructors, psychologists, teachers and medical personnel.

#### **Article 11 of the Covenant**

428. The standard of living in The former Yugoslav Republic of Macedonia is monitored and analysed using the balance of personal consumption of the population as part of the expenditure structure of the gross domestic product (GDP).<sup>5</sup> In this context, personal consumption is calculated using the income method, as a balance of the income and expenditures of the population and with the expenditure method, under the Household Consumption Survey.

429. GDP in The former Yugoslav Republic of Macedonia in 2003 nominally was 251,486 million Mden. The nominal growth in 2002 was 3.1 per cent and the real growth rate was 2.8 per cent.

430. The added values in the wholesale and retail sector; repair of motor vehicles, motorcycles and household devices have nominally grew by 3.1 per cent, maintaining the same share (11.2%) of GDP, as in 2002. A relatively greater increase in added value compared to 2002 has been registered in the following sectors: agriculture, hunting and forestry (17%), electricity, gas and water supply (28.8%), construction (13.8%) hotels and restaurants (13.8%). The processing industry has the greatest GDP share (15.8%), with a parallel growth of 4.6 per cent of the added value in this sector, as compared to 2002.

431. Final consumption has the largest share (97%) is the structure of expenditure components of GDP, marking however a nominal growth of 0.4 per cent, as a result of the lower growth of the final household consumption, including NPISD (2%) and the 4.8 per cent drop in the value of the final public expenditure as compared to 2002.

432. The volume of the 2003 goods and services exports is larger as compared to 2002 and have a 37.9 per cent nominal GDP share, accompanied with a decrease in the volume of goods and services imports, which have a GDP share decreased by 2.8 per cent.

433. The 2003 gross investments have a 20 per cent GDP share with relatively slight increase of the share of investment in capital assets (16.7%) as compared to 2002 when their share was 16.6 per cent.

434. The 2003 gross domestic income increased by 3.2 per cent, while net current transfers from abroad were higher by 29.6 per cent compared to the previous year. The share of the gross domestic savings in the 2003 GDP was 16.7 per cent, showing an increase of 54.9 per cent, compared to 2002.

#### Gross domestic product 1990-2003

	GDP in current prices (in millions of denars)	GDP per capita in US\$ <sup>6</sup>	GDP in millions US\$	GDP in Mden as of 1995 (in millions denars)	GDP real growth rates	GDP deflator
1990	506	2 235	4 252	215 111	-	-
1991	920	2 083	3 990	201 837	-6.2	193.7
1992	11 794	1 937	3 728	188 586	-6.6	1 371.8
1993	59 165	1 785	3 450	174 500	-7.5	542.1
1994	146 409	1 742	3 389	171 432	-1.8	251.9
1995	169 521	1 705	3 351	169 521	-1.1	117.1
1996	176 444	1 709	3 390	171 530	1.2	102.9
1997	186 018	1 732	3 458	174 000	1.4	103.4
1998	194 979	1 781	3 575	179 879	3.4	101.4
1999	209 010	1 849	3 730	187 684	4.3	102.7
2000	236 389	1 924	3 899	196 222	4.5	108.2
2001	233 841	1 830	3 723	187 342	-4.5	103.6
2002	243 970	1 859	3 755	188 941	0.9	103.4
2003	251 486	2 230	4 521	194 263	2.8	100.3

**Gross domestic product of The former Yugoslav Republic of Macedonia  
2002-2003**

In millions denars  
according to current prices

NKD sector	Name	2002	2003	Indices		2002	2003
				2002/2001	2003/2002		
A	Agriculture, hunting, forestry	24 509	28 672	106.9	117.0	10.0	11.4
B	Fishing	48	27	198.6	56.6	0.0	0.0
C	Oar and stone mining	960	989	73.2	102.9	0.4	0.4
D	Processing industry	37 925	39 651	95.8	104.6	15.5	15.8
E	Electricity, gas and water supply	9 146	11 778	91.1	128.8	3.7	4.7
F	Construction	11 893	13 537	100.8	113.8	4.9	5.4
G	Wholesale and retail, repair of motor vehicles, motorcycles and household devices	27 438	28 282	105.2	103.1	11.2	11.2
H	Hotels and restaurants	4 088	4 653	119.9	113.8	1.7	1.9
I	Transport, storage and communications	20 610	21 062	95.0	102.2	8.4	8.4
J	Financial brokerage	7 427	6 110	100.1	82.3	3.0	2.4
K	Activities related to immovable property, renting and business activities	8 168	8 453	98.4	103.5	3.3	3.4
L	Public administration and defence: compulsory social protection	16 145	16 984	111.8	105.2	6.6	6.8
M	Education	8 688	9 436	108.0	108.6	3.6	3.8
N	Health care and social work	9 361	9 897	107.7	105.7	3.8	3.9
O	Other communal, cultural, general and personal service activities	5 553	5 503	100.1	99.1	2.3	2.2
P	Private households with employed persons	-	-	-	-	-	-
Q	Exterritorial organizations and bodies	-	-	-	-	-	-
	Imputed rent	10 792	13 732	101.5	127.2	4.4	5.5
	Minus: imputed banking services	4 160	3 797	87.8	91.3	1.7	1.5
	Other net production taxes	-	-	-	-	-	-
	A. Added value	198 592	214 969	101.7	108.2	81.4	85.5
	B. Value added tax	38 874	30 229	119.7	77.8	15.9	12.0
	C. Customs and customs duties	6 504	6 291	105.9	96.7	2.7	2.5
	D. Minus: Subsidized products	-	4	-	-	-	0.0
	<b>GDP (A+B+C+D)</b>	<b>243 970</b>	<b>251 486</b>	<b>104.3</b>	<b>103.1</b>	<b>100.0</b>	<b>100.0</b>

## National accounts

### Expenditure components of gross domestic product (current prices)

In millions denars

	2001	2002	2003
GDP	233 841	243 970	251 486
Final consumption	221 771	242 795	243 853
Household final consumption, including NPISHs	163 788	188 179	191 873
General government final consumption	57 983	54 616	51 980
Gross capital formation	44 618	50 275	50 261
Gross fixed capital formation	34 716	40 448	42 110
Change in inventories	9 902	9 828	8 151
Exports of goods and services	99 833	92 781	95 254
Exports of goods	78 618	71 994	73 800
Exports of services	16 643	16 387	17 705
Non-resident purchases	4 572	4 399	3 749
Imports of goods and services	132 381	141 882	137 882
Imports of goods	114 434	124 062	120 038
Imports of services	17 947	17 819	17 844

### Gross domestic income: current prices

In millions denars

		2001	2002 <sup>a</sup>	2003
1	GDP according to market prices	233 841	243 970	251 486
2	Net primary income from abroad	-2 770	-1 928	-1 756
3=1+2	Gross domestic income	231 071	242 043	249 731
4	Net current transfers from abroad	18 743	27 867	36 114
5=3+4	Gross domestic available income	249 814	269 909	285 845
6	Final consumption	221 771	242 795	243 853
7=5-6	Gross national savings	28 043	27 114	41 992
8=1-6	Gross domestic savings	12 070	1 175	7 633
9	Gross investments	44 618	50 275	50 261
10=7-9	Net credits (+), net debts (-)	-16 575	-23 161	-8 269

<sup>a</sup> Corrected data due to a revision of the data taken from the Balance of Payments (Bulletin IV 2004 of the National Bank of The former Yugoslav Republic of Macedonia).

**Real GDP growth rate**

Period	Real GDP growth compared to the same period in the previous year <sup>7</sup>	GDP according to current prices in millions denars
2003	2.8	251 486
2004	2.9	264 599

2004 data are estimates.

435. Considering the importance and care placed on the nourishment of the population, the State Statistical Office monitors the situation and publishes official data about the quantities of products consumed by households.

436. The following tables present the relevant trends. The first part, without any elaborations is for the period up to 1997, which is used to illustrate the trends over a longer period, while the second part represents 2002 to 2003 and is supplemented with relevant comments.

**Quantities of products consumed by households (in kg)  
(average value per household member)<sup>8</sup>**

	1992	1994	1996	1997
Wheat and wheat products	187.3	166.0	146.3	141.4
Vegetables and vegetable products	58.7	63.4	77.8	74.5
Potatoes	22.6	23.1	27.7	28.9
Fruit (fresh and processed)	44.6	60.4	57.9	47.8
Meat (fresh)	20.4	27.5	22.1	21.8
Meat (processed)	3.2	3.6	4.4	3.5
Fish	2.9	4.0	3.8	3.8
Fats	14.4	16.5	16.4	15.9
Milk and dairy products	76.0	87.3	77.2	83.6
Eggs (pieces)	149.5	161.6	160.6	171.7
Sugar	11.4	12.1	13.8	11.5
Coffee	1.8	2.0	2.2	1.9

**Structure of household expenditure<sup>9</sup>**

	1996	1997
Spent assets	100.0	100.0
Personal consumption	86.8	85.1
Food	43.4	42.8
Drink	3.9	3.9
Tobacco	3.1	2.9
Other goods and services	36.4	35.5



**Durable goods in households**

	1994	1995	1996
Number of households surveyed	677.0	680.0	1 040.0
Estimated number of households	100.0	100.0	100.0
Households owning durable goods	99.8	100.0	99.9
Solid fuel stove	69.5	71.6	73.0
Electric stove	86.1	89.5	89.5
Gas stove	1.3	1.5	4.8
Combined fuel stove	5.6	3.4	4.8
Oil stove	5.0	4.3	5.0
Boiler		75.0	75.1
Refrigerator	91.3	93.8	91.1
Deep freezer	74.9	75.9	75.3
Vacuum cleaner	71.5	71.2	68.9
Radio set	48.8	44.5	50.4
Compact disc player			8.4
Cassette player	40.2	48.2	46.6
High fidelity music system	10.2	11.0	12.5
Colour television set	75.6	76.0	77.1
Washing machine	65.8	65.6	66.5
Dishwasher	3.7	3.1	2.9
Video camera	2.7	2.6	2.7
Personal computer			2.8
Passenger cars	42.1	46.4	46.3
Camping trailer	1.6	1.9	2.0
Boat	1.0	1.2	1.0
Households without durable goods	0.2	0.0	0.1

Data for 2002 and 2003.

437. Pursuant to the data of the Household Consumption Survey, low calorie products such as bread, flour, pasta and rice still form part of the daily household diet. Compared to 2002, consumption of wheat and wheat products increased by 0.9 per cent, and consumption of fresh and processed fruit consumption increased by 18.3 per cent in 2003. On the other hand, there was a decrease in the consumption of higher calorie products specifically fresh and processed meat by 2.4 per cent, fish by 10.7 per cent and fats by 2.4 per cent.

**Consumer goods in households (average per household member)**

	2002	2003
Wheat and wheat products (kg.)	156.3	157.8
Vegetables, fresh and processed (kg.)	134.2	130.5
Fruits, fresh and processed (kg.)	77.2	91.3
Meat, fresh (kg.)	29.4	28.9
Meat, processed (kg.)	10.9	10.5
Fish (kg.)	6.1	5.5
Fats (kg.)	23.3	22.7
Milk (litre)	61.3	57.8
Dairy products (kg.)	28.4	28.4
Eggs (pc.)	218.0	216.0
Sugar (kg.)	19.8	20.9
Coffee (kg.)	2.9	2.8
Wine (litre)	4.4	3.9
Beer (litre)	14.1	14.2
Alcoholic beverages (litre)	1.9	1.9
Heating, wood (m <sup>3</sup> )	1.5	1.2
Electricity (KWh)	1 765.0	1 787.0

**Personal consumption expenditure (by household)**

	2002 percentage	2003 percentage
Total personal consumption	100.0	100.0
Food and non-alcoholic beverages	42.5	42.0
Alcoholic beverages and tobacco	4.9	5.0
Clothing and footwear	8.5	8.5
Housing, water, electricity, and other fuels	11.3	12.1
Household items, furniture, home maintenance	5.5	5.1
Medical care	3.4	3.6
Transportation	7.0	6.5
Voice and data telecommunications services	4.4	4.9
Recreation, culture and entertainment	3.9	3.6
Education	0.5	0.7
Hotels and restaurants	4.4	3.9
Other goods and services	3.8	3.9

438. The examination of personal consumption in households shows that most of the available assets, about 42 per cent are spent on food. The share of expenditures for housing and payment of water supply services, fuel and lighting increased by 12.1 per cent. 3.6 per cent are spent for health-care services and medicines, while for postal and telephone services 4.9 per cent are spent. The deterioration of standard of living results in fewer funds spent for recreational and cultural activities and for catering services.

### Index of costs of living according to the COICOP1<sup>a</sup> classification

Previous year = 100

	2003	2004
Total	101.2	99.6
Food and non-alcoholic beverages	98.8	97.2
Alcoholic beverages and tobacco	102.9	99.3
Clothes and shoes	102.2	100.8
Housing, water, electricity and other fuels	104.4	101.9
Household items, furnishings, household equipment	104.0	103.4
Health	104.8	99.5
Transportation	102.7	103.1
Communication services	109.1	106.1
Recreation and culture	101.8	98.8
Education	100.5	98.4
Hotels and restaurants	105.2	111.1
Other goods and services	101.4	100.9

<sup>a</sup> Classification of individual consumption by purpose (EU standard).

439. According to the State Statistical Office, in 2004 the trends in the index of costs of living differed per group. Hence, there was an increase in the group of catering services in hotels and restaurants by 11.1 per cent, telecommunication services by 6.1 per cent, household items, furniture and household maintenance by 3.4 per cent, transportation vehicles and services by 3.1 per cent. There is a decrease of the 2004 index compared to 2003 in the groups of education by 1.6 per cent and health care by 0.5 per cent.

440. The supply of durable consumption goods to households shows that in addition to the basic durable goods, in increasing number of households one finds a computer, electrical household devices, such as dish washer, air conditioner and mobile telephones.

**Durable consumer goods by household**

	2002	2003
Number of surveyed households	4 091	4 242
Estimated number of households	499 568	502 607
Households with durable goods	499 568	502 607
	100.0	100.0
Electrical stove	91.5	93.2
Solid fuel heater	17.3	16.9
Electrical heater	36.5	34.7
Boiler	81.8	87.2
Refrigerator	94.2	96.1
Deep freezer	77.6	81.2
Washing machine	74.3	78.2
Dishwasher	3.1	3.9
Vacuum cleaner	78.2	81.6
Radio	40.5	35.4
Cassette player	50.2	49.8
Personal computer	8.5	9.6
Colour TV	90.7	94.3
Telephone	83.2	88.0
Mobile phone	19.9	31.3
Passenger car	45.5	45.5
Air conditioner	3.7	4.9
Households without durable goods	-	-

441. Ensuring the needs of the country for basic agriculture and food products are met is indispensable for the nourishment of the population, therefore this is systematically monitored and several documents in this context are prepared.

442. In pursuance of the vital need to ensure adequate food for the population, the Government monitors the needs of the country for basic agriculture and food products, and proposes measures accordingly to secure more harmonized ratios of supply and demand in the country. In this respect, assessments are made of domestic agricultural production and food products, the level of consumption by the population and the surplus and deficit of certain daily basic food products.

443. Furthermore, in the event of lack of certain vital products, the Government undertakes measures to ensure the population's needs for food.

444. Several trade-related laws have been adopted in The former Yugoslav Republic of Macedonia, among them the Law on Foreign Trade Operations and the Law on Trade. These laws essentially help design an open market economy and create conditions for free trade, abiding by the international rules and principles in this area.

445. Taking into consideration international rules, the Government has undertaken the liberalization of foreign trade. In this context, several regulations have been adopted which abolish certain limitations on imports and exports, in order to facilitate free flow of goods from other countries, which helps improve the market supply of all types of goods, including agriculture and food products.

446. As part of efforts to enlarge the country's market, which creates better supplies to the population, the Government has undertaken measures to conclude trade and economic cooperation agreements with the countries in the region and beyond.

447. Overcoming poverty and unemployment is one of the top priorities of the Government. Poverty is a complex, multifaceted problem in the country, being a consequence primarily of economic, social, political and cultural issues.

448. In the context of dealing with overcoming poverty and unemployment, a National Strategy for Poverty Reduction has been prepared through a process which has actively involved civil society, NGOs, donors and international institutions. Such an approach has been necessary in order to ensure wide support from the main stakeholders in the process of preparing and implementing the Strategy, and to strengthen the sense of ownership in its design, by giving extensive opportunities for presentation of ideas, all aimed at accomplishing speedier growth and reducing poverty. The Government adopted the National Strategy for Poverty Reduction of The former Yugoslav Republic of Macedonia in August 2002. In addition, as of May 2003, the Ministry of Finance, in cooperation with foreign experts, has been intensively engaged in the development of a programme and policies for poverty and unemployment reduction, which would be designed using, inter alia, the experiences of other countries in tackling this problem.

449. The Programme and policies for poverty and unemployment reduction are especially focused on short-term or immediate measures, such as:

Introducing measures to increase employment through private sector development (small and medium-sized enterprises);

Measures to eliminate the inflexibility of the labour market, proposals for amendments to the subsidies and incentives, in order to encourage self-employment;

Assessment of programme options for poverty reduction that can be promptly implemented within the existing socio-economic environment (correction of benefits in case of unemployment, reviewing the possibility of turning financial benefits from passive and general benefits into more active well targeted instruments).

450. This complex document which has been further upgraded, offers a wide range of measures to stimulate the economy, enhance the fight against unemployment and reduce poverty. It is especially significant that the document envisages short-term measures, but is mainly focused on: labour market policies, strengthening and restructuring public placement services, increasing the flexibility of the labour market, social protection plan, and unemployment and financial benefits in particular, as well as local development policies, economic impetus through development of small and medium-sized enterprises and entrepreneurship, and overcoming administrative obstacles.

451. Reducing poverty implies complex and coordinated measures in several areas. Of course, the basic factor for poverty reduction and progress in general is long-term sustainable economic growth, which secures dynamism, creates new jobs, and thus increases household income. If one takes into account the effects of economic growth seen in terms of larger budget revenues to provide for better quality social programmes, better education, health care and capital investment in the field of energy or transportation, its great driving potential becomes evident in creating better conditions for the life of the population.

## **Housing**

452. According to data from the State Statistical Office under the 2002 Census of the Population, Households and Dwellings in The former Yugoslav Republic of Macedonia: the total population is 2,022,547; the total number of households is 564,296, containing three members on average and dwellings number 698,143. A particularly vulnerable group in terms of housing is young couples particularly those with low income, whose children are over 12, and unemployed young couples, who seeking employment and require State subsidized housing. In January 2005, under the National Strategy for the Roma, a Housing Action Plan was adopted, which is primarily aimed at improving the quality of housing (facilitating the access to resolving the housing problem, improvement of the infrastructure in the predominantly Roma communities, and decrease in the number of substandard homes).

453. There is a shortage of 60,000 housing units in the Republic of Macedonia.

454. The issue of housing has been regulated in several laws and by-laws. **The Law on Housing** (Official Gazette of The former Yugoslav Republic of Macedonia 1998/2000/2003) regulates the relations in housing, the manner and conditions for lease of apartments, the rights and obligations of owners and tenants of apartments and maintaining the apartment blocks.

455. Apartment blocks and apartments are used based on the right to ownership and the right to lease an apartment.

456. Under the Law on Housing, the **Regulation on the Investment and Current Maintenance of Blocks of Apartments and Apartments** has been adopted (Official Gazette of The former Yugoslav Republic of Macedonia 1998), which prescribes the matters pertaining to investment and current maintenance and the method of performing activities for current and capital maintenance of the apartment blocks and apartments. **The Decree on the Manner, Conditions and Procedure for Leasing Apartments Property of The former Yugoslav Republic of Macedonia** (Official Gazette of The former Yugoslav Republic of Macedonia 1999) regulates the manner, conditions and procedure for leasing apartments owned by the Government.

457. According to the Law on Housing the following may submit an application for leasing an apartment property of the Government to the Committee for Housing and Emigration Issues, at the Government:

Persons elected, appointed and designated to public offices, established under the Constitution and law;

Persons at social risk or homeless, in accordance with the Law on Social Protection;

Persons from areas affected by natural disasters and epidemics; and

Employees of State bodies performing special duties indispensable for the fulfilment of the basic functions of the State body.

458. According to the 2003 Census conducted by the Public Enterprise for Management of Housing and Business Facilities of The former Yugoslav Republic of Macedonia, there are 5,454 Government apartments , registered in this Public Enterprise.

459. Of the above-mentioned number of Government-owned apartments, there are 2,058 apartments with unresolved status of lease, or with problematic status of lease, pending final resolution:

Four hundred and seventeen tenants hold leases for their apartments;

Five hundred and fifty-one tenants have no documentation for use of the apartments;

There are 558 unlawful tenants;

And 502 apartments are used on other grounds.

460. The Law on Sale of Socially Owned Apartments (Official Gazette of The former Yugoslav Republic of Macedonia 1992/1993/2003) regulates the conditions and procedure for sale of socially owned apartments: abolishment of social ownership and transformation of the ownership into State or private ownership, by sale of apartments by the State or by way of restituting the apartments to the former owners and their heirs, in accordance with the Law on Denationalization (Official Gazette of The former Yugoslav Republic of Macedonia No. 2000).

461. In accordance with or based on the Law on the Sale of Socially Owned Apartments, several primary and secondary legislative acts have been adopted:

Law on Management of Housing and Business Premises of The former Yugoslav Republic of Macedonia (Official Gazette of The former Yugoslav Republic of Macedonia 1994) regulates the management of the apartment blocks, apartments, business premises for which the Government has the right to use, manage and dispose of, for which purpose a Public Enterprise for Management of the Housing and Business Premises of The former Yugoslav Republic of Macedonia has been established;

Decision for the sale of apartments for which the Government has the disposal rights, duties and responsibilities, (Official Gazette of The former Yugoslav Republic of Macedonia 1992/2003) under which apartments, for which the State has the disposal rights, duties and responsibilities are designated for sale;

Decree on the criteria and manner of determining the sale price of socially owned apartments (Official Gazette of The former Yugoslav Republic of Macedonia 1992/1993/1994) which defines in greater detail the criteria and manner according to which the owner determines the sale price of socially-owned apartments; the Decree is supplemented with the Decision establishing the value of the calculation points in the sale of socially owned apartments (1992/2001) and the Decision for decrease of prices of socially owned apartments;

The Decision for sale of apartments for which the Government has the disposal rights, duties and responsibilities, (Official Gazette of The former Yugoslav Republic of Macedonia No. 1996/1999/2001) determines the housing units subject of sale, the schedule of the sales, and the initial price, set forth under the Programme of the Public Enterprise of Management of Housing and Business Premises of The former Yugoslav Republic of Macedonia.

462. The sale of this type of State apartment is public. Announcements are placed in daily newspapers. All interested persons, nationals of The former Yugoslav Republic of Macedonia, young couples who are not in possession of other real estate and who are solvent in accordance with the relevant regulations have the right to submit applications upon the public announcements. According to this type of sale: 50 per cent of the price is paid as share in the total price, while the remaining part is paid in 180 monthly instalments, with 8.4 per cent annual interest rate.

463. The use of land and all construction activities on the land, under the competencies of the Ministry of Transport and Communications is regulated by the Law on Construction Land, which determines the legal framework for alienation and lease of construction land.

464. In accordance with the Law on Spatial and Urban Planning and the Law on Capital Goods Construction, based on the applied procedure for regulation of the legal property relations pertaining to the land, the detailed urban plans and construction of objects are implemented, housing facilities included. The Law on Local Government (Official Gazette of The former Yugoslav Republic of Macedonia 2002) transfers large number of competencies in the field of housing and spatial planning to the local level.

465. We highlight that all the above-mentioned regulations and laws are reexamined for purposes of their amendments and supplements, inter alia, in order to harmonize them with EU regulations.



466. The right of tenants to protection of the home, protection from eviction, financing of housing, lease control and accessibility of housing are regulated in the following manner:

*The Law on Housing has separate sections which regulate:*

*The rights of the apartment lessor and lessee*

467. The lessors can be domestic or foreign natural and legal persons, The former Yugoslav Republic of Macedonia, municipalities and the City of Skopje and the lessee can be domestic or foreign natural persons.

468. The lease relations laid down in this Law, in pursuance with the Law on Ownership and Other Real Rights (Official Gazette of The former Yugoslav Republic of Macedonia 2001) are subject to the provisions contained in the Law on Obligations (Official Gazette of The former Yugoslav Republic of Macedonia 2000), unless otherwise provided for in this Law.

469. The lessor decides on the lease of the apartment, and the rights and obligations of the lessor and of the lessee are regulated in the Lease Contract. No person may move into an apartment without a prior Lease Contract, which can be concluded for a definite or indefinite period.

470. The manner and conditions for lease of apartments owned by the Government are regulated in the Decree on the manner, conditions and procedure for lease of apartments property of The former Yugoslav Republic of Macedonia (1999).

*Protection from eviction*

471. If a person occupies an apartment without having signed a lease contract or without any other legal grounds, the direct i.e., indirect party disposing of the apartment has the right to reacquire the right to disposition, exercising the right to redress. Upon the request of the indirect i.e. direct party disposing of the apartment the right to redress may be exercised only in the presence of a representative of the internal affairs body. In respect of the protection from eviction in the event that a person moves into an apartment without having signed a lease or without any other legal grounds, the direct, i.e. indirect party disposing of the apartment has the right to regain the right to disposition with the apartment exercising the right to redress in the presence of a representative of the internal affairs body. The right to protection of the disposition rights through the exercise of the right to redress is implemented within 30 days from the day the party has learned of the violations of the disposition and the perpetrator of the violations, but not more than a year from the time the violation of disposition has occurred.

**Financing housing**

472. The section Block of Apartment and Apartments Property of The former Yugoslav Republic of Macedonia regulates the financing of the construction and maintenance of apartments by the Government. Thus, funds are ensured under the State budget, from sources such as donations, foundations and credits, and the related activities are implemented under the annual Programme for construction and maintenance of apartments by the Government, which the Government adopts upon the proposal of the Ministry of Transport and Communications.

### **Lease control and accessibility of housing**

473. The Ministry in charge of housing – the Ministry of Transport and Communications-oversees the legality in the implementation of the Law on Housing, while the inspection oversight is conducted by the State Inspectorate for Urbanism and Construction.

### **Accessibly of housing**

474. In accordance with the Law on Housing, the planning and provision of funds for the construction and maintenance of apartments property of the Government are defined in the annual Programme that the Government adopts upon the proposal of the Ministry of Transport and Communications.

475. This Programme more specifically contains the following:

Assessment of the situation pertaining to construction, sale and maintenance of blocks of apartments and apartments;

Measures and conditions for ensuring better housing conditions in the existing apartment blocks and apartments;

Definition of elements related to the amount of lease payment and the sale price of apartments and other matters related to the apartment blocks and apartments property of the Government.

476. At least 25 per cent of the total funds for construction and maintenance of apartment blocks are earmarked for persons at social risk, such as the homeless, in accordance with the Law on Social Protection.

477. Under the Law on the Loan for The former Yugoslav Republic of Macedonia from the Development Bank at the Council of Europe on grounds of the Loan Agreement for the Project for construction of apartments to be leased to low-income persons (Official Gazette of The former Yugoslav Republic of Macedonia 2000), the Government took a credit of 15 million euros to finance the Project for construction of apartments to be leased to low-income persons.

478. The loan funds have been used to realize part of the Government Programme for construction of 10,000 State-subsidized apartments to be leased to persons with low income, the homeless and young couples.

479. Based on the Law on the Loan for The former Yugoslav Republic of Macedonia from the Development Bank at the Council of Europe, a Decision has been adopted on the conditions and criteria for distribution of apartments constructed under the “Project for construction of apartments to be leased to low-income persons” (Official Gazette of The former Yugoslav Republic of Macedonia 2003), which defines the conditions and criteria for distribution of apartments constructed under this project with funds for partial financing under the Agreement on the Loan from the Development Bank at the Council of Europe and with funds from the State budget (in the amount of 50% or about 15 million euros).

480. The construction of the apartments under this project and the number of apartments are defined in the annual Programme for construction and maintenance of apartments by the Government. In 2003, 167 apartments, or 4 blocks of apartments, were constructed and released for lease in several cities, while 669 apartments or 14 blocks of apartments are currently being constructed. They are scheduled for completion at the beginning of 2006.

481. Any national of The former Yugoslav Republic of Macedonia, having permanent residence in the location of construction of the apartment, and who does not possess or whose spouse or full-aged members of his/her household do not own a dwelling, may apply for apartment lease.

482. The distribution is according to the Methodology for assigning points to candidates for acquiring the right to lease an apartment, in pursuance with the basic criteria.

483. Article 26 of the Constitution guarantees the inviolability of the home, and that the right to inviolability of the home may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health.

484. There are no legislative measures which grant legal grounds to those who live in the unlawful sector. However, within the existing legal framework, the Government undertakes activities to resolve the housing problems of a certain number of persons who are registered as unlawful tenants of State apartments.

485. The quality and level of rational urban planning and regulation have greatly improved following the amendments to the Law on Spatial and Urban Planning (Official Gazette of The former Yugoslav Republic of Macedonia 1996/1997/1999/2001/2002) of 2001, which creates normative conditions for more efficient preparation and adoption of urban plans.

486. Based on the legal provisions new by-laws have been drafted, pertaining to the regulation of urban areas and to the procedure for adoption of urban plans, such as:

Regulation on the standards and norms for use of space;

Regulation on the contents and manner of graphic design of the plans and the manner and procedure for adoption of urban plans; and

Regulation on the standards and norms for the design of facilities according to the amendments published in the Official Gazette of The former Yugoslav Republic of Macedonia 2002/2003.

487. These regulations enable all involved in the process of designing the environment, such as planners, designers, reviewers, the local government, State bodies, investors and other entities to have concise and focused information on the arrangement of the space.

488. In accordance with the Constitution, the Law on Property and Other Real Rights was adopted in 2001, and this regulates the ownership rights and other property related rights in accordance with the Constitution.

489. The new Law on Obligations (2001) in its section XV ensures the legal framework for the construction and other types of services in the housing sector, envisaging a conclusion of a written Contract for construction in the form of *locatio operis* between the commissioning party (owner of the apartment) and the contractor (company registered for construction of objects), under which the constructor is obliged to construct, according to the project design and within the agreed period, a permanent object or conduct other construction works, and the commissioning party is obliged to pay a certain price.

490. The Law on Housing in the section - Blocks of apartments and apartments property of The former Yugoslav Republic of Macedonia - envisages that the planning and the securing funds for the construction and maintenance of apartments property of the Government are conducted under an annual Programme adopted by the Government, upon the proposal of the Ministry of Transport and Communication, realized by the Public Enterprise for Management of Housing and Business Premises of The former Yugoslav Republic of Macedonia.

491. The Government submits an annual report on progress made on its annual Programme for construction and maintenance of apartments.

492. The Programme contains physical and financial indicators on housing and business facilities such as: buildings under construction, construction which will commence in the current year and preparations under way for new construction. Of the total number of newly-constructed apartments, 25 per cent will be earmarked for persons at social risk, in accordance with the Law on Social Protection, and a certain number of apartments is intended for the purpose of implementing the Law on Denationalization.

493. The other apartments are sold following a public announcement in daily newspapers, while the conditions of sale are 50 per cent of the total price to be deposited and the rest to be paid in instalments over 15 years, with an interest rate of 8.4 per cent annually, in accordance with the Decision on sale of apartments for which the Government has the disposition right, duties and responsibilities. This has significantly increased the possibilities of buying an apartment under favourable conditions for persons needing housing.

494. Any national having permanent residence in the location of construction of the apartment, who does not possess a dwelling and whose spouse or pensionable-aged household members do not possess any dwelling may apply for lease of an apartment.

495. Distribution is based on the Methodology for assigning points to candidates for acquiring the right to use an apartment under lease, in accordance with the basic criteria:

The average annual income per household member is not higher than 65 per cent of the average annual gross national income per capita in The former Yugoslav Republic of Macedonia;

Young couples with children not older than 12 years;

Persons over 18 years of age who have been accommodated up to the age of majority in institutions for orphans or have been under other forms of protection.

496. In designing urban and rural areas, space is allocated for public and commercial buildings, while urban zones should integrate gardens and yards, in accordance with the Law on Spatial and Urban Planning.

497. For construction or renovation in existing urban or rural settlements, when the conditions set forth in Regulations can be fulfilled, the already existing situation is of primary interest.

498. In accordance with the macroeconomic policy of the Government for 2003, which is based on rationalization of the budget expenditures, the Programme for construction and maintenance of Government-owned apartments for 2003 is supported in terms of completion of the Project for construction of apartments to be leased to low-income citizens - Budget item 1340 - Subsidized housing, partially financed through a loan from the Development Bank of the Council of Europe and completion of the already commenced objects and those prepared under previous annual programmes.

499. The major problems that the Government has in terms of the exercise of the right to housing are lack of funds for the accomplishment of the Government Programme for construction of 10,000 subsidized apartments that will be leased to persons with low income, the homeless, and young couples. Another problem in this respect is the non-existence of public funds that would work as savings or credit associations the funds of which would be used for construction, reconstruction and capital-technical maintenance of blocks of apartments.

500. Following the 2001 conflict in The former Yugoslav Republic of Macedonia, there have been assistance and donations from several international organizations and foreign governments for the reconstruction of damaged dwellings.

501. The reconstruction of buildings damaged or destroyed in the conflict started in 2002 with Stage I, based on the assistance mainly provided by the Office of the United Nations High Commissioner for Refugees, as materials for damaged objects of the I and II category and for the necessary infrastructure. Stage II started with the reconstruction and rehabilitation of housing projects by the Governments of Germany, the Kingdom of the Netherlands, Italy and other EU members, through the European Agency for Reconstruction and other European agencies. It is expected that this second stage will be completed by early 2006, by which time the process of reconstruction of buildings damaged in the 2001 conflict will be finalized.

502. Currently, there is ongoing commercial and residential reconstruction under the Project for revitalization of regions affected by the 2001 conflict.

503. As regards the question of ensuring adequate conditions for life, in the last period there have been five laws prepared in the area of the environmental protection, three of which have been adopted by the Parliament: Law on Protection of Nature, Law on the Quality of Air, Law on Waste Management) and two laws are in Parliamentary procedure (Law on the Environment and Law on Waters).

504. The five laws incorporate provisions contained in universal conventions in the area of environmental protection, which the State has ratified and include administrative and economic measures which ensure efficient use or natural recourses, as well as concrete programme for their realization. Thus, these laws legally define efficient natural resources management, which means that the matter will be an integral element in the design of the agriculture policy.

### Land use, distribution, zoning and planning

505. The basic data in this context are contained in the Spatial Plan of The former Yugoslav Republic of Macedonia (adopted by the Parliament in 2004) and the Law on the Implementation of the Spatial Plan of The former Yugoslav Republic of Macedonia (adopted in 2004).

506. The Spatial Plan is the highest long-term integral, strategic document, which up to 2020, defines the socio-economic basis for development, use and protection of natural resources, population projections and organization of settlements, transport and communication concept, protection of the environment, the natural and cultural heritage. In general terms, the Spatial Plan provides basis for rational and efficient use of the land. For purposes of implementation the Spatial Plan there will be spatial and urban plans developed at the lower levels. Currently, the Law on Spatial and Urban Planning is drafted.

507. One of the basic goals of the Plan is related to saving, rational use and protection of natural resources, while the Plan envisages the protection of agriculture land, the preservation of the quality and natural fertility of land, as priority activities.

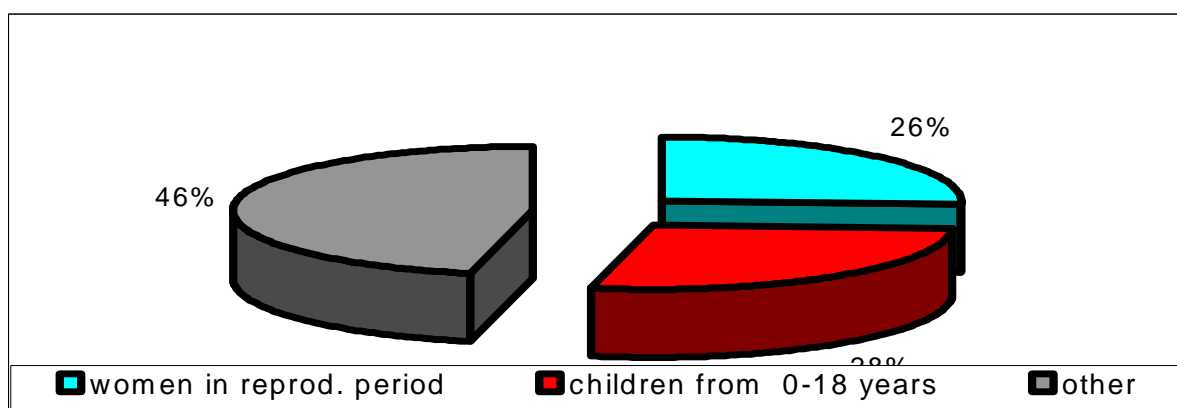
### Article 12 of the Covenant

508. Decrease of the number of stillborn children and infant mortality rate, and health child development.

509. Health care in The former Yugoslav Republic of Macedonia, inter alia, consists of continuous preventive measures and activities for advancement of the health status and quality of health care for children and women of childbearing age.

**Chart 1**

### Structure of population in The former Yugoslav Republic of Macedonia according to population groups



510. The percentage share of women of childbearing age and of children aged between 0 to 18 years in the total population is 54 per cent.<sup>10</sup> The under-six age group accounts for 8.9 per cent of the total population and this number has significantly decreased in the last several decades (as an illustration, in 1971 this percentage was 13.7%).

511. Health care for women of reproductive age and children covers all biological, health and social aspects of reproduction, maternity, development and health of children, as individuals and as population groups.

512. There are many reasons why the social and health well-being of women and children is of special social interest in the context of the health-care policy of any country.

513. The advancement of the health of women and of children is increasingly becoming a human and economic investment in any community (Health for All by 2002, Millennium Development Goals 7 and 8). This is the most vulnerable part of the population, in health care and in social terms. Therefore, the health of women and children is defined as a special social interest in the country.

514. In the last recorded period, there have been significant results achieved in advancing the health status and protection of women and children. The mortality rate of infants and young children has been decreased and there have been positive changes in the causes of death and the age structure of the deceased infants.

515. There has been a significant decrease in the number of registered communicable diseases; especially those in respect of which there is compulsory immunization, while some of them have been eradicated.

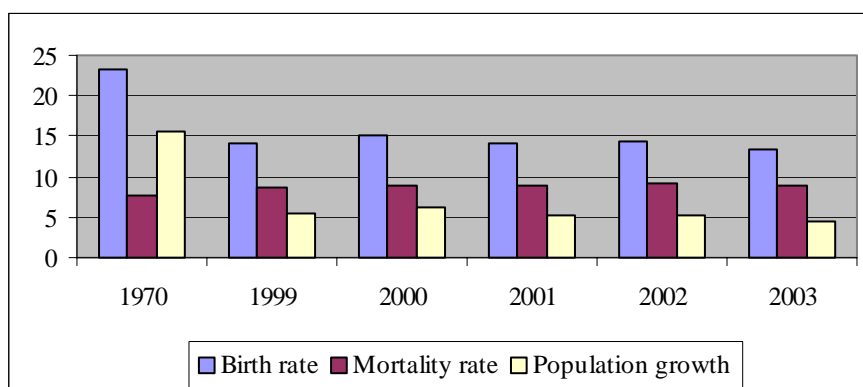
516. The responsibility of the health-care sector regarding the social and health well-being of this vulnerable part of the population is not isolated, but it depends on the development of all social sectors in the country. Poverty is one of the major determinants of the health of the entire population, and especially of vulnerable groups, primarily infants and young children. According to the State Statistical Office<sup>11</sup> the total cumulative accrued index of poverty<sup>12</sup> in 2002 is the highest with families with children up to seven years (38.0), that is a 13.4 per cent increase compared to 2000. The unfavourable economic and development trends seen in the increase of the total index of poverty could deteriorate the health status of this part of the population in the future.

### **Demographic characteristics of the population**

517. In the middle of the last century, in conditions of extraordinary high rate of infant mortality (over 160%) the country belonged to the high birth rate regions, both in the framework of the former Yugoslav federation and in the wider European region, with a birth rate of 40.3 per cent and population increase rate of 25.6 per cent.

**Chart 2**

**Demographic trends in The former Yugoslav Republic of Macedonia (1970/2003)**



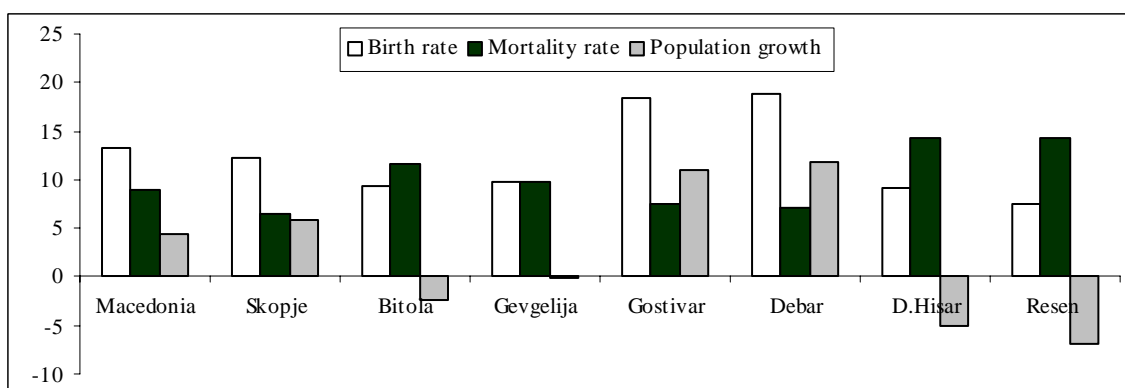
518. The drastic decrease in the infant mortality rate, from that period until today, along with the social and societal changes, characteristic of the period, have brought about changes in the reproductive behaviour of the population overall. The birth rate is continuously decreasing, while as a result of the increase of the general mortality rate, the population growth rate has been falling.

519. Having a birth rate of 13.3 per cent, general mortality rate of 8.9 per cent and population growth rate of 4.4 per cent in 2003, The former Yugoslav Republic of Macedonia is in the third stage of demographic transition, which is considered to be a favourable and socially acceptable level of increase.

520. However, analysis of the demographic trends in specific areas shows expressed variability, and regional demographic contrasts, comparable to those at the global level.

**Chart 3**

**Birth rate and population growth rate in municipalities of The former Yugoslav Republic of Macedonia in 2003**



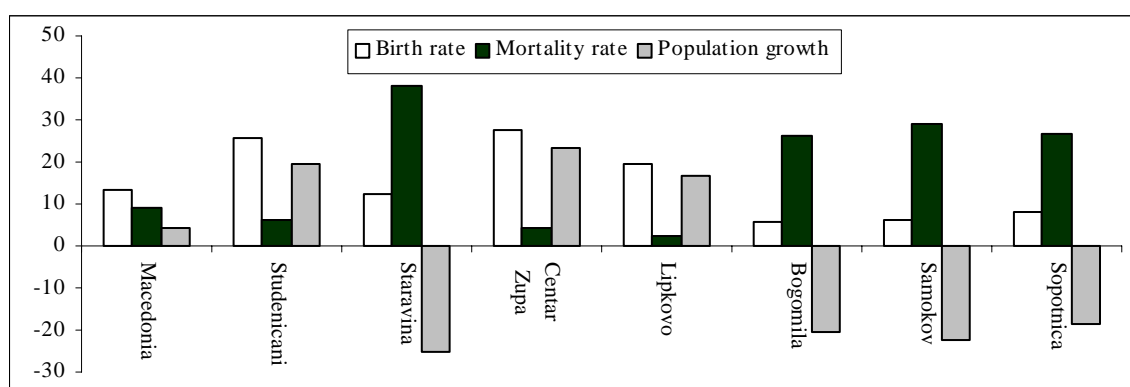


521. The demographic contrasts regarding the vital indicators are even more expressed in rural municipalities in the country. In some rural municipalities there have been extremely low birth rates registered, having depopulation features, while other rural municipalities feature extraordinarily high birth rates, characteristic of regions with a demographic explosion.

522. The regionally unbalanced demographic development in the country can have a direct impact in terms of causing certain unfavourable health, social and economic indicators.<sup>13</sup>

**Chart 4**

**Birth rates and population growth rate in certain rural municipalities in  
The former Yugoslav Republic of Macedonia in 2003.**



523. The total number of live births in the country continued declining over the last 10 years, amounting to 27,011 in 2003. Compared to the 1993 index year, the number of live births has decreased by 16.6 per cent.

524. In terms of the distribution of live births according to the ethnicity of the mother: 49.4 per cent are Macedonian, 36.1 per cent are Albanians, 4.4 per cent are Turks, 6.2 per cent are Roma and 3.8 per cent are mothers belonging to other communities. Ranked according to the community to which the mother belongs, the greatest decrease in live births is among the Turks (28.6%), compared to the 1993 index (18.6%) and for Macedonians (23.1%), while the Roma have shown an increase of 49.9 per cent.

**Live births, by age of the mother**

Age of the mother	1993		2003	
	Number	%	Number	%
19 years and under	3 711	11.5	2 070	7.7
20-29 years	22 631	69.9	18 491	68.4
30-39 years	5 495	17	6 156	22.8
40-49 years	250	0.77	258	1
50 years and over	4	0.01	4	0.01
Unknown	283	0.9	32	0.2
Total	32 374	100	27 011	100

525. In respect of the structure of live births according to the age of the mother, there are no significant changes, compared to the index 1993- except for a significant decrease of the share of live births by mothers under 19. In 2003, 7.7 per cent of the mothers were under 19 years of age, which compared to the index 1993 is a decrease. However, in terms of safe maternity this is a risk for the health of the mother and of the new born.<sup>14</sup>

526. In 2003 there were 20 registered live births by mothers under 15 years of age.

527. According to the order of birth, most of the live births in 2003 were those of first or second children, while births of fifth or sixth children in the family are continuously decreasing, which is considered to be another positive trend in the reproductive behaviour of the population in terms of the health of the mother and of the newborn. In 2003, 5.0 per cent of the live births were born as the fourth child or more, featured with significant differences with specific communities (1.2% by mother Macedonians, 8.2% by mothers Albanians and Roma mothers 13.4%).

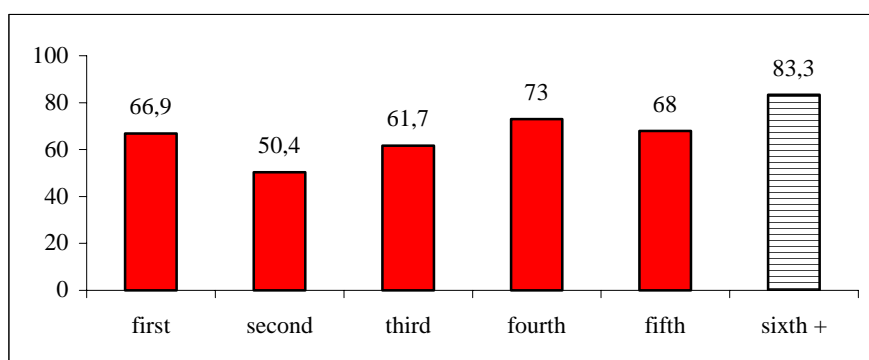
528. One of the determinants of reproductive behaviour is the education of the mother. Of the total number of live births in 2003, 50.2 per cent were by mothers with incomplete or only primary education, while only 7.8 per cent were by highly educated mothers.

529. In 2003, of the total number of live births, 1,552 were born with weight below 2,500 grams and the rate of birth of low body weight infants was 5.7 per cent. In 2003, the number of live births with body weight below 2,500 increased by 59, compared to 2002.

530. The highest rate of live births with body weight with below 2,500 has been of live births of the sixth child or child of later order of birth (83.3 per 1,000 live births), and second-born children have lowest rate (50.4%).

**Chart 5**

**Children born live with body weight below 2,500 grams according to the order of birth in 2003 (rate per 1,000 live births)**



## Health protection of women of childbearing age

### *Family planning*

#### *Health care and education measures*

531. These measures cover the population of school age and adolescents. Lectures and small group work are used as working methods.

532. In 2003 the Institute for Health Care of Mothers and Children, organizing activities in small groups on the issue of protection from unwanted pregnancy and family planning, covered 22 groups in secondary schools in the Skopje city area. In the same period, there were 231 lectures held, for about 7,500 students in secondary schools in the Skopje City area.

533. This measure is not sufficiently pursued throughout the entire country. There is a lack of data on organized implementation of these measures in other municipalities in the country.

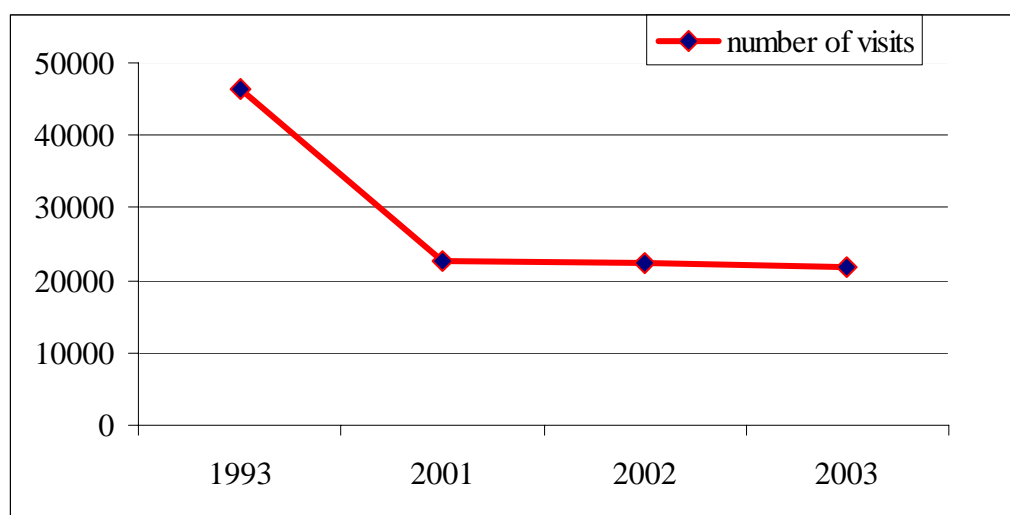
#### *Contraception advice*

534. According to the Programme, it was planned that the 2003 family planning counselling services cover at least 10 per cent of the women of childbearing age with average two counselling activities per covered women, or total number of 100,000 counselling activities.

535. In 2003, the Family Planning Counselling Services, there were 21,807 cases of counselling and advice and only 3.0 per cent of fertile women were covered with average 1.5 advices.

**Chart 6**

### **Number of visits to family planning counselling services in The former Yugoslav Republic of Macedonia (1993-2003)**



536. The number of visits to the family planning counselling services in the last 10 years have continuously decreased, the same as the percentage of women covered by this health-care measure. According to the number of registered first visits to the family planning counselling services, these services are most intensively used by women in the age group of 20 to 29 (45.4%). In 2003, 11.8 per cent of the total number of registered first visits were made by women aged 19 and under. Such low level of use of the family planning services by the youngest age group has a negative impact considering that juvenile pregnancy is still a public-health problem in the country. Teenage pregnancies, in addition to social implications, have a direct impact on the reproductive health of women and on the health of the newborn. Hence, the interest of any community in humane and rational population reproduction. Young people rarely possess the conditions necessary for conscious and responsible parenthood. Therefore, they should postpone parenthood to years when they acquire psychophysical maturity and social affirmation. Thus, family planning for this part of the population has social and health dimensions.

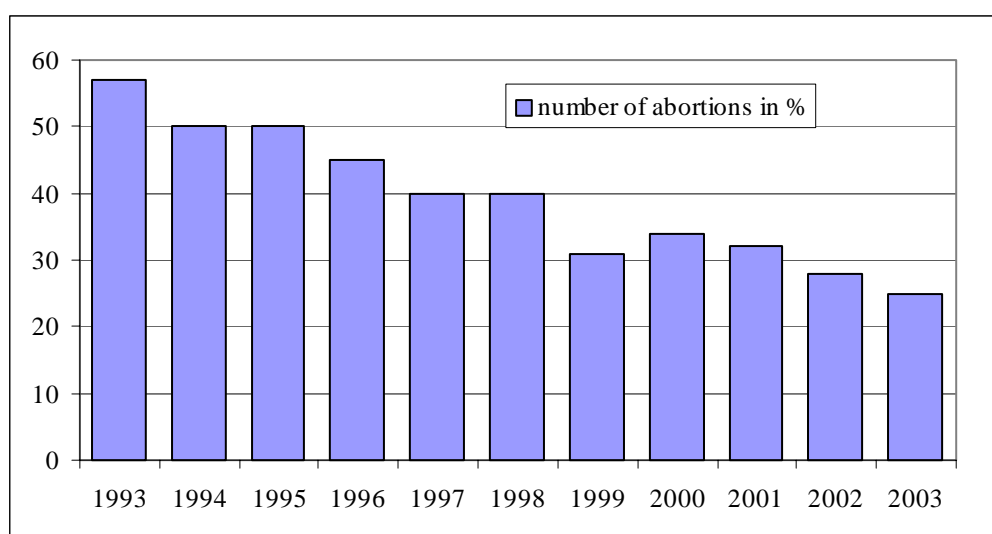
537. In 2003, a total of 7,244 of contraception devices were prescribed at the family planning counselling services, and most of the women opted for oral contraceptives (89.9%) and the intra-uterine device (12.5%). The use of other available contraceptives is insignificant. Considering that this data refers only to registered visits to public health-care services, a detailed analysis of the implementation of this Programme measure cannot be made.

*Number of abortions in The former Yugoslav Republic of Macedonia*

538. Abortion has a significant place in regulating the births, as the most unfavourable measure of fertility control. In 2003, a total of 6,690 abortions were registered, or 24.8 abortions per 100 deliveries.

**Chart 7**

**Number of abortions per 100 live births in The former Yugoslav Republic of Macedonia from 1993 to 2003**



539. In this period the number of registered abortions is decreasing, but it is not a certainty that this is a result of raised awareness of the population in terms of accepting more rational and more humane methods of family planning, from the health-care perspective. The drop in abortion rate may be as a result of low registration, especially in the period of privatization in the health sector, and opening of private gynaecology clinics.

*Prenatal and post-natal health care of women*

540. In 1987, the United Nations Population Fund, in cooperation with the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Bank and the International federation for planned parenthood adopted the Safe Motherhood Initiative<sup>15</sup> in order to promote the quality of health care for women pertaining to motherhood.

541. According to this initiative, the integrated package of services pertaining to safe motherhood in each country is to cover the following elements:

Prenatal health care and pregnancy counselling;

Accessibility for all women to high quality obstetrics protection in the course of delivery;

High quality post-natal care;

Family planning;

Advancement of adolescent reproductive health;

Health education for each community, in relation to the reproductive health of women.

542. The greatest part of the package of services envisaged in this initiative is provided in the country, under the Programme. However, the objective possibilities for its greater quality implementation have to be taken into consideration.

543. In 2000, the Ministry of Health in cooperation with UNICEF, and WHO, conducted a needs assessment for safe motherhood,<sup>16</sup> in the context of reviewing the quality of health-care services in the area of safe motherhood, for purposes of defining deficiencies in the provision of health care for this part of the population.

*Health care during pregnancy*

544. Prenatal protection is related to the general advancement of the health of pregnant women, specific prevention of illnesses in the course of pregnancy, efficient treatment of pregnant women and appropriate measures for their rehabilitation.

545. Preventive health care in pregnancy entails visits to counselling services for pregnant women, and public health-care nursing services, particularly visits to the homes of pregnant women. The programme for 2003 envisaged coverage of all pregnant women with pregnancy counselling services, including four visits per pregnant woman.

546. In 2003, pregnant women made a total of 112,943 visits to receive pregnancy counselling services, which translates into an average of 4.1 visits per pregnant women. Compared to 2002 when 112,943 visits were carried out, the number of visits increased by 5.6 per cent in 2003. In 9.3 per cent of the initial visits of pregnant women pathological conditions were discovered. The average number of visits per pregnant women is calculated according to the number of registered live births, considering that the number of initial visits to the pregnancy counselling services is not registered correctly. In the reports of certain health-care institutions the number of first visits is greater than the registered live births (Bitola, Strumica, Kocani, Prilep), which makes the calculation of indicators for coverage of pregnant women difficult and puts in question the correct medical records keeping.

547. The analysis of the work of pregnancy counselling services per municipality shows that this measure of preventive health care is not implemented in all municipalities. In the Municipality of Kratovo, this health-care measure has not been implemented in the last three years.

**Visits by pregnant women to pregnancy counselling services recorded in 2003 in  
The former Yugoslav Republic of Macedonia (review of certain municipalities)**

Municipality	Total number of visits	Average number of visits per pregnant woman
Skopje	33 455	4.3
Bitola	3 512	3.5
Gevgelija	1 473	4.7
Gostivar	1 997	1.1
M.Brod	111	0.8
Veles	1 173	1.6
Prilep	3 360	3
Tetovo	8 086	2.5
The former Yugoslav Republic of Macedonia (total)	112 943	4.1

548. In 2003, the Public Health Nursing Service made a total of 26,850 visits to pregnant women achieving a 1.0 average number of visits per pregnant woman (the anticipated average number of visits was 2.0). Visits to pregnant women in 2003 decreased compared to 2002 by 13 per cent. In most municipalities this health-care measure is not implemented at all or is implemented with insignificant number of visits (Bitola, Valandovo, Gostivar, Debar, Demir Hisar, Kumanovo, Negotino). The planned number of visits has been reached or surpassed in the Municipalities of Kriva Palanka, Resen, Sveti Nikole, Struga, Strumica, and Stip.

*Health care in delivery and nursing*

549. In the context of health care of women in delivery with the professional assistance is of great importance both in terms of the health of delivering women and in terms of the health of the newborn. Therefore, the 2003 Programme envisaged that all deliveries were to be with professional assistance, 97 per cent of which in health-care institutions and three per cent in the home of the delivering women.

550. In 2003, out of the total number of registered deliveries, 98.6 per cent were in health-care institutions, 0.3 per cent with professional assistance in the home of the mother, and 1.1 per cent of the deliveries were without professional assistance. Despite the fact that there is a decrease in the discrepancy between deliveries with professional assistance in towns and in villages, the geographic and ethnic differences in respect of this indicator are still present. According to ethnic affiliation the lowest live birth rate with professional assistance is live births by Albanian mothers (97.8%).

**Professional assistance in delivery in The former Yugoslav Republic of Macedonia  
(towns and villages)**

	1990	2000	2001	2002	2003
Total	88.9	97.7	97.6	98.2	98.9
Town	96.6	99.5	99.3	99.5	99.7
Village	77.9	95.7	95.5	96.6	98

551. The rate of utilization of the available number of beds in the obstetrics wards is not equally distributed, being 64 per cent at the national level. The highest percentage of utilization of the available beds (over 95%) is registered with the obstetrics ward at the Gynaecological-Obstetrics Clinic in Skopje, and the Obstetrics clinics in Kumanovo, Kicevo and Struga. The average length of stay in the obstetric wards is 4.8 days.

552. Post-natal protection measures are performed by the public-health nursing services, through visits to the nursing mothers.

553. In 2003, a total of 50,124 visits were made, thus reaching an average of 1.8 nursing visits (the planned average number of visits was 3.0).

554. The implementation of this measure is comparable to last year's level. In 2003, in the municipalities of Valandovo, Demir Hisar, Pehcevo and Kratovo, there were no data on the number of registered visits to nursing mothers by public-health nurses.

**Public Health Nursing Service visits to nursing mothers in The former Yugoslav  
Republic of Macedonia in 2003 (review of certain municipalities)**

Municipality	Total number	Average number of visits per nursing mother
Skopje	19 414	2.5
Gevgelija	710	2.3
Gostivar	2 042	1.1
Kumanovo	1 386	0.6
Prilep	464	0.4
Strumica	5 442	4.3
Tetovo	4 976	1.6
The former Yugoslav Republic of Macedonia	50 125	1.8

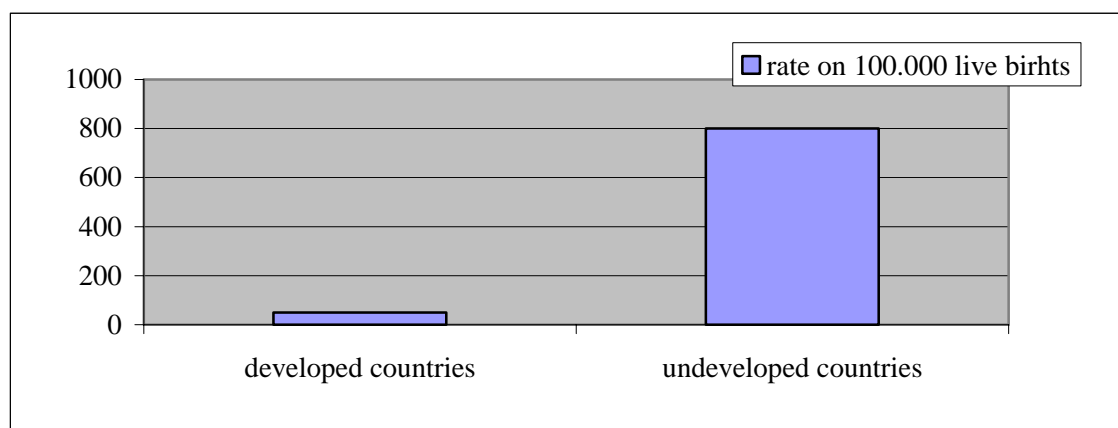
555. The entities implementing health-care measures for women pertaining to motherhood are all maternity wards in the country, the primary health-care institutions (health centres for women) and the public-health nursing service.

556. In primary health-care institutions, in 2003, there were a total of 91 specialists, namely gynaecologists or a team of one doctor and 1.8 nurses, treating 4,954 fertile women. In the same period, the public-health nursing services employed 208 public health nurses, 191 of whom worked in the polyvalent public-health nursing services. Compared to 2002, there is significant decrease of the polyvalent services nurses. According to the Information on the work of the polyvalent public-health nursing services by the State Health Protection Institute, in 2002 there were 308 nurses in these services.

557. The maternal mortality rate is an important indicator not only for assessing reproductive health, but also as an indicator of the health situation of the population and the level of development of the community overall. The differences in maternal mortality rate at the world level can be brought into correlation with the level and degree of development of the health-care services and the overall development of certain countries.

**Chart 8**

**Levels of maternal mortality per 100,000 live births<sup>17</sup>**



558. Measuring maternal mortality levels is a complex process. There is great risk of misclassification and non-registration at the national level. Therefore, new methods have been developed for more precise estimates of this indicator, for instance Childbearing Age Mortality Studies,<sup>18</sup> an approach which involves identifying and investigating the causes of all deaths of women of childbearing age.

559. In 2003, in The former Yugoslav Republic of Macedonia there were two registered cases of women of reproductive age who died owing to causes related to pregnancy, delivery and childbirth (3 in 2002). The calculation of this indicator in this manner contributes to maintain the maternal mortality rate for several years at a low level, which in 2003 was 7.4 per 100,000 live births.



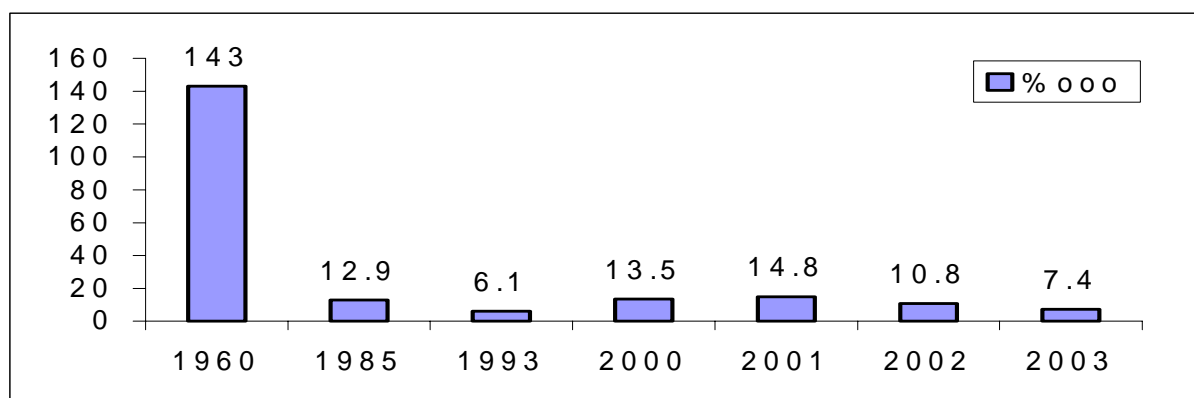
*Perinatal mortality in The former Yugoslav Republic of Macedonia*

560. The decreasing trend in perinatal death is slower in relation to the total infant mortality rate, and in 2003 with total of 232 stillbirths and 181 deaths among those under six days' old, the perinatal mortality rate was 15.3 per cent. Compared to 2002, perinatal mortality has been decreased to 1.8 per 1,000 live births. The decrease in the perinatal mortality is a result of the decreased level of stillbirth of 10.5 per cent in 2002 to 8.6 per cent in 2003. Ranked according to ethnic affiliation, Roma have the highest rate of stillbirth (9.5) and the Turks have the lowest (7.5). Regarding the order of birth, the category of first-born children exhibit the highest rate of stillbirth (17.8 per 1,000 live births).

561. The rate of neonatal mortality has not changed compared to 2002. In 2003 it was again 6.7 per cent.

**Chart 9**

**Trends in the maternal mortality rate in The former Yugoslav Republic of Macedonia per 100,000 live births (1960-2003)**



**Health care for children**

562. Upon the ratification of the Convention on the Rights of the Child, The former Yugoslav Republic of Macedonia assumed the obligation of providing for the highest level of health care and social security for this vulnerable part of the population. In this Context, the Programme ensures continuity in the implementation of preventive measures and activities for the advancement of the health care and the situation of children in the country.

*Counselling activities.*

563. The counselling activities are part of the health centres for preschool children run by paediatricians, and according to the hitherto organization of the health-care system they have been integral part of the medical centres and clinics. The counselling activities in the medical units in the villages are implemented by general practitioners. Health Centres for Children keep local registers for children born with risks. However, there are still no possibilities for their evaluation owing to the non-functioning of the Register of children born with risks at the national level. The establishment of regional development counselling services, envisaged in the Programme, has not been implemented, this reporting year, as well.

564. In 2003, in The former Yugoslav Republic of Macedonia there was a total number of 132,422 visits by infants to the counselling services, which is an average number of visits per covered infant of 4.9 (the planned average number of visits was 4). The coverage of infants by visits to counselling services is calculated according to the number of live births since the number of first visits is not correctly registered by large number of health-care organizations (Bitola, Gevgelija, Delcevo, Kicevo, Kocani, Kriva Palanka, Prilep, Skopje, Veles). The review of municipalities shows that this Programme measure is not implemented with equal intensity. The high average number of visits per infant in certain municipalities (Bitola, Gevgelija) put in question the quality of reports about the work of the counselling services.

565. In 2003, the children's health centres made a total of 58,745 systematic health check-ups of children under six years of age. The quality analysis of the findings of the systematic check-ups with infants and young children cannot be made considering the lack of uniform documents or forms for recording systematic check-ups and the inappropriateness of the reporting forms on which the activities of the counselling services for preschool children is recorded. The availability of only quantitative data on the number of systematic check-ups (number of systematic check-ups per municipality) makes this analysis inappropriate and incomplete.

**Registered number of visits by infants to the counselling services in The former Yugoslav Republic of Macedonia (review of certain municipalities)**

Medical centre/health-care clinic	Total number of visits by infants	Average number of visits per infant
Skopje	47 348	6.1
Bitola	14 500	14.5
Gevgelija	7 007	22.4
Gostivar	4 171	2.2
Kavadarci	1 771	3.8
Kratovo	87	1
Kumanovo	2 159	0.6
Tetovo	5 841	1.8
The former Yugoslav Republic of Macedonia	132 422	4.9

566. In 2003, in addition to preventive check-ups of infants, there were 69,758 preventive check-ups of children under six, at the children's health centres. The counselling services in the field of health care of preschool children has maintained last year's level, along with the differences in certain municipalities.

*Public Health Nursing Services*

567. In 2003, the Public Health Nursing Service made 106,630 visits to infants, attaining an average number of visits per infant of 3.9 (the anticipated average number of visits was three per newborn and per older infant) which in comparison with 2002 has decreased by seven per cent.

568. The activities of these services differ in various municipalities. There are still municipalities where this measure of the health care for infants and young children is not performed, or is performed sporadically without fulfilling the volume envisaged in the

Programme. In the municipalities of Brod, Demir Hisar, and Rostuse there have been no registered visits by this Service to infants or the registered number of such visits is insignificant. Municipalities which have reached the average of six or more visits by this service per infant are Kavadarci, Negotino, Resen, Sveti Nikole, Veles, Stip, and Delcevo.

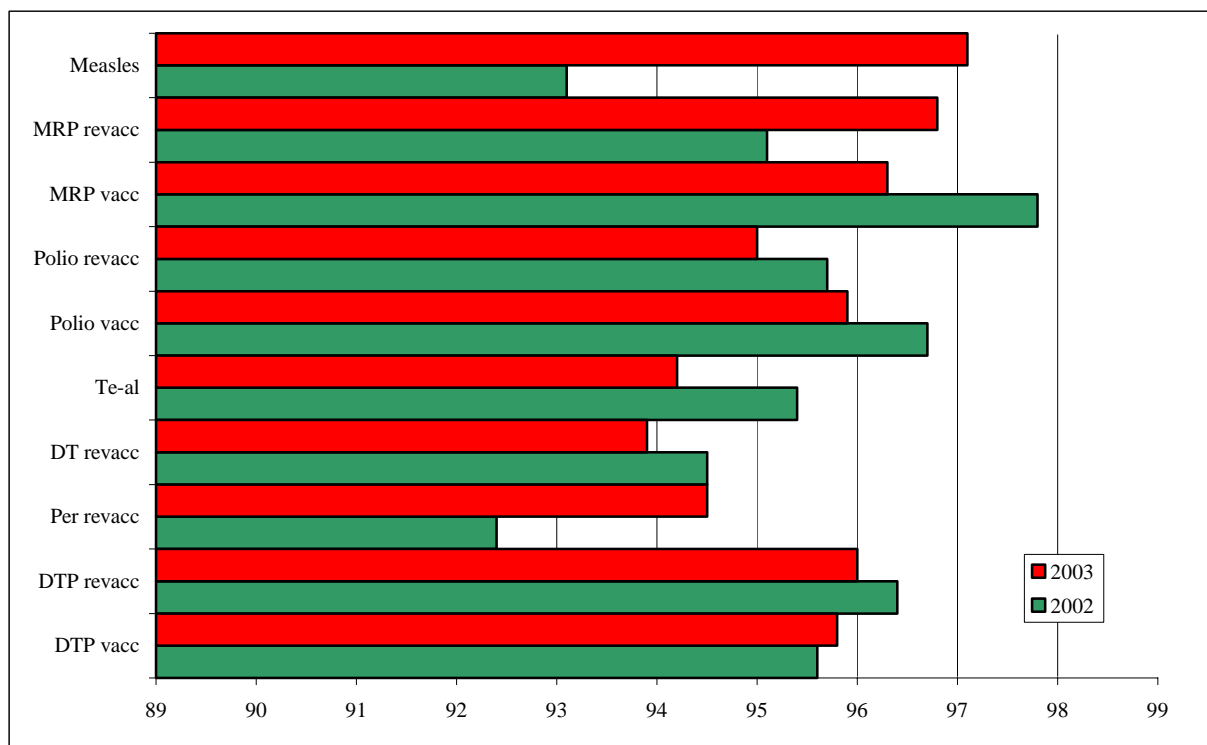
*Implementation of immunization*

569. As regards the immunization, the Programme envisaged full coverage of all subject to vaccines according to the immunization calendar.

570. In 2003, the immunization implementation rate was 95 per cent and the volume of vaccines administered maintained the 2002 level, with a slight increase in the converge of re-vaccination (measles, morbilli).

**Chart 10**

**Immunization in The former Yugoslav Republic of Macedonia in 2002 and in 2003**



*Treatment of sick children by doctors*

571. The doctors caring for sick children within the health centres for preschool children in 2003 carried out a total number of 1,149,018 examinations, which compared to 2002 is a six per cent increase of the number of examinations.

572. In the same period, the children's health centres employed a total number of 240 doctors (152 specialists - paediatricians) or for 630 children of preschool age there is a team of one doctor and 1.6 nurses. The number of doctors providing health care to children aged six years and under in the public health-care sector decreased by 12 per cent, compared to 2002.

*Number of beds in children's wards*

573. In 2003 the number of beds at the children's wards was 481 (not including the number of beds at the Clinic for Childhood Diseases), where there were 65 doctors. In the same period, the number of beds at the Clinic for Childhood Diseases was 240, with 69 doctors.

574. The total utilization rate of the available beds in the children's wards in 2003 was 47.9 per cent, with average length of treatment of six days.

575. The total utilization rate of the beds in the children's wards is continually decreasing in the last seven to eight years.

576. The rate of hospital mortality in paediatrics wards in 2003 was 7.4 per 1,000 children treated. Out of the total number of children deceased in the hospital paediatrics wards (151), 94 per cent or 142 died at the Clinic for Childhood Diseases, which as an institution of the highest level of health care is the reference centre for treatment of seriously ill children.

**Health status of children aged six years and under**

577. The assessment of the health of children aged six years and under in The former Yugoslav Republic of Macedonia is based on indicators such as infant mortality rate, mortality rate with children under five years of age and morbidity rate with infectious diseases.

*Infant mortality rate*

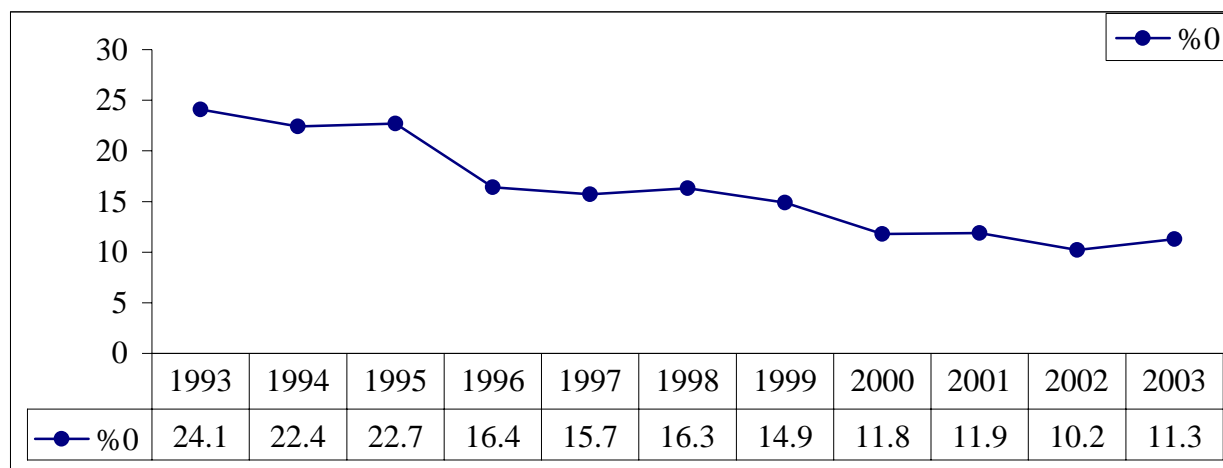
578. Infant mortality is considered to be the basic indicator, not only of the health status of children, but also an indicator of the level of development of the health-care services and community development overall.

579. In the light of the specific biological features of the infants, infant mortality rate is divided into neonatal mortality (0-27 days), and post-neonatal mortality. In the neonatal period the leading causes of deaths of infants are of endogenous origin (congenital anomalies, genetic malformations, immaturity and delivery trauma) while in the post-natal period the causes of deaths are most often of exogenous origin (unfavourable hygiene and social factors in the environment).

580. Therefore, the influence of the health-care services in decreasing the infant mortality rate is greater in reducing mortality in the post-neonatal period.

**Chart 11**

**Trends in the infant mortality rate in The former Yugoslav Republic of Macedonia (1993-2003)**



581. In 2003 the total infant mortality rate was 11.3 per cent, which represents an increase of 1.1 per cent as compared to 2002. It should be highlighted that the infant mortality rate marks an increase for the first time in the last 10 years.

582. The WHO Framework health policy for all in the European region by 2020, in its target No. 3 defines the healthy start of life through several targets, among which infant mortality rate, which should not be higher than 20 per cent for all countries in Europe, and countries which have infant mortality rate less than 20 per cent should aim at decreasing it at 10 per cent and lower. According to these targets, The former Yugoslav Republic of Macedonia belongs to the group of countries in the European region, which are yet to come close to the targets of WHO. Despite the fact that the infant mortality rate in the country has had a stable decreasing tendency in the last decade, the increase in the infant mortality rate in 2003 points to the fact that it still is susceptible to oscillations and is significantly higher than the infant mortality rate in the developed countries in the European region.

583. The descriptive analysis of the infant mortality rate in The former Yugoslav Republic of Macedonia according to certain variables (geographic, ethnic, educational level of the mother) shows a heterogeneity which moves from very high rates to very low rates and discrepancies in relation to the total rate. The regional equalization of the infant mortality rate, and its lining up between specific socio-economic categories of populations in the country should be the basic goals of the strategy for advancement of the health status of children.

**Chart 12**

**Infant mortality rate in The former Yugoslav Republic of Macedonia (town-village)**



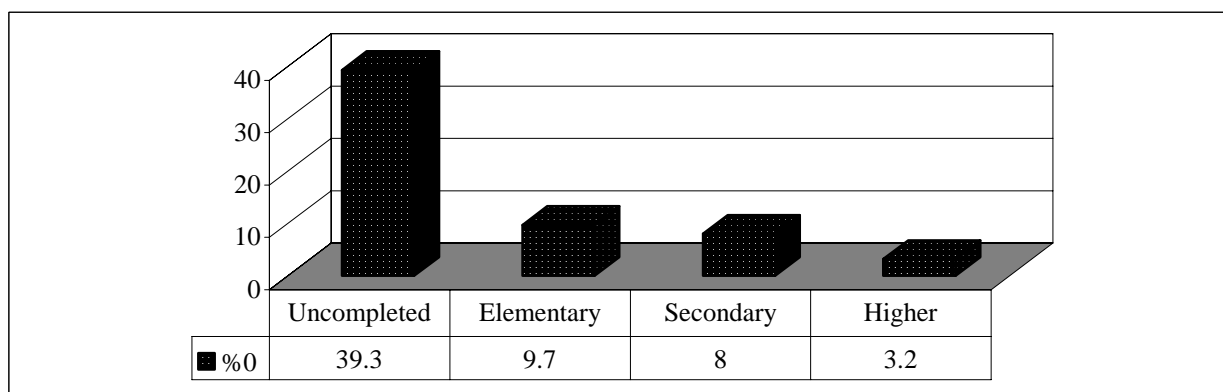
584. In the last 10 years, the differences in the rate of infant mortality in urban and in rural areas have been almost insignificant. However, the trend of increase of the mortality rate in urban areas, compared to the rate in rural areas continues and in 2003 the mortality rate in urban areas was 13.5 per cent and 8.6 per cent in rural areas.

585. The differences in the infant mortality rate with various socio-economic groups, considered according to the level of education of the mother are still present. In 2003, the highest infant mortality rate was registered with infants of mothers who did not complete primary education (39.3%) and the lowest rate was with infants of mothers with college and higher education (3.2%).

586. Based on the findings in reference literature and the research by the Institute for Health Care of Mothers and Children, there has been a high level of negative correlation established between the infant mortality rate and the level of education of the mother ( $p=0.97$ ).

**Chart 13**

**2003 infant mortality rate according to the level of education of the mother**

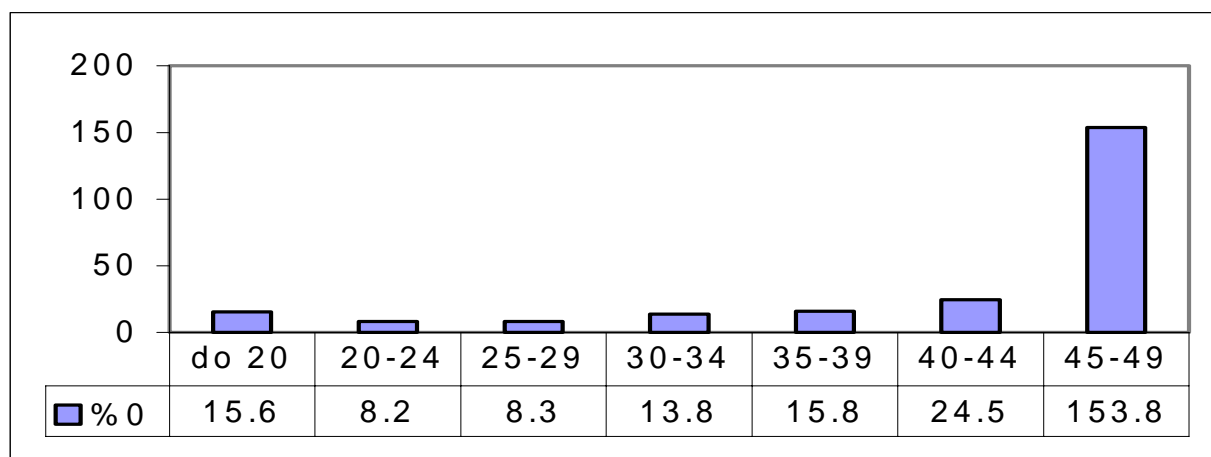


587. Differences in the infant mortality rate can be noticed in terms of the ethnic affiliation of the mother. Thus, in 2003 the infant mortality rate was highest among the Roma (13.9%) and the lowest among the Turks (8.4%).

588. The age of the mother is also an important determinant for the infant mortality rate. The lowest infant mortality rate is with infants whose mothers are aged between 20 and 29, while the rate significantly increases with infants by mothers of older age, as well as with those by mothers under the age of 18.

**Chart 14**

**2003 infant mortality rate according to the age of the mother**



589. In parallel with the decrease in infant mortality rate in the last decade there have been significant positive changes related to the age of deceased infants, that is an inversion of the post-neonatal in the favour of neonatal mortality. In 2003, 74.4 per cent of neonatal infants (0-27 days' old) died. As an illustration, in 1993, 58.8 per cent of the total number of deceased infants were neonatal. The increase in the infant mortality rate in 2003 (11.3%) as compared to 2002 (10.2) is owed to the increased number of infants who died in the post-neonatal period. In 2002, 24 per cent of the deceased infants died in the post-neonatal period, while in 2003 this percentage was 25.5 per cent.

590. In addition to the positive changes in the age structure of the deceased infants, in The former Yugoslav Republic of Macedonia there is a positive tendency in the change of the structure of the deceased infants according to the cause of death.

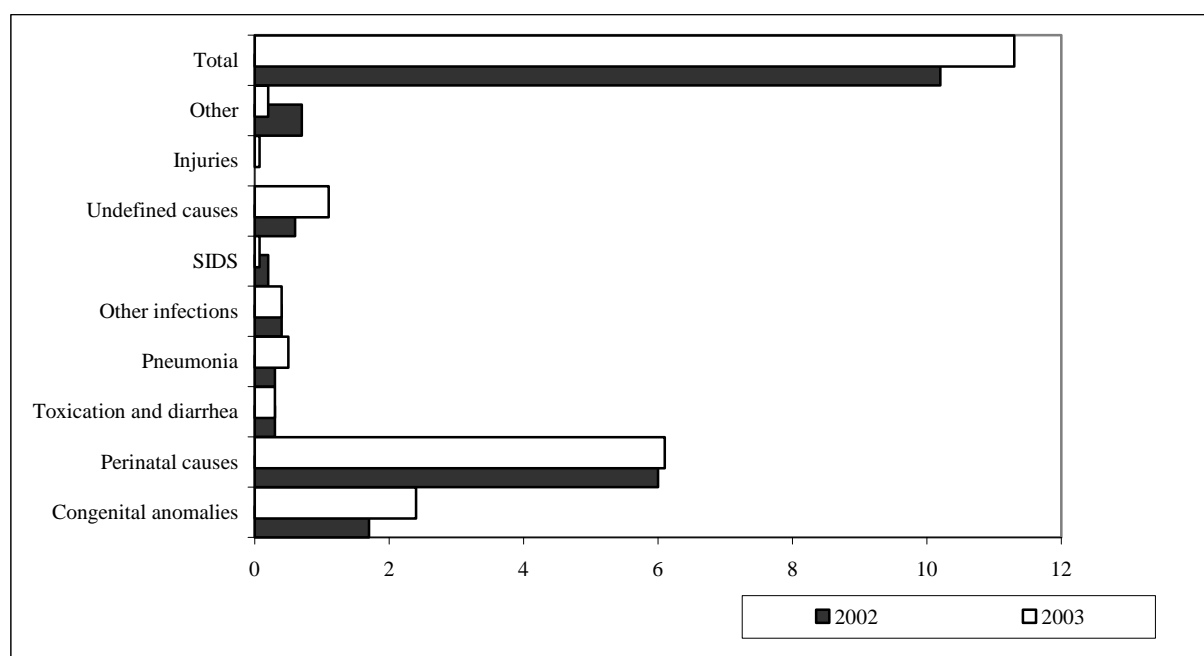
591. In terms of the structure of the cause of death, the perinatal causes and congenital malformations participate with 76 per cent out of the total number of deceased infants, showing no major difference compared to 2002.

592. In 2003, the highest infant mortality rate was registered among infants who died from perinatal causes (6.1%) and congenital anomalies (2.4%).

593. It should be noted that there is an increase of the number of deceased infants owing to congenital anomalies in 2003 (66) as compared to 2002 (48). The greatest number of registered congenital anomalies causing the death of infants are congenital anomalies of the heart, blood vessels and the brain. The syne-medical infant mortality rate (undefined and unknown causes of death) in 2003 was 10.2 per cent of the total number of deceased infants, and 6.5 per cent of the total number of deceased infants were not treated at all prior to death. These data indirectly raise the question of quality and complete accessibility of health-care services for this most vulnerable population group.

**Chart 15**

**Specific infant mortality rate according to cause of death in the former Yugoslav Republic of Macedonia for the 2002-2003 period**



*Mortality rate for children between one and four years of age*

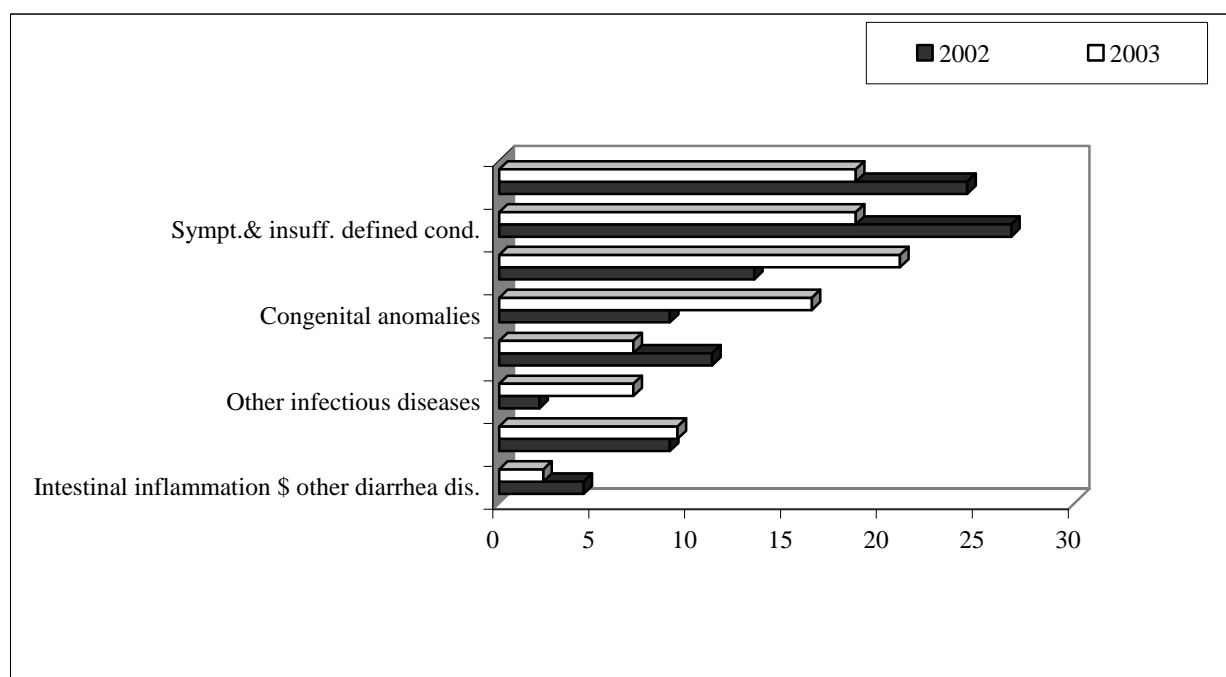
594. In 2003, a total number of 43 children aged one to four died. The same year, the mortality rate of children under five years of age was 12.9 per 1,000 live births. Compared to 2002, the mortality rate of children under the age of five increased by one per cent as a result of the increased number of deceased infants. Deceased infants participate with 88 per cent in the structure of deceased children under the age of five.

595. In respect of the structure of mortality according to causes of death, injuries dominate with the one to four age group (20.9%), then congenital anomalies (16.3%) respiratory infections (9.3%) and symptoms of insufficiently defined conditions (18.6%).



**Chart 16**

**Causes of death of children between the ages of one and four, 2002 and 2003**



*Infectious diseases affecting preschool children*

596. In 2003, there was a total 8,400 cases of infectious diseases among children under six years of age in the country, which is a 16 per cent increase, compared to 2002. There were 15 registered cases of morbilla within this age group as regards vaccine preventable diseases, as well as 12 cases of pertussis, 30 cases of parotiditis and 39 cases of rubeola.

*Health care for school children*

597. According to the programme for systematic check-ups of school children and youth in 2003, it was planned to make a total of 119,334 systematic check-ups in primary schools and 49,005 systematic check-ups in secondary schools. In primary schools 65.3 per cent of the planned number of school children was covered by the systematic check-ups, while in secondary schools, the systematic check-ups were made with 53.1 per cent of the students.

598. In doctor's surgeries for ill children, in the same period, there were 710,579 curative examinations or 6 per cent more, compared to 2002.

599. The health care for school children and youth in this reporting period in The former Yugoslav Republic of Macedonia was provided for in health centres for school children which employed a total number of 164 doctors, 109 of whom were specialists, and 207 assisting medical personnel or a team of one doctor and 1.3 assistant medical personnel covered 2,335 children from seven to 18 years of age.

### **Improvement of all types of environmental hygiene and industrial hygiene**

600. In The former Yugoslav Republic of Macedonia there are applicable legislative, regulatory and administrative provisions, which elaborate environmental and industrial hygiene.

601. In accordance with the Strategy- Health for All, Target 18, a National Health Environmental Plan (NHEP) has been prepared as a complementary legislative document in the area of health-care, labour legislation and protection of the environment.

602. NHEP envisages that the protection and advancement of the health of the population by improving the components of the environment (hereinafter referred to as the environment) requires adoption of common solutions and decisions, both by the competent in line institutions and by all those who directly or indirectly impact the environment.

603. The environmental protection policy and its relation to the health of the people is pursued mainly by the Ministry of Environmental Protection and the Ministry of Health; other ministries have a significant role, especially the Ministry of Agriculture, Forestry and Water Economy, and the Ministry of Economy. They are to adopt joint decisions, based on the adopted National Environmental Action Plan and NHEP, including other in line institutions, in terms of natural resource requirements by the industry, mining, energy, agriculture, urbanization and tourism. The policies of the two Ministries are implemented at the national and at the municipal level, by the regional units of the relevant ministries and their inspectorates - State Inspectorate for Protection and Advancement of the Environment and of Nature and the State Sanitary and Health Inspectorate. Their central subordination and mutual cooperation is a precondition for the unity in the implementation of the environmental and health protection policies.

604. The principle of shared responsibilities and the effective inter-ministerial cooperation form the basis for the prevention of negative consequences of the damaging effects of the environment on the health status.

605. The diversity of the problems related to environment and health imposes the need for multisectoral and inter-ministerial cooperation, which involves both the competent ministries and entities who directly or indirectly impact the environment, and NGOs, mostly environmental protections organizations and other associations working in the area of environmental protection and nature, as related to health, organized at the national or municipal level.

606. The population health protection policy as related to the quality of the environment, in terms of the communicable and large scale non-communicable diseases, is implemented by the Health Protection Institutes in cooperation with the State Sanitary and Health Inspectorate.

607. The population health protection policy from the aspect of preventing the possible consequences on the health of the population is implemented through the Institute for Protection and Advancement of the Environment and Nature, in cooperation with the State Inspectorate for Protection and Advancement of the Environment and Nature. The activities of these structural units are coordinated by the Minister for Environmental Protection, in cooperation with the Ministry of Health, the State Hydro-Meteorological Institute, the State Health Protection Institute and the Veterinary Institute, among other agencies.

608. The provisions in the area of environmental protection and health set forth in the Law on Local Government are basis for the implementation of the policy of environmental and health protection at the regional and at the local level.

609. The application of an integrated approach in the management of the environment and the risks to health requires close cooperation of the leading sectors- Public health and environment, with the related sectors including urbanization, industry, energy, mining, agriculture, transport, tourism.

610. There are activities under way for the adoption of the National Programme of Health at the Work (HESME).

611. The Strategy has been drafted based on international documents and recommendations, specific for the area, adopted by EU, the World Health Organization, the International Labour Organization and others:

- WHO Strategy “Health for all in the XXI century”;
- EU Health Policy and the important EU Directive 391/89;
- EU Public-Health Programme 2001 to 2006;
- EU Programme of Community action in the field of public health (2003-2008);
- Programme of safety at work of the International Labour Organization, including the Conventions Nos. 164, 161 and 171;
- United Nations Environment Programme Cleaner Production strategy;
- The United Nations Millennium Declaration, on which the Millennium Development Goals are based (The former Yugoslav Republic of Macedonia is obliged to achieve Goals 4, 5, and 6 in the health-care sector by 2015);
- The Implementation Plan and Political Declaration of the World Summit on Sustainable Development (2002).

612. The basic principles of the Strategy, as integrated in the above-mentioned documents, are related to the following:

Primary prevention and safe technology;

Upgrading and harmonization of legislation and standards in the area;

Optimization of the conditions for work;

Integration of all measures and activities;

Tripartite principle (Government, employers, employees);

Cooperation between employers and employees;

The right of employees to correct information and participation in the adoption of decision in the area of safety and health protection at work;

Continuous monitoring and advancement of the system of safety and protection at work, through the development of an information technology system in the area.

613. The above-mentioned principles are the basis for the concept of good practices in the area of health, environment and safety management in enterprises - HESME of the World Health Organization.

614. The Strategy sets the guidelines for activities in the country, which are to be implemented under the national legislation, with the country's means and capacities, as well as the activities of regional and international cooperation in this field. In setting the strategic guidelines of the activities in the country, the Strategy facilitates logical priority setting, as required by the process of its implementation.

615. The Strategy is a document based on which the process of changes starts. Therefore, it is necessary to continuously review this Strategy and adjust it to the needs. Thus, this document will be monitored, evaluated and assessed.

616. Goals, commitments and approach: the Strategy is to ensure national strategic framework for the application of national measures for health care, healthy environment and healthy working environment and safety at work and attain the following strategic goals:

Ensuring safe and healthy working environment;

Decrease of the number of illnesses and injuries of employees caused or conditioned by the work, environment, manner of life and social factors;

Maintenance and advancement of the health of the employees (physical, psychological and social);

Advancement and maintenance of the working capability;

Preserving the environment and health of people living in the vicinity of companies;

Ensuring optimum balance between the economic and business interests, on one hand at the working capability and health of employees on the other;

Providing services and manufacturing of products, which do not damage the health of people and the environment.

**Prophylaxis and treatment of epidemic, endemic occupational and other diseases, as well as fight against these diseases**

617. Legislative documents and other measures have been adopted in the country for prophylaxis and treatment of epidemic, endemic, occupational and other diseases, as well as for the fight against these diseases (List of relevant documents enclosed).

618. The State has the necessary administrative capacities, including human and material resources, highly professional medical personnel and other professionals, and the laboratory equipment for the fulfilment of conditions set forth in the EU acquis, as well as a developed network of epidemiological monitoring and control of communicable diseases.

619. The epidemiological monitoring and control of communicable diseases consists of the following activities: early detection of communicable diseases; reporting; epidemiological research; health monitoring, isolation, transportation and quarantine; immuno-prophylaxis and chemoprophylaxis; disinfection, desinsectisation, public health inspections; deinfestation and health education.

620. The doctors in primary and secondary health care are obliged to immediately report communicable diseases noted in the List of diseases subject to obligatory reporting, in accordance with the applicable Law.

621. The entities implementing the epidemiological activities in Health Protection Institutes and their regional units are specialists epidemiologists, educated for monitoring communicable and non-communicable diseases and terrain epidemiology.

622. The reports about communicable diseases are submitted to the regional units of the Health Protection Institutes (21 regional units). After they have been processed and registered, the reports are submitted to the Health Protection Institute (10 institutes).

623. These 10 institutes record, analyse and elaborate the data, from which monthly reports are prepared.

624. The reports on communicable diseases which contain registered data on infected persons are submitted to the State Institute for Health Protection, for further computer analysis (disaggregated by gender, age group, place of residence, diagnosis of illness, outcome of the disease), then weekly, monthly and annual reports are prepared.

625. The State Health Protection Institute each year prepares the draft programmes (for preventive health care - epidemiological section regarding brucellosis, AIDS and immunization) and submits them to the Ministry of Health.

626. There is an obligation to report each case of communicable disease, as well. Using a special form (Report and Notice of Withdrawal Of Epidemic of a Communicable Disease) both the report and Notice are submitted to the State Health Protection Institute, within the prescribed period. It is obligatory to report the side effects of the vaccines and antimicrobial resistance.

## Regional Institutes



627. There are legal grounds established in the country for regulating the area of early warning and response system. In 2004, the Ministry of Health instituted the early warning and response system with technical assistance of the WHO Office for Europe from Copenhagen for education of 200 medical professionals.

628. Aiming at successful monitoring of acute communicable diseases and their early reporting and prompt response, a list of clinical definitions of health conditions to be reported through the ALERT system, was prepared. This includes:

- Suspicions of infection of the upper respiratory system;
- Suspicions of infection of lower respiratory system
- Suspicions of rash fever, excluding varicella;
- Suspicion of meningo-encephalitis;
- Acute runny diarrhoea;

- Acute bloody diarrhoea;
- Suspicions of acute infectious hepatitis;
- Suspicions of acute haemorrhagic fevers.

629. After the data is collected, it is processed, analysed, and evaluated, so that weekly reports can be prepared for submission to the Ministry of Health, and to the health-care institutions, which are involved in the project.

630. The data on epidemic, endemic, occupational and other diseases enclosed.

### **Creating conditions for providing health-care conditions and assistance for all in the event of illness**

631. The health-care system in the country is defined by the Constitution, while the Law on Health Care of August 1991, sets the basis for the current system of health care in Macedonia. It covers the basis of the health insurance system, the rights and responsibilities of the beneficiaries, and the rights and responsibilities of the service providers, the organizational structure of the health care and the utilization of health-care funds. The Law furthermore defines the areas of responsibility of the individual, employer and the State for the health and the health care. The individual is responsible for his/her health, while companies are responsible to ensure healthy working environment, including specific health care for employees at the expense of the employer, and the State is responsible to provide preventive health care for the population and to guarantee the accessibility of the health-care services. According to the Constitution, the principle of universality of the access to health care is clearly defined. The same Law and later a separate Law (2000) establishes compulsory health insurance which gives the opportunity to cover the entire population in the country.

632. The right to health care is exercised within the existing system of health care, in public and private health-care organizations. Health care is easily accessible to the population, since it is provided under an elaborate network of health-care organizations, which ensures 90 per cent coverage of the population with medical assistance in less than 30 minutes. In 2002, the public sector employed 24,428 persons, 4,573 of whom doctors. The private sector employed 487 doctors, which enables reaching a standard of coverage of 399 inhabitants per doctor or 2.5 doctors per 1,000 inhabitants.

633. Health care is organized on three levels: primary, secondary and tertiary health care provided in 77 organizations in the State sector or the so-called public health-care organizations: 11 Health Protection Institutes, three health clinics, 18 health-care centres which provide primary health care and which are primarily located in the smaller cities, 16 medical centres which provide primary and secondary health care, 15 special hospitals, one general hospital, six pharmacies as independent legal entities, and a Clinical Centre (University Hospital) with 22 specialist clinics and several other centres for tertiary health care for medical and dental health care. In organizational terms, the medical centres include hospital and outpatient services and primary health care. The health care clinics provide primary health care and partial polyclinic secondary health care, for example through ophthalmologic, internal medicine and otorhinolaryngological or other services.

634. Primary health care is the basis for the overall health-care system and ensures basic health care at the level of municipality. Primary health care is provided in three health-care stations, 18 health-care clinics and 16 medical centres some of which are clinics (after the amendments to the Law on Health Care the medical centre as an organizational unit has been abolished, and the health -care clinic becomes an autonomous organizational unit for primary health care) that is 462 health-care facilities of general medicine, 77 occupational medicine, 84 health-care facilities for children under six years of age; 63 for health care of school children, 50 for health care of women, 334 for dental health care, primary health care for the rural areas is provided in 293 medical units, 152 of which are with full-time doctor. More than half of the total number of doctors works in the primary health care (about 56%), and one quarter of specialists.

635. Private health-care institutions are also part of the process of providing health care. They are most often established as doctor's offices of primary health care, or as specialists doctor's offices. There is small number of private hospitals that provide secondary health care.

636. Considering the small area of the country, health care is relatively accessible to the population, with the exception of certain mountainous areas where owing to bad roads and distance from the existing clinics, there is a need to make primary health care to the local population accessible.

### **Financing the health-care system**

637. The health-care system in The former Yugoslav Republic of Macedonia is financed from several sources. The most important source of financing are the funds from the contributions on grounds of compulsory health-care insurance, which provide for more than 90 per cent of the total funds for health care and the other health insurance rights. In addition to donations, there are other funds collected: participation in the costs by insured persons, the State budget, enterprises, and organization, citizens as beneficiaries of health-care services, donations and other sources.

638. Health insurance is established under the Law on Health Insurance, Compulsory health insurance is established for all citizens of The former Yugoslav Republic of Macedonia, based on the principle of universality, solidarity, equality and efficient use of funds. The Health Insurance Fund of The former Yugoslav Republic of Macedonia is in charge of the compulsory health insurance. This is an independent and single financial institution for compulsory health insurance. In addition to the compulsory health Insurance, the Law envisages voluntary health insurance for provision of services that are not covered by the compulsory health insurance.

639. Compulsory health insurance covers almost the entire population, either as insured persons or as members of the insured person's family. It covers persons that are employed, self-employed persons, persons in the agriculture sector, pension beneficiaries and beneficiaries of other rights to pension and disability insurance, veterans, temporarily unemployed person, military and civilian disabled persons and social services beneficiaries.

640. Insured persons covered by obligatory health insurance pay contributions. The rates of contribution are established in a Decision on the rates, base and amount of contribution for compulsory health insurance (Official Gazette of The former Yugoslav Republic of Macedonia No. 4/2001, 50/2001).



641. The rate of contributions for compulsory health insurance is established for each category of insured persons. Insured persons that are employed, self employed insured persons and insured persons who are engaged in agriculture and similar professions pay a rate of 9.2 per cent of the gross salary, pension beneficiaries 14,694 on the net amount of the pensions, temporarily unemployed persons, veterans, military and civilian disabled person and social benefits beneficiaries according to the regulations on social protection pay contribution in the amount of 8.6 per cent of the amount of 65 per cent of the average paid net salary per employee.

642. Insured persons in the first group pay additional contribution for compulsory health insurance in the event of injury at work and occupational disease, in the amount of 0.5 per cent of the gross salary and of the compensation for salary. Additional contribution is paid owing to increased risks that arise from injuries at work and occupational diseases when working with means representing a threat or in conditions that damage the health of employees.

643. The payment of contributions for compulsory health insurance is done through the payment accounts of the regional services, at the single account of the Health Insurance Fund. In addition to these funds, the funds from the State budget are paid to the Fund's account, which provide for part of the funds for special health-care programmes, as well as interest rates funds and other revenues that are collected according to the specific regulations.

644. Insured persons are obliged to pay participation in the costs of health-care services and for medicines. The funds from the participation in the costs has a three to four per cent share in the total health insurance funds.

645. There are funds provided under the State budget for implementation of special programmes for preventive health-care, protection from specific diseases which at the same time represent a social problem, treatment of persons who are not covered by compulsory health insurance and health insurance of special categories of the population. The share of such funds in the total revenues for health care is less than one per cent.

646. Revenues collected for health care are also funds paid by the enterprises and other organizations, based on a contract with the health-care institution for health-care services for their employees, which are not part of the primary health care, for health-care services under specific health-care protection for employees which work in special conditions, on strenuous jobs or tasks or who provide services for which the health-care institution is requested to provide health protection under favourable conditions.

647. Health-care institutions collect additional revenues directly from citizens as beneficiaries of health-care services which are not health insured, from health insured persons when using health-care services that are not part of the basic health services package.

648. Health-care institutions collect additional revenues from international assistance, donations by humanitarian organizations, donations and contributions from organizations and individuals from the country and abroad.

649. The Law on Health Insurance provides for the opportunity to introduce voluntary health insurance for the health-care services that are not part of the basic package of services of compulsory health insurance. This insurance is dealt with by other insurance companies

established according to the insurance regulations, in a manner and under conditions that the insurance companies establish when introducing voluntary insurance. In practice, this type of insurance is not yet in use, probably due to the wide-ranging package of health services covered by compulsory health insurance, as well as owing to the low standard of the population and the still insufficient interest shown by insured citizens or insurance companies.

650. Compulsory health insurance provides the insured with basic health care in primary, specialist-consultative and hospital services.

651. In addition to basic package health-care services, the funds under the compulsory health-care insurance provide for financial compensation for: salary during sick leave owing to illness of injury; compensation of salary during maternity leave, delivery and motherhood and compensation of travel costs when using the health-care services.

652. The salary compensation (for sick leave) may be used by employed or self-employed insured persons. Insured citizens and their families may have compensation of salary and daily (only as a professional accompaniment) costs only if referred for health-care services in foreign health-care institutions, having also the right to compensation of travel costs if they are referred to use health-care services related to dialysis, and sight, hearing and speech rehabilitation outside the place of residence, that are provided on an outpatient basis.

653. Health services are provided in public and private health-care institutions. In accordance with the Law, the Health Insurance Fund transfers the funds based on contracts for provision of health-care services to the insured. The contracts determine the type, volume and quality of health-care services provided to insured persons, the compensation to be paid for agreed services and the manner of calculation and payment of compensation for health-care services. The obligations for conclusion of such contracts is applied to private health-care institutions, as well.

### **Article 13 of the Covenant**

654. According to articles 9 and 44 of the Constitution, elementary education is compulsory and free, whereas education (on other levels) is accessible to all under equal conditions.

#### **Elementary education**

655. Under the Law Amending the Law on Primary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 63/04), it is prescribed that the year of education before the first grade of elementary school becomes compulsory for all the children at the age of six starting from the school year 2005/2006. This means that all preschool children, as well as those attending the senior kindergarten groups must attend the so-called preparation year. This will ensure a more equal start for children entering elementary education.

656. Elementary education is compulsory and free, and according to the State Statistical Office, the gross coverage in elementary education in 2002 was 97.1 per cent.

657. According to articles 1, 22 and 73 of the Law Amending the Law on Primary Education, elementary education is expected to last nine years, starting from the age of six. Each child aged seven to fourteen is provided conditions for regular attendance and instruction in the compulsory eight grades of primary school. This legal obligation has contributed to crucial improvement of the educational structure of the population.

658. Children start attending elementary school if they reach the age of seven before the end of the calendar year in which they have enrolled in the first grade. On the other hand, younger children are also enrolled, if they become six before September (when instruction starts), on the basis of a positive opinion of a doctor, pedagogue or psychologist.

659. According to the article 8 of the Law on Primary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 52/02 - consolidated text, 40/03, 42/03 and 63/04) instruction is conducted in the Macedonian language, using the Cyrillic alphabet. For the members of the communities, the educational process is conducted in the language and the alphabet of the communities in a manner prescribed by law. The pupils of the communities study Macedonian as the official language of The former Yugoslav Republic of Macedonia.

660. The internal structure of the eight-year compulsory education is adapted to the age of children (in two periods): from the first to the fourth grade - the so-called class instruction and from the fifth to the eighth grade - the so-called subject instruction. Up to and including the fourth grade, as a rule, the instruction is conducted by only one instructor (teacher). In the upper grades (from the fifth grade to the eighth grade), as a rule, the children remain in the same classes, but new classes are formed when necessary. There are 327 elementary schools with 1,070 school premises in the country, which clearly testifies to the effort of the Ministry of Education to provide access to education for all children.

661. In populated areas where the number of pupils is small, regional schools are organized. Organizationally, they belong to the regular elementary schools (with classes from the first to the eighth grade). In smaller settlements, if there is not a sufficient number of children, classes are combined in elementary schools. There, one teacher conducts instruction simultaneously to children from the first to the fourth grade, using different methods. Following that period, the children continue their education in schools with separate classes from the fifth to the eighth grade.

662. Following agreements with the countries in which citizens of The former Yugoslav Republic of Macedonia reside for a longer period, additional teaching is organized to study the mother tongue and culture, according to the programmes prepared by the Bureau of Education Development. Additional instruction is organized in a number of countries of Western Europe, namely Austria, France, Germany, Sweden and Switzerland, as well as in, Australia, Canada, Croatia, and. Slovenia.

663. With the Law on Primary Education (art. 64) and with the Law on Secondary Education (art. 63), as well as in pedagogical practice, children and youngsters of exceptional abilities and talent are able to advance faster in their education. Talented children are entitled to enrol in elementary school if they are at the age of six (before the start of the school year), and then they may advance extra curricular (by taking examinations for the next grade). In the course of their education in elementary schools, children have two opportunities to take advantage of this right. Students showing extraordinary abilities and talents in the secondary schools can also advance in the same way (by taking examinations for the next school year).

## Secondary education

664. After completing elementary education, pupils are entitled to enrol in secondary schools. This right is exercised especially by young people from urban areas, and thus around 85 per cent of pupils having completed compulsory education, immediately enrol in some form of secondary education. Secondary education is not compulsory. Pupils attend secondary schools free of charge.

665. The Law on Secondary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 44/1995) furthers democratization of this segment of education. It grants the right to conduct secondary education not only in State, municipal (public) secondary schools, but also in private schools.

666. Instruction in secondary institutions is conducted in the Macedonian language, and using the Cyrillic alphabet. For members of the communities, the educational process in public schools is conducted in the language and the alphabet of the respective communities, in a manner and under conditions prescribed by this Law. Pupils belonging to the communities study the Macedonian language.

### Type of secondary school

Type of secondary school	Number of pupils
Grammar schools - high schools	15
Vocational schools	26
Mixed (grammar and vocational)	50

### Coverage of pupils in secondary education

School year	Finished elementary	School year	Enrolled in secondary	%
2002/03	30 863	2003/04	26 293	85.26
2003/04	29 599	2004/05	25 545	86

### Number of pupils enrolled on elementary schools by language of instruction

School year	Total enrolled	Macedonian	Albanian	Turkish
2003/04	26 293	20 215	5 724	354
2004/05	25 545	19 492	5 753	300

667. High-school education is of a general educational character. It lasts for four years and ends with graduation examination. According to the Law Amending the Law on Secondary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 67/04) and the new Concept of Graduation and Final Examination (Matura), starting with the school year 2006/07, high-school education will be concluded with State or school graduation examination. The State graduation examination will ensure the right to enter higher education, and the school graduation examination will ensure entry in the labour market. The basic function of the high-school education is preparation of the young people for successful inclusion into higher education.

668. Around 35 per cent of pupils of one generation enrol in the high-school education.

669. Eighty-five per cent of the total number of students registered for the school year 2004/2005 are attending secondary school and of this number 61.36 per cent are learning a vocation. Vocational education and training (VET) follows completion of elementary education and involves the acquisition of knowledge, skills and practices in the applied sciences of practical value. The basic function of secondary vocational education is to train students for work, but also for continuation of education. Training ends with a final or specialist examination.

670. According to the mentioned concept, starting with the school year 2006/2007, four-year secondary vocational education will end with State graduation examination or with school final examination. The State graduation examination (Matura) provides entrance in higher education, while the school final examination provides entrance in the labour market.

671. Three-year vocational training culminates in a final examination that enables entrance into the labour market, as well as continuation of education (under special conditions) in four-year vocational or specialist education.

672. Educational profiles are grouped into 26 vocational categories: agriculture, veterinary sciences, nutrition, forestry, carpentry, geology, mining, metallurgy, mechanical engineering, electrical engineering, chemistry and technology, textile, leather, graphic design, personal services, geodesy, civil engineering, transportation, commerce, catering and tourism, economy, law, bureau - technical, arts, health care and physical culture.

673. Within the framework of vocational education, there are about 260 educational profiles, including: - 80 educational profiles for four-year education; - 90 educational profiles for three-year education; - 50 educational profiles for two-year education; - 40 educational profiles for specialist education.

674. Secondary artistic education is intended for students with special artistic capabilities, therefore, students undergo special testing of their talent prior to enrolment.

675. Secondary artistic education is organized in three branches namely, applied fine arts (six educational profiles), music (three educational profiles) and ballet (two educational profiles). It culminates in a graduation examination (Matura).

676. Secondary education for students with special needs is in fact secondary vocational education adapted to their needs. The adaptation of programmes starts with the choice of educational profiles that is most commonly for one vocation of the educational profiles for which the students with particular needs can acquire the necessary competence. For persons with higher degree of needs, training for working ability is organized only. The second type of adjustment is done in the curricula and programmes in respect of the scope of general education. As a rule, the subject matters that serve to prepare for higher education are avoided or reduced, and those that ensure the cultural and societal function of the secondary education are retained.

## Higher education

677. Higher education consists of undergraduate studies lasting from four to six years which are pursued at four universities and at private faculties. Besides the academic instruction, scientific and research activities are carried out in various areas, and there is continuous training of the teaching staff.

678. Students are enrolled as full-time or part-time students in the first year at faculties. Around 27 per cent of one generation, having completed high-school education, enrol at the universities. The conditions and criteria for selection and enrolment of new students are set by the higher education institutions and are coordinated at the universities. Candidates with acquired high-school education, as well as candidates from other four-year vocational and art secondary schools may apply for the competition.

679. Because of the limited number of places, there is a procedure ranking the candidates according to their accomplishments in the secondary school and the results achieved at the qualification examination. The criteria for enrolment of part-time and full-time students are the same.

680. Tertiary-education process is offered at four universities: Ss. Cyril and Methodius University in Skopje, St. Clement of Ohrid in Bitola, the University of South-East Europe in Tetovo and The State University in Tetovo; and at the private Faculty of Social Sciences- Skopje. All these institutions are integrated in Inter-University Conference.

681. Special programmes are organized at the universities for acquiring the so-called higher vocational education. By law, these studies must not exceed three years. This kind of studies should become more popular in the future because of the needs of the labour market for highly qualified staff, particularly in the fields of technical and biotechnical sciences.

682. Following graduation, students who fulfil particular conditions established with the statutes of the institutions for higher education can continue their specialization at specialist or Master's studies. The postgraduate studies are organized as postgraduate scientific or artistic studies (Master's studies), as well as postgraduate professional studies (specialist studies) (Law on Higher Education, 'Official Gazette of The former Yugoslav Republic of Macedonia' No. 64/00). Postgraduate scientific or artistic studies last for at least three semesters, of which two semesters are for instruction and one for preparing the Master's thesis. Postgraduate professional studies last for nine months, which one semester of which is reserved for instruction and three months for specialist work. Currently, the University Ss. Cyril and Methodius in Skopje and the University St. Clement of Ohrid in Bitola offer postgraduate studies.

683. After completion of specialist studies, the candidate receives a specialist diploma.

684. Postgraduate studies end with the defence of Master's thesis and the candidate acquires the title of Master of Science or Master of Arts.

685. In accordance with the recommendations of the Bologna Declaration, a pledge by 29 European countries to reform the structure of higher education, undergraduate and postgraduate studies are now being offered at the faculties in the Republic of Macedonia. Thus, a larger number of students will have access to postgraduate studies.

686. A doctorate is the highest scientific and scholarly title in The former Yugoslav Republic of Macedonia. A doctorate is organized mainly under the principles of mentorship, rather than organized studies. It is acquired by defending a doctoral thesis before a commission consisting of five experts in the respective field and after a previous assessment from at least three organizations or institutions of the relevant field. More detailed rules for defence of the doctorate are prescribed with statutes of the institutions of higher education, as well as public scientific and scholarly institutions where candidates can apply for a doctorate.

687. The Government has been continuing the processes initiated with the Sorbonne Declaration and has coordinated the reforms in the field of higher education with the Bologna process of creating convergence of European higher education by 2010. The reforms have accelerated following the official accession to the Bologna process, at the Berlin Conference of European Ministers responsible for higher education held in September 2003.

688. The Law on Higher Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 64/00) and the Law on Amending the Law on Higher Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 49/03) constitute a legal framework for implementation of the process. The Law regulates the legal status and autonomy of the universities, the establishment of State and private institutions of higher education, the system of ensuring quality (evaluation and accreditation), the financing methods, the grade structure, the institutional framework and the recognition of grades and qualifications and so on. Norms and standards for establishment of institutions of higher education, in accordance with which the accreditation is performed, were adopted in 2003. The adoption of the Law on Establishing a State University in Tetovo (Official Gazette of The former Yugoslav Republic of Macedonia No. 8/2004) created normative and legal prerequisites for improved access to higher education of the non-majority communities such as the Albanian and other communities.

689. With the establishment of the Council for Development and Financing of Higher Education in November 2003, a partnership structure of the State administration bodies and the institutions of higher education in the reform processes was established. A large number of the Council commissions work revolves around defining the criteria for financing the higher education, preparing a programme for development of higher education.

690. The Minister of Education and Science formed a committee for monitoring the Bologna process, including representatives of the universities of The former Yugoslav Republic of Macedonia, the students' organizations and the Ministry. The group prepared the National Report on the Implementation of the Bologna process from 2004 to 2005.

691. The Accreditation Board and the Evaluation Agency have been established, as structures responsible for ensuring quality in higher education. In 2002 a national project was carried out which provided for the first self-evaluation of the institutions of higher education. In cooperation with the European University Association, local universities have undergone external evaluation from entities such as the German Rector's Council, the Embassy of France, the Ministry of Foreign Affairs of Austria, the "Macedonia" Open Society Institute foundation. Further activities in the area of ensuring quality will be directed towards acceding to the European Network Quality Agency (ENQA), acceptance and application of the standards, procedures and guidelines prepared by ENQA, and cooperation with the bodies for ensuring quality from the countries of South-East Europe.

692. The former Yugoslav Republic of Macedonia is a member of the network of South-East European (SEE) agencies for accreditation and evaluation.

693. The adjustment of the existing system to higher education is the key element of the reforms. The first and the second level should be differently oriented and should form different profiles, in order to be adjusted to the individual needs, the academic needs and the needs of the labour market. At the beginning of 2004, in collaboration with the German Rectors' Conference, the Ministry of Education and Science organized a Conference of Higher Vocational Education and Applied Sciences. During the academic year 2004/2005, most technical faculties at the universities of Skopje and Bitola introduced three-year studies, oriented towards the needs of the labour market. The former Yugoslav Republic of Macedonia is following the activity of the "European Network of Qualifications", and is going to prepare a national network of qualifications. Through the TEMPUS project, inclusion in the third phase of the TUNING project financed by the European Commission is expected.

694. Because of the need for close relation with Europe in the field of higher education and research, the ministers at the Conference in Berlin, extended studies to include doctoral studies in the Bologna process. The importance of research is emphasized, as well as the training of the researchers and the promotion of interdisciplinary fields in the third cycle. Mobility on the level of doctoral studies and on the postdoctoral level is motivated, and the institutions are encouraged to extend the cooperation in the field of doctoral studies and education of young researchers. Development of networks for doctoral studies is stimulated, as well as development of centres of excellence, as promoters of the development of "Europe of Knowledge". The former Yugoslav Republic of Macedonia utilizes the EU Sixth Framework Programme for Research 2002 to 2006, the European Cooperation in the Field of Scientific and Technical Research Programme, The United Nations Educational, Scientific and Cultural Organization (UNESCO) Programme, the United Nations Development Programme (UNDP), the International Atomic Energy Agency (IAEA), and maintains bilateral cooperation with EU countries, the United States of America, Japan and others, in order to reinforce research and development. The new EU Socrates, Tempus and Erasmus Mundus Programmes have extended the possibilities for mobility at postgraduate and doctoral levels.

695. The Government pays particular attention to the development of credit systems harmonized with the European Credit Transfer System (ECTS). Restructuring of the study programmes, their modularization and introduction of credit systems are in progress. The extending of the credit systems by inclusion of vocational education and credits for lifelong learning should become part of the reforms. Many TEMPUS projects have helped in the development of patterns and introducing credit systems in the institutions of higher education at the universities in Skopje and Bitola. The implementation of ECTS in these universities is obligatory starting with the year 2005. The University of South-East Europe in Tetovo implemented ECTS in 2001. The State University in Tetovo, which opened in October 2004, is obliged to develop its study programmes along the lines of ECTS. The implementation of ECTS should facilitate greater student mobility among institutions of higher learning, in the country, the region and further afield. Additional activities will be geared towards implementation of the European Commission Guidebook on ECTS, monitoring the development and implementation of ECTS as a system of accumulation and transfer of credits related to the formal and informal education.



696. The former Yugoslav Republic of Macedonia ratified the Lisbon Convention in 2003. The country is a member of the ENIC/NARIC network of acknowledgement centres for courses, degrees and diplomas. The National Information Centre functions in the framework of the Ministry of Education and Science. Before 2005, conditions should be created for every graduate student, in addition to the Diploma, also to be granted Diploma Supplement without additional fees. The former Yugoslav Republic of Macedonia should actively be included in the project on creating global qualifications network in the European area of higher education.

697. In 2003, the Government hosted the Regional Conference on Lifelong Learning. The Foundation “Conrad Adenauer” for three years in a row has been the patron of the Festival on Lifelong Learning, where, in addition to the institutions of higher education, a large number of NGOs take part. The Ministry of Education and Science has established a working group that prepares a strategy for lifelong learning.

698. For the reforms in the higher education, The former Yugoslav Republic of Macedonia is given considerable support and carries out significant cooperation with the European Commission (predominantly with the TEMPUS Programme), the Council of Europe, the European Universities’ Association, UNESCO-European Centre for Higher Education, the German Rectors’ Administration, the World Bank, the foundation ‘Open Society Institute “Macedonia” ‘ and others. There is intensive bilateral cooperation with countries in Europe, namely Austria, France, the Netherlands, Slovenia and Switzerland, as well as regional cooperation with the countries of the Western Balkans, Albania, Bosnia and Herzegovina, Croatia and Serbia and Montenegro.

### **Tuition fees**

699. The students enrolled in the State quota, whose education is subsidized by the Ministry of Education and Science, pay a co-financing fee in the amount of 200 euros at all State Universities.

700. Students who self-finance their studies or part-time students pay higher fees ranging from 400 to 1,000 euros (depending on the faculty). These two categories of students may be relieved from paying fees if they show high results during their studies.

### **Adult education**

701. Pupils older than 15 years who for some reasons have not completed elementary education on time, may, upon request of the pupil, parent (guardian) and with a positive assessment by the school teacher and psychologist, complete primary education in the same school up to the age of 17, in establishments for adult primary education or other establishments in accordance with the Law on Primary Education, until completion of primary education.

702. Adult elementary education is an integral part of the education system. It enables the participants to acquire the necessary skills, knowledge and expertise for quicker adaptation to the social milieu, quicker employment, more flexible adaptation and finding their way in the labour market.

703. According to the Law on Primary Education (art. 6), elementary education of adults can be organized in elementary schools, as well as in institutions for adult education and in other institutions in accordance with this law. But, in practice, the regular elementary schools do not organize and do not endeavour to satisfy the needs of the adult participants. Instruction in schools for adult education is conducted in the Macedonian and Albanian languages.

704. Elementary education for adults can also be entered by persons who have not completed their elementary education, who are older than fifteen years and their obligation to acquire elementary education has terminated. This is organized and carried out in accordance with special teaching programmes and curricula. The instruction is organized as full-time and as preparatory, depending on the age, psycho-physical capabilities of the person and his/her capability for self-education.

705. The secondary education of adults (part-time students) is an integral part of the regular education process in secondary schools.

706. The adult education, as a structural part of the educational system, is not thoroughly elaborated in the system laws in the sphere of the education and in other acts and regulations.

707. According to the Law on Secondary Education (art. 52), full-time and part-time students who have completed elementary education can be enrolled in a secondary vocational school. Public vocational education takes the form of two-, three-, four-year or specialist education programmes. Specialist education is carried out according to special programmes. In order to be included in these programmes, candidates should have completed the four-year programmes, they should also have working experience from two to five years, depending on the course or the type of specialist education.

708. Students who have not completed elementary education may enter the two-year vocational training programme, however, the prescribed elementary education curriculum has to be completed simultaneously.

709. However, education and training of the adults are mostly covered by several types of programmes:

- Acquisition of vocational education in schools according to curricula verified by the State institutions;
- Programmes and courses at the workers' vocational training centres developed on the basis of information acquired by monitoring of the labour market, as well as of the personal needs of the candidates. Programmes and courses with different duration are carried out at the workers' vocational training centres;
- Programmes for vocational training, additional training and specialization, after secondary vocational education.

710. Adult education, included in the chapter VI of the already adopted National Education Programme 2005 to 2015 and in the related strategy, is given priority in terms of raising the education level of the population, as a key challenge in the period to come, with the focus on increased quality of their professional/working and social capabilities.

### **Equal access to education for all**

711. Equal access to education in The former Yugoslav Republic of Macedonia is regulated in accordance with the Constitution and the Laws on Elementary, Secondary and Higher Education ensuing from it. article 44 of the Constitution ensures the right to education for everybody under equal conditions, with special emphasis on the elementary education, which is obligatory and free of charge.

712. Under articles 9 and 44 of the Constitution, the right to education is given to all citizens on an equal footing; they are equal in freedoms and rights irrespective of gender, race, skin colour, national or social origin, political or religious belief, property and social status. Citizens and equal before the Constitution and laws. article 44 emphasizes in particular that all citizens have the right to education and in practical life this constitutional provision is not hampered; on the contrary appropriate activities have been undertaken to ensure the exercise of this right. Elementary education is compulsory and free, while secondary is free.

713. Under article 45, private institutions may be established at all levels of education, but primary.

714. In support of the equal access to education there is the already adopted National Programme for the Development of Education 2005 to 2015 and the National Action Plan for the Rights of the Child in The former Yugoslav Republic of Macedonia, which is in the adoption procedure in accordance with the Convention on the Rights of the Child and the Millennium Development Goals.

715. Elementary education is takes place in elementary schools, but also in health-care institutions or penitentiary and correctional institutions in certain cases determined by the Law. The Law on Primary Education (arts. 3, 4, 5, 6, 7 and 45) provides obligatory entrance in the educational system of all the children from the ages of seven to fourteen years. In the first grade of elementary school children can also enrol if they are six before the start of the school year, based on positive assessment by a doctor specialist, psychologist or teacher. Every elementary school is obliged to organize and enrol in a timely fashion, all pupils who reside in the area covered by that school, determined by the Ministry of Education and Science. Each parent/custodian is obliged to enrol his/her child in the elementary school and is responsible for his/her child's regular school attendance. In cases of non-enrolment of children in school, or in cases of unexplained absence of children from elementary school for at least 30 days, the elementary school is obliged to inform the Ministry of Education and Science accordingly.

716. Pupils with special educational needs, depending on the level of their disability, are integrated in regular classes of elementary schools or in classes of separate (special) schools. These children are entitled to free transportation. The educational process for these children is organized in a way which enables them to gain knowledge as well as to prepare for life and integration in the community in an easier manner.

717. Foreign citizens and stateless persons can also gain elementary education in The former Yugoslav Republic of Macedonia under conditions established by law. State institutions provide obligatory education for internally displaced persons, as well as accommodation free of charge and textbooks for the pupils. The Bureau of Education Development develops abridged versions of the existing curricula.

718. Enrolment in secondary schools is carried out through a competition announced by the Ministry of Education and Science no later than 31 March each year. If a larger number of students than set in the competition announcement apply for enrolment in public schools, additional criteria for enrolment are applied (certificates from international and State competitions, qualification examination) after appropriate opinion from that public school has been obtained. Secondary education is provided by public secondary schools (State, municipal, or schools of the city of Skopje) as well as in private schools. Students who have completed elementary education may enrol in secondary or high schools, while students who have completed elementary education may enrol in full- or part-time vocational education. Two-year vocational education is for persons who have not completed elementary education, but have to complete the prescribed elementary education curriculum in parallel with vocational education. Adult vocational training and three-year vocational training can also be organized in other institutions established by law. Teaching in secondary schools is conducted in the Macedonian language, using the Cyrillic alphabet, while for the members of the other ethnic communities, the teaching instruction in the public schools is conducted in the language of the ethnic communities, in a manner established by this Law, but with obligatory study of the Macedonian language. Members of the ethnic communities, who attend the instruction in their mother tongue, use textbooks that are written in the language of instruction.

719. Regular students who have completed the elementary education and talented students who have not completed the elementary school may enrol in public artistic schools. Those who have not completed elementary education may enrol with the permission of the Ministry, to gain parallel elementary education. The students are also given the opportunity to enrol in high-school classes that carry out programmes for international final examination.

720. Public secondary schools may carry out the instruction in one of the internationally spoken languages, while in private schools, in a foreign language. The Minister approves legal regulations on carrying out the instruction in one of the internationally spoken languages. Article 5 of the Law on Secondary Education stipulates that foreign citizens and stateless persons may acquire secondary education in a manner prescribed by law.

721. Children with special educational needs have an opportunity to continue their secondary education in separate and in regular secondary schools, registered and grouped according to the type and level of their disability, and if they have completed the obligatory elementary education.

722. The choice of secondary schools by students is still influenced by the traditional division of male and female occupations, and in that regard, there is unbalanced representation of male and female students. There are secondary schools where the number of female students prevails (economics or medicine), while male students prefer schools for mechanical or electrical engineering.

723. Through projects such as the Decade of Roma Inclusion 2005 to 2015 and Education for All by 2015 under UNESCO, the Bureau of Education Development makes efforts to increase the number of students in secondary education (especially among the Roma population and in the rural areas). By educating parents, expert teams work on raising awareness of the importance of education.

724. A person who has completed elementary education abroad can enrol in a secondary school if the certificate that s/he has gained abroad has been validated.

725. Everyone has the right to access to higher education, which is regulated with the Law on Higher Education (arts. 6, 95 and 157). This Law establishes the basic conditions for enrolment in undergraduate, postgraduate and doctoral studies. It states that the citizens of The former Yugoslav Republic of Macedonia are entitled to equal conditions and right to education in the institutions for tertiary education. Enrolment in undergraduate studies is carried out in a competition announced by the university. It contains the criteria and conditions for enrolment of candidates, which are equal for all citizens. This is done for the purpose of providing equal access to the tertiary education. The Government brings a decision on the number of students to be enrolled in the public institutions for higher education (whose education is financed by the State budget), upon a proposal of the State University and based on a previous opinion of the University Council. A decision on the number of students accepted into the State tertiary institutions, in excess of the established quota, is made by the university under conditions established by law.

726. A person who has completed four-year secondary education and fulfils the conditions and criteria established with the enrolment competition may be enrolled in undergraduate studies.

727. The Law provides for equitable and just access to tertiary education for citizens belonging to minority communities. For the purpose of creating preconditions for the effective exercise of this right, the so-called measure of “positive discrimination” is applied. This measure enables members of minority communities in The former Yugoslav Republic of Macedonia to be enrolled in the first year of studies in addition to other students, based on fulfilling the set competition conditions, with the establishment of the so-called additional quota. The Government determines the number of students in the additional quota. This measure, with the amendments to the Law on Higher Education of 2003, (Official Gazette of The former Yugoslav Republic of Macedonia No. 49/2003) is established as a legal obligation and is included in article 95, paragraph 9, of the Law.

728. Foreign nationals have access to the tertiary education, on the basis of the principle of reciprocity (equal conditions to be provided for our students abroad). Stateless persons are provided the right of access under conditions established by law and in accordance with the ratified international agreements.

729. A person who has completed less than four years of secondary education may enrol in undergraduate studies lasting less than four years or in higher vocational schools, if the person fulfils other conditions and criteria established by the statute of higher education institutions and the conditions and criteria established by competition.

730. An exceptionally talented person may enrol in artistic studies, although s/he has not completed secondary education, under condition to acquire the secondary education until the end of the second year of studies, in accordance with the conditions established with the Statute of the faculty.

731. In addition to State universities, private institutions of higher education also provide access to higher education, if they fulfil the conditions established by this law, based on an approval given by the Government. The founder of such an institution is obliged to provide conditions and equipment for performance of the educational, scientific or artistic activity, prescribed with the Law on Higher Education and the Regulation on Norms and Standards.

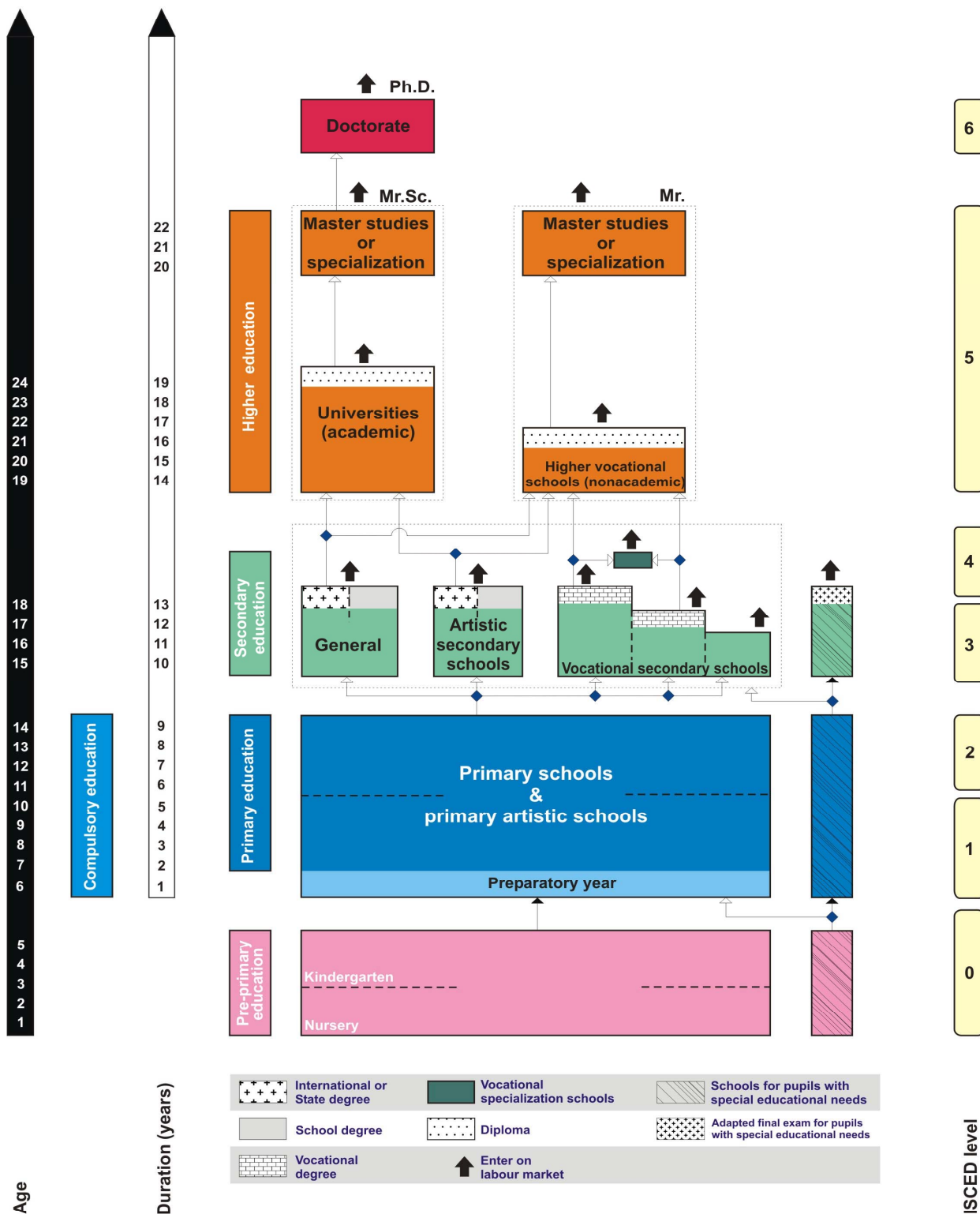
732. With the adoption of the Law on the Establishment of State University in Tetovo (Official Gazette of The former Yugoslav Republic of Macedonia No. 8/2004), the State University in Tetovo has been established and started to work in accordance with the Law on Higher Education since 1 October 2004. It consists of five faculties: Faculty of Natural Sciences and Mathematics, Faculty of Humanist Sciences and Arts; Faculty of Economy; Faculty of Law and a Centre for Polytechnic Studies, as a higher vocational school. At this university, for members of the Albanian community who make up more than 90 per cent of the number of students enrolled, the instruction is conducted in Albanian. The Decision of the Government on the additional quotas for enrolment of students - members of the communities, adopted for the academic year 2004/2005, prescribes that members of the Albanian community may enter the State universities with the same curricula as those at the State University in Tetovo only within the regular quotas.

733. The status of student and thus member of the academic community may be acquired by everybody under equal terms established by law, statute and study programme. Pursuant to article 157, a student has a right to full-time studying and to the status full-time student, as well as the right to part-time studying and a status of part-time student. A student has a right to choose the type of studies and to study simultaneously several study programmes of different fields, as well as different courses. Once the student is enrolled, s/he has a right to continue the studies at some other institution of higher education if the first one ceases to work. The student can use rooms, equipment (devices), libraries, software and all other scientific and scholarly infrastructure of the institution of higher education. The student is also entitled to the services of the students' standard. Persons who are parentless, blind, deaf, disabled persons of first or second degree, mothers with infants up to the age of six, as well as hospitalized persons may also acquire the status of student, candidate for doctoral degree or for specialization. The statute of the institution of higher education provides them with special benefits.

734. Instruction in institutions of higher education is conducted in the Macedonian language. However, article 95 of the Law foresees the possibility for instruction to be carried out in the languages of members of the ethnic communities, under conditions set by law. Instruction may also be conducted in one of the internationally spoken languages: for some of foreign language study programmes, for parts of study programmes in which foreign professors take part and for study programmes for which the instruction is organized in the Macedonian language as well.

735. A large number of NGOs carry out educational programmes and organize activities under equal conditions for everyone.

## REPUBLIC OF MACEDONIA SYSTEM OF EDUCATION



School network at all levels of education

**Number of students in elementary, secondary and higher education,  
according to the State Statistical Office**

Year	Elementary schools	Secondary schools	Higher vocational education	Higher education
1995/96	259 515	77 817	1 510	28 073
1996/97	258 587	80 903	886	29 868
1997/98	256 275	84 059	995	32 048
1998/99	255 150	87 420	1 026	35 141
1999/2000	252 212	89 775	927	35 995
2000/01	246 490	90 990	840	39 406
2001/02	242 707	92 068	1 123	43 567
2002/03	235 516	93 526	893	44 731

*Source:* State Statistical Office.

**Teaching staff in elementary, secondary and higher education**

Year	Elementary education	Secondary education	Higher education
1995/96	13 254	4 776	1 285
1996/97	13 310	5 064	1 341
1997/98	13 376	5 226	1 408
1998/99	13 604	5 372	1 385
1999/2000	13 782	5 557	1 483
2000/01	13 329	5 467	1 495
2001/02	13 508	5 550	1 561
2002/03	13 678	5 749	1 519

*Source:* State Statistical Office.

736. When the data for elementary and secondary education are compared, one may note that in the last eight years the number of students in elementary education has continuously declined, while the number of students in secondary education is on a continuous rise.

737. Over the last decade, the number of students enrolled in elementary schools in proportion to the number of children at official school age (7-14 years) reached 96 per cent.

*The extension of compulsory education is expected to:*

- Increase the current coverage of 82.23 per cent in the year before starting school to 100 per cent;
- Improve the education structure of the population;
- Strengthen basic education;



- Improve opportunities for professional orientation;
- Ease and effectuate the transition from elementary to secondary education;
- To accomplish the programme successiveness;
- To better use educational capacities in rural areas.

**Number of students who completed their education in 1995/1996 to 2002/2003**

	Elementary education	Secondary education	Higher vocational education	Higher education						PhDs	Masters of Sciences and specialists
				Total	Natural science and mathematics	Technical science	Medical science	Bio-technical science	Social sciences		
1995/96	29 871	18 388	671	2 527	153	688	259	190	1 237	51	43
1996/97	30 522	18 787	528	2 597	165	743	380	169	1 067	56	77
1997/98	30 252	19 790	436	2 564	246	722	315	139	1 142	51	76
1998/99	30 389	20 515	447	3 288	205	688	292	168	1 935	34	106
1999/00	30 564	21 510	402	3 338	248	678	323	142	1 947	46	74
2000/01	30 252	22 724	300	3 180	236	573	295	132	1 944	68	156
2001/02	31 090	23 051	324	3 294	246	530	287	147	2 084	51	96
2002/03	30 095	23 851	226	4 178	280	612	306	213	2 767	59	61

*Source:* State Statistical Office.

The table above shows that in recent years there is an increasing trend of students who have completed eight years of elementary education continuing their education.

**Number of students in special elementary schools**

	Total	Macedonians	Albanians	Turks	Serbs
1996/97	1 370	1 311	59	-	-
1997/98	1 429	1 362	67	-	-
1998/99	1 353	1 269	84	-	-
1999/2000	1 281	1 171	110	-	-
2000/01	1 342	1 144	198	-	-
2001/02	1 290	1 097	193	-	-
2002/03	1 198	1 093	105	-	-

**Number of students in adult schools**

	Total	Macedonians	Albanians	Turks	Serbs
1996/97	1 127	892	235	-	-
1997/98	1 682	1 084	598	-	-
1998/99	1 608	1 117	491	-	-
1999/2000	1 272	961	311	-	-
2000/01	1 137	810	327	-	-
2001/02	686	481	205	-	-
2002/03	552	367	185	-	-

*Source:* State Statistical Office.

738. In the following period, the number of the young population is expected to decrease in proportion to the number of adult and aging population. This trend has strongly determined the creation of the education policy in the State, especially in relation to the network of providers of education services and their power of accumulation, as well as the specificities and the character of education opportunities that the State should provide in the period to come.

739. In terms of academic and vocational secondary education, the trends are towards increased quality of education and meeting the needs of the labour market. The most important changes are new programmes and curricula, by which students are provided wider opportunities for selection of subjects. Thus, the numbers of high school students and of secondary vocational school students will be equalized. In accordance with the programme and process changes in high-schools and in four-year secondary education, new graduation and final examinations are introduced. Successful implementation and effectuation of these examinations will largely improve the quality of secondary education and will ease enrolment in higher education.

740. In the near future, one of the key challenges for the creators of education policy and of the education system as a whole is expected to be the improved level of education of the young people and adults, with a special emphasis on the increase in the quality of their expert/working and social competencies. According to the data for 2002, most of the unemployed persons have completed at most a four-year secondary education - 98.16 per cent, while only 1.84 per cent have completed higher and university education. Therefore, the concept of lifelong learning and training should help establish a dynamic tie between education, on one hand, and the labour market and social changes, on the other.

**Salaries of teachers in elementary and secondary schools  
compared to salaries of civil servants**

Teachers in elementary schools	Teachers in secondary schools	Civil servants
Higher education: 9 600 Mden	University education: 11 973 Mden	Secondary education: 6.615 Mden
University education: 11 200 Mden		University education: Advisers : 13 377 Mden Senior Officer: 11 956 Desk officer: 10 780

*Salary of the teaching staff in higher education (starting):*

- Junior assistant 15,469 Mden;
- Assistant 15,718 Mden;
- Docent 20,708 Mden;
- Junior professor 22,455 Mden;
- Professor 24,950 Mden.

741. The net pay in all levels of education and for civil servants, is added 0.5 per cent for every working year.

742. Teachers working in mountainous and border areas are added additional funds on their salaries for the work in difficult conditions. This also applies for teachers working with combined classes (mixed grades).

743. Improvement in the material and professional status of teachers in elementary and secondary schools is expected with the legal provisions related to their career development with the acquisition of titles: assistant teacher, teacher and teacher mentor, what would bring in additional motivation for teachers because it will make clear-cut distinction not only in regard to the titles but also the salaries.

744. Salaries and extras on salaries for civil servants are being raised in accordance with the funds allocated for that purpose within the State budget. This process will conclude on 31 March 2006.

745. This is carried out in accordance with the legal regulations and the collective agreement with the Trade Union (Union for Education, Science and Culture). In the reporting period amendments to the collective agreement have been being made (expected to be completed in 2005).

746. Higher education institutions have their autonomy manifested through: management of substantial funds and their revenues.

**Budget for education in The former Yugoslav Republic of Macedonia**

*Funding*

747. Investment into education, training, science and research is always profitable and the most strong factor of national competence and competition and thus of sustainable development in the country. This presupposes steadfast funding of the Ministry of Education and appropriate budgetary support. If one takes into account that this sectors is funded exclusively from public funds, then undoubtedly the responsibility for these investments lies with the public sector.

748. In view of the fact that additional pressure is expected in regard to allocation of funds for education and adult training and public research, it will be necessary to revise and increase the budget of the Ministry of Education and Science, as well as find alternative sources of funding.

749. Current situation:

- In 2003 the education budget accounted for 3.49 of GDP;
- For the period 1996 to 2003 the education budget was decreased by 0.77 per cent;
- Of the total education budget, 59.15 per cent goes to elementary education, 22.66 per cent to secondary education, 12.46 per cent to higher education, 1.92 per cent to pupil standards and 3.81 per cent to student standard;
- Of the funds allocated to schools, 80 per cent goes for salaries, while in higher education this percentage is over 90.

(*Source*: Ministry of Finance.)

750. The Ministry of Education and Science will make efforts to ensure larger inflow of funds in education and improved distribution of resources through better coordination in the implementation of activities, reduction of unnecessary spending, cooperation with local authorities, cooperation with international foundations and institutions and coordination of joint actions, cooperation with non-governmental sector, drawing upon the domestic expert capacities.

751. Of particular importance will be the definition of a clear financing system in the process of education decentralization. Although the funding of education in sparsely populated rural areas is more expensive, it should not be the reason to compromise the quality of education and training and to deny the inherent right of education for all. In that regard, the distribution of funds will be carried out effectively, profitably and justly, based on the State's priority, at the same time taking into account the real financial power of municipalities and population, in particular of marginalized groups, what will be based on objective criteria. To this end, it will be necessary to strengthen the supervision of the tax and social policy and the rule of law in the economic sector in each individual municipality. This will mean that the linear distribution of funds will be abandoned and that the funding system to stimulate the quality and discourage low-quality work and manipulations in educational establishments will be implemented. At the same time the distribution of funds must follow the logic of giving advantages to State priorities.

752. Partial funding will be carried out on the basis of distribution of education funds from the central budget to municipalities in the form of block allocations. The basic criterion for this kind of funding will be the number of pupils, the condition of infrastructure and the quality of education process as determined through external control and vertical mobility of pupils.

### **Building and reconstruction of schools**

753. A large number of school buildings do not meet technical and hygienic standards, while there is an even larger number of them with insufficient space, school inventory, basic resources and teaching devices. There is a significant number of schools without sports hall. Fifty per cent of school buildings need technical renovation and in some places new buildings need to be erected.

754. There is a solid network of elementary and secondary schools and instruction from the first to eight grade located in large rural municipalities. However, due to the lack of fully organized transport, pupils coming from smaller rural settlements have to go to school on foot.

755. Instruction in dilapidated school buildings is conducted in difficult conditions. In 30 elementary and 2 secondary schools, new buildings are being constructed. Reconstruction, rehabilitation and enlargement of buildings in 60 elementary and 2 secondary schools is carried out, according to the priority (as determined by the Ministry of Education and Science).

### **System of scholarships**

756. As regards the pupils' and students' standard, the Ministry of Education and Science announces every year an open competition for talented pupils and students, who are awarded grants for their education and for broadening their knowledge, as well as better integration into society. The scholarship competition is organized in accordance with the Law on Pupils' and Students' Standard (Official Gazette of The former Yugoslav Republic of Macedonia No. 37/1998. Two new laws, separately on pupils' and on students' standard are in the adoption procedure and are expected to be passed in 2005).

757. Scholarships granted by the Ministry of Education and Science are not awarded on the basis of ethnic affiliation.

758. After graduation, scholarship beneficiaries may be issued a certificate by the Ministry of Education and Science which provides them with priority for employment.

759. For students with low family income, the Ministry of Education and Science provides students credits.

760. In order to assist and stimulate young people, the Ministry of Education and Science also provides a financial assistance that covers sojourn or travel cost to the destination of their study.

761. By Decision of the Government, scholarships are also awarded to students of Macedonian ethnic origin, citizens of Albania, Bulgaria and Greece who study at the "Ss. Cyril and Methodius" University of Skopje, at the "St. Clement of Ohrid" University of Bitola, as well as at the Faculty of Theology in Skopje.

762. The scholarship competition for the 2004/2005 school year was carried out in accordance with article 66 of the Law on the Organization and Work of Organs of the State Administration (Official Gazette of The former Yugoslav Republic of Macedonia No. 58/2000) and article 50 of the Law on Pupils and Students' Standard.

763. At this competition, 500 scholarships were awarded to talented pupils in secondary education; scholarships for talented students from the second to the fourth year of higher education, loans for second- to fourth-year tertiary students and 35 scholarships for students entering professions with insufficient workforces, for courses and disciplines not offered at the Macedonian universities were also awarded. All scholarship and loans were awarded in conformity with the conditions for awarding scholarships as laid down in the above-mentioned laws.

764. The international community takes part in the system of scholarship at all levels of education. A significant contribution is provided by the United World College for supporting secondary school students - international secondary school diploma from the third and fourth grade. The number of scholarships for graduate and postgraduate studies provided by EU and States, such as the United States, Japan and China, is also significant.

*Coverage and dropout of students*

- Total coverage of children in preschool education is 18.67 per cent;
- Coverage in the first year before starting elementary school is 82.23 per cent;
- Coverage in elementary education is 95 per cent;
- Annual school dropout of students in elementary education is 1.42 per cent;
- Annual termination of education in elementary education is 0.29 per cent;
- Percentage of children who completed elementary education and enrolled in secondary education is 83.35 per cent;
- The largest school dropout takes place during transition from elementary to secondary education and amounts to 16.65 per cent;
- Annual school dropout in secondary education is 2.84 per cent;
- Annual termination of education in secondary school is 0.88 per cent;
- Number of students per 100,000 citizens is 3,043;
- The lowest school dropout is noted in the Macedonian population and the largest in the Roma population.

765. As part of its activities, the Ministry of Education and Science has prepared a National Programme for the Development of Education 2005 to 2015, according to which interventions in the following strategic/key areas are expected in the next 10 years:

- Education for all/ensuring education equality;
- Improvement of intellectual growth and studying;
- Advancement of participation opportunities;
- Advancement of educational, cultural and economic competence of the Macedonian society;
- Strengthening and promotion of international cooperation;
- Strengthening of capacities of the Ministry of Education and Science.

766. The Plan of Action for the Rights of Children in The former Yugoslav Republic of Macedonia 2005 to 2015, which is in the final stage of preparation, will also contribute to the implementation of the above-mentioned strategic goals, specifically paragraphs 1, 2, 3 and 4.

**Illiteracy statistics and dropout of students in  
The former Yugoslav Republic of Macedonia**

Specific objective of The former Yugoslav Republic of Macedonia	Indicators
To ensure by 2015 the completion of elementary education by all children - Action Plan for Implementation of the Millennium Development Goals	Coverage in elementary education Percentage of pupils enrolled in the fifth grade compared to the number of pupils enrolled in the first grade Literacy rate of persons over 15 years old
	Indicator +
	Completion of elementary school rate Enrolment in secondary school rate Share of the budget, as GDP percentage, allocated to education

**Coverage of pupils in elementary education/gross**

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
100.7	99.8	97.6	97	97	97.9	98.4	99.1	98.8	99.6	100.1	98.6	97.1	

**Proportion of pupils who complete the fifth grade of elementary education  
(compared to the number enrolled in the first grade)**

1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
93.63	95.52	96.42	95.36	96.20	96.85	97.75	96.87	95.21	95.41

The former Yugoslav Republic of Macedonia	Literacy rate					
	1994			2002		
	Total	Men	Women	Total	Men	Women
Total	94.04	97.19	90.94	96.38	98.29	94.47

**Ratio of completion of the eighth grade (compared with number of  
pupils enrolled in the first grade eight years ago)**

1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
85.94	88.32	89.80	88.63	88.99	88.47

**Ratio of enrolment in secondary education (against the number of pupils who completed elementary education)**

1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
85.02	87.58	86.05	84.87	86.88	88.09

767. Literacy: The literacy rate in 2002 was 96.38 per cent. According to the statistics, there are 63,562 (3.62%) illiterate persons over 15 years old, what constitutes a decrease in the illiteracy rate compared to the 1994 census when the number of illiterate persons was 87,749 or 5.96 per cent. The illiteracy rate is lowest among ethnic Macedonians (2.33%), followed by the ethnic Serbs (3.79%), ethnic Albanians 4.9 per cent. Turks 7.34 per cent and the rate is highest for the Roma population (20.63%) (2002 Census).

768. These statistics are obtained with the application of inappropriate method of determining population illiteracy rate and are based on the statement of persons about their education level during census taking. In view of the fact that the number of persons failing to complete elementary education in 2002 was 170,200 (10.77%), and for a large number of them one may say that they only declaratively stated to have some kind of education, then the number of illiterate persons in the State is significantly larger.

769. As regards the education structure of the population, the factor of concern is that there is a large number of persons (over 15 years old) without education (3.85%), uncompleted elementary education (10.77%), and completed elementary education (34.77%). Therefore the need for undertaking measures all children to finish elementary education but also to increase the number of children in secondary education is more than evident.

**Population - Completed education<sup>19</sup>**

	Total	Percentage
Total	1 579 500	100
Uneducated	60 700	3.85
Incomplete elementary education	170 200	10.77
Elementary education	549 200	34.77
3-year secondary education	168 000	10.64
4-year secondary education	465 100	29.45
Higher education	51 200	3.24
University education	114 900	7.28

*Dropout of students*

- Annual school dropout of students in elementary education is 1.42 per cent;
- Annual termination of education in elementary education is 0.29 per cent;
- The largest school dropout takes place during transition from elementary to secondary education and amounts to 16.65 per cent;
- Annual school dropout in secondary education is 2.84 per cent;



- Annual termination of education in secondary school is 0.88 per cent;
- The lowest school dropout is noted in the Macedonian population and the largest in the Roma population;
- Only 88.47 per cent of the generation that entered elementary schools in 1997/98 school year managed to complete elementary education in the foreseen period;
- The situation in secondary education is similar to the situation in elementary education. The generation that graduated in 2002/03 made up 89.24 per cent of students that enrolled in secondary education four years before that, but only 69.03 per cent of the generation that had enrolled in elementary schools 12 years ago.

(*Source*: State Statistical Office, 2002-2004.)

770. In the period to come, the Ministry of Education and Science will undertake measures to eliminate dropout and to reduce the number of children not covered by the education process.

771. The total dropout in elementary and secondary education amounts to 18.32 per cent what means that year in year out the number of persons with low education is on continual rise.

772. If one takes into consideration the vertical passage of pupils from elementary into secondary education, on the level of one generation, the indicators are even worse. This is a clear sign that the problem of continual production of low and, from the perspective of the needs of modern labour and social inclusion, unsatisfactory education level must be urgently overcome. Therefore this problem must be treated as part of priority issues in the education sector. This assumes the increase in the effectiveness and quality of educational establishments and building of mechanisms for detection of children not attending schools and their inclusion or renewed mobilization.

773. In the near future the attainment of two general objectives is indispensable: raising the education level of young and adult population that are not included in the education system and improvement of their professional and social abilities; elimination of possibilities for creation of new generations of educationally handicapped persons.

774. The first goal indicates to the need to implement activities aimed at: awareness-raising among the young and adult population regarding the significance of education, active involvement of formal and informal sectors in raising the education level and abilities of the population; ensuring financial facilities for all included in the action; activation of the existing and finding of new forms for financing of programmes the aim of which is education and training of unemployed population.

775. The implementation of the second goals includes measures to eliminate all impediments making education inaccessible or cause dropout of pupils/students.

776. One of the preventive measures to be applied is increased coverage of preschool children. The low coverage shows that a large number of children are insufficiently prepared for inclusion in the regular school system. If one takes into account the results of the pupils success analysis,

one may note that children who were included in some kind of preschool education have better results in further education and do not leave school. This measure is of particular importance for effective preparation of children - members of non-majority communities who are the least covered by preschool education and are dominant in the number of children dropping out or terminating their education.

777. In the period to come system measures will be taken to change the structure of elementary and secondary education and to the dropout causes.

778. This means system intervention which, first of all will deal with the issue of duration of compulsory education, what has already been made with the amendment to the Law on Elementary Education, whereby nine-year compulsory elementary education has been introduced.

### **Other schools besides those established by public authorities**

779. Article 19 of the Constitution guarantees freedom of religion, freely and publicly, individually or in community with others. The Macedonian Orthodox Church, as well as the Islamic Community in Macedonia, the Catholic Church, the Jewish Community and other communities and religious groups are separate from the State and equal before the law. They may establish religious schools and social and charitable establishments in a procedure prescribed by law.

780. There are secondary, religious and special schools established in accordance with the above-mentioned rights.

### **Pupils enrolled in secondary religious and special secondary schools, 2002/03**

	Pupils		Graduated
	Total	Finished school year	
Total secondary religious schools	286	274	62
Orthodox secondary schools	82	81	18
Islamic secondary schools	204	193	44
Special schools	300	290	89

*Source:* State Statistical Office.

### **Private educational establishments in The former Yugoslav Republic of Macedonia**

781. According to article 10 of the Law on Secondary Education and article 5 of the Amendment to the Law (Official Gazette of The former Yugoslav Republic of Macedonia No. 67/2004) a private secondary school may be established by a domestic and foreign natural and legal person on approval. The Ministry of Education and Science accredited three private secondary general schools (high schools). In two of them the instruction is carried out in English and in one in English and Turkish.

Private secondary schools	Number of students in 2001/02 school year	Number of students in 2004/05 school year
Jahja Kemal, private secondary school	526 Skopje 336, Gostivar 190 and Struga 190	771
Nova, private American high school - Skopje	170	233
American International School of Macedonia - Skopje	12	25

782. The accreditation process for private secondary vocational schools (schools of economics) is under way in the Ministry of Education and Science.

783. In addition to State universities, private tertiary education institutions are available to students, provided that they fulfil the conditions laid down in the Law on Higher Education and following an approval issued by the Government. The founder of such an institution must provide conditions and equipment for performance of educational, scientific and artistic activities as prescribed by the Law on Higher Education and the Rules for Norms and Standards.

784. With the commenced process of establishing private higher education establishments, most frequently they are founded as branches of renown foreign universities producing specific profiles in the sphere of computer sciences, administrative management, human sciences and alike. To date, one private university (South East Europe University) and one private faculty (Faculty for Social Sciences) have been accredited. The process of accreditation of other such institutions is under way.

### **Education for disadvantaged groups and children with special needs**

785. In order to contribute to full emancipation and integration of the Roma in society, The former Yugoslav Republic of Macedonia is one of the countries included in the international project, Decade of Roma Inclusion. The Ministry of Labour and Social Policy is the Ministry in charge of Government activities for the Decade. In this respect, the National Strategy and Action Plans for the Roma in a number of areas including education, employment, health care and housing have been prepared.

786. The Education Plan, NAPE, drafted by the national working group encompasses all levels of education: preschool, primary, secondary and higher education.

787. In view of the fact that advancement of the economic status, what primarily means employment, is one of the key segments for advancing the Roma emancipation and integration, the Employment Bureau is included in the Roma Decade related activities. In this regard, measures have been undertaken to raise the awareness of the Roma about their rights and duties as unemployed or employees, through counselling in the work clubs. The objectives of these activities are empowerment of the Roma in terms of their better inclusion in the labour market, promotion of a more active attitude towards job seeking and employment. Due to the low level

of qualifications of the Roma population, it is necessary to include them in all kinds of VET. Therefore, the Employment Bureau is making efforts for facilitate their access and larger involvement in training, retraining and additional training programmes.

788. Special efforts are being undertaken by relevant authorities for members of the Roma community, whose integration within in the society is evidently difficult.

789. In order to stimulate Roma students to pursue secondary education, the Bureau for Development and Promotion of Education in the Languages of Members of the Communities, under the Ministry of Education and Science in cooperation with Soros and the United States Agency for International Development (USAID), have been providing, since 2004, grants for scholarships for 200 Roma students who have enrolled in the first year of secondary education. Moreover, assistance is also provided for Roma students for improving their performance by introducing mentor instruction.

790. In accordance with the Law on Secondary Education, in addition to high schools, vocational and artistic secondary schools, there are secondary schools for students with special education needs.

791. Secondary schools for students with special education needs provide education in accordance with the adapted programmes for certain vocations and for job training.

792. Secondary special education includes students with special education needs registered and categorized according to the type and level of disability.

793. Specific regulations on the number of students with special education needs are approved by the Minister of Education and Science.

794. A student with special education needs may enroll in the first year of public secondary school as long as s/he is under the age of 25.

795. The Ministry of Education and Science subsidizes the publication of textbooks for children with special education needs.

796. It is necessary to improve the infrastructure of these schools to provide for better quality of acceptance of these children.

797. The National Programme for the Development of Education 2005 to 2015 and the Plan of Action for the Rights of Children in The former Yugoslav Republic of Macedonia 2005 to 2015 (which is in the final stage) are expected to contribute to the overcoming of the two problems mentioned above.

### **International assistance and support to education**

798. The financial and professional assistance received from EU is of great importance for the process of adjustment of the education sector to the new technical and technological reforms in secondary vocational schools. The most important is the support given to the European Community Strengthening preparations for enlargement (PHARE) programmes, namely

PHARE/VETI and PHARE/VETII as well as the CARDS projects, CARDS/VET3 and the upcoming CARDS/VET4 Project. The Macedonian National Observatory, which is part of the network of national observatories supported by the European Training Foundation from Turin, plays an important role in matching the needs of the labour market with VET. There is additional contribution through the projects and programmes of other countries and international institutions and foundations, among them USAID, Foundation Open Society Institute Macedonia (Open Society Institutes are the hub of the Soros foundations network, a group of autonomous foundations and organizations in more than 50 countries), the German Agency for International Cooperation or Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) of Germany, Holland, Italy, Japan, China.

799. Under PHARE/VET1 and PHARE/VET2, a draft strategy for VET has been prepared, issues related to the labour market have been discussed, interventions in the improvement of the curricula, training of instructors and school managers, as well as in establishing international partnerships and procurement of equipment have been made. A draft law on Secondary VET, as well as a concept of post-secondary VET, continuous training for VET staff, for setting-up of a national system of qualifications and standards and a students' career programme have also been prepared.

800. CARDS/VET3, which is ongoing, builds on the results, achievements and recommendations of PHARE/VET1 and PHARE/VET2. This reform project involves 56 secondary vocational schools, of the total 91 schools. The goal of this programme is to fulfil the demands of the Ministry of Education and Science with regards to staff training on adequate knowledge and skills in modern industrial and technological development, as well as in relation to the needs and requirements of the labour market.

801. This Project foresees the setting up of a group for VET policy to work on involving relevant partners from other ministries, government agencies, associations, foundations, citizens' associations, trade unions, employers, representatives of the Secondary School Students' Union, as well as NGOs.

802. The Soros Foundation project has resulted in curricula for 10 secondary vocational schools, on the basis of the PHARE/VET1 model. These schools will be directly included in teacher training activities under VET3.

803. The European Training Foundation, through the Macedonian National Observatory and in the framework of the Ministry of Education and Science, implements the following projects:

National Qualifications Framework;

Professional Orientation Guidebook (the project was finalized in December 2004), with the aim of supporting development of modern professional/vocational services;

A report on the Labour Market of the Republic of Macedonia is expected to be finalized in June 2005. This report should contribute to the reform of VET.

804. All these projects include collection and analysis of data related to the situation in VET, monitoring of trends on the labour market - supply and demand of labour force, collection and dissemination of information on VET and connection with the labour market and the relevant factors in the country, as well as on the role and involvement of social partners in all development processes.

805. The GTZ project related to the process of modernization of two- and three-year training in the electrical and technical, mechanical and auto-technical fields in seven secondary vocational schools is a direct follow-up to the VET3 Programme. This Project (whose original completion deadline was February 2005) is expected to continue for a certain period, due to its successful implementation and attractiveness of profiles for the labour market.

806. USAID currently funds the implementation of the following projects in the sphere of education.

807. Activities in secondary vocational education, the programme of which covers:

- Teacher training in 50 secondary vocational schools for carrying out contextual instruction;
- Establishment of career development centres with three sub-components:

Establishment of career centres in all schools, of virtual companies in six secondary schools of economics, which will be included in the ECONET Project, implemented in the country by the Austrian organization Kultur Kontakt, and establishment of real companies in 44 secondary vocational schools, whose scope of business should be in line with the vocations and the profiles produced in the school and which will appear on the market with real products and services and previously prepared business plan, in order to provide successful business of the company;

- Programme on professional training of school principals (legal obligation regulated in the Law Amending the Law on Secondary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 67/2004, art. 42, para. 2) and the Law Amending the Law on Primary Education (Official Gazette of The former Yugoslav Republic of Macedonia No. 63/04, art. 59, para. 2)). The amendments to these laws require that principals to be appointed must, inter alia, pass the “Principal’s Examination”;
- The e-school Programme supports introduction of information technology in elementary and secondary schools by 2007, and is related to installation and connection of computer equipment, donated by the People’s Republic of China: 2,000 computers for secondary and 3,300 for elementary schools. The Programme also includes teacher training for integration of the information technology in the teaching process;

- USAID also manages a programme by which Internet access is to be provided for all central elementary and secondary schools in The former Yugoslav Republic of Macedonia by 2007.

808. The implementation of the Education Modernization Project, funded by the World Bank loan and Dutch Government grants, is under way. The processes of decentralization start with this project, and at the same time a significant contribution to the adjustment of education and training to new technological and industrial processes is made. This projects deals manly with the reforms in high elementary and high secondary education.

The interventions relate to:

Quality of education;

Evaluation system (external grading);

System of accreditation of service providers - institutions and programmes;

Independent and sustainable system of in-service teachers training;

Institutional set-up (adapted to modern trends in carrying out education process and demands of the modern labour market).

A National Action Plan for Employment 2004 to 2005 was adopted in February 2004, in accordance with EU employment directives and with the support of the CARDS Project on Technical Aid for Institution Development, as a support to the employment policy. The Plan, inter alia, sets the following measures to which special attention should be paid for the purpose of increased employment: VET and lifelong learning; development of strategic initiatives in cooperation with social partners; improvement of work quality and productivity; coping with changes and improvement of adjustability and mobility of the labour market.

809. The above-mentioned measures constitute key imperatives defined in the Programme for the Development of Education 2005 to 2015, based on the demands of the labour market and adjustments to changes in industry and technology.

810. The Bologna Declaration, which envisages the implementation of the credit transfer system in secondary vocational schools, will also contribute to the adjustment of education and training to changes in industry and technology.

811. The reform undertakings, with the international support, are expected to ensure improved transition of students from secondary vocational schools to higher education establishments. The adjustment includes establishment of links between higher education establishments and the economy, through setting up of research centres and through other forms, whose research results linked and applied in the economy will give greater impetus to the economic development of the country.

812. With the aim of adjusting study programme of higher education establishments to the needs of the economy, revisions of study programme at the Faculty of Electrical Engineering, the Faculty of Mechanical Engineering, the Faculty of Agricultural Sciences and Food, the Faculty of Civil Engineering in Skopje, as well as the Technical Faculty and the Faculty of Biotechnology in Bitola have been made. In accordance with the Law Amending the Law on

Higher Education, vocational and higher vocational studies lasting three years for educating profiles for the needs of the economy have been introduced at these faculties. A polytechnics school with study programmes in civil engineering and food technology, lasting three years, has been functioning in the framework of the State University in Tetovo since October 2004.

813. In view of the fact that a significant number of large industrial capacities in the country have already been closed or restructured (privatized and alike), the profiles educated in higher education establishments should be trained for work in new market conditions (small and medium-sized enterprises). Therefore, higher education establishments should adjust not only their study programmes, but also the learning methods.

### **Article 15 of the Covenant**

#### **Cultural rights and their implementation**

814. The Constitution sets forth that cultural rights are part of fundamental freedoms and rights of man and citizen and therefore the Constitution guarantees the freedom of scientific, artistic and other forms of creation, that is to say it guarantees the rights ensuing from scientific, artistic and other type of intellectual creation. At the same time, the State encourages, assists and protects the development of science, arts and culture.

815. Furthermore, citizens are guaranteed freedom of association for the purpose of exercising and protecting their political, economic, social, cultural and other rights and beliefs.

816. The Constitution and the constitutional amendments<sup>20</sup> foresee, as part of cultural rights, that members of national minorities, that is to say communities, have the right freely to express, foster and develop their identity and features of their respective communities and to establish their cultural, artistic, educational institutions, as well as scientific and other associations for the purpose of expressing, fostering and developing their identity. Furthermore, the State guarantees protection, promotion and enrichment of historical and artistic treasure of all communities in Macedonia, as well as of components of the treasure, irrespective of their legal status.

817. The State takes care of the position and rights of members of the Macedonian people in neighbouring and other countries, promotes their cultural development and strengthens ties with them. The State is also concerned with cultural, economic and social rights of Macedonian citizens living abroad.

818. The concept of fundamental values of the constitutional order, that is to say fundamental freedoms and rights of man and citizen, recognized in international law and the Constitution, from the perspective of cultural rights of man and citizen, is established and developed in the Law on Culture (Official Gazette of The former Yugoslav Republic of Macedonia No. 66/2003 - consolidated text), as a basic law relating to creation, disclosure of artistic creation and protection and use of creation and in the Law on Copyright and Related Rights (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 47/1996, 3/1998, 98/2002).

819. The Law on Culture based on the constitutional provisions in this field elaborated above, determines the bases of culture as a fundamental value of The former Yugoslav Republic of Macedonia, forms and funding of culture, as well as other issues in the interest of culture.



820. According to this Law, culture is performed on the basis of equal position of all entities - natural and legal persons perform culture under equal conditions. The equality of natural persons promotes the civil concept of culture, according to which every citizen of the country, irrespective of his/her origin, ethnic affiliation, gender and other, enjoys the same rights guaranteed by law in relation to creation and use of culture. Generally the main subject of culture is citizen as a creator and beneficiary of culture, irrespective of his/her status or affiliation on any grounds.

821. The constitutionally guaranteed right to free creation is the basic right underlying all other rights.

822. The aim, set forth in the Law on Culture, to support creation and protection of superior cultural values and their wider use, as well as to encourage diversity and variety of culture, constitutes in effect the implementation of the constitutionally proclaimed position of the State towards culture, according to which the State guarantees realization of certain relations in the interest of culture and protection of certain values through the establishment of the notion "*national interest in culture*".

823. National interest in culture of common interest to citizens of The former Yugoslav Republic of Macedonia, which requires continual performance, as well as access for all citizens under equal conditions.

824. Culture, as a sphere of human action is always unique, or conditionally said it is always individual culture because the person who creates it (author or performer) may only be a natural person (human being). Creation of a work is a result of a decision made by its author, or performer.

825. The Law on Culture broadly defines subjects performing culture: authors, institutions and other legal and natural persons; it defines conditions and ways of performing culture in particular, management and decision-making, funds and foundations in culture. This means that everybody that fulfils certain conditions may register and perform activities in the sphere of culture and everyone may apply for funds from the State budget, in a prescribed procedure and under equal regime and control.

826. According to the Law, disclosure, protection and use of creative works encompasses cultural activities involving music, publishing, theatre, opera, ballet, folk dance, filmmaking, library, museum, film library, work of cultural community centres, architectural works, agency in culture and protection of architectural cultural heritage.

827. With the aim of upgrading the quality of culture as a fundamental value in the life of the citizens, the National Programme on Culture 2004 to 2008, as a strategic document for the development of culture, was adopted.

828. The concept of the National Programme on Culture is based on wider perception of culture as a way in which people, drawing upon their own tradition, creatively build on the current reality with new accomplishments and new values which advance human rights and freedoms. Such a definition of culture is built upon a number of fundamental principles such as

accessibility, diversity, transparency, responsibility and flexibility. Accessibility of cultural values relates to the exercise of cultural rights by all citizens, while diversity relates to fostering of the wealth of differences in cultural identity, as well as to the need of enlarging the area of creative forms and artistic freedom.

829. The National Programme sets forth the following objectives:

Decentralization of culture;

Utilization of culture as development resource;

Protection and creation of cultural heritage;

Encouragement of contemporary creative works, with a special focus on cultural needs of the young population;

Restoration of dignity to the creator and the creation and establishment of conditions for production and protection of superior cultural values;

Improvement of management in culture.

830. Against the background of constitutional provisions and international experience in the sphere of culture, the State is obliged to build civil society and to support NGOs.

831. In view of the fact that in the preceding period, this sector had not been given the necessary support, in 2003 and 2004 the Ministry of Culture carried out activities which strategically supported to a significant extent cultural initiatives coming from the non-governmental sector.

832. One of the priorities of the National Programme on Culture is cooperation with NGOs, in order to increase their influence in culture and their active participation in cultural life.

833. The competencies of the Ministry of Culture are set forth in the Law on Organization and Work of State Administration Organs. Pursuant to article 26 of the Law, the Ministry of Culture performs activities related to monitoring, analysing and proposing acts and measures for the development and promotion of culture; organization, funding and development of network of national institutions and funding of programmes and projects of national interest in the sphere of culture; protection of cultural heritage; publishing, music, performing arts, filmmaking, exhibitions, library, archives, museum and film archives activities; protection of copyright and related rights; monument marking of events and renown personalities of national interest; supervision in the sphere of culture and other functions determined by law.

834. According to the Law, the Directorate for Affirmation and Promotion of Culture of Communities is part of the Ministry of Culture. The competence of the Directorate is defined in the rules for set-up and organization of the Ministry of Culture according to which the Directorate performs the following functions: technical-administrative tasks in observation of fostering and promotion of cultural identity of members of communities; following the presentation and fostering of culture of members of communities; encouragement and promotion

of international technical assistance cooperation with neighbouring and European countries intended for nourishing and advancement of cultural identity of members of communities.

835. The competencies of municipalities in the sphere of culture are defined in the Law on Local Government (Official Gazette of The former Yugoslav Republic of Macedonia No. 5/2002). According to article 21 of the Law, municipalities regulate and carry out independently, in the framework of the law, activities of public, local interest, set forth in that Law or in other laws and are responsible for their execution.

836. According to article 22, paragraph 5, of the Law relating to the sphere of culture, municipalities are responsible for giving institutional and financial support to cultural institutions and projects, fostering the preservation of folklore, customs, crafts and cultural values, organization of cultural shows and encouragement of various specific forms of creativity.

837. In addition to the Law on Culture, performance of culture is regulated also with:

Law on Museums (Official Gazette of The former Yugoslav Republic of Macedonia No. 66/2004);

Law on Libraries (Official Gazette of The former Yugoslav Republic of Macedonia No. 66/2004);

Law on the Protection of Cultural Heritage (Official Gazette of The former Yugoslav Republic of Macedonia No. 20/2004);

Law on Memorial Monuments and Memorial-Tablets (Official Gazette of The former Yugoslav Republic of Macedonia No. 66/2004);

Law on the Use of the Macedonian Language (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 5/1998, 33/1999 and 63/1999);

Law on Compulsory Copy Deposit (Official Gazette of The former Yugoslav Republic of Macedonia No. 11/1994).

838. On 15 September 2004 the Assembly of The former Yugoslav Republic of Macedonia adopted the Law on Museums, the Law on Libraries and the Law on Memorial Monuments and Memorial Tablets. The provisions of these Laws have been harmonized with the Constitution, Law on Culture, Law on Local Government and with foreign comparative experiences.

839. The mentioned laws ensure increased competencies of local government units in regard to museums and libraries, related to appointment of managing and governing organs, funding and alike, as well as direct competence of local government units in regard to placement of memorial tablets.

840. In addition to setting a legal basis for decentralization, the mentioned laws provide basis for privatization in the sphere of libraries and museums, by providing the opportunity for foreign and domestic natural and legal persons to establish a museum or library.

### **Institutional infrastructure and decentralization in culture**

841. The latest amendments to the Law on Culture<sup>21</sup> established conditions for speedy commencement of the processes of decentralization in culture, what provided for the transfer of national institutions under the authority of municipalities. Afterwards, the need for privatization of some of them will be ascertained.

842. Decentralization will enable all citizens to take an equal part in culture, both as creators and beneficiaries. Local cultural institutions are in direct contact with citizens and therefore they can define more precisely cultural needs of citizens and forms for their satisfaction, whereby cultural life will become richer, more diverse, more dynamic and of better quality.

843. Prompted by the need for decentralization in the sphere of culture, and on the basis of previous analysis and guidelines for organization of network of institutions in the Republic, the Government adopted a Decision on determining the network of national institutions in the sphere of culture (Official Gazette of The former Yugoslav Republic of Macedonia No. 43/2003), by which the process of decentralization in culture began.

844. With the Decision, as the first stage in the decentralization in culture, out of the total 115 institutions, 51 are defined as national and 48 as local institutions. A number of new national institutions appeared after the merger of two institutions into one (for instance theaters and homes of culture merged and were transformed into cultural centres).

845. In conformity with article 94 of the Law, municipal councils have taken over the founding rights for 48 institutions and established them as municipal-city (local) institutions.

846. These institutions are still under the transitional regime, since the Law on Culture stipulates that the Government and the municipal councils, within 30 days upon entry into force of the Law on Financing of Local Government Units, will agree, in the form of contract, on the transfer of property, equipment, staff, funds and other relevant issues for the transfer of founding rights in regard to the institutions to continue to function as municipal-city institutions. Until the contracts have been signed, they will be funded from the State budget and will operate as national institutions.

847. Since the Law on Financing of Local Government Units (Official Gazette of The former Yugoslav Republic of Macedonia No. 61/2004) will be applied as of 1 July 2005, the State budget provides funds for salaries and material expenses, programmes, heating and insurance, as well as current investments for 99 institutions with the total number of employees 2,373, of whom 2,369 on permanent contract and four on temporary contact.

848. The Ministry of Culture does not have precise data and records on other natural and legal persons, different trading companies and institutions which were registered to perform activities in the sphere of culture.

849. The available data show that in the preceding period, private institutions and trading companies have mostly been established for publishing and filmmaking, and for agency in

culture, while for other sectors private companies are rare or none. The Ministry of Culture finances projects of private companies only in they are of national interest, in open competitions, identical as for other non-profit organizations and operators in culture.

850. At present, culture is performed at national level by 5 libraries, 7 institutions, 9 museums, 16 cultural centres, 6 theatres, 1 film archives, 1 opera and ballet house, 2 institutions for international manifestations “Ohrid Summer” and “Struga Poetry Evenings”, 1 art gallery and 1 institution for presentation and fostering of folklore.

851. On a local level, the fostering of culture takes place in 27 cultural centres (including 3 workers’ universities, cultural centres and children centres) 13 libraries, 6 museums and 2 zoos.

852. Cultural institutions are mostly concentrated in the capital of Skopje, while 30 institutions are located in Bitola, Prilep and Kumanovo.

### **Availability of funds for promotion of cultural development - funding**

#### **Structure of culture**

853. Culture is mainly financed from the State budget through the Ministry of Culture. The funds from the State budget allocated to culture fully finance 99 institutions (51 national and 48 local institutions) with 2,373 employees of whom 402 in libraries, 24 in filmmaking, 1,289 in stage arts, 271 in preservation of monuments, 378 in fine arts and museums and nine in the sector of cultural shows.

#### **Financing of culture from the State budget**

854. Total funds for financing of the Ministry of Culture and activities in the sphere of culture are nominally on the continual rise, but their share in the total State budget is decreasing. Thus this share in the total budget for 2003 amounts to 1.8 per cent.

855. The distribution of funds provided for financing culture is as follows: 35.47 per cent are used for salaries while 50.44 per cent are used for programmes and material costs in cultural activities.

#### **Own revenues**

856. In addition to the budgetary resources, culture provides funds from other sources, for instance sponsorships and donations and through self-funding activities, such as rental of premises, ticket sales, membership fees and services.

857. Although formally legally speaking there are legal grounds for tax reduction for investments in culture, direct investments in culture are however insignificant. Apart from investments made by foreign foundations, there are no significant effects of investments made by domestic foundations, while funds for financing of specific cultural activities have not been established. The funding provided in the framework of international cultural cooperation , through the implementation of UNESCO, EU and the Council of Europe projects is substantial.

### **Tax and Customs privileges**

858. The taxation system of The former Yugoslav Republic of Macedonia is based on four laws.

859. The Law on Value Added Tax (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 44/1999, 59/1999, 86/1999, 11/2000, 8/2001, 21/2003, 19/2004) stipulates that the turnover of institutions in the domain of culture and of other taxpayers which perform cultural activities is exempt from value added tax, provided that the cultural institutions and/or persons have received an appropriate opinion of the Ministry of Culture. A preferential tax rate of 5 per cent is applied on the sale of publications, instead of the general rate of 19 per cent, with the exception of carriers of sound and video (films and other audio-visual works, audio and video cassettes, CD, CD-ROMs and the like) for which the general rate of 19 per cent is applied.

860. Under article 30, paragraph 8, subparagraph 1, of the Law on sale and import of publications in the sphere of science, education and culture in the form of books, the privileged tax rate of 5 per cent is applied.

861. The Customs Law (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 21/1998, 63/1998, 56/1999, 86/1999, 25/2000, 109/2000, 31/2001) stipulates that the following are not subject to customs duties: printed material; cultural objects and materials imported on the basis of international agreements; goods imported free of charge and used for non-profitable cultural aims; goods not produced in the Republic, which are used for non-profitable cultural activity and are not intended for sale; objects imported by museums, galleries and the National and University Library intended for their activities; objects exhibited on fairs and exhibitions; objects intended for cultural and art events and filmmaking; works of art imported by artists as their own work; awards and other objects received on foreign exhibitions, performances and goods received from foreign donors.

862. The Law on Profit Tax (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 80/1993, 33/1995, 43/1995, 71/1996, 5/1997, 28/1998, 11/2001, 11/2001, 44/2002, 51/2003) stipulates that donations and sponsorships for scientific, humanitarian, cultural, educational, health, religious and sport purposes, with the exception of professional sports, are recognized as expenditure in the tax balance sheet amounting to three per cent of the total income, under the condition that they are donated to public institutions financed by the State budget or to the Red Cross of Macedonia.

863. The Law on Property Taxes (Official Gazette of The former Yugoslav Republic of Macedonia No. 61/2004) stipulates that property tax is not paid for the immovable property that is proclaimed by the law as cultural heritage, and that cultural institutions are exempt from the inheritance and gift tax.

864. The Law on Personal Income Tax (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 80/1993, 3/1994, 70/1994, 71/1996, 28/1997, 8/2001, 50/2001, 2/2002, 44/2002, 96/2004) stipulates that artists who have revenues based on copyright are exempt from personal income tax - in the amount of 25 to 60 per cent in the category of recognized expenditures, depending on the kind of activity (e.g. 60% for sculptors; 50% for painters; 30%

for classical music performers, ballet dancers, theatre and film performers; 25% for modern and folk music performers). Personal income tax is not paid for income based on cultural awards, and scholarships for pupils and students granted by State bodies and foundations.

### **Institutional infrastructure in culture**

865. The institutions in the sphere of culture perform their activities in the facilities with the total area of about 34,803,81 square metres.

### **Role of the media in promoting cultural life**

866. Local radio and television production, production of listening, music, educational, entertaining and other creations intended for radio or television broadcasting and distribution.

867. The role of the media, in particular electronic ones, in fostering cultural life in small and economically underdeveloped States is undoubtedly important for culture in the widest sense.

868. This role of the media is effectuated through production, transmission and broadcasting of radio and TV programmes and other information shows, including information on cultural events that took or will take place, with the possibility of presenting reviews on any social area including culture. This in particular, in view of the fact that under the Broadcasting Law (Official Gazette of The former Yugoslav Republic of Macedonia No. 20/1997), the freedom of public expression of thought, freedom of speech and public appearance and of public information are guaranteed in performing this activity.

869. Broadcasting activity should be based on a number of principles, specifically: true and timely information, openness to competition and various political ideas; protection and promotion of national identity, linguistic culture and domestic creation; promotion of tolerance and respect and fostering of cultural diversity, prohibition of the use of broadcasting for inciting violent destruction of the constitutional order of the State; as well as towards encouragement or calling for military aggression or incitement of national, racial or religious hatred and intolerance; protection of children and youth from violence; avoidance of broadcasting of violence and pornography at the periods which may be used for broadcasting of certain contents, as well as the protection of privacy and dignity of the person.

870. Radio and television programmes include informative, scientific-educational, cultural, sport, economic and other contents of interest for life and work of the citizens, which is ensured through: freedom of opinion, expression and belief; full and unbiased informing of listeners and viewers, as well as enrichment of their knowledge and entertainment; fostering and affirmation of the Macedonian cultural tradition and the traditions of communities living in the country, as well as their participation in the cultural life; mutual respect and understanding of individuals of different ethnic and cultural origin; stimulation of international understanding and cooperation; equality in rights irrespective of gender, race, skin colour, national and social origin, political or religious belief and property and social status of man and citizen, and the protection of children and motherhood and alike.

871. The media, that is to say public information networks do not form part of activities in the sphere of culture and therefore their work and funding are regulated by other regulations.

### **Preservation and presentation of cultural heritage**

872. The territory of The former Yugoslav Republic of Macedonia is rich in cultural heritage of various types and periods of origin, with exceptional historic, artistic, scientific and other values. Traditions arise from a number of civilizations, cultural, ethnic and religious influences. Thus, like all other Balkan countries, it is multicultural in its genesis and tradition. The wealth of differences in cultural identities in the entire Balkan area has left specific features in cultural heritage of these countries, including The former Yugoslav Republic of Macedonia. The national interest of the Republic of Macedonia is protection of multilayered cultural heritage of all the communities. Activities undertaken in this regard are appropriately defined in the National Programme on Culture 2004 to 2008 presented to the Council of Europe on 7 November 2003 in the form of a separate national report. The National Programme elaborates a strategy for the implementation of the Law on Culture, which includes the issue of preservation and presentation of cultural heritage, that is to say establishment of conditions for creation and protection of superior cultural values, as one of national interests in culture (art. 8). The Law on Culture stimulates the development of multiculturalism, through the establishment of equal conditions for the expression, fostering and affirmation of cultural identity of all communities in the country. The above-mentioned National Programme on Culture facilitates strengthening of material, institutional and human resources prerequisites for the development of culture and the protection of cultural heritage of all communities and provides equal conditions for its practice.

873. The new Law on the Protection of Cultural Heritage, adopted in March 2004<sup>22</sup>, deals with the current situation and upgrades the experience gained thus far in the application of the Law on the Protection of Monuments of Culture of 1973. This Law also responds to the need to build a new system for the protection of cultural heritage harmonized with the Constitution, compatible with international experience and standards. The Law on the Protection of Cultural Heritage regulates issues linked with types, identification and modalities of protection of cultural heritage, rights and duties of owners and restrictions of property rights in regard to cultural heritage of public interest, regime of protection and use of cultural heritage, organization, coordination and supervision, professional titles and other issues of significance for the unified functioning of the system of protection of cultural heritage. One of the principal values of the new Law on the Protection of Cultural Heritage is that it provides protection based on the value, importance, degree of risk, irrespective of time, place and manner of creation or who created it, or who owns or possesses it, as well as irrespective of whether it is of secular or religious character and to which confession it belongs.

874. The following objectives will be accomplished with the new Law:

Concrete assignment of responsibility and increased accountability of all relevant operators in the system of protection of cultural heritage, in particular through putting emphasis on the place and role of the State and its organs and institutions in regard to protection;

Organization of a network of specialized services and existing advisory and coordination bodies for protection both on national and local level;

Elaboration of a national strategy for the protection of cultural heritage;



Active inclusion of cultural heritage into the ongoing development efforts;

Acceptance of modern scientific and expert views on establishment, development and advancement of national systems for the protection of cultural heritage;

Ensuring compatibility of cultural heritage with international protection systems.

875. Under the law, cultural heritage is defined as a fundamental value of the Government; its protection is of public interest and is carried out in the entire territory of The former Yugoslav Republic of Macedonia. The Law on the Protection of Cultural Heritage regulates the following issues:

- Identification of the object of protection;
- Protection modalities;
- Regime for protection and use of cultural heritage;
- Rights and duties of owners of protected goods and restrictions on the property rights in regard to goods in public interest;
- Organization and coordination of protection;
- Other matters of significance for unified functioning of the system of protection of cultural heritage.

876. The Law provides a normative basis for establishing integrated protection in order to ensure durability of cultural heritage, the care for it in the built or natural environment as well as its adaptation to the needs of modern society.

877. The new Law on the Protection of Cultural Heritage alters the organizational set-up of cultural heritage. Namely, the Directorate for the Protection of Cultural Heritage was established in May 2004, as an organ, with the status of a legal entity, within the Ministry of Culture, whose task is to carry out specialist and managerial activities in the sphere of protection of cultural heritage. The existing agencies are being transformed into conservation centres, whereby their specialist orientation is emphasized.

878. To illustrate a number of issues linked with the protection of cultural heritage<sup>23</sup>, the following data are provided. The registers of monuments of culture are kept by competent agencies, according to the territorial principle. In this regard, there are municipal and central registers of movable and immovable monuments of culture. The preservation and maintenance of monuments of culture, under the recently applicable legislation, are dominantly the responsibility of the owner, that is to say those having the rights to use or other categories of owners of protected goods.

879. Thus, under the Law on the Protection of Monuments of Culture, the owner of the monument of culture is obliged to take care of, maintain and to carry out the prescribed protection measures in a timely fashion.

880. Maintenance of museum artefacts, archives, library and film archives goods are in accordance with existing regulations and in secured premises and specific technical conditions.

881. Direct protection that is to say, conservation, restoration, reconstruction and other technical protective measures have taken the most prominent place in the work of specialist organizations over a longer period of time. As a result of that and other favourable conditions, protection interventions on a significant part of immovable and movable cultural heritage have been undertaken.

882. Archaeological excavations and research in the country are subject to a strict control regime. They can be carried out only by licence issued by the State Agency for the Protection of Monuments. The licensee may be a scientific or specialist institution, as well as other organizations, or individual scientists, provided that they fulfil the prescribed requirements. The licence is issued for a specified period in one calendar year, for a specific location, with the precise information on the scope and kind of works, conditions under which they can be carried out and with precise specification of the obligations of the licence holder. Within three months following the completion of works, the licence holder is obliged to submit a report to the State Agency and to the local agency covering the area of work.

883. Supervision of archaeological excavations and research is carried out by the State Agency. In performing its supervisory function, the State Agency is authorized to temporarily suspend the works or to revoke the licence by a decision. However, in the event of illegal excavation or research the State Agency does not have powers to prevent or prohibit them (in an administrative procedure), but may only institute criminal charges.

884. According to the available data (not updated), the largest category of owners of immovable monuments of culture are citizens (about 59%). Religious communities possess about 18 per cent, while 23 per cent of the total number of immovable monuments of culture are State-owned. 146 individual monuments of culture and 110 archeological and other locations are owned by the State. In regard to the movable monuments of culture the situation is reverse: 70 per cent are State-owned; 20 per cent are owned by the religious communities and 10 per cent by citizens. There are no complete data for other protected goods and for those registered by agencies for the protection of monuments of culture, except for the State-owned monuments of culture.

885. As regards the State-owned monuments of culture, one should take into account that different legal entities are entitled to their use. In a limited number of cases, the right to use monuments of culture is entrusted to institutions of protection.

886. The use of cultural heritage for tourist purposes is directly dependant on the adaptation of these goods for their presentation. This is on the other hand a result of a complex conservation procedure and interdisciplinary and multidisciplinary approach, what inter alia, depends largely on general conditions for protection of cultural heritage. In that regard, to make cultural heritage exploitable for tourist purposes is a long-term process requiring enormous funds and involving a large number of factors, their close cooperation and high degree of coordination of activities.

887. Archaeological sites, churches, monasteries, certain profane buildings, urban and rural monument sites, as well as historical buildings and interesting cultural heritage sites from the perspective of tourism.

888. Generally speaking there is a need for investment of large financial resources and efforts in order to facilitate the exploitation of the cultural heritage for the purposes of overall development and cultural tourism.

889. The conservation treatment covers only one third of immovable monuments of culture in The former Yugoslav Republic of Macedonia. These are mainly the most important sacral buildings (Christian and Islamic) and the most representative profane buildings. Full conservation interventions have been finalized on 60 per cent of these monuments of culture. There is still a large number of individual monuments of culture on which there has not been any (even preventive) protection interventions. The ratio between conserved and non-treated monuments of culture is 1:4. The most neglected and at the same time the most jeopardized kind of immovable cultural heritage is old city and village architecture.

890. Initial results in terms of conservation of buildings have been accomplished. They mainly covered old towns (bazaars) in larger cities (Skopje, Bitola, Prilep, Ohrid and Struga). Bazaars in smaller towns, as well as other town centres (squares, streets and quarters) have not been treated in a conservation procedure. Rural areas are also not treated in terms of conservation.

891. Archaeological sites, as the most widespread type of cultural heritage, are minimally researched and conserved. None of the archeological sites has been conserved in full. Fortresses, towers, watch-towers and old bridges have been partly researched and conserved.

### **Legal protection of freedom of artistic creation**

892. The Law on Copyright and Related Rights, based on legal obligations set out in a number of international instruments in the sphere of copyright and related rights (Berne Convention for the Protection of Literary and Artistic Works, Universal Copyright Convention, International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: the Rome Convention, the Convention relating to the Distribution of Programme-carrying Signals by Satellite; the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms - Phonogram Convention; WIPO Copyright Treaty, Performances and Phonograms Treaty, Trade-Related Aspects of Intellectual Property Rights (relevant EU directives and the Council of Europe recommendations in this field, as well as other documents), in its exclusively civil normative concept, regulates the regime of exercise and protection of copyright and related rights, as one form of realization of economic, social and cultural right of man and citizen.

893. The focus of the Law is to regulate the exercise and protection of copyright and related rights of citizen - author (creator), irrespective of gender, race, skin colour, nationality and social origin, political and religious belief, property or social status in respect of his/her copyright work. The Law protects the related rights of performers, broadcasters, producers, publishers and others, following the principle applied to copyright and specific features of objects of related rights (such as audio and video recordings, shows and issues).

894. The author, according to the Law, is a natural person who created the copyrighted work, that is to say the author is considered a person whose name, pseudonym, or trademark is placed on the work in a customary manner or is referred to at its disclosure.

895. The author is entitled to copyright on the basis of a creation of the work, irrespective of whether it has been disclosed and is part and inseparable from the copyrighted work, what contains exclusive personal legal powers (moral rights), exclusive property legal powers (material rights) and other powers (other rights).

896. The copyrighted work, according to this Law, is individual and intellectual creation in the sphere of literature, science, arts and other areas of creation, irrespective of the type, manner and form of expression.

897. The regime of exercise (transfer and protection) of copyright and related rights, under the Law and other regulations, is in principle and as a rule free, that is to say guarantees equal treatment in the protection of rights of authors irrespective of their national affiliation. This regime may only be limited, under conditions prescribed by the Law, for the purpose of free acquisition of information of general importance, for the purpose of teaching, as well as for the realization of other related or similar goals.

### **Scientific and technological development**

898. In accordance with article 47 of the Constitution, the State is committed to fostering and supporting scientific research, as well as technological development. In accordance with article 23 of the Law on Organization and Work of the State Administration Organs (Official Gazette of The former Yugoslav Republic of Macedonia No. 58/2000), the Ministry of Education and Science is responsible for the organization, funding, development and promotion of science and technological development, technical culture, information science and technology, as well as international cooperation in this sphere.

899. Pursuant to article 6 of the Law on Scientific Research (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 13/1996 and 29/2002), the fundamental principles of scientific research is inviolability and protection of person and human dignity. They, in turn, are based on the following criteria: freedom of scientific and scholarly creative work, autonomy and application of results, diversity of scientific views and methods, international cooperation.

900. Article 7 of the Law on Scientific Research gives a clear definition of public interest related to scientific research in the domain of national and cultural identity of the Macedonian people and other ethnic communities living in The former Yugoslav Republic of Macedonia. Furthermore, research is defined as a basic prerequisite for the overall development of the State. The Law also defines research activities carried out in order to raise the level of scientific excellence and creativity and the transfer of world know-how, including in the sphere of defence and security. The promotion of human resources and research infrastructure are also issues of public interest.

901. The objectives of the Law on Stimulation and Facilitation of the Technological Development (Official Gazette of The former Yugoslav Republic of Macedonia No. 98/2000) are to foster and support technological development nation-wide, and to programme and fund these activities. Technological development as defined by this Law comprises:

- Development of national technologies;
- Progress of the country grounded on an independent economic basis;
- Modernization of the existing production facilities;
- Establishment of innovation and technology centres;
- Development of the necessary technological infrastructure, transfer of know-how through continuous improvement of skills.

902. Guided by the structure of the economy and the institutional infrastructure in the field of science, the Ministry of Education and Science has set the following priorities in respect to scientific and technological development of The former Yugoslav Republic of Macedonia:

- Sustainable growth;
- Biotechnology;
- High-quality food production;
- Water resources management;
- Energy sector;
- New materials;
- Environmental protection;
- Information and communication technologies;
- Health care; and
- Geological science and engineering.

903. In the forthcoming period, the infrastructure support to scientific research will focus on the following:

- Further development of the academic research network;
- Upgrading of research equipment;
- Stimulation of establishment of new research and development units within the economy;

- Systematic and continuous supply of foreign reference literature;
- Upgrading of the library information system;
- Support for the existing technology development capacities;
- Founding of new technology transfer centres for the purpose of more efficient integration of research and business operators;
- Providing favourable working conditions for those research operators working in inadequate conditions.

904. The critical elements of the research and development policy of The former Yugoslav Republic of Macedonia in the near future will be:

- Advanced application and transfer of know-how relevant to the economic, social, cultural and environmental development of the country;
- Stimulation and promotion of international cooperation and transfer of foreign know-how and technology;
- Introduction of a performance monitoring and evaluation system in respect of the quality of results achieved by scientific and technological research teams through the application of international standards and criteria;
- Increased investments in scientific and development activities;
- Facilitating access to international funding, technical assistance and alike;
- Definition and introduction of interdisciplinary programmes for targeted research activities;
- Establishment of internationally standardized measures for evaluation and assessment of economic relevance of research results as criteria defining future development policy;
- Support for enterprises in establishing effective know-how and technology transfer units;
- Reduction of a technology gap with the aim to reach the development level of developed countries;
- Creation of conditions for raising the quality of know-how and innovations;
- Establishment of technology information system as part of the information system in line with the criteria of the corresponding databases, services and networks;

- Setting a model of a single infrastructure for the support and development of science and technology;
- Consolidation and promotion of national industry and companies, especially the support to small and medium-sized enterprises in order to ensure the quality and competitiveness of their products on the global market;
- Setting a system of priorities supported by economic policy measures.

905. The scientific policy focuses on the following target entities:

- Higher education establishments;
- The Macedonian Academy of Sciences and Arts;
- Public scientific institutions;
- Technology transfer entities; and
- Research and development entities in the sector of industry.

906. The Ministry of Education and Science has at its disposal the following financial instruments for the support of scientific research:

- Funding of national research and technological development projects;
- Awarding scholarships for postgraduate and doctoral studies at national and foreign universities;
- Financial support for researchers participating in international conferences;
- Financial support for organization of scientific conferences;
- Contribution for issuance of scientific and research publications;
- Expansion of the research and technological development infrastructure.

907. Due to the unfavourable situation in the industry, funds for research and technological development activities are mainly provided from the State budget. Thus, there is an urgent need for a more active involvement of the business sector that would have interest in investing in its own development via innovations, new products and new technology lines.

### **Legal framework**

908. The Law on Scientific Research (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 13/1996 and 29/2002), which sets out the system, principles, public interest, forms of organization and management of scientific research, ways of stimulating and assisting scientific and research development, research staff, and other issues of interest for the research activity;

909. The Law on the Macedonian Academy of Sciences and Arts (Official Gazette of The former Yugoslav Republic of Macedonia No. 13/1996), which defines the Academy as the highest and autonomous scientific and artistic institution in the country, and as the institution of utmost importance at the national level;

910. The Law on Stimulation and Facilitation of Technological Development (Official Gazette of The former Yugoslav Republic of Macedonia No. 98/2000), which regulates the issue of stimulation and facilitation of technological development of the country, its programming and funding, such as: development of self-reliant technologies, advancement of the independent economic base, modernization of the existing production capacities, establishment of innovation centres and technological nuclei, providing the necessary technological infrastructure and know-how transfer by continual advancement of research excellence and creativity;

911. The Law on Stimulation of and Facilitation of Technical Culture (Official Gazette of The former Yugoslav Republic of Macedonia No. 53/2000), which regulates the issue of training aimed at the acquisition of skills and knowledge in the domain of technology and computer science, innovative creation, dissemination of scientific and technological research results, stimulation of the creative and scientific work, technical and VET, especially in relation to young population;

912. The Regulation Setting the Conditions and Criteria for Allocation of Funds for Stimulation and Facilitation of Scientific Research (Official Gazette of The former Yugoslav Republic of Macedonia No. 3/2005);

913. The Regulation Setting the Conditions and Criteria for Allocation of Funds for Implementation of Annual Programmes for Operation and Development of Public Research Institutions (Official Gazette of The former Yugoslav Republic of Macedonia No. 3/2005);

914. The Regulation Setting the Conditions and Criteria for Allocation of Funds for Training of Researchers (Official Gazette of The former Yugoslav Republic of Macedonia No. 33/2004);

915. The Regulation on the Conditions, Criteria and Management of Funds Allocated for Stimulation and Facilitation of Technological Development (Official Gazette of The former Yugoslav Republic of Macedonia No. 49/2001); and

916. The Regulation Setting the Criteria for Allocation of Funds for Implementation of Work Programmes that is to say Projects in the Field of Technical Culture (Official Gazette of The former Yugoslav Republic of Macedonia No. 31/2001).

917. The legislation in the field of industrial and intellectual property is based on the following laws: the Law on Industrial Property (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 47/2002, 42/2003 and 9/2004) and the Law on Copyright and Related Rights (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 47/1996, 3/1998, 98/2002 and 04/2005). The latter determines the relations regarding the exercise and protection of copyright in respect of copyrighted works, as creations of different nature, including scientific creations. Scientific creations, as copyrighted works, enjoy the same regime of copyright exercise and protection as all other copyrighted works.



918. Intellectual property rights apply to all types of creative works in the field of science and research. There is a number of regulations in the sphere of protection of intellectual property rights, namely Patent Regulation, Regulation on Industrial Design, Regulation on Trademark, Regulation on the Product Mark of Origin and Geographic Marking, Regulation on Professional Examination of Agents for Industrial Property Rights Protection (Official Gazette of The former Yugoslav Republic of Macedonia No. 18/2004).

919. In accordance with the Law on Scientific Research, the following institutions pursue scientific and research activities:

- The Macedonian Academy of Sciences and Arts;
- Higher education establishments;
- Public scientific institutes; and
- Independent researchers.

920. In accordance with the Law on Stimulation and Facilitation of Technological Development, the following are responsible for technological development:

- Research and development organizations within private companies;
- Public scientific institutes;
- Innovation centres and technological nuclei;
- Civil associations in the domain of innovation and technical promotion; and
- Other legal entities and natural persons involved in technological development.

921. From 1995 to 2003, 77 private companies were involved in the successful implementation of technological projects financed by the Ministry of Education and Science. Thus, these companies indirectly influenced the technological development policy. Representatives of the most successful companies in the area of technology transfer are expected to serve as members in the National Council on Scientific and Technological Development. Furthermore, several institutions in The former Yugoslav Republic of Macedonia have been identified as future centres of excellence:

- Research Centre for Genetic Engineering and Biotechnology - Macedonian Academy of Sciences and Arts;
- Institute of Earthquake Engineering and Engineering Seismology - Skopje;
- Institute of Chemistry, Faculty of Natural Sciences and Mathematics - Skopje; and
- Nephrology Clinic, Faculty of Medicine - Skopje.

922. The Ministry of Education and Science finances projects of public interest. The project selection procedure is carried out following a public competition. The competition is announced

on the basis of the decision on approving projects in different fields of science and research (eligible for funding in the current year), excluding international projects, approved by the Minister of Education and Science. The team of researchers involved in project implementation is composed of the principal researcher, a holder of a scientific or of a teaching and scientific title, employed in the project implementing institution, and at least one researcher, a holder of a teaching or of a teaching and scientific title or a research assistant, listed in the Register of the Ministry of Education and Science. Project proposals evaluation is carried out in an anonymous evaluation procedure by at least two experts appointed by the Ministry of Education and Science.

923. Scientific and higher education institutions with whom the Ministry of Education, following the project approval, sign a contract for the project implementation are implementing institutions.

924. Research projects of military nature are under a direct competence of the Ministry of Defence which allocates special funds for that purpose.

925. In the course of 1995 to 2003, the Ministry of Education and Science funded a total of 932 projects, the structure of which is shown in the following table:

Field of science	Number of projects	Percentage per scientific field	Resources (in euros)	Percentage per scientific field
Natural sciences and mathematics	142	15.23	1 455 703.9	17.95
Technical	302	32.40	2 448 525.5	30.19
Medical	130	13.95	1 203 616.6	14.84
Biotechnical	137	14.70	1 366 517.1	16.85
Social	94	10.09	520 059.32	6.41
Human sciences	127	13.63	1 115 675.4	13.76
Total	932	100.00	8 110 097.8	100.00

*Source:* Ministry of Education and Science.

The above-mentioned projects were of fundamental and/or applicable nature.

926. Besides research projects, the Ministry of Education and Science also co-finances the so-called development projects. From 1995 to 2003, a total of 77 development projects of a solely applicable nature were financed. The structure of these projects is shown in the following table:

Field of science	Number of projects	Percentage per scientific field	Resources (in euros)	Percentage per scientific field
Natural sciences and mathematics	2	3	42 622.95	6
Technical	64	83	549 098.36	80
Medical	1	1	11 475.41	2
Biotechnical	10	13	86 491.80	12
Total	77	100	689 098.36	100

*Source:* Ministry of Education and Science.

From 1995 to 2003, the Macedonian Academy of Sciences and Arts implemented 146 projects (financed from the State budget), the structure of which is shown in the following table:

Field of science	Number of projects	Percentage per scientific field	Resources (in euros)	Percentage per scientific field
Natural sciences and mathematics	16	10.96	207 426.22	12.42
Technical	24	16.44	208 213.11	12.47
Medical	26	17.81	384 016.39	22.99
Biotechnical	4	2.74	45 409.83	2.72
Social	15	10.27	82 312.15	4.92
Human sciences	61	41.78	742 983.6	44.48
Total	146	100.00	1 670 180.3	100.00

*Source:* Macedonian Academy of Sciences and Arts.

927. Given the structure of the economy and the institutional infrastructure in the domain of science, technical and the natural sciences are identified by the Government as priority scientific areas. Hence, the largest number of approved projects financed by the Ministry of Education and Science come from these areas. From 1997 to 2000, the Macedonian economy achieved an average GDP growth rate of 2.4 per cent. In this context, the total factor productivity, that is to say scientific and technology progress in its broadest sense has given crucial contribution to the dynamization of the economic growth of the country.

928. In order to keep a record of the contribution being made by Macedonian scientists to global scientific information, the Ministry of Education and Science has established a database of studies carried out by our scientists and published in leading scientific publications, as well as of the quotations used. The information source for the above-mentioned database is the international database ISI Web of Knowledge. According to the data from this source, between 1981 and 2003, Macedonian scientists contributed 1,652 studies to such publications.

929. As far as copyright protection in the field of scientific and technological development is concerned, as of August 2004 licences for 879 patents, 389 models and 9,736 brands were issued.

930. From 1996 to 2003, the Ministry of Education and Science co-financed 77 development projects resulting in:

- New products (34%);
- New materials (4%);
- Introduction of own technologies - new technological processes (18%);
- Placement of new technological lines (2%);
- Optimization (enhancement) of the existing technological processes (26%);

- Rationalization of production (5%);
- Improvement of quality of life (11%).

931. In accordance with article 47, paragraph 5, of the Constitution, the State has an obligation to stimulate and facilitate technological development. This constitutional provision is subsequently regulated by the Law on Stimulation and Facilitation of Technological Development.

*Institutions pursuing technological development are organized as:*

- Research and development units in the economy;
- Innovation centres;
- Higher education establishments;
- Research centres of the Macedonian Academy of Sciences and Arts;
- Public scientific institutes;
- Associations of citizens (Association of Inventors and Promoters of Technical Progress, associations of sciences and arts, Polytechnic Association and others); and
- Know-how transfer organizations (technological nuclei, technology pools, technology transfer centres and others).

932. According to the updated records of the Ministry of Education and Science, there are presently 30 research and development units in the Macedonian economy.

933. Knowledge transfer organizations play the most prominent role of all the mentioned institutions and organizations due to their importance in furthering the technological development of the country.

934. In 2002 the Ministry of Education and Science financially supported the establishment of technological nuclei at the following institutions:

- The Faculty of Natural Sciences and Mathematics - Skopje;
- The Faculty of Mechanical Engineering - Skopje;
- The Faculty of Electrical Engineering - Skopje; and
- The Faculty of Medicine - Skopje.

935. In addition to the four listed technological nuclei, five other technology transfer centres were established with the financial support of the TEMPUS Programme, as well as that of GTZ, this being:

- Centre for Research, Development and Continuing Education at the Faculty of Mechanical Engineering - Skopje;
- Technology Transfer Centre at the Faculty of Electrical Engineering - Skopje;
- Centre for Applied Research and Continuing Education in the Field of Agriculture at the Faculty of Agriculture - Skopje;
- Euro-Regional Technological Centre at the Faculty of Technical Studies - Bitola; and
- Technology Transfer Centre for Chemical and Textile Engineering at the Faculty of Technology and Metallurgy - Skopje.

936. The technological development support policy is outlined in the Technological Development Programme for 2002 to 2006, approved by the Ministry of Education and Science, which contains the objectives and activities of the Ministry of Education and Science aimed at stimulating and facilitating technological development, as well as the criteria for identification of priority areas of technological development.

937. Under the Law on Stimulation and Facilitation of Technological Development and the Law on Stimulation of and Assistance for Technical Culture, there are activities under way the aim of which is to provide scientific services for industry in an organized manner.

938. In addition, the Ministry of Education and Science, in accordance with the Annual Programme on the Stimulation of Technological Development, co-finances research and development innovation projects, implemented by technological development operators. Between 1995 and 2003, 77 development projects were co-funded in The former Yugoslav Republic of Macedonia. From 1995 to 2003, 146 academic projects were implemented in the framework of the Macedonian Academy of Sciences and Arts, with the financial support from the State budget.

939. Intellectual property protection is regulated by the Law on Copyright and Related Rights, according to which a copyrighted work is defined as an individual and intellectual creation, including in the sphere of science (article 3 of the Law). Thus, this type of works enjoy the same copyright protection regime, as applied to all other types of copyrighted works.

940. Industrial property and patent rights protection is the competence of the State Bureau of Industrial Property.

941. Industrial property is regulated by the Law on Industrial Property (Official Gazette of The former Yugoslav Republic of Macedonia Nos. 47/2002, 42/2003 and 9/2004), as well as by the following regulations: Patent Regulation, Regulation on Industrial Design, Regulation on Trademark, Regulation on the Mark of Origin and on Geographical Marking of the Product, Regulation on Professional Exams for Authorized Agents for Industrial Property Rights Protection (Official Gazette of The former Yugoslav Republic of Macedonia No. 18/2004).

942. The Ministry of Education and Science awards State scholarships for postgraduate studies at home and abroad, in a public competition and in accordance with the Regulation on Determining the Conditions and Criteria Regarding Allocation of Funds for the Scientific and Research Staff. In addition, the Ministry of Education and Science awards scholarships provided under bilateral cooperation agreements and from international organizations. In addition to general conditions, State scholarships for studying abroad are awarded if there are no postgraduate studies for a specific field available in the country.

943. At university, that is to say faculties, different training schemes are offered in the form of specialist studies, seminars or courses after completion of which participants are issued a diploma or a special certificate.

944. The data on the number of employed scientific personnel from 1997 to 2002 by sectors (business or Government) are shown in the following table:

**Employees in research and development, by sectors of performance**

Year	1997	1998	1999	2000	2001	2002
Total	2 936	3 275	3 168	3 094	2 909	2 869
Business Sector	370	361	306	241	203	100
Government Sector	916	957	1 022	1 044	809	820
Higher Education	1 650	1 957	1 840	1 809	1 897	1 949

*Source:* State Statistical Office, “Statistical Survey Scientific Research and Development in The former Yugoslav Republic of Macedonia”.

The table below presents the same data, according to full-time equivalent (FTE) and FTE per 1,000 employees.

**Employees in research and development, according to full-time equivalent (FTE) and FTE per thousand employees**

Year	1997	1998	1999	2000	2001	2002
Total	2 936	3 275	3 168	3 094	2 909	2 869
FTE	1 685	1 892	1 838	1 786	1 630	1 519
FTE per thousand employees	2.1	2.3	2.3	2.2	1.9	1.8

*Source:* State Statistical Office, “Statistical Survey: Scientific Research and Development in The former Yugoslav Republic of Macedonia”.

945. The data presented in the tables above show a trend of continuing outflow of scientists from The former Yugoslav Republic of Macedonia, as a result of the intensifying process of brain drain and job restrictions. Therefore, the State is to take appropriate measures to put an end to this trend. Moreover, the data show that the largest number of junior researchers and scientists is concentrated in the higher education establishments, what impedes efficient links between the academic and the industry sector.

**Gross domestic expenditure on research and technological development (RTD) - ratio to GDP**

Year	1997	1998	1999	2000	2001	2002
Gross domestic expenditure on RTD/GDP	0.38	0.43	0.34	0.45	0.31	0.27

*Source:* State Statistical Office.

**Gross government expenditure on RTD - ratio to GDP**

Year	1997	1998	1999	2000	2001	2002
Internal expenditure on RTD in the public sector/GDP	0.18	0.15	0.16	0.15	0.16	0.15

*Source:* State Statistical Office.

**Gross higher education expenditure on RTD - ratio to GDP**

Year	1997	1998	1999	2000	2001	2002
Higher education expenditure on RTD/GDP	0.15	0.23	0.14	0.27	0.13	0.11

*Source:* State Statistical Office.

**Gross business sector expenditure on RTD - ratio to GDP, ratio to gross government expenditure**

Year	1997	1998	1999	2000	2001	2002
Gross business sector expenditure on RTD/GDP	0.05	0.05	0.04	0.03	0.02	0.01
Gross business sector expenditure on RTD/gross Government expenditure	30.00	32.65	27.31	16.72	11.96	4.60

*Source:* State Statistical Office.

**Tertiary education related to research and technological development:  
number of graduates, field, undergraduate/postgraduate**

**Tertiary education**

	1997	1998	1999	2000	2001	2002	2003
Total	3 049	2 956	3 687	3 706	3 446	3 603	4 382
Natural sciences and mathematics	165	243	203	245	235	246	272
Technical and technological sciences	939	844	881	840	693	642	690
Medical sciences	369	357	344	388	360	396	384
Biotechnical sciences	229	201	233	206	192	200	246
Social sciences	1 241	1 231	1 898	1 881	1 851	1 992	2 191
Human sciences	106	80	128	146	115	127	599

*Source:* State Statistical Office.

**Masters of Sciences and specialists**

	1997	1998	1999	2000	2001	2002	2003
Total	77	71	104	83	155	95	61
Natural sciences and mathematics	22	21	11	12	22	19	2
Technical and technological sciences	22	17	37	24	43	30	20
Medical sciences	1	0	20	3	10	4	0
Biotechnical sciences	4	4	20	16	6	11	2
Social sciences	11	12	5	24	31	17	17
Human sciences	17	17	11	4	43	14	20

*Source:* State Statistical Office.

**Doctors of Sciences**

	1997	1998	1999	2000	2001	2002	2003
Total	53	50	33	46	66	50	59
Natural sciences and mathematics	6	0	8	5	8	25	12
Technical and technological sciences	17	12	9	11	21	8	12
Medical sciences	3	2	0	8	4	2	21
Biotechnical sciences	5	3	3	3	2	2	1
Social sciences	12	22	12	8	18	8	10
Human sciences	10	11	1	11	13	5	3

*Source:* State Statistical Office.



946. Macedonian scientific findings are published in 45 scientific periodicals, 25 miscellanies, and in approximately 200 books on scientific research annually, the publication of which is co-financed by the Ministry of Education and Science.

947. Every year the Ministry of Education and Science awards 150 scholarships for postgraduate and doctoral studies for the unemployed. The selection of scholarship candidates is carried out on the basis of the results of the undergraduate studies and the field of specialization. At the same time, one-off financial supports can be provided for the completion and the defence of master's and doctoral theses.

948. Under the Programme on Scientific Research, the Ministry of Education and Science also supports the organization of both national and international scientific conferences. On average 50 such scientific gatherings take place annually.

949. The Ministry of Education and Science provides financial support for participation of the academic personnel in international conferences, seminars, congresses and symposia taking place abroad. About 550 applications for participation in international conferences are submitted annually by the academic staff to the Ministry. The selection is based on the nature of the conference and the form of applicant's participation.

950. Each year the Ministry of Education and Science provides financial assistance for 125 study trips abroad.

951. Public scientific institutions are financed according to the work programmes submitted annually; the approved funds are used for salaries and fees, as well as for the following scientific activities: research projects, publishing, scientific conferences, participation in scientific conferences and study trips abroad, procurement of research equipment and of foreign scientific literature and adaptation and renovation of facilities. Public scientific institutions have their own revenues coming from the services they provide, which are managed independently.

952. Research conducted in the fields of natural, biotechnical, medical and technical sciences is largely linked with the use of modern equipment. In the last few years, the Ministry of Education and Science could only allocate symbolic funds for the procurement of research equipment.

953. Following its constitution as an independent and sovereign State in 1991, The former Yugoslav Republic of Macedonia embarked on the process of institutionalization of its international cooperation in the field of research and technological development. In this regard, a large number of bilateral and multilateral cooperation agreements have been signed. The former Yugoslav Republic of Macedonia has signed bilateral research and technological development cooperation agreements with 15 countries: Albania, Belarus, Bulgaria, China, Croatia, Egypt, France, Germany, Italy, the Russian Federation, Serbia and Montenegro, Slovenia, Turkey, the Ukraine and the United Kingdom of Great Britain and Northern Ireland. The cooperation takes the form of joint research projects, scholarships for advanced academic training and study visits, on the basis of reciprocity.

954. Citizens of The former Yugoslav Republic of Macedonia are granted scholarships for professional training by the Governments of the Czech Republic, Poland and Slovakia, although bilateral agreements have not been signed yet. In addition, candidates from The former Yugoslav Republic of Macedonia underwent advanced academic training in Egypt (60), Israel (40), India (15), and China (12).

955. On the topic of bilateral cooperation, the Government underscores the cooperation with the Japan International Cooperation Agency (JICA). The Ministry of Education and Science organizes JICA technical assistance, which includes fostering of development studies, training of our experts in Japan, as well as expert services. Two development studies have been carried out so far. Moreover, 150 candidates from The former Yugoslav Republic of Macedonia took part in academic training in different fields, as part of the JICA Training Programme. On the initiative of the Government, cooperation with Japan was established in 2003, with the aim of advancing knowledge and technology transfer via applicable projects.

956. As far as multilateral cooperation is concerned, the Government has fruitful cooperation with IAEA, NATO Research Programme, as well as with a number of United Nations specialized agencies, such as UNESCO and UNDP.

957. Cooperation with IAEA is carried out in accordance with the Agreement on Technical Cooperation and the National Framework Programme. So far, twelve national projects for application of nuclear technology in human and veterinary medicine, agriculture, environmental protection and industry have been implemented. In the IAEA Regional Programme framework, the Government takes an active part in eleven projects in the field of radiation protection.

958. In the framework of the UNESCO Participation Programme, the Government has completed 21 projects in the field of education and science. Four of them are under way, while five are in the final phase of evaluation and are expected to be approved. Since 2004 The former Yugoslav Republic of Macedonia has been included in the Basic Sciences Programme.

### **Development of information society**

959. In July 2002 the Assembly of The former Yugoslav Republic of Macedonia adopted the "E-Declaration 2002" - Recommendations for Accelerated Development of Information Society and Digital Economy in The former Yugoslav Republic of Macedonia (Official Gazette of The former Yugoslav Republic of Macedonia No. 48/2002). Thus the development of "knowledge-based society" became a national priority. In December of the same year the Government established an Information Technology Commission with the following tasks: to analyse activities in the sphere of information and communication technology (ICT); to coordinate activities for development of information society; to prepare an ICT draft-national strategy, with recommendations for the Government, the economy, education, science, health care and culture sectors.

960. Regionally, in the framework of the Stability Pact for South-Eastern Europe, The former Yugoslav Republic of Macedonia became a signatory to the initiative "e-SEEurope Agenda for the Development of the Information Society" at the "Telecommunications for Development" Conference held in Belgrade in 2002. The State reaffirmed its commitments by signing a "Joint Statement on Building the Information Society" in Budapest in 2004.

961. In accordance with the action plan for e-Europe and e-Europe+, the Commission on Information Technology adopted a work programme for the period from 2003 to 2007. The Project entitled “Formulation of a National Strategy for the Development of Information Society”, supported by the Foundation Open Society Institute “Macedonia” started in 2004. Separate strategies will be prepared for e-commerce and e-Government. The Programme advocates a complex approach, which includes: harmonization with EU legislation and implementation; ICT and the economy; ICT in education and science; ICT in health care; ICT in culture; online State administration and ICT and local government. The Programme envisages realization of the following Projects: “Macedonia on the Internet”, E-commerce, Macedonia.mk, Internet Newsstands, the E-market centre and E-economy.

962. Higher education for computer science profiles is available at three universities. At the University of “Ss. Cyril and Methodius” in Skopje, the Faculty of Electrical Engineering organizes undergraduate and postgraduate studies in Informatics and Computer Technologies, Telecommunications and Automatics. The Institute of Informatics at the Faculty of Natural Sciences and Mathematics in Skopje organizes undergraduate and postgraduate studies in Computer Sciences. The Faculty of Economics in Skopje organizes studies in e-business.

963. At the University of “St. Clement of Ohrid” in Bitola, the study programme on Business Statistics and Informatics is organized at the Faculty of Economics in Prilep, and three-year studies in Technical Informatics are organized at the Technical Faculty in Bitola.

964. Four-year undergraduate studies are organized at the Department of Communication Sciences and Technologies of the University of South-East Europe from Tetovo. The study programmes concept of the University envisages that during the first two semesters, all students will obtain training in “general academic skills”, which inter alia includes use of information technologies and the Internet. The information infrastructure of the University is a modern one and comparable to the demanding criteria of EU and the United States.

965. The support provided by EU for development of modern study programmes and creating conditions for e-learning is significant:

- From 1999 to 2000 The former Yugoslav Republic of Macedonia was included in the PHARE Project “Multi-country Cooperation in Distance Education”, in the framework of which a national contact point was established at the Institute of Informatics of the Faculty of Natural Sciences and Mathematics of the University of “Ss. Cyril and Methodius” in Skopje and study centres were established at the Faculty of Electrical Engineering of the University of “Ss. Cyril and Methodius” in Skopje and at the Faculty of Pedagogy of the University “St. Clement of Ohrid” in Bitola;
- From 1996 to 2004 the Tempus Programme funded a large number of projects. A series of four joint European projects enabled completion of the concept of “virtual university”: virtual classroom, virtual laboratory, virtual library, and wireless campus (technical faculties and institutes of the Universities in Skopje and Bitola). The Faculty of Natural Sciences and Mathematics of the University of “Ss. Cyril and Methodius” in Skopje has completed or carries out a large number of projects funded by Tempus, NATO and other donors, aiming at establishing infrastructure and use of

distributed information technologies for flexible education, management, business and software engineering. A separate Tempus Project on e-business and management, supported by additional bilateral cooperation with the Netherlands, is ongoing at the Faculty of Economics of the University in Skopje.

966. Three regional Tempus Projects enabled development of networks for distance learning:

- A project for continuing education of judges from Albania, Bosnia and Herzegovina and The former Yugoslav Republic of Macedonia, in collaboration with the University of Bologna;
- Postgraduate studies in Tourism and Catering for Albania, Croatia, The former Yugoslav Republic of Macedonia and Serbia and Montenegro;
- Development of regional postgraduate studies in software engineering, leading to a “joint degree” acquired at the University of “Ss. Cyril and Methodius” in Skopje and at the University of Novi Sad (Serbia and Montenegro). With these studies, joint degrees will be introduced for the first time in The former Yugoslav Republic of Macedonia.

967. Tempus projects support development of e-libraries and modernization of the library information systems at the Faculty of Technology and Metallurgy, the Faculty of Natural Sciences and Mathematics and the Faculty of Electrical Engineering of the University “Ss. Cyril and Methodius” in Skopje, as well as the National and University Library “St. Clement of Ohrid” in Skopje.

968. Because of the importance of computer science personnel the data on the students enrolled in undergraduate studies in computer sciences and informatics for the period 1990 to 2003 are given below:

**Students enrolled in undergraduate computer sciences  
and informatics studies, 1990 to 2003**

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Students of Computer Sciences and Informatics	557	580	1 031	1 042	1 077	1 082	1 024	1 013	1 092	1 138	1 123	1 351	1 576	1 966

*Official source of data:* State Statistical Office.

969. Computer science and informatics are part of the curricula of the majority of other professions, especially at faculties and higher vocational schools of the technical, technological and other applied sciences.

970. The Law on Higher Education envisages distance learning as a form of continuing education (art. 123). Bearing in mind the importance of this type of education, legislative

amendments should make distance learning (we consider “e-learning” as a more appropriate notion) an integral part of all levels of education (exclusively or combined with traditional forms of teaching and learning).

971. As for the secondary high school education, computer science is an obligatory subject for all the students in the first year of education, and for certain courses the studying of computer science continues in the senior years.

972. Computer skills are part of secondary VET. Important components of the first and the second phases of vocational education reform, VET1 and VET2, supported by the European Commission, were: procurement of ICT equipment, computerized numerically controlled machines, educational software, teachers’ and students’ handbooks and teacher training. Interventions were made in 56 secondary vocational schools.

973. As for primary education, computer science is studied as optional subject in the seventh and the eighth grade.

974. A large number of private companies organize training in information technologies and the use of the Internet. Education and training of this type is also organized by workers’ vocational centres. These opportunities are used by a large number of employees aiming at acquiring computer science education and skills or upgrading the knowledge, as well as by persons that have lost the job or are seeking for employment.

975. USAID, in cooperation with the Ministry of Education and Science, supports projects in elementary and secondary schools, important for the development of the information society, including Creative Teaching and Learning (2002-2005), Programme for Secondary Vocational Education (2003-2008), Information Technology in Elementary and Secondary Schools (2003-2007) and Programme for Use of the Internet (2004-2007).

976. In accordance with the 2003 to 2007 work programme of the Information Technology Commission, the Government will continue to support projects for development of information and communication network connecting scientific and educational institutions, with a special emphasis on wireless computer networks. Fast Internet will be provided for the academic staff, students and researchers cadres at the institutes and at the development units. The planned activities for advancing the computer skills of the population are as follows: stimulation of translation and publishing of literature in the field of information and communication technologies; introduction of computer science as compulsory subject in the fifth grade of elementary education; providing grants for equipping research and educational institutions with computer laboratories with the Internet access; establishment of a Faculty of Computer Sciences; support for designing a Programme on reducing brain drain from the country.

### Notes

<sup>1</sup> For international legal instruments taken over by succession from The former Federal Republic of Yugoslavia, the date of succession according to the Constitutional Law on the Implementation of the Constitution of the Republic of Macedonia is 17 November 1991.

<sup>2</sup> For more details about the implementation of this article see the initial, second and third periodic reports of The former Yugoslav Republic of Macedonia on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/MCD/1-3).

<sup>3</sup> The restriction of the following freedoms and human rights is foreseen in the Constitution: the right to freedom (art. 12); confidentiality of correspondence (art. 17, para. 1); freedom of association (art. 20); the right to peaceful assembly (art. 21); inviolability of the home (art. 26); the right to free movement on the territory of the Republic of Macedonia and free choice of place of residence (article 27 of the Constitution); right to property (art. 30), right to establish trade unions (art. 37) and the right to strike (art. 38).

<sup>4</sup> Average monthly net salary per employer I-VI 2004, - 12.182, 00 (Source: Release 4.1.4.64 of 26 August 2004, of the State Statistical Office-Skopje).

<sup>5</sup> Gross domestic product according to the methodology of national accounts (SNA) was calculated for the first time from 1990 to 1993, in the framework of which the balance of income and expenditures of the population was published.

<sup>6</sup> The conversion has been made using the method of price adjusted exchange rate. The United Nations Methodology.

<sup>7</sup> Macedonia in numbers, 1998, Skopje June 1998, Statistical Office of The former Yugoslav Republic of Macedonia.

<sup>8</sup> Macedonia in numbers, 1998, Skopje June 1998, Statistical Office of The former Yugoslav Republic of Macedonia.

<sup>9</sup> Macedonia in numbers 1998, Skopje, June 1998, State Statistical Office of The former Yugoslav Republic of Macedonia.

<sup>10</sup> Source: State Statistical Office, "Population Census: households and dwellings in The former Yugoslav Republic of Macedonia, 2002", definite data, Release.

<sup>11</sup> Release: Poverty in The former Yugoslav Republic of Macedonia from 2000 to 2002, Skopje, 2003.

<sup>12</sup> Definition: poverty of population (households/persons) who live below the line of poverty).

<sup>13</sup> UNICEF: The state of the world's children, 1994.

<sup>14</sup> Proceedings of the Demographic and Health Survey, World Conference, vol. 2, IRD, 1991.

<sup>15</sup> Coverage of maternal care: a listing of available information, Fourth Edition, WHO, Geneva 1997. WHO Mother-Baby Package: Implementing Safe Motherhood in Countries, WHO Geneva, 1994.

<sup>16</sup> Safe Motherhood, UNICEF, 2000.

- <sup>17</sup> Preventing maternal death, WHO, 1989, Geneva.
- <sup>18</sup> Programming for safe motherhood, Health section, Programme Davison, 1999, New York.
- <sup>19</sup> Source: Statistical Yearbook 2004.
- <sup>20</sup> Decision on the proclamation of Amendments to the Constitution of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 91/01).
- <sup>21</sup> During its session held on 16 July 2003 the Assembly of The former Yugoslav Republic of Macedonia enacted the amendments to the Law on Culture (Official Gazette of the Republic of Macedonia No. 43/03).
- <sup>22</sup> The Law is applied since 1 January 2005. The delayed application of the Law is owed to the necessity of preparing and adopting 18 regulations to complete the legal basis for the realization of the protection of cultural heritage.
- <sup>23</sup> Since the part of the Report under article 15 - culture covers the period to 1 January 2005, the text that follows relates the regime applicable in that period.

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