

# **DISCRIMINATION BASED ON ETHNICITY**

## **SURVEY REPORT**

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## PREFACE

Distinguished Readers,

We hereby present you with the survey entitled 'Discrimination based on ethnicity' carried out by the Macedonian Center for International Cooperation, in the framework of a joint project of the OSCE Spillover Monitor Mission to Skopje and the Secretariat for the Implementation of the Ohrid Framework Agreement within the Government of the Republic of Macedonia.

Following the adoption of the Law on Prevention and Protection against Discrimination in April of this year, and in the eve of the tenth anniversary of the Ohrid Framework Agreement, this survey aims to provide an in-depth insight into one of the most common grounds for discrimination in Macedonia – the ethnic background.

By applying a variety of methods (opinion polls, statistical data analysis, interviews, monitoring of media articles/reports and other), a group of five experts of different professional background, experience as well as of different ethnic backgrounds, made an attempt to analyze the situation in a number of areas where this type of discrimination is considered to exist – employment, education, goods and services, social security, and media.

Since this is the first attempt at making one such analysis, and given the low number of reported cases of discrimination in general, the survey team faced a severe lack of data and relevant statistics that are needed for a sound assessment of the situation. Hence, the ambition of this document is to understand the reality from the aspect of the available data, to comment on incidents that were perceived by the public as cases of discrimination based on ethnicity, as well as to indicate potential areas of possible discrimination that deserve attention in the future.

We are hopeful that this survey opens a new horizon and provides a framework for a more systematic monitoring of the phenomenon of discrimination based on ethnicity.

Aleksandar Krzalovski,  
Coordinator of the team of authors.



## SUMMARY

This publication looks into **the state of discrimination based on ethnicity in the Republic of Macedonia**. This survey, or situational analysis, was carried out in the second half of 2010 by the MCIC, at the initiative by OSCE and with the support of the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA).

Challenges in examining the ethnic discrimination were the perception of its ubiquity in the society, the tenth anniversary of the Ohrid Framework Agreement – as a kind of strategy of the Republic of Macedonia to tackle this type of discrimination - as well as the finalization of the anti-discrimination legislation and institutional setting in 2010.

The justification for this survey was confirmed because majority of reported discrimination cases are related to discrimination on grounds of ethnicity, and for the respondents also, after party affiliation this is the most common ground of discrimination (67%) and they believe it appears more frequently compared to the previous period. In addition, over 200 articles/reports in the media were identified, which can be classified into the same group. These three sources (cases, survey, media) as well as some previous surveys into similar topics, were used as a basis for the analysis contained in this publication.

Since this was the first attempt at making an analysis on ethnic discrimination, the survey team faced lack of data and relevant statistics that are required for sound assessment of the situation. This is mainly due to the low number of reported cases of discrimination in general (none with the courts, and only 47 cases over a three year time span with the Ombudsman Office, with discrimination established in only 25% of the cases). This should be borne in mind in the process of reviewing of the results from the survey and generalization of certain findings and conclusions.

## 10 SUMMARY

The survey employed a **methodology** combining: desk review of literature/documents, opinion polls (general public and stakeholders), and case studies. An advisory committee oversaw the implementation.

The following **general conclusions** can be drawn from the survey:

- 1.1. The Ohrid Framework Agreement serve(d) as an original **strategy of the Republic of Macedonia on interethnic relations**, i.e. on the issue of discrimination based on ethnicity, and it contributed to an improved situation in this regard;
- 1.2. Apart from the links made with the OFA and the equitable representation, **the awareness about the existence of discrimination is at a very low level**;
- 1.3. **Number of reported cases of discrimination is very low** – none with the courts, and 47 cases registered with the Ombudsman Office. In the surveys too, some 20% of the respondents stated they were victims or witnesses of discrimination. **The most common ground is ethnicity, and the most common area is employment**. The number of cases where actual discrimination was established is much lower – in 25% of the total number of reported cases;
- 1.4. **There is a lack of sufficient and purposeful records on the ethnic background** of the users (beneficiaries) of certain social benefits, which makes the situation analysis difficult. An additional problem related to the records is the issue of personal data protection and the right of any person not to declare his/her ethnic background;
- 1.5. **No systemic discrimination can be noticed in Macedonia** (achieved employment level of 25% of all the vacancies in the state administration filled by non-majority ethnic communities; instruction in the mother tongue for all communities; subsidies for farmers; predominant share among the beneficiaries of social benefits is held by the non-majority communities);
- 1.6. **There are cases of discrimination**, usually on ethnic origin basis, in both the public and private sectors (increasingly in the latter).
- 1.7. **There are conditions made for indirect discrimination**, especially in the large projects (subsidies, social apartments, etc.) where although equal access is secured, the most marginalized groups (e.g. Roma people) do not have equal opportunities to fulfill the required conditions.

The key conclusions by surveyed **area** include:

- 2.1. **Employment:** this is the most common area of discrimination. There has been a significantly improved representation of the ethnic communities in the state administration (up to the level of 25% at the end of 2009). There is a perception (47%) of favorising some ethnic communities in the employment (especially in the public sector) and vast majority of them (81%) does not justify it;
- 2.2. **Education:** equal access to education provided to all communities. There were some shortcomings in the implementation (lack of textbooks for certain communities). A tendency of segregation of the students from different ethnic communities is present (including cases where this was caused by some MES interventions).
- 2.3. **Goods and services:** many examples in the media and especially in the private sector, but one cannot gain impression of systematic discrimination (e.g. there are beneficiaries from all communities in the large state-run projects, such as the subsidies in the agriculture sector). There is a potential for indirect discrimination;
- 2.4. **Social security and health:** 70% of the beneficiaries of social welfare and health benefits come from the non-majority ethnic communities. Women from minority communities are in many cases especially vulnerable to poverty and social exclusion. In general, it is more difficult for Roma to access the health services;
- 2.5. **Media:** the majority of the editorial boards are “ethnically cleansed”, which affects the editorial policy and the degrees of reticence and xenophobia towards the other communities. There is, however, certain sensitivity to this issue, and media have coped with it relatively well when reporting.

In addition, **the legislation and some specific aspects** regarding discrimination based on ethnicity have been looked into:

- 3.1. **Legislation: Both the legislation and the institutional setting provide for good protection against discrimination.** The priority for the upcoming period is the implementation of the Law on Prevention and Protection against Discrimination and establishment of functioning and efficient Commission on Protection against Discrimination, vis-a-vis the new changes in the legislation;

- 3.2. **Specific aspects: Roma continue to be the most marginalized and discriminated ethnic community in Macedonia.** Smaller ethnic communities should also be given more space and opportunities for exercising their rights and for community development;
- 3.3. **The large overlapping between the religious and the ethnic background** has an additional impact on the perception of discrimination on this ground, with the favoring of the majority religions.
- 3.4. With the help of OFA and other mechanisms, the Republic of Macedonia has **established a system of affirmative measures aimed at achieving factual equality** between the ethnic communities (including the equitable representation in the state administration); these measures are basically exemptions from discrimination and should be applied as such until the moment of reaching the proper balance.

Accordingly, the authors have come up with a number of **recommendations**:

- 4.1. **A more comprehensive analysis of the OFA implementation** in these 10 years since the signing thereof to serve as a basis for formulating the activities in the field of discrimination based on ethnicity in the next medium-term period;
- 4.2. Focus on **training and efficient functioning of the Commission for Protection against Discrimination**, which is supposed to: work on promoting equality and on the issue of non-discrimination; encourage the people to report cases of discrimination (and encourage the resolution thereof); train other institutions on how to cope with this issue as part of the National Non-Discrimination Strategy; and propose amendments to the legislation in a next phase;
- 4.3. There is a need to provide further **encouragement for reporting cases** (both by the civil society organizations and by competent institutions), as well as to improve the records on the ethnic background of the people (with adequate protection of personal data), also from a qualitative point of view (e.g. employment at managerial posts level);
- 4.4. **The current affirmative measures (e.g. equitable representation) should continue** until reaching a sufficient level of factual equality between the ethnic communities (including management positions) and then (as exemptions from discrimination) should be terminated;

- 4.5. **The current issue of segregation in the schools should be overcome**, especially by putting in practice the newly adopted Strategy on Integrated Education;
- 4.6. Regarding the large-scale projects , **a previous assessment of possible indirect discrimination should be undertaken**;
- 4.7. **It is a challenge for the media to reach out to the members of the other ethnic communities**, i.e. as a heterogeneous audience;
- 4.8. The Roma Inclusion Decade being halfway through, and given the results achieved so far, **the efforts for social inclusion of this ethnic community in the society ought to be doubled** (especially in the areas of education, employment, housing, and health). Small ethnic communities should also receive adequate attention. Similar logic applies to the religious communities, where the secularity principle should be given priority, meaning that the State should refrain from providing direct support to activities associated with religion (including the construction of places of worship), and from involving only priests from the majority religions in its activities.

# METHODOLOGY

## INTRODUCTION

The Macedonian Center for International Cooperation (MCIC), in the framework of the OSCE project and in cooperation with the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA), carried out a survey into the state of discrimination based on ethnicity in the second half of 2010. A team of five independent experts plus a survey coordinator from MCIC conducted the survey.

The team was composed of the following members: Aleksandar Krzalovski (MCIC, survey coordinator and author of the sub-chapter entitled ‘Goods and services’ and of one part of the chapter entitled ‘Other aspects of discrimination’); Elena Andreevska (author of the ‘Legislation’ chapter); Veton Ljatifi (‘Employment’ sub-chapter), Redzep Ali Chupi (‘Education’ and ‘Small ethnic communities’ sub-chapters), Mabera Kamberi (‘Social security and health’ sub-chapter), and Vladimir Misev (‘Media’ and ‘Religious discrimination’ sub-chapters). The authors had additional support from the MCIC operational team.

The survey employed a methodology combining: desk review of literature/documentation, opinion polls (general public and stakeholders), and case studies. An advisory committee (see Annex 1) oversaw the implementation.

## ACTIVITIES

### *a) Desk review of literature / documentation*

In the first phase of the survey, the team of experts – with the support from the MCIC operational team – reviewed the available literature related to discrimination based on ethnicity, including some previous surveys into this topic, as well as databases available in the relevant institutions such as SIOFA, MLSP, and MES. Civil society organizations which monitor the issue of discrimination and other stakeholders were consulted in the process of drafting the review.

In addition, a search on the Internet (through [www.time.mk](http://www.time.mk), with key word 'discrimination') helped to produce an overview of relevant media information (articles, reports, monitored cases) published in both print and electronic media over the last three years.

#### ***b) Population opinion poll***

Given the scarcity of available data on this issue, a population opinion poll was undertaken, with the issue of discrimination based on ethnicity in the core of it (see Annex for the questionnaire). One also used the data from the Barometer for Equal Opportunities, a survey carried out in 2009 on the basis of the standard questionnaire used by Eurostat to look into the state of discrimination in the European Union, which encompasses, inter alia, the discrimination based on ethnicity. The opinion poll was done on a representative sample of 1100 people, and involved an adequate ethnic, gender and regional representation.

#### ***c) Interviews with stakeholders***

Given the low level of awareness about discrimination in general and probably as one of the consequences of the 2001 armed conflict in particular, discrimination based on ethnicity is little discussed and cases are rarely reported. On the other hand, every citizen has an opinion and an estimation of the magnitude of discrimination on these grounds.

In order to assess the perception on this kind of discrimination, the population opinion poll was accompanied by interviews with stakeholders and experts aimed at ascertaining their perception and assessment of the situation. The interviews especially targeted the areas of employment, social security and media. Key representatives of a number of sectors in the society were interviewed, such as the Parliament, the Government (MLSP, MES and other bodies), the Ombudsman Office, media, etc., according to the needs for clarification of some findings from the survey.

#### ***d) Preparation of case studies***

The case studies have qualitatively supplemented the previous three methods, and enabled the practical analysis of specific issues or aspects. For the purposes of this component of the survey, a number of already documented cases by the media and cases from the practice of civil society organizations and the

Ombudsman Office were also examined. The experts selected the cases to be further studied.

#### ***e) Data analysis and development of a draft survey report***

The data obtained from the available documentation, the polls, the case studies and other activities was analyzed and included in the draft report.

The Advisory Committee (which also acted as a focus group) reviewed the preliminary findings and conclusions in October 2010, which was followed by the drafting of the report.

The report includes a policy summary intended for both the policy makers and the general public, which lays out the main findings, achievements and weaknesses, as well as the recommendations for improvements.

#### ***f) Meetings of the Advisory Committee***

Two meetings of the Advisory Committee (AC) were held during the project period. The purpose of the first AC meeting was to verify the methodology and the planned activities, as well as to provide guidelines for some of them. AC also made a contribution regarding the selection of the experts.

The second meeting took place after the data were gathered, i.e. following the completion of the activities. The purpose of this meeting was to present the survey findings and to comment upon and discuss the conclusions, as well as to contribute towards the formulation of the recommendations.

Additional bilateral consultations with some of the AC members were held during the final stage.







# 1. LEGISLATION ON ANTI-DISCRIMINATION

Discrimination can be expressed in different ways. Likewise, people's understanding of discrimination can vary. Whether something will be understood as discrimination is a matter of personal, subjective feeling and depends on the personal opinion of every human being. It is a fact that nowadays everyone is affected by discrimination in this way or another, given that the culture generally comprises of different, yet intertwined systems of interpretation and choices, which leads to a situation where one person can invoke multiple cultures. It raises the question why is discrimination increasingly discussed nowadays. In essence, there are two basic reasons related to our survey:

1. The strong multiethnic, multilingual, multicultural and multireligious nature of the states in Europe;<sup>1</sup> and
2. Given that fact that there is no longer significant legal (i.e. based on law) discrimination, informal forms of discrimination have now come to the fore for the first time.<sup>2</sup>

<sup>1</sup> As Romano Prodi once said: 'Europe is the Europe of minorities' (Hungarian News Agency, 15 April 2001). According to Pan and Pfeil, every European state with more than a million inhabitants features minority groups; only "mini-states" such as Luxembourg, Malta, San Marino and so forth do not have minorities. In the 15 old EU member-states the situation varies from state to state, from 1% in Germany, to 20% in Spain. Furthermore, Belgium, with its three language communities, has a minority segment of 90%. Most states have between three and six groups, while in Italy there are twelve minority groups. Even France and Greece, which for the most part negate the presence of minorities on their territories, have seven minority groups. The 12 new States which became EU members-countries in 2004 and 2007 respectively, except for Malta and Cyprus, have at least four minority groups each, but most of them have seven minority groups. Some Eastern countries are relatively homogenous national states, such as Poland and Hungary, in which the percentage of people belonging to minorities is only 3-4%, whereas the percentage in other countries is 10-20%, while Estonia and Latvia have 30-40%.

<sup>2</sup> Preventing discrimination against different groups in the society has been subject of interest for a number of international bodies and institutions, which, based on their situational assessments and on the proposals to regulate certain areas in the legislation, provide their recommendations and opinions on how to resolve the perceived problems. This applies in particular to OSCE and the cooperation it offers in terms of different reports and situation assessments, then the recommendations by the UN Committee on the Elimination of All Forms of Racial Discrimination, and to the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. These recommendations, issued with regard to the Reports on the human rights situation in the Republic of Macedonia, will be taken into consideration when describing the situation in individual areas, as well as with regard to the proposal for necessary measures related to the legislation realm. See Andreevska, E., International Law and Human Rights (SEE-University, Tetovo, 2005).

International legal instruments, as well as the legislation of the Republic of Macedonia, do not define the term 'discrimination' in a uniform way. Based on the international human rights documents which prohibit discrimination, the latter can be defined as *any distinction, exclusion, restriction or preference based on some ground (race, sex, ethnicity, political affiliation, age, disability status, etc.) which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*<sup>3</sup>

The more recent rules related to non-discrimination, both from the international and national law distinguish between direct and indirect discrimination. Direct discrimination is present in cases when one person is treated less favourably than another person in an identical situation, because of some protected ground of discrimination. For direct discrimination, according to this definition, one has to prove the existence of a worse or less favorable treatment; secondly, this less favorable treatment is to be proved by comparing the situation with another person in an identical situation; thirdly, the less favorable treatment is based on some protected ground of discrimination; and fourthly, the situations of the two persons who are compared must be identical. This last requirement results from the fact that different (less favorable) treatment is reasonable if the situations are different.<sup>4</sup>

On the other hand, treatment that results in discrimination without any discriminatory intention is known as indirect discrimination. Indirect discrimination shall occur in cases 'where an apparently neutral provision, criterion or practice would put members of certain group (on some discriminatory grounds) at a particular disadvantaged position compared to other persons, unless that provision, criterion or practice is objectively justified by a legitimate purpose and by measures which are adequate and indispensable for the respective purpose'.<sup>5</sup> For indirect discrimination to be proved, above all there must be a certain neutral rule, criterion or practice (i.e. rule that does not treat the individuals

<sup>3</sup> See Convention on the Elimination of All Forms of Racial Discrimination (CERD), Resolution of the UN General Assembly 2106 (XX) of 21 December 1965, in effect since 4 January 1969, Article 1; see also the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted on 18 December 1979, in effect since 3 September 1981; see also Human Rights Committee, General Comment 18, Non-discrimination, 11/10/1989, paragraph. 6.

<sup>4</sup> See Guidelines for the institutions concerning the implementation of the Law on Prevention and Protection against Discrimination, (authors: Tanja Temelkovska Milenkovic and Bekim Kadriu), 2010.

<sup>5</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, O.J. L 180, 19/07/2000, P.0022 – 0026, available on <http://eur-lex.europa.eu/> [hereinafter 'EU racial directive'], Article 2.2.b.

unfavorably per se); the second requirement is the most important, whereby such neutral rules or measures should result in “disproportionate (higher) exclusion of the members of a certain group (on some discriminatory grounds) from the possibility to exercise a particular right’. Finally, it is required that these rules should not be necessary and justified in the context in which they are used.<sup>6</sup>

Besides direct and indirect discrimination, the national legal systems and the EU law also provide for prohibition of harassment, victimization and incitement to discrimination. Harassment occurs in cases when a certain discriminatory treatment is intended to or results in destroying the dignity of a person or creating a humiliating, hostile, intimidating or degrading environment.<sup>7</sup> Victimization occurs in cases when a particular entity undertakes negative activities against the person who took some actions in order to prove discrimination, be it that he/she took initiative for a procedure to be instigated, testified against the alleged discriminator or reported discrimination. As far as incitement to discrimination is concerned, this is governed by the general rules for discrimination. Of central importance is that incitement to discrimination is equalized to discrimination itself.<sup>8</sup>

With regard to protection against discrimination, the adoption of legislation is the first prerequisite for successful and efficient fight against discrimination. Indeed, the adopted legislation on (non)discrimination should correspond to the context of a given society in order to be effectively implemented. Moreover, the fight against discrimination should not be waged only with adoption of legislation; other spheres need to be addressed as well, such as raising the awareness about discrimination and strengthening the institutional capacities to tackle it.

The anti-discrimination legislation is always analyzed at multiple levels. Primarily, an analysis is conducted for the existing laws, followed by an analysis of the constitutional provisions and of the international law pertaining to this area. Here we shall take the same line of analysis.

<sup>6</sup> Guidelines for the institutions concerning the implementation of the Law on Prevention and Protection against Discrimination, (authors: Tanja Temelkovska Milenkovic and Bekim Kadriu), 2010.

<sup>7</sup> The Law on Prevention and Protection against Discrimination contains a similar definition, Official Gazette of the RoM No. 50/2010, of 13 April 2010, Article 7. The Law on Prevention and Protection against Discrimination should come into effect on 1 January 2011.

<sup>8</sup> Ibid, Articles 9 and 10.

## 1.1. INTERNATIONAL LEGAL INSTRUMENTS

The Republic of Macedonia has ratified a large number of international treaties, whereby the country has committed itself to protect the persons under its jurisdiction against discrimination (on different grounds). According to the Constitution of the Republic of Macedonia, all international treaties acceded to and ratified in accordance with the Constitution are part of the internal legal order.<sup>9</sup> Accordingly, the Republic of Macedonia should directly apply the provisions of the international instruments, which prohibit discrimination. With regard to the protection against ethnic discrimination, these instruments are primarily the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),<sup>10</sup> the International Covenant on Civil and Political Rights (ICCPR),<sup>11</sup> the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>12</sup> the Convention on the Rights of the Child,<sup>13</sup> the European Convention on Human Rights (ECHR),<sup>14</sup> Protocol 12 to the ECHR,<sup>15</sup> the Framework Convention for the Protection of National Minorities<sup>16</sup>, and the Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin on EU level.<sup>17</sup>

### 1.1.1. Instruments of the United Nations (UN)

The most important instruments adopted by the UN include the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). CERD refers only to racial discrimination, which, according to its definition, includes discrimination on the grounds of national and ethnic origin.<sup>18</sup> This convention defines discrimination and provides for the obligations of the state parties to take measures to prevent and eliminate racial discrimination in all areas of public life, as well as to take measures for affirmative actions.<sup>19</sup>

<sup>9</sup> Constitution of the Republic of Macedonia, Official Gazette of the RoM No. 52/1991, of 22 November 1991, Art. 118.

<sup>10</sup> CERD, cited above at footnote 3.

<sup>11</sup> International Covenant on Civil and Political Rights, 16 December 1966, UNTS 999.

<sup>12</sup> International Covenant on Economic, Social and Cultural Rights, 16 December 1966, UNTS 993.

<sup>13</sup> Convention on the Rights of the Child, 20 November 1989, UNTS 1577.

<sup>14</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, CETS No. 005.

<sup>15</sup> Protocol 12 to the European Convention on Human Rights, 4 November 2000, CETS No 177.

<sup>16</sup> Framework Convention for the Protection of National Minorities, 1 February 1995, CETS No. 157.

<sup>17</sup> EU Racial Equality Directive, see above footnote 5.

<sup>18</sup> CERD, see above footnote 3, Article 1.

<sup>19</sup> Ibid, Articles 1-7.

ICCPR and ICESCR provide for a large number of rights, but they also obligate the state parties to ensure that all persons under their jurisdiction enjoy the same rights, without any discrimination. These covenants include anti-discrimination clauses prohibiting discrimination while exercising the rights, including on the grounds of ethnic origin.<sup>20</sup> Article 26 of the ICCPR includes a specific provision containing an additional anti-discrimination clause, which does not apply only to the rights listed in the covenant, but to all rights guaranteed to the individuals in the legal system (including the domestic law).<sup>21</sup>

In the framework of the UN competent authorities regular reporting on the implementation of specific international agreements with regard to identifying measures to combat discrimination, of particular importance are the Recommendations by the Committee on the Elimination of Racial Discrimination (CERD) issued on the occasion of the 4<sup>th</sup> and the 7<sup>th</sup> *Report on the implementation of the CERD in Republic of Macedonia* from 2007.<sup>22</sup> The recommendations indicate to certain phenomena that the Committee considers as problem, and provide general guidelines for compliance with the country's obligations arising from the CERD.<sup>23</sup>

### **1.1.2. Instruments of the Council of Europe**

The most important human rights instruments of the Council of Europe, with direct reference to the prevention and prohibition of ethnic discrimination, include the ECHR, the Protocol 12 to the ECHR and the Framework Convention for the Protection of National Minorities (Art.12 и 14). Article 14 of ECHR stipulates that the enjoyment of the rights and freedoms set forth in this Convention should be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Given that Article 14 only prohibits discrimination with regard to the rights included in the ECHR, Protocol 12 was adopted and entered into force. The Protocol lays down a general prohibition of discrimination, similar to Article 26 of ICCPR. Macedonia is one of the 17 Member States of the Council of Europe that have ratified Protocol 12 (status as of October 2010).<sup>24</sup>

<sup>20</sup> See ICCPR and ICESCR, cited above at footnotes 11 and 12, Article 2.

<sup>21</sup> For more details see Manfred Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary (Kehl: N. P. Engel). 1993, p. 466-478. See also the position of the Human Rights Committee in the communication F.H. Zwaan-de Vries v the Netherlands, Communication No 182/1984 of 16 April 1987, CCPR/C/29/D/182/1984.

<sup>22</sup> UN Doc. CERD/C/MKD/CO/713 June 2007.

<sup>23</sup> Ibid. Included in the sections 9 - 25. For the most part they are identical with the ECRI recommendations included in the 4 Report on the Republic of Macedonia (See doc. CRI(2010)19).

<sup>24</sup> For the list of states that have ratified Protocol 12 to ECHR, please check the website <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=177&CM=1&DF=10/02/2010&CL=ENG>.

The Republic of Macedonia was among the first states that ratified the Framework Convention for the Protection of National Minorities of the Council of Europe, Article 4 of which stipulates that the Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

The Council of Europe established the European Commission against Racism and Intolerance (ECRI), as an independent body for human rights monitoring, specialized for issues associated with racism and intolerance.<sup>25</sup> In line with its statutory activities, ECRI carries out the monitoring for each country individually, whereby it analyzes the situation with regard to racism and intolerance in each of the Member States of the Council of Europe, and gives suggestions as to how to resolve the identified problems. In 2010, this Commission submitted its fourth report on the situation in the Republic of Macedonia along with proposals and recommendations. ECRI's proposals and recommendations are not binding for the State, but provide guidelines for making additional efforts for human rights protection.

### ***1.1.3. Obligations in the EU accession process***

In addition to the obligations in the field of anti-discrimination, which are associated with the membership in the Council of Europe and the United Nations, Republic of Macedonia, as a candidate country for EU membership, is required to harmonize its legislation with the EU legal system, which also provides for prohibition of discrimination.

The principle of prohibition of discrimination is a fundamental principle of the Treaty on the European Union<sup>26</sup>. The Treaty on the European Union in its Preamble lays down the connection of this principle with the principles of freedoms, democracy and respect for human rights and fundamental freedoms, as well as the rule of law. In line with these provisions, in Article 2 paragraph 6, the emphasis, regarding the goals of the Union, is placed on the development of the Union as an area of freedom, security and justice; while Article 2 also stipulates the promotion of gender equality as one of the tasks of the communities. Article 7 of the Treaty on the European Union includes a suspension clause, which enables restriction of certain rights of the EU Member States in case of severe and lasting violations of the human rights, as well as sanctions

<sup>25</sup>. The decision to establish the ECRI was adopted at the First World Conference held in Vienna on 9 October 1993. The Statute of the ECRI was adopted by the Committee of Ministers of the Council of Europe on 13 June 2002.

<sup>26</sup>. Treaty on European Union, signed on 7 February 1992, in effect since 1 November 1993.



in case of violation of the fundamental principles by the Member States. Article 13 of the EC Treaty provides the EU with a competence over its Member States in the field of anti-discrimination on the grounds of sex, race, ethnic origin, religion, disability, age or sexual orientation.

The Charter of Fundamental Rights of the European Union includes a range of civil, political, economic and social rights for all citizens and persons residing in the EU. The Charter stipulates, *inter alia*, that everyone is equal before the law,<sup>27</sup> prohibits discrimination on the grounds of any kind of membership, including being member of a national minority,<sup>28</sup> and at the same time obliges the Union to respect the cultural, religious and linguistic diversity.<sup>29</sup>

Full protection of human rights is a goal of any policy. In addition to the anti-discrimination measures specified by law, any successful implementation of the anti-discrimination policy contributes towards enhancing the public awareness about the danger that discrimination poses to the society, and about the benefit that everyone will have by respecting the rights of the other people and the people who are different from us. It is necessary to eliminate all the possible humiliating treatment and the marginalization of the vulnerable groups in the society, and to ensure the full protection thereof.

The most important source in the EU law, which deals merely with discrimination on the grounds of racial or ethnic origin, is the Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (EU Racial Directive).<sup>30</sup> This Directive prohibits direct and indirect discrimination, victimization and harassment on the grounds of racial and ethnic origin in the areas of employment and occupation, social welfare, social security, health, education, access to goods and services, and housing.<sup>31</sup> It also provides for possibility to undertake affirmative actions (Article 5), and it is relevant with regard to Republic of Macedonia because it provides for an obligation for establishing an equality body (Article 13).

In the 2009 European Commission Progress Report for the Republic of Macedonia,<sup>32</sup> the country's efforts to prevent discrimination in certain areas were positively evaluated, but the Report also points to the need for adoption

<sup>27</sup> The Charter of Fundamental Rights of the European Union, Article 20.

<sup>28</sup> *Ibid*, Article 21.

<sup>29</sup> *Ibid*, Article 22.

<sup>30</sup> EU Racial Directive is cited above, footnote 5

<sup>31</sup> *Ibid*, Article 3.

<sup>32</sup> Brussels, 14 October 2009, doc. SEC(2009)13335.

of new legislation and amendments to the existing one in order to complete the system of measures for discrimination prevention.<sup>33</sup> In addition, the same European Commission Report highlights the obligation of Macedonia to transpose the *acquis* into its national legislation; referring to the precise EU legislation on the issue of combating Roma discrimination,<sup>34</sup> the report recommends that it should be fully implemented. In the 2010 Progress Report, the EC welcomes the adoption of the Law on Prevention and Protection against Discrimination (LPPD), but also requires that this law should be fully harmonized with the *acquis*.

#### 1.1.4. Other documents

The Instrument of the Central European Initiative for the Protection of Minority Rights,<sup>35</sup> a member of which is the Republic of Macedonia, in Article 6 envisages that Member States will take measures aimed at providing protection against any action inciting to violence against persons or groups, based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism. Similar provisions are also included in the Criminal Code.<sup>36</sup> Article 7 reaffirms the obligation of the Member States to take special measures to facilitate the integration of the Roma national minority in the society, with a view to eliminate all forms of intolerance towards the members of this ethnic group.

## 1.2. CONSTITUTIONAL AND OTHER BASIC PROVISIONS

The principle of equality in the legal system of the Republic of Macedonia is derived from the Constitution. Namely, Article 9 of the Constitution stipulates that 'citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status'.<sup>37</sup> This constitutional provision, although constituting a sufficient legal basis for adopting additional, more detailed anti-discrimination legislation, has several shortcomings. First of all, it refers only to the citizens of the Republic of Macedonia, thus leaving the aliens and the people without citizenship without any legal protection.<sup>38</sup> In

<sup>33</sup> Ibid, p. 115-19.

<sup>34</sup> See Art. 13 of the EC Treaty; EU Racial Directive and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303, 01/12/2000, p 0016-0022 (hereinafter: 'EU Directive for equal treatment in employment and occupation').

<sup>35</sup> Guidelines on the use of Minority Language in the Broadcast Media, 25 October 2003.

<sup>36</sup> Academician Vlado Kambovski, Commentary and guide as to the hate provisions in the Criminal Code, 2010

<sup>37</sup> Constitution of the RM, see above footnote 9, Article 9.

<sup>38</sup> See General recommendation of the European Commission against Racism and Intolerance (ECRI) No. 7: National legislation to combat racism and racial discrimination, December 2002, CRI(2003)8.

addition, this constitutional provision enumerates only a limited number of grounds of discrimination.<sup>39</sup> Moreover, the list of the enumerated grounds of discrimination is a closed one. Lastly, this constitutional provision does not pertain to legal entities, which on the contrary are listed in the Law on Prevention and Protection against Discrimination.<sup>40</sup>

Due to these shortcomings, there are opinions indicating to the necessity to further specify the constitutional provision on equality in order to comply with the modern non-discrimination provisions. This argument is supported, inter alia, by the fact that Macedonia has assumed international obligations (through the ratified agreements) to provide equal treatment, without any discrimination, to all individuals under its jurisdiction, under much broader list of grounds of discrimination than the one specified in Article 9 of the Constitution. In this regard, we will just mention Article 26 of the ICCPP and Article 1 of the Protocol 12 to ECHR. These general non-discrimination clauses create an obligation for Macedonia to provide for non-discrimination in a much broader scope than the scope that may be derived from Article 9 of the Constitution through restrictive interpretation.<sup>41</sup> On the other hand, these international agreements are directly applicable and have primacy over the national law. Even though constitutional provisions are also directly applicable, there is no record of a procedure initiated for an individual case of discrimination in which anyone has managed to successfully invoke Article 9 of the Constitution, or Protocol 12 to the European Convention on Human Rights.<sup>42</sup>

### 1.3. LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION

The constitutional provision on equality is the legal basis for the adoption of the new Law on Prevention and Protection against Discrimination (LPPD). This law includes provisions that prohibit both direct and indirect discrimination not only on the grounds of race, color of skin, ethnic origin, language, nationality, religion or religious belief, but also on the grounds of sex, gender, affiliation to a marginalized group, social origin, education, political affiliation, other types of beliefs, personal, social, family or marital status, mental or physical disability, age, property and health status, as well as any other ground envisaged

<sup>39</sup>. Some very topical grounds of discrimination, such as disability, sexual orientation and age are missing.

<sup>40</sup>. LPPD, see above footnote 7, Article 2.

<sup>41</sup>. Guidelines for the institutions concerning the implementation of the Law on Prevention and Protection against Discrimination, (authors: Tanja Temelkovska Milenkovic and Bekim Kadriu), 2010

<sup>42</sup>. See ECRI Doc. CRI(2010)19, p. 13-14.

<sup>43</sup>. LPPD, cited above in footnote 7, Article 4 and 6.

by law or ratified international agreement.<sup>43</sup> In addition, the Law addresses the actions of encouraging, inciting to and assisting discrimination, as well as the actions of harassment, victimization and segregation.<sup>44</sup>

The Law also contains a large number of procedural provisions, including provisions about shifting the burden of proof and about the possibility for specialized non-governmental organizations not only to intervene in the procedure as third parties, but also to appear in the capacity of complainants and co-complainants under specific conditions.<sup>45</sup> The Law also envisages the establishment of bodies for prevention of and protection against discrimination.<sup>46</sup>

The LPPD is exceptionally important for Republic of Macedonia due to fact that it is the first law that generally prohibits discrimination. The generality of the LPPD stems from 2 of its characteristics. First of all, the LPPD specifies a large number of grounds of discrimination and in addition this list is open, which means that not a single characteristic of any individual (inherent or acquired) may constitute a basis for an unjustified exclusion or restriction in the enjoyment of the rights. The ethnic origin is explicitly listed among the grounds of discrimination. On the other hand, LPPD refers to broad areas of societal life. According to Article 4, LPPD applies to the areas of employment and labor, education, science and sports, social security, pension and disability insurance, health insurance and health care, judiciary and administration, housing, access to goods and services etc. In this way, LPPD guarantees a wide range of possibilities for application, which is a positive precedent in the legal system of Republic of Macedonia.

Notwithstanding the generality of the LPPD, and given the fact that it contains complete provisions on (non)discrimination (discrimination grounds, definitions, exemptions from discrimination etc.), LPPD also serves as a model for application of similar anti-discrimination provisions included in other laws. Notably, given the inconsistent approach in the other laws to the issues of (non)discrimination, LPPD is a good example of the way in which these terms and institutions should be explained and applied.

<sup>44</sup> Ibid, Article 3.

<sup>45</sup> Ibid, Article 19 - 21 and 34.

<sup>46</sup> Ibid, Article 11 - 15. It should be mentioned that during the process of adoption of the Law, one did not take into account the comments of the European Commission, or the comments of the Venice Commission of the Council of Europe (See Opinion on the draft version of the Law as of 19 December 2008. CDL-AD(2008)042).

LPPD is also important for 2 basic reasons. Primarily, LPPD envisages the establishment of an equality body entitled 'Commission for protection against discrimination'.<sup>47</sup> This body is first body of this kind in Republic of Macedonia, and its establishment is mainly owed to the country's obligation to harmonize its legislation with the EU *acquis*. More specifically, the establishment of such an equality body is envisaged in the EU Racial Directive (Article 13). On the other hand, for the first time LPPD envisages a special court procedure for protection against discrimination.<sup>48</sup> This procedure is envisaged as a litigation procedure of urgent nature. Complainants may not only request that discrimination is established, but they may also request compensation for the damages as well as publishing of the judgment (in specific cases).<sup>49</sup> Finally, LPPD contains misdemeanor provisions for committed acts of discrimination.<sup>50</sup>

#### 1.4. OTHER LAWS CONTAINING PROVISIONS ON ANTI-DISCRIMINATION

Besides for the current LPPD as well as prior to its adoption, there have been a great number of laws in the Republic of Macedonia containing provisions related (in one way or another) to (non)discrimination. These laws are from different spheres, and can be divided into two groups. The first group are the laws that prohibit discrimination in specific areas, that is, areas which are regulated by the respective laws. Such as: the Law on Labor Relations,<sup>51</sup> the Law on Social Protection,<sup>52</sup> the Law on Patients' Rights Protection,<sup>53</sup> the Law on Primary Education,<sup>54</sup> the Law on Secondary Education,<sup>55</sup> the Law on Higher Education,<sup>56</sup> the Law on Voluntary Work,<sup>57</sup> the Law on Public Health,<sup>58</sup> the Law on Courts.<sup>59</sup> All these laws have detailed or merely 'modest' provisions related to (non)discrimination. In general, these laws do not have a consistent approach to the issue of (non)discrimination. However, most important is that now the Law on Prevention and Protection against Discrimination bridged all these gaps. LPPD serves as a model for interpretation of the provisions of the other laws.

47. *Ibid*, Article 1, Paragraph 2.

48. *Ibid*, Article 34.

49. *Ibid*, Article 36.

50. *Ibid*, Articles 42-45.

51. Law on Labor Relations, Official Gazette of the RoM No. 62/2005, Articles 6-8.

52. Law on Social Protection, Official Gazette of the RoM No. 79/2009, Article 20.

53. Law on Patients' Rights Protection, Official Gazette of the RoM No. 82/2008, Article 5.

54. Law on Primary Education, Official Gazette of the RoM No. 103/2008, Article 2.

55. Law on Secondary Education, Official Gazette of the RoM No. 52/2002, Article 3.

56. Law on Higher Education, Official Gazette of the RoM No. 35/2008, Article 108(4);

57. Law on Voluntary Work, Official Gazette of the RoM No. 85/2007, Article 9.

58. Law on Public Health, Official Gazette of the RoM No. 22/2010, Article 16, Point 5.

59. Law on Courts, Official Gazette of the RoM No. 58/2006, Article 3.

The Law on Associations and Foundations and the Law on Political Parties stipulate that all these organizations shall not incite to racial or religious hatred or intolerance in their programs, statutes and internal acts, as well as in the context of their general activities; on the contrary they risk being banned by means of a court decision.<sup>60</sup>

The second group of laws are laws relating to committed discrimination crimes or misdemeanors; laws relating to the procedure; or laws relating to institutions, which have defined competences in the area of (non) discrimination. Such are the Criminal Code, the Law on Misdemeanors, the Law on Litigation Procedure, and the Law on the Ombudsman.

The Criminal Code lists several offences related to the prohibition of ethnic discrimination. Such offences include: violation of the equality of the citizens (Article 137); violation of equality in running a business (Article 282); racial and other discrimination (Article 417);<sup>61</sup> provoking ethnic, racial and religious hatred, division and intolerance (Article 319);<sup>62</sup> insulting members of a racial, religious, ethnic or a skin color based group through computer systems (Article 173, Paragraph 2); and disseminating racist and xenophobic materials through computer systems (Article 394-d).<sup>63</sup> Despite some comments that the essence of some of these offences needs to be changed,<sup>64</sup> yet, they do provide direct or indirect protection for the members of the ethnic communities in Republic of Macedonia against possible discrimination. With the amendments to the Criminal Code of the Republic of Macedonia, a new, fifth paragraph was added to Article 39, which stipulates that when a criminal court decides on the punishment, it will certainly take into consideration, where applicable, the fact that the offence was directly or indirectly motivated by the ethnic or social origin, political or religious beliefs, sex, race or color of skin of the person or group of persons targeted by that offence.<sup>65</sup>

<sup>60.</sup> Discrimination of the Roma in the process of education – international and domestic standards and practices, Organization for Security and Cooperation in Europe, Spillover Monitor Mission to Skopje, p. 14-16.

<sup>61.</sup> Criminal Code (consolidated text), Official Gazette of the RoM No. 19/2004 of 30 March 2004.

<sup>62.</sup> Ibid.

<sup>63.</sup> Law amending the Criminal Code, Official Gazette of the RoM No. 114/09 of 14 September 2009, Article 40 and 113.

<sup>64.</sup> Guidelines for the institutions concerning the implementation of the Law on Prevention and Protection against Discrimination, (authors: Tanja Temelkovska Milenkovic and Bekim Kadriu), 2010.

<sup>65.</sup> Official Gazette of the RM no. 19/04 of 30 March 2004 and the amendments adopted on 14 September 2009, in effect since 15 March 2010.

The Law on Misdemeanors is of particular importance because it will be applied to establish whether the misdemeanors from the LPPD have been committed, as well as to establish the amount of the fine. The acts of encouraging, inciting to and assisting discriminatory treatment, harassment and victimization are stipulated as special misdemeanors in the LPPD.<sup>66</sup> For any of the established misdemeanors, competent authorities will conduct a procedure in accordance with the Law on Misdemeanors (also the provisions of the Law on Criminal Procedure will be applied accordingly).

In addition, the Law on Litigation Procedure is also important because the procedure to establish the discrimination and the compensation for the inflicted damage is envisaged as a litigation procedure in the LPPD. Any issues which are not regulated by the LPPD will be regulated by the Law on Litigation Procedure.

Lastly, the Law on the Ombudsman is very important for the protection against ethnic discrimination. Under the new Law on the Ombudsman, the competences of this institution have been extended to cover the protection of the non-discrimination principle, as well as the principle of proportional and adequate representation of the members of the communities in the public authorities.<sup>67</sup> Both principles are important for protection against ethnic discrimination; the first one prohibits discrimination, and the second one allows for taking affirmative measures in the area of employment in the public administration. More details about the authorizations vested in the Ombudsman can be found in the following part.

### 1.5. Institutions for protection against discrimination

The institutional framework for protection against discrimination at national and international level is divided into judicial and extra-judicial protection. Pursuant to the Constitution and other legislation in the Republic of Macedonia, judicial protection with respect to the prohibition of discrimination is within the domain of competence of the Constitutional Court of the Republic of Macedonia,<sup>68</sup> regular courts acting in civil, criminal and administrative procedures; as well as the Office of the Ombudsman, an extra-judicial and non-administrative body. In the framework of the international organizations, the most important judicial authority for protection against discrimination is the Council of Europe Court of Human Rights, the European Court of Justice of the EU, as well as their auxiliary

<sup>66.</sup> LPPD, see above footnote 7, Article 34.

<sup>67.</sup> Law on the Ombudsman, Official Gazette of the RoM No. 60/2003 of 22 September 2003, Article 2.

<sup>68.</sup> See Rules of Procedure of the Constitutional Court (Articles 51 and 56).

bodies which monitor the status of human rights and non-discrimination in all respects.

The Office of the Ombudsman in Macedonia started operating since 1997, whose competence, as stipulated by provisions in the Constitution, is to protect the „legal and constitutional rights of the citizens in cases when such rights are violated by the state authorities“. With regard to the ethnic discrimination, the competence of the Ombudsman is important to ensure the respect for the non-discrimination principles and equitable representation of the ethnic communities within the bodies of public authority.<sup>69</sup> In this regard, the Ombudsman receives individual complaints about alleged discrimination, thereby being in a position to recommend ways to overcome the consequences of discrimination, recommend repetition of a procedure that involved discrimination (for example, competition for a vacancy), as well as to initiate disciplinary or punitive procedures.<sup>70</sup> There is an ongoing process of establishing a separate department within the Office of the Ombudsman to deal merely with discrimination cases.

The Ombudsman is limited in undertaking effective actions for protection against ethnic discrimination due to the fact that its domain of competence does not include the private sector, and the fact that its recommendations are not binding by definition. It is expected that these shortcomings of the Ombudsman in the area of protection against ethnic discrimination will be overcome once the Commission for Protection against Discrimination (Commission) starts to operate effectively. The Commission is being established under the Law on Prevention and Protection against Discrimination, and has a wide-ranging mandate to take measures intended to promote equality and prevent discrimination. The numerous competencies of the Commission can be grouped into several categories. Namely, the principal competencies have to do with assistance and support to the victims of discrimination (through resolving individual reports/complaints), promotional and advisory competencies (raising the awareness about discrimination and mechanisms for protection etc.), research and analytical competencies (collection of statistical and other information, establishment of databases, conducting research, studies and training on discrimination) etc.<sup>71</sup> In accordance with its position and competencies, to a

<sup>69.</sup> Law on the Ombudsman, see above in footnote 64, Article 2.

<sup>70.</sup> Ibid, Article 32.

<sup>71.</sup> The competencies of the Commission are stipulated in Article 24 of the LPPD.

<sup>72.</sup> Paris Principles relating to the status of the national institutions may be found at <http://www2.ohchr.org/english/law/parisprinciples.htm>. One competence that the Commission lacks, and is part of the Paris Principles, is to act as mediator to achieve a so-called amicable settlement among the parties.



great extent the Commission fulfills the criteria of the Paris Principles on the establishment and functioning of national bodies that deal with human rights.<sup>72</sup> In addition to the Ombudsman and the Commission for Protection Against Discrimination, the Agency for the Exercise of the Rights of Communities, established under the Law on Promotion and Protection of the Rights of Members of Communities that Constitute Less Than 20% of the Population of the Republic of Macedonia, has important role in the sphere of ethnic discrimination protection.<sup>73</sup> The Agency monitors the implementation of the basic principles derived from the Ohrid Framework Agreement (and the Constitution) relating to the protection of the rights of the members of smaller ethnic communities (under 20%). The Agency especially focuses on the consistent application of the equitable representation principle, drafts the action plans required for the implementation of the Agency's work program, conducts analytical work, provides and uses the funding needed for implementation of obligations from the program, submits a report to the Government of the Republic of Macedonia on the implementation of the program etc.<sup>74</sup>

### 1.6. Behavior of official personnel

Officials always act in accordance with legal regulations, starting from the highest act – the Constitution, through laws, secondary legislations, all the way to acts that fall under the category of so-called soft law. This would mean that official personnel must respect the principle of equality of all citizens while performing their duties and work tasks, i.e. they must not discriminate on any grounds, including the ethnic origin. The duty for officials to respect the principle of equality arises not only from the LPPD, but also from the basic legislation that regulates their work. Such is the Law on the Courts, which states that one of the principal goals of the judicial branch is “ensuring equality, equal rights and non-discrimination on any grounds”.<sup>75</sup> On the other hand, the Code of Ethics for civil servants requires the civil servant to afford “equal treatment to the citizens and legal entities while performing official duties”.<sup>76</sup>

<sup>73</sup> Law on Promotion and Protection of the Rights of Members of Communities that Constitute Less Than 20% of the Population of the Republic of Macedonia, Official Gazette of the Republic of Macedonia no. 92/2008 of 22.07.2008.

<sup>74</sup> Ibid, Article 13.

<sup>75</sup> Law on the Courts, see above in footnote 56, Article 3.

<sup>76</sup> Code of Ethics for Civil Servants, Official Gazette of the Republic of Macedonia no. 96/2001, Article 2, item 2.

## 1.7. Conclusions and Recommendations

### Conclusions

- 1.1. The Ohrid Framework Agreement (OFA) could be considered as strategy of Republic of Macedonia on the inter-ethnic relations i.e. for dealing with discrimination based on ethnic origin, and for establishment of the equitable representation principle for the ethnic communities. On the basis of the provisions of the OFA, and also in accordance with the extensive international regulation, several legal acts that prohibit discrimination and promote the principle of equality (including equitable representation of the communities) have been adopted. In this way, the international legislation has been embraced.
- 1.2. The development of anti-discrimination legislation and the enactment of the Law on Prevention and Protection against Discrimination (LPPD) this year should be commended. The next step should be the adoption of a special strategy/action plan on national level. There is also room for further improvement of the regulations (such as ratification of several international charters and conventions, and harmonization of other legislation with the newly enacted LPPD).

The establishment of the Commission for Protection against Discrimination is stipulated with the LPPD, and this will be a particular challenge in the future. Facilitating the start-up of the Commission, as well as strengthening the other existing relevant institutions for dealing with discrimination should be given a priority.

### Recommendations

- 1.1. The Republic of Macedonia should adopt a national plan/strategy for combating discrimination (also to harmonize with Chapters 19 and 23 of the EU Pre-Accession Partnership, as well as the Lisbon Treaty) in order to supplement the existing national documents and regulations in accordance with the conclusions of the International Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, the Recommendation of the UN Committee on Elimination of All Forms of Racial Discrimination, as well as the Recommendations of the European Commission against racism and intolerance. Also, it should proceed with the ratification of the revised European Social Charter and the European Charter for Regional or Minority Languages,

- and to sign and ratify the Convention on the Participation of Foreigners in Public Life at Local Level and the International Convention on the Protection of the Rights of All Seasonal Workers.
- 1.2. Aside from instances of disputing certain provisions in certain laws as being discriminatory, no one has so far invoked Article 9 of the Constitution or Protocol 12 of the European Convention on Human Rights in a case of individual discrimination. The reason for this situation has not yet been recognized, studied or analyzed by the authorities in Macedonia, including the Ombudsman.<sup>77</sup> Hence, the recommendation to identify the reasons behind the failure to invoke (in discrimination cases so far) the Constitution or other mechanisms for dealing with these issues established in the framework of the EU or UN.<sup>78</sup>
  - 1.3. There is necessity for bigger cooperation among all state administration bodies, the Ombudsman and the Commission for Protection Against Discrimination, which is to be established pursuant to the new LPPD, in the sense of providing timely and relevant responses to their requirements or recommendations, as well as ensuring their structural independence.
  - 1.4. Article 14 of the Law on Citizenship should be applied liberally, if possible, with regard to people who have been residing in the country for a longer time, and to ensure that the application of that provision does not have a discriminatory effect on any of the non-majority communities as well as to take appropriate steps to inform the groups that are particularly affected.<sup>79</sup>
  - 1.5. The consolidation of criminal-law provisions dealing with racism and intolerance should continue as well, with special consideration for ECRI General Recommendation no. 7<sup>80</sup> concerning national legislation against racism and racial discrimination. Furthermore, the system for collection of relevant data should be improved, and a wide range of actions should be taken at all levels in the system of criminal-law protection in order to improve the application of criminal-law provisions concerning racism and discrimination, including measures to raise the awareness for the police, prosecutors and judges.

<sup>77.</sup> Its role in this process is most significant in terms of the legislative authority and the mechanisms and opportunities at its disposal.

<sup>78.</sup> ECRI recommends in its last two reports (the third and the fourth) that the authorities should resolve this issue. Having no valid data, the assumption remains that this is a matter of citizens' ignorance about the rights and established procedures, as well as the (non-)functioning of the free legal aid services.

<sup>79.</sup> As of December 2009, about 5.000 out of the approximately 5.500 persons who have applied under Article 14 have obtained citizenship; 160 applications are still pending, and about 360 applications have been rejected because the applicant has failed to satisfy the uninterrupted residence requirement; 10 % due to lack of knowledge of the Macedonian language. See *Ibid*, *Supra* 15, page 14.

<sup>80.</sup> ECRI doc. 2002, CRI (2003)8.



## 2. DISCRIMINATION IN VARIOUS AREAS

This chapter looks into the discrimination based on ethnicity in Macedonia, in separate areas such as employment, education, goods and services, social security, health care, media, etc.

Each of these areas are structured in a similar way, with an overview of the regulations specific to that area, situational assessment, possible case studies and some conclusions and recommendations for the particular area.

In the situational assessments and case studies, the authors considered the reported cases of discrimination (filed with the Office of the Ombudsman), as well as instances of alleged ethnic discrimination reported in the media.

In terms of the recorded cases, the main source of information was the Office of the Ombudsman of the Republic of Macedonia, where such cases were reported for the past three years. There are complaints pending before the Constitutional Court concerning discriminatory provisions in certain pieces of legislation, but no individual discrimination case is noted. Also, according to the 2009 Annual Report of the Ombudsman, there is not a single case filed with any of the competent courts.

In the past three years (2007-2009) a total of 47 cases (6, 21 and 20 in each respective year) were reported in the Office of the Ombudsman. The number of individual complainants is 43. It is worth noting that this is according to the classification of the institution itself, as citizens have made submissions to the Ombudsman in many cases (beyond the indicated 47) seeking protection from discrimination, but after the receipt of the case and a conversation with the complainant it was concluded that the respective issue for the case is not discrimination, whereby the case was afterwards processed on different grounds. Of those cases, 37 were resolved by the end of 2009 (10 were carried

over to 2010). The Office of the Ombudsman classified 40 cases on the grounds of discrimination and domain areas (see in the tables below).

Another feature is that citizens rarely declare their ethnic background when reporting a case. Namely, this was done in only 9 of the mentioned cases, with two complainants declaring themselves as ethnic Macedonians, three as ethnic Albanians, and one complainant having declared as ethnic Roma, Turk, Vlach or other ethnic background. Hence, there is little opportunity to assess discrimination based on ethnicity (not only in terms of grounds of discrimination).

In addition, regardless of the declaration of ethnic background, not all cases refer to discrimination on grounds of ethnicity. Namely, the Office of the Ombudsman made a classification by grounds of discrimination, for the first time in the 2009 report; namely in that year, 9 of the reported 20 cases refer to discrimination on the basis of ethnic background. For the three years together, the total number of cases (out of the 40 cases in the classification) on this grounds is 23, or 57.5%, which confirms the hypothesis that this is one of the most prevalent grounds of discrimination in this country, and serves as a justification for this survey. There is also a sizable percentage of cases (27,5%) where no basis for discrimination is established.

Finally, out of the total number of 47 cases, 37 were resolved and only in 9 cases (24%) it was concluded that there is violation of certain right i.e. discrimination. From among these cases, 6 are cases of discrimination based on ethnicity.

At any rate, the small number of recorded and resolved cases diminishes the relevance of the assessment and precludes more generally applicable conclusions.

#### Overview of cases reported to the Ombudsman (2007-2009), by grounds of discrimination

Grounds	2007	2008	2009	Total	Violations
- sex/gender	1	2	1	4	1
- age					
- disability			1	1	1
- religion/belief					
- ethnicity	3	11	9	23	6
- sexual orientation					
- political party affiliation					
- other	1	8	2	11	1
- social status	1			1	
<b>Total</b>	<b>6</b>	<b>21</b>	<b>13</b>	<b>40</b>	<b>9</b>

As it can be seen, although political party affiliation (90%) prevails in the opinion polls and the ethnic background is on the second place (67%), yet in reality (cases from actual practice) ethnicity is the the prevalent reason for reporting the cases and for concluding the existence of discrimination.

The Office of the Ombudsman also made a classification of areas in which discrimination occurs, grouped according to the areas analyzed in this survey (whereby healthcare is included together with social security, and the group of goods and services is divided into elections/appointments for public office, judiciary and police).

#### Overview of cases reported to the Ombudsman (2007-2009), by areas

Areas:	2007	2008	2009	Total	Violations
- employment	2	15	5	22	5
- education					1
- social security		1	2	3	
- health care		1		1	
- goods and services	3		1	4	1
- election/appointment		1	1	2	
- judiciary	1	1		2	
- police			1	1	
- media			2	2	2
- other		2	1	3	
<b>Total</b>	<b>6</b>	<b>21</b>	<b>13</b>	<b>40</b>	<b>9</b>

As it can be seen from the table, the discrimination most frequently occurs in the area of employment (22 of 40 reported cases, as well as 5 out of 9 cases, or 55%, of cases where discrimination was confirmed).

Some of these cases in various areas are further analyzed in the following sections, however due to the small number of reported cases there will also be mentions of other cases of alleged discrimination based on ethnicity (especially those exposed in the media), as well as actions and situations where discrimination is possible or perceived. Otherwise, the survey also confirms large difference between perceived (67%) and actual discrimination (20% of the citizens are claiming that were victims or witnesses of discriminative behavior)

## 2.1. EMPLOYMENT

Protection against discrimination in employment (and occupations) is the most widespread area, which is elaborated in the laws. In fact, this is the area where discrimination most frequently occurs, and this has served as a basis for regulating the discrimination by law.<sup>81</sup> Throughout the history there have been many examples of these types of discrimination. Discriminatory behaviors on the basis of race, ethnicity or religion have often led to social tensions. Thus, the long history of discrimination of African-Americans in the USA led to the civil rights movement in the 60s in the last century; the case with Catholic Irish in Northern Ireland not being hired by Protestant business owners led to the conflict in Northern Ireland in the 60s. The (un)equitable representation of ethnic Albanians in Macedonia for the employment in the state and public institutions in the Republic of Macedonia was partly indicated as one of the causes of the conflict in 2001.

The frequent occurrence of discrimination based on ethnicity in employment and labor relations,<sup>82</sup> as well as the possible consequences from its presence, entail the need to regulate this area with more precision, eliminate the reasons for the occurrence of this phenomenon and create a favorable social environment where non-discrimination, equality and equitable representation are acceptable principles and modes of behavior.

However, although the issue of discrimination in the area of employment is regulated through several statutory provisions in the Republic of Macedonia, yet the practice does not know of any cases initiated before the regular courts in the country to establish any discriminatory behavior.

The European Union insists on a prohibition of discrimination based on ethnicity in the area of labor relations. This arises out of the EU Race Directive,<sup>83</sup> which expressly prohibits direct and indirect discrimination, harassment, victimization and the promotion of racial or ethnic discrimination in labor relations.<sup>84</sup> The Directive also allows the member-states to undertake affirmative action measures in order to achieve full (real) equality in practice.<sup>85</sup> Thus, progress can be

<sup>81.</sup> Violeta Petroska Beska and Mirjana Najcevska, Research report – Barometer of Equal Opportunities, Skopje, p. 37

<sup>82.</sup> Ibid.

<sup>83.</sup> EU Race Directive, cited in footnote 5.

<sup>84.</sup> Ibid, Article 3.Paragraph 1, items a, b, c, d.

<sup>85.</sup> Ibid., Article 5.



made by formulating the anti-discrimination legislation and respecting the uniform standards.

### 2.1.1. Legislation

The assessment of legislation concerning the prevention and protection against discrimination based on ethnicity in labor relations is also made on several levels. From the aspect of the international obligations of Republic of Macedonia, one has to mention the Convention 111 of the International Labor Organization (ILO), relating to discrimination in labor relations and trades/occupations.<sup>86</sup> This Convention defines discrimination in a general way, making no distinction between direct and indirect discrimination.<sup>87</sup> The Convention prohibits discrimination in the access to training and retraining required for employment, access to certain jobs and occupations, as well as conditions of employments, and rights and responsibilities arising from the labor relations.<sup>88</sup>

The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>89</sup> is also important for the prohibition and protection against discrimination in the area of employment. This Covenant guarantees the right to work, the right to particular rights arising out of employment contracts, as well as the right to association among workers.<sup>90</sup> On the other hand, in view of the anti-discrimination clause in Article 2 of this Covenant, the state parties undertake to provide these rights without discrimination (including discrimination based on ethnicity) to all individuals under their respective jurisdictions.<sup>91</sup>

European regulations also provide protection from discrimination in the area of employment and occupations by the Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupations.<sup>92</sup> Nevertheless, as this Directive is not related to discrimination based on ethnicity, the EU Race Directive is more relevant to our survey. The EU Race Directive protects from discrimination on the basis of racial or ethnic origin, and also refers to access to certain jobs and occupations, access to certain training and retraining for employment, including practical work, criteria for selection of candidates and the selection itself,

<sup>86.</sup> C 111 Discrimination (Employment and Occupation) Convention, 1958, adopted on 25.06.1958 at the 42 General Conference of the ILO. The Convention entered into force on 15.06.1960.

<sup>87.</sup> *Ibid.*, Article 1, Paragraph 1.

<sup>88.</sup> *Ibid.*, Article 1, item 3.

<sup>89.</sup> ICESCR is cited earlier in footnote 12.

<sup>90.</sup> *Ibid.*, Articles 6, 7 and 8.

<sup>91.</sup> The anti-discrimination clause is found in Article 2 of the ICESCR.

<sup>92.</sup> EU Directive on Equal Treatment in Employment, cited earlier in footnote 33:

employment conditions and rights arising from employment contracts, including the wages(salary) and dismissal from work, as well as membership in worker organizations (unions) and benefits derived from such membership.<sup>93</sup>

In our regulation, the issue of protection from discrimination based on ethnicity in the area of employment is primarily regulated under the Law on Labor Relations from 2005.<sup>94</sup> Partly, the issue of (non)discrimination is also indirectly regulated in the Law on Civil Servants. This area is also included in the new Law on Prevention and Protection against Discrimination enacted in April of this year. Discrimination in employment is also included in several other pieces of legislation.<sup>95</sup>

Until the adoption of LPPD in April of 2010, the Law on Labor Relations (LLR) from 2005 was one of the few laws in the legal system of the Republic of Macedonia that directly prohibited discrimination. Thus, Paragraph 1 of Article 6 of this law stated that “the employer must not put the job seeker, job candidate or worker in an unequal position on the basis of race, skin color, sex, age, health condition or disability, religious, political or other affiliation, union membership, national or social origin, family status, financial status, sexual orientation or other personal circumstances“.<sup>96</sup>

This law defines and prohibits direct and indirect discrimination, harassment and mobbing. The definitions follow the lines of definitions accepted in EU law.<sup>97</sup> In addition, the LLR also allows possibilities for protection and right to damage compensation pursuant to Law on Obligations if a person is found to have been subjected to discrimination<sup>98</sup> Similar to the EU Race Directive, the prohibition of direct and indirect discrimination in the LLR relates to “recruitment conditions, including the criteria and conditions for selection of candidates for a particular job, in all branches or divisions according to the National classification of business activities and at all levels of professional hierarchy; promotions; access to all types and levels of proficiency training, re-training or

<sup>93.</sup> EU Race Directive, cited earlier in footnote 5, Article 3, Paragraph 1, items a, b, c, d.

<sup>94.</sup> Law on Employment Relations is cited earlier in footnote 48.

<sup>95.</sup> Law on Volunteering, Official Gazette of the Republic of Macedonia no. 85 of 09.07.2007, Article 9; Law on Service in the Army of the Republic of Macedonia, Official Gazette of the Republic of Macedonia no. 36 of 15.03.2010; Law on Employment and Unemployment Insurance, Official Gazette of the Republic of Macedonia no. 50/2010, Article 1a.

<sup>96.</sup> Ibid, Article 6. It is interesting that this Article does not expressly enumerate ethnic origin. Nonetheless, the list of prohibited grounds for discrimination is open, and on the other hand the definition of race in international law allows us to conclude that ethnic origin is included in this definition.

<sup>97.</sup> Ibid, Article 7.2, 7.3., 9 and 9(a).

<sup>98.</sup> Ibid. Article 10.

skill improvement; working conditions and all rights arising from the employment contract or relating to the labor relations, including equality of wages; termination of the employment contract and the rights of members and activity in the associations of workers and employers or any other professional organization, including the privileges arising from such membership“.<sup>99</sup>

As it was mentioned in the first part, the LPPD provides protection in the area of employment, inter alia, Article 4 of this Law states: „This Law shall be applied by all state bodies, bodies of local government units, legal entities with public legal power, and legal entities and natural persons in the areas of: 1. Employment and labor relations;...“<sup>100</sup> The LPPD prohibits direct and indirect discrimination, harassment, and victimization. Furthermore, a special procedure for protection against discrimination is also regulated with this law. Being a general legislation, the LPPD will be applied to cases of discrimination based on ethnicity in labor relations for issues not regulated by the LLR or in instances where the LLR offers less protection.

Partially, this subject matter is also included in the Law on Civil Servants, where discrimination on the basis of national or religious origin is indirectly prohibited. Thus, Article 12 of this Law states „Recruitment for state service shall be conducted under a transparent procedure, on the basis of criteria of proficiency and competence, and application of the principle of equitable representation of the members of the communities.“<sup>101</sup>

The law promotes equal access to jobs in the state sector and selection based on abilities. Also, the system of wages and benefits regulated under this law is based on the principles of legality, equality, transparency, predictability and fairness.

The possibility to undertake measures of affirmative action to achieve true equality in the area of employment is important with regard to the issue of discrimination based on ethnicity. These measures related to the employment in the legal system of Republic of Macedonia derive from the constitutional principle of adequate and equitable representation of all ethnic communities in the public administration. This principle is a result of the constitutional amendments from 2001, whereby this principle was established as a fundamental

<sup>99.</sup> Ibid, Article 7.4.

<sup>100.</sup> LPPD, cited earlier in footnote 5.

<sup>101.</sup> Law on Civil Servants (edited text), Official Gazette of the Republic of Macedonia no. 76/2010, Article 12.

value of the constitutional order of the Republic of Macedonia.<sup>102</sup> This principle is further implemented in many other pieces of legislation, such as the Law on Civil Servants,<sup>103</sup> the Law on the Courts,<sup>104</sup> the Law on Public Servants<sup>105</sup> etc. The Ombudsman is given explicit competence to monitor the compliance with this principle by the bodies, organizations, enterprises and other institutions which are obligated to adhere to this principle, and to propose actions for more successful implementation of the respective principle.<sup>106 107</sup>

### 2.1.2. *Situation assessment*

The scarce statistics about discrimination based on ethnicity in the area of employment indicates to a seemingly relatively good picture about this issue. According to data from the Ministry of Finance (enclosed) on the number of staff working in institutions which are beneficiaries of the national budget, in June of 2010 there were 78.1% staff of ethnic Macedonian origin, 16.9% staff of ethnic Albanian origin, 1.3% staff of ethnic Turkish origin, 1.6% staff of ethnic Serbian origin, 0.6% staff of ethnic Vlach origin, 0.6% staff of Roma ethnic origin and 0.3% ethnic Bosniak staff on national level. On the local level, 70.3% of staff are ethnic Macedonian, 24.4% are ethnic Albanian, 2.2% are ethnic Turks, 1.5% are ethnic Serbs, 0.5% are ethnic Roma, 0.4% are ethnic Vlachs and 0.3% are ethnic Bosniaks, and 0.8% staff from other ethnicities. The data reflects the number of staff, but not their distribution by hierarchical level. However, articles and stories reported in the printed and electronic media in our country indicate to a different situation whereby discriminatory conduct persists in several areas, including cases of discrimination based on ethnicity in the area of employment and recruitment, as well as violations of the principle of equitable representation.

<sup>102.</sup> Amendment VI to the Constitution of the Republic of Macedonia, Official Gazette of the Republic of Macedonia no. 91/2001 of 20.11.2001.

<sup>103.</sup> Law on Civil Servants, cited earlier in footnote 98, Article 12.

<sup>104.</sup> The Law on the Courts was cited earlier in footnote 56, Article 101, Paragraph 3.

<sup>105.</sup> Law on Public Servants, Official Gazette of the Republic of Macedonia no. 52/2010 Article 6.

<sup>106.</sup> Law on the Ombudsman, cited earlier in footnote 64, Articles 2, 11, 31, 32.

<sup>107.</sup> The recruitment of members of smaller ethnic communities for jobs in the public administration by applying the principle of equitable representation indirectly excludes the members of the majority ethnic community from the opportunity to compete or apply for those jobs. This form represents a distinction based on ethnic origin, which is a principal prerequisite for the existence of discrimination. See for example the Kalanke case, C 450/93, 12 October 1995 [1995], ECR I-351. In this case, the unconditional advantage given to a female candidate for job promotion in a sector where women have been less represented, according to the European Court of Justice, constitutes gender-based discrimination. Nonetheless, this rule cannot be applied in the Republic of Macedonia, especially in circumstances of very low representation of members of smaller ethnic communities, and due to the systematic discrimination against members of these groups in the past (and present). All the same, the clear and correct application of the principle of "equitable representation" will be a challenge in the future.

With regard to the unemployed, according to the latest available data (August 2010) from the Employment Agency of the Republic of Macedonia, the total number of unemployed people is 326,154, and the breakdown according to the ethnicity largely (with the exception of the Roma) reflects the distribution of the general population: 63% Macedonian, 24% Albanian, 4% Turk, 5% Roma, 1% Serb, and less than 1% others. Among the Roma, the unemployment rate reaches 72%.

Discrimination may be also manifested in certain hidden forms, i.e. not only in clearly expressed and aggressive discriminatory conduct. Sometimes even the victim of discrimination is not aware of the discrimination being inflicted on him/her. Often, the acts of discrimination cannot be identified or recognized, and the citizens are insufficiently aware and courageous to initiate legal "battle" against discrimination. One reason could be the lack of information about certain civil rights specified by several legal provisions, as wells about the possibilities for protection from discrimination. Indeed, partially the „blame“ should also be located in the long inexistence of specific anti-discrimination legislation.

In accordance with its constitutional role in the legal system, the Ombudsman, being the competent authority for protection of the guaranteed civil rights, inter alia, also undertakes actions for realization of the non-discrimination principle established under domestic legislation and international treaties. According to the 2009 Annual Report of the Ombudsman, last year there were 20 filed complaints alleging discrimination. It is evident from the complaints that discriminatory conduct is most widespread in areas that are particularly significant and sensitive in terms of exercising the civil rights, i.e. the complaints most often concern the employment and rights arising from labor relations, or the ethnicity.

In the framework of the activities undertaken for individual cases when citizens have reported violation of the equitable representation principle regarding the exercise of employment rights, the Ombudsman has submitted recommendations to the respective institutions that they are required to act in accordance with Amendment VI of the Constitution of the Republic of Macedonia. This amendment stipulates the equitable representation of citizens from all communities in the bodies of state authority and other public institutions at all levels as one of the fundamental values of the constitutional order.

As concluded in the Report, there is an insignificant number of cases requesting for protection from discrimination. The Ombudsman considers that this is due to the fact that the citizens, despite feeling discriminated against, and stating so in their submissions, still lack the courage to request that procedures are initiated on the grounds of discrimination, which are also difficult to be proved. For these reasons, i.e. upon the insisting of the applicants, in such cases the Ombudsman takes actions in areas where the citizens' rights are directly violated. In fact, as stated in the Report, discrimination could be hidden behind specific violations of certain rights.

The statistics on the small numbers of complaints filed on grounds of discrimination may be also interpreted with the complete absence of awareness among the citizens regarding the problem of discrimination, ignorance on the part of the citizens that they could file requests in this regard to the Ombudsman, citizens' mistrust in this institution regarding the action taken in cases of discrimination, or simple distrust that this institution could achieve something to resolve the problem.<sup>108</sup>

In addition to the Constitutional Court and the Ombudsman, other safeguard mechanisms before which issues of discrimination may be raised are the Standing Inquiry Commission on Civil Rights and Freedoms, The Commission for Equal Opportunities for Men and Women and the Committee for Inter-Community Relations, The Gender Advocate at the Ministry of Labor and Social Policy, and the courts of law.

Unfortunately, despite the availability of several legal mechanisms for protection against discrimination, and the fact that some of the subject matter was also partly regulated in several provisions of above-mentioned legislation (in particular the Law on Labor Relations), yet there has been no case in the practice of the regular courts in our country where the court has been asked to establish discrimination or discriminatory conduct.

One of the fundamental values of the constitutional order of the country, stated in the Amendment VI of the Constitution of the Republic of Macedonia,<sup>109</sup> is the principle of equitable representation. For the purposes of monitoring the situation regarding equitable representation of all communities and the gender equality, the Ombudsman indicated that the analysis of the data for

<sup>108</sup>. <http://www.mcms.org.mk/images/docs/2010/analiza-na-megjunarodnite-standardi-i-najdobri-praktiki-2010.pdf>

<sup>109</sup>. Constitution of the Republic of Macedonia, cited earlier in footnote 9.

the year 2009 shows certain progress in the implementation of the equitable representation principle, but the conclusion that most institutions have not yet reached the required level of representation is still valid.<sup>110</sup>

Furthermore, it was concluded that the bodies of state administration are more diligent in implementing this principle, in contrast to the public utility enterprises, whereby for many years the percentage of the representation of the members of the communities has not been compliant with the constitutionally guaranteed principle. Thus, the Office of the Ombudsman lists the Ministry of Information Society as one negative example, where only 5% of the staff belongs to non-majority communities in Republic of Macedonia.<sup>111</sup> A similar situation prevails in many other state agencies and public utility enterprises, such as the Commission on securities, The Agency for Financial Support to Agriculture and Rural Development, Strezevo Public Utility Company, Studencica Public Utility Company - Skopje, HC Zletovica Public Utility Company - Probitip.<sup>112</sup> The level of representation of smaller ethnic communities in the judicial bodies is unsatisfactory, and most affected are members of the smaller ethnic communities such as the Roma and Turkish communities.<sup>113</sup>

According to the Office of the Ombudsman, the legally guaranteed principle of equitable representation is still not sufficiently affirmed, i.e. continued actions and measures are needed for full implementation of this principle in the bodies of state authority and other public institutions.

The Secretariat for Implementation of the Framework Agreement provides support to the Government of the Republic of Macedonia in implementing the strategic priority related to the obligations arising out of the Framework Agreement, especially in ensuring equitable representation of citizens belonging to all communities within the bodies of state administration and other public institutions. Nonetheless, the status, competencies and role of this Secretariat still remain quite nebulous, which requires more concrete actions and definitions in order to avoid the possible discrimination, based both on ethnicity and political affiliation.

The Secretariat for Implementation of the Framework Agreement continuously takes activities for implementation of the equitable representation principle

<sup>110</sup>. Annual Report of the Ombudsman for 2009, cited earlier in footnote 105.

<sup>111</sup>. Ombudsman Information on the Monitoring of the Application of the Principles of Equitable Representation and Non-Discrimination, Skopje, 2010, page 21.

<sup>112</sup>. Ibid.

<sup>113</sup>. Ibid.

for the members of the communities, however the fate and the status of many newly recruited staff are astonishing – although they are on the payroll, they are not being assigned specific work tasks, so they ‘stay’ at home, having been not assigned to a particular job position, and wait for months, and in some cases for years.<sup>114</sup> The number of this category of employees is on the increase considering the new employments. On the other hand, the failure to include them in the organizational systematization of their respective organizations is untenable, not only from the economic aspect, but it also tends to contribute to the persistence of discrimination in society and denigrates their dignity, as the authorities seem to see these people as “superfluous”.

The drafting of the Program for employment of members of the communities is based on an analysis conducted by the Secretariat for Implementation of the Framework Agreement and information obtained from annual plans of the ministries and other bodies of state administration, as well as data obtained from public utility enterprises about the representation of non-majority ethnic communities in Republic of Macedonia.

The recommendations from the Strategy for adequate and equitable representation, as well as the recommendations from the Strategic plan of the Secretariat for implementation of the Framework Agreement by the Government of the Republic of Macedonia, which contain measures and actions for improvement of equitable representation are taken into consideration while drafting the Program.<sup>115</sup> The Secretariat undertakes concrete measures and activities for implementation of the Strategy for adequate and equitable representation principle for the members of the non-majority communities in Republic of Macedonia, as well as the Annual plan for recruitment from the ethnic communities enacted by the Government of the Republic of Macedonia. In the context of equitable representation in the state and public administration, the data from the Secretariat show that that in 2009 and in the beginning of 2010 there have been vacancies announced for employment of members of the non-majority communities in the country, which resulted in employment of 777 members of the non-majority ethnic communities. A procedure is ongoing to employ another 250 members of the smaller ethnic communities (Turks, Roma and others).

<sup>114</sup> Mass hiring on the state's tab, Vreme daily, 20.08.2010.

<sup>115</sup> <http://siofa.gov.mk/mk/index.php?news=135>



In this regard, the data from the Secretariat indicate that during the year 2009 there have been vacancies announced for employment of the members of non-majority communities in the country, whereby a total of 407 people were employed, of which 301 with higher education and 106 with secondary education. According to the 2010 EC Progress Report for Republic of Macedonia, the representation of non-majority communities in the public administration has reached 29%.<sup>116</sup>

### 2.1.3. Case study

Considering the examples from the practice, which are stated in the Report on the work of the Ombudsman in 2009, hereby we single out the case in which discrimination was established. Namely, a citizen has submitted a complaint to the Ombudsman, stating that he is employed in the Ministry of Defense as an active-duty member of the military and that he believes he is being discriminated on the basis of ethnicity, i.e. that his ethnic background had been an obstacle to benefiting from incentives.<sup>117</sup>

In the action taken on the respective complaint, the Ombudsman indicated to the prohibition for discrimination on any grounds, as well as the guaranteed right to equality by the Constitution and the laws for all citizens of Republic of Macedonia. Following the Ombudsman's intervention, the complainant was rewarded with seven days leave of absence for the effort and results achieved in the operation and military training of his unit.

Furthermore, the Ombudsman had a complaint filed by a group of citizens who noted the violation of their employment rights. They were informed that they will be transferred from one to another state administration body, which was done.

After the transfer, they were required to take an internal exam, after which they were handed dismissals with reference to article 99, paragraph 2 of the Labor Law, which provided good excuse that they didn't completed the probation period successfully.

In regards to the above, Ombudsman concluded that the arrangements for the termination are not in accordance with the law, and that the entire case may contain elements of discrimination. For this reasons, Ombudsman has taken

<sup>116</sup>. European Commission, Report on the Progress of the Republic of Macedonia for 2010, COM(2010)660

<sup>117</sup>. Annual Report of the Ombudsman for 2009, cited earlier in footnote 105.

in the proceedings and requested full review of the procedure, and instructed to the group to ask for court protection, in order not to miss legal deadlines.

Even these advices were given, the authority didn't accept the complaints of the submitters, but the court accepted their appeal and returned them to work.

Unfortunately, complaints for discrimination based on ethnicity in the area in employment are rare in the practice of the Ombudsman, which due to the reasons stated in the survey above, does not necessarily mean that the number of such cases is also small in everyday life.

#### **2.1.4. Conclusions and recommendations**

##### **Conclusions**

2.1.1. Discrimination in the area of employment is one of the most widespread forms of discrimination. Some of the cases in this area are also cases of discrimination based on ethnicity.

From the aspect of the legislation, the Law on Prevention and Protection against Discrimination and the Law on Labor Relations prohibit discrimination based on ethnicity in the area of employment and offer solid protection from discrimination. Nevertheless, more work is required for effective implementation of this legislation.

2.1.2. In addition to the prohibition of discrimination, the constitutional principle of equitable representation of members of the non-majority communities in the state administration is also having impact on the improvement of the situation. This constitutional principle is also implemented in other laws, and 25% employment of members of the non-majority communities in state administration has been achieved so far.

2.1.3. The Secretariat for the Implementation of the Ohrid Framework Agreement monitors the efficient enforcement of the adequate and equitable representation principle. During the last year, the Secretariat realized the employment of around 1,000 people in the public administration through this principle.

2.1.4. However, the perception of the citizens is that the discrimination is most common in the area of employment (twice as many think that there is favorising of some ethnic communities in the employment, especially in the public sector) and 81% of them aren't justifying that.

## Recommendations

- 2.1.1. There is necessity for consistent compliance with the adequate and equitable representation principle, especially in some state institutions where there is underrepresentation. This also includes the institutions on the local level, where the majority community is a minority. In addition, this principle requires certain qualitative presentation of the staff in terms of the positions they hold.
- 2.1.2. Particular attention should be paid to discrimination based on ethnicity regarding the employment in the private sector. Bigger possibilities for hidden discrimination exist in this area, especially with regard to the freedom to select candidates for a particular job. It must be insisted on consistent implementation of the Law on Labor Relations, especially the part that relates to protection against discrimination.
- 2.1.3. Adequate analyses are needed to identify areas where affirmative measures need to be implemented. In particular, such measures are needed to improve the employment of Roma, as the least represented community. Higher employment rates among the Roma should have a positive impact on their social status, especially in terms of poverty reduction.

## 2.2. EDUCATION

Discrimination in education is known in almost every society. Nonetheless, it does not appear in the same form. Somewhere persons are discriminated against the possibility to access concrete education programs and institutions, and elsewhere the discrimination appears with regard to the language on instruction is carried out and on which the literature used is written; somewhere the discrimination in education appears in the form of physical segregation of students from different ethnic groups; sometimes even the approach of the teaching staff to the students is not the same, i.e. could be discriminatory.

Discrimination could be carried out either by the state and its institutions, or by individuals and personalities. In cases when discrimination is done by individuals, it is the state responsibility to prevent and sanction it. In most of the cases the discrimination is due to presents of stereotypes and prejudices against personalities or members of specific groups.<sup>118</sup> Macedonia is not an exception in this area. Discrimination in the area of education does exist in the Republic of Macedonia, besides the other also against ethnic affiliation.

<sup>118</sup>. Handbook on Prevention and Protection against Discrimination in upbringing-education system in the Republic of Macedonia, Ministry of Education and Science

The form in which discrimination appears is specific, which also a subject of this research.

### 2.2.1. Legal Regulation

In Macedonia discrimination is prohibited in many areas, including also the education. This is a result of the relevant international and domestic legislation which promotes the principles of non-discrimination, tolerance and mutual rapprochement and acceptance within the upbringing-education system. In addition, there is legal regulation which prescribes certain mechanisms and sanction discrimination from many aspects in the social life, among which the right to education as human right. In the international regulation, there are great numbers of instruments that guarantee the right to education as well as equal access to education. Here we will list the Universal Declaration of Human Right (Article 7 and 26);<sup>119</sup> Convention on the Elimination of Racial Discrimination (CERD, Article 7);<sup>120</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 13 and 2);<sup>121</sup> the UNESCO Convention against Discrimination in Education (Article 1),<sup>122</sup> Convention on the Right of the Child (Article 28);<sup>123</sup> Convention on the Rights of Persons with Disabilities (Article 24);<sup>124</sup> Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Article 4, paragraph 4)<sup>125</sup>; ECHR (Article 14),<sup>126</sup> Protocol 1 Article 2 and Protocol 12 to ECHR,<sup>127</sup> Framework Convention for the Protection of National Minorities (Article 6 and 12);<sup>128</sup> Recommendation Rec(2009)4 of the Committee of Ministers of members states on Education of Roma and Travelers.

These instruments tackle the right to education in different manner. However, in general, first that is guaranteed is the right to education for all, and second,

<sup>119.</sup> Universal Declaration of Human Rights, United Nation General Assembly, 10 December 1948, <http://www.ohchr.org/EN/UDHR/Language.aspx?LangID=mkj>.

<sup>120.</sup> CERD, op.cit footnote 3.

<sup>121.</sup> ICESCR, op.cit., footnote 12.

<sup>122.</sup> Convention against Discrimination in Education, adopted at the UNESCO General Conference in Paris on 14 December, and entered into force on 22 May 1962. Available on the web-site [http://portal.unesco.org/en/ev.php-URL\\_ID=12949&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html#ENTRY](http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html#ENTRY).

<sup>123.</sup> Convention on the Right of the Child, op.cit., footnote 13

<sup>124.</sup> Convention on the Rights of Persons with Disabilities, United Nations, 13 December 2006, <http://www.un.org/disabilities/default.asp?id=259>

<sup>125.</sup> Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, United Nations General Assembly, 18 December, 1992, <http://www.ohchr.org/english/law/minorities.htm>

<sup>126.</sup> ECHR, op.cit, footnote 14.

<sup>127.</sup> Protocol 12 to ECHR, op.cit. footnote 15.

<sup>128.</sup> Framework Convention for the Protection of National Minorities, op.cit., footnotes 16.

discrimination on any grounds, including the ethnic affiliation in the access to education is prohibited. Instruments related to minorities also guarantee the possibility for education on mother tongue (Framework Convention for the Protection of National Minorities, Article 14). In addition, some instruments make possible undertaking affirmative measure aimed at providing effective enjoyment of guaranteed rights for some groups (CERD, Article 2.2).

Regarding the domestic legislation, emphases should be given to the Law on Primary Education (Article 2);<sup>129</sup> the Law on Secondary Education (Article 3);<sup>130</sup> the Law on Higher Education (Article 108.4),<sup>131</sup> the Law on Textbooks (Article 3);<sup>132</sup> the Law on Education Inspections (Article 2);<sup>133</sup> the Law on the Bureau for Development of Education (Article 5)<sup>134</sup> and the Law on Prevention and Protection against Discrimination.<sup>135</sup> These laws contain provisions related to discrimination, and it is also rather important that these laws are amended with the LPPD. Namely, LPPD is also applicable in the area of education by which all possible gaps existing in other laws, which do exist, are filled. LPPD defines direct and indirect discrimination, intimidation and victimization (Articles 6-10) in a consistent manner; it envisages a possibility for undertaking affirmative actions (Article 13) and possibility the use of the language of members who are not majority in the education process (Article 15.8); it also provides for special court procedure for protection against discrimination (Article 34-41). Such provisions do not exist in the specific laws related to education, by which LPPD is present as the only one in this respect.

### **2.2.2. Assessment of the Situation in Schools**

The instruction in the upbringing-education system in Macedonia is performed on several languages. Regular instruction is performed on Macedonian, Albanian, Turkish and Serbian language of instruction. The remaining communities such as the Vlah, Bosnak and Roma community follow the regular instruction in the upbringing-education system on Macedonian or on some of the other languages. These communities study their mother tongue and culture through a an optional subject language and Culture of Vlachs, Bosnaks and Roma, which starts to be implemented upon the choice of students' parents starting from third grade until the end of the primary education.

<sup>129.</sup> Law no Primary Education op.cit., footnote 51.

<sup>130.</sup> Law on Primary Education, op.cit., footnote 52.

<sup>131.</sup> Law on Higher Education, op.cit., footnote 53..

<sup>132.</sup> Law on Textbooks, Official Gazette of RM, No. 98/08 and 99/09

<sup>133.</sup> Law on Education Inspection, Official Gazette of RM, No. 52/05 and 148/09

<sup>134.</sup> Law on Bureau for Development of Education, Official Gazette of RM, No. 37/06, 142/08 and 148/09

<sup>135.</sup> LPPD, op.cit., footnote 7.

On the territory of the Republic of Macedonia there are 341 primary schools in total. There the instruction is carried out on four languages of instruction, Macedonian, Albanian, Serbian and Turkish language. In 241 (70,6%) instruction in one of the languages of instruction is organized, of which in 185 (77%) – on Macedonian language, in 55 (22,8%) – on Albanian language and in 1 (0,4%) – on Turkish language.

Out of the total number of schools (341), in 85 (25%) – the instruction is in two language of instruction, in 59 (69%) - the instruction is on Macedonian and Albanian language, in 20 (23,5%) - on Macedonian and Turkish language and in 3 (3,5%) schools – on Macedonian and Serbian language.

The instruction on three languages is carried out in 15 (4,4%) schools. Out of them, 13 (86,6%) carried out the instruction Macedonian, Albanian and Turkish language and 2 (13,3%) – on Macedonian, Albanian and Serbian language of instruction<sup>136</sup>.

With regard to the number of students by their ethnic affiliation, tables presented below give data from MES.

**Status regarding pupils, total number of pupils and number of pupils following instruction on optional subject Language and Culture**

	<i>Total No. of pupils</i>	<i>Pupils in Optional subject</i>	<i>%</i>
Bosnaks	2014	377	18,71 %
Vllah	307	716	/
Roma	10.551	2.191	20,76 %

**Status regarding pupils, total number of pupils and number of pupils following instruction on their mother tongue**

	<i>Total No. of pupils</i>	<i>Pupils following on mother tongue</i>	<i>%</i>
Serbs	1.771	274	15,47%
Turks	9.047	3.390	37,47% <sup>137</sup>

The data presented in the tables show that there is low/small % of pupils members of the communities who follow regular or optional instruction on their mother tongue. As a result, there is a need of consistent implementation of the procedure on informing parents for regular and optional instruction on the language of the communities by the schools. With regard to the status of

<sup>136</sup>. Status of Children Members of the Ethnic Communities the Primary Education of the Republic of Macedonia, Ministry of Education and Science, June 2010.

the teaching staffs, taking into consideration their ethnic affiliation, the situation is as follows:

**Status regarding the teaching staff, total number of teachers and number of teachers- members of communities.**

<i>Ethnik Affiliation</i>	<i>% of Municipal out of Total % of Population in RM</i>	<i>Number of Teachers in Members of Communities</i>	<i>% of those Teachers included in Instruction</i>
Bosnak	0,84%	50	0,35%
Vlah	0,47%	/	/
Roma	2,66%	24	0,16%
Serbs	1,77%	/	/
Turks	3,85%	366	2,57%
<b>Number of Teachers in Primary Education</b>			<b>14.189</b>

The table shows that there is a rather low percentage of teacher members of communities in the Republic of Macedonia included in the regular upbringing-education process having in mind the percentage of representation of these communities in the total population of Macedonia, and the total number of teachers included in regular instruction.

With regard to textbooks, there was a serious problem regarding the coverage of all subjects with textbooks on the language of the communities until the previous school year (2008/09). This year the Ministry of Education and Science, in line with the Project of the Government of the Republic of Macedonia, provided textbooks on Turkish language and instruction for all subjects in primary education, and for some of the subjects studied in gymnasium majoring of secondary education. In addition, textbook required for the subjects on Serbian language of instruction are provided. With regard to the optional subject Language and Culture of Vlah, Bosnak and Roma, the Ministry of Education and Science approved manuscripts for textbooks for third, fourth and fifth grade for the optional subject Language and Culture of Vlah, and Roma for the first time this school year 2010/11, while books for Bosnaks they have not yet been provided because of the small interest of the authors in submitting their manuscripts for textbooks. All these textbooks provided this year are in a stage of translation and printing.<sup>138</sup>

<sup>137.</sup> Ibid.

<sup>138.</sup> The Ministry of Education and Science, Administration for Promotion of Education on the Language of Community Members.

A point of departure regarding the needs of this research, a Handbook on Prevention and Protection against Discrimination in Upbringing-Education System in the Republic of Macedonia, prepared by the Ministry of Education and Science in cooperation with the National Roma Center in Kumanovo.

According to their findings, the considerations regarding the notion of discrimination of all subjects included in the upbringing-education system are presented below.

- 1. Directors and Pedagogical-Psychological Services in Schools** – most of the schools where working meetings with the directors and professional services were held, showed that a small number of schools are planning activities for fostering and development of multi-cultural differences and values in the annual programs for the work of the schools. Most frequently they elaborate on these issues within some of the subjects (most frequently the subject *Civil Education*) and on the occasion of celebrations of different national and religious events and the Day of the School. A particular shortcoming is the fact that the schools are lacking information on the children at school age who are not included in the upbringing-education system. Some of them pointed out that the information on children fulfilling the conditions for enrolment in the first grade they receive from members of the associations of citizens working in education. Most of the schools implement the affirmative measures on a regular basis when they enrolled the students Roma in the secondary education in accordance with the announced conditions prescribed by the Ministry of Education and Science and the project activities of the associations of citizens on fellowships and tutorship of secondary school Roma.
- 2. Teachers/Professors** – expect that the activities on fostering multicultural values and tolerance are planned in annual programs in the schools. The activities planned are to include curriculum and extra-curriculum activities and project activities. With regard to the discrimination in schools, teachers/professors believe that the scope is not subject of concern. Most frequently, they mention the social discrimination due to the serious socio-economic situation, especially the one of the members of the Roma community.
- 3. Education Inspectors** – competencies and authorization of education inspection are carried out at local and state level and on the basis of that, they are divided. At local level, some of the competencies and authorization fall under the authorized municipal education inspectors, while at state



level, some of the competencies and authorization fall on the state education inspectors. The results show that there is a strong trend towards full coverage of Roma population in upbringing-education process, despite the problems with lack of personal documentation for a small number of them. The delay in the upbringing-education process is improved, but early drop-out is still subject of concern, and especially inconsistent absence of schools due to the migration of families in search for work, during seasonal works. Achievements of Roma children are improved, but they are still rather low compared with average achievements of students in the schools. Prejudices and stereotypes are present, but also the trend of decline is present.

4. **Parents** – all parents covered by survey pointed out that the information regarding enrolment of their children in primary and secondary education they receive is through the school, i.e. they are informed by the schools or through the media. In the part related to understanding their rights and obligations as parents, we concluded that one half of the involved know rather well their rights and obligations, while, the remaining do not know anything about their rights and obligations. In general, parents are satisfied with the conduct of the teachers towards their children, and attend parents' meetings on regular basis. Whenever there is a problem they go to the director, professional services or class or subject teacher.
5. **Pupils** – From the survey with pupils we came to conclusion that the parents are interested in and support their children despite the poor socio-economic condition they faced with on a daily basis. The pupils pointed out that their parents permit them to go to school without making any problem. In general, they are satisfied the way the teachers behave, and whenever they ask for help, they get it. The majority of pupils do not attend extra-curriculum instruction, since it is not organized in the schools and, if organized elsewhere, they do not attend due to their free will.

### 2.2.3. Case Stories

#### a) Struga Case

In this part of the research the study of the Case - Struga made by the OSCE Mission to Skopje for the need of the research Age, Contact, and Perception – How Schools Establish Relations between Ethnic Communities, published in January 2010 was used.

The Town of Struga was selected as study case taking into consideration the data received regarding the high level of hostile fillings between the students - the two most represented ethnic communities, Macedonian and Albanian. The intention is to give an overview on individual indicators in order to establish what could be the possible reasons for the high level of tension between the students of both communities.

As stated above, almost all members of the ethnic group in Struga who answered the question against which ethnicities they have **negative fillings**, gave unanimous answers, i.e. the majority of Macedonians presented negative perceptions towards the Albanians, and the other way round. However, it is important to underline that somewhat more than a half of the students (from both ethnicities) did not answer this question at all. This is an interesting data and could mean that they fear to present their opinion considering the ethnic tensions that were going on in the town during the previous school year (2008/09).

Although they live and study in ethnically mixed environment, students Macedonian and Albanians seldom have **mutual contact**. Only around one third (30,8% of Macedonians and 34,9% of Albanians) declared that they have frequent mutual contacts, while the majority of them have seldom or not at all. The contacts with the other ethnic groups are also seldom (especially Roma), indicating that the students are rather closed within their ethnic groups and mutual contacts, and most probably, their mutual contacts are the result of external need (for example, an event within the school), rather than their personal initiative.

Most of the students from both ethnic groups (88% Macedonians and 74% Albanians) see **the reasons for hostility in schools** as a result of the influence of the political parties. However, significantly more Albanians than Macedonians (63% to 21,7%) believe that one of the main reason are the cultural differences between the ethnicities. Both important factors defer by their nature, where the first one is external and beyond the influence/control by the students, while the second is internal, but complicated in overcoming.

Another appalling data is the different level of **acceptance of fear that the mixed ethnic composition of schools contributes towards better inter-ethnic**

**relations.** While most the students Albanians (73.3%) agree with this position, less than one third (28,6%) of Macedonians share this opinion. Nevertheless the majority (82% Macedonians and 80% Albanians) stated that they would participate - students from other nationalities. However, despite their motivation to participate in inter ethnic activities, most of the students (43,6%) believe that schools do not take measures for promoting positive inter-ethnic relations; a point of view ethic is especially present among Macedonians. This percentage is higher compared with the others from the sample, although it is about a town in which inter-ethnic tensions were most evident during the past period.

Likewise the data that about half of the schools of both ethnicities stated that the heard **offensive comments from the teachers** addressed towards other ethnic groups is significant. However, the perception with regard to the influence of these comments on establishing once own point of view on other ethnic groups defers, i.e. Convincingly most of the Albanians, as compared with the Macedonians believe that teachers' comments influence on establishing their personal point of view. Similar is also the case with **pressure by co-students** not to be friendly with students from other ethnic groups, which is more present among students – Albanians.

In general, the view points of students from Struga differ in many aspects than from the others of the sample. They stated that they hear more frequently offensive comments from the teachers, they more frequently have pressure from students for not being friendly with students of the same age from other ethnicities, to a greater degree consider the political parties and the manner in which the schools are managed as key factors for inter-ethnic tensions, while smaller percentage of the sample, compared with the remaining, believe that the school undertakes measures for dealing with the tensions. Such data show that there is a probability that a significant part of negative perceptions are caused by external factors that could be changed systematically but in it the students themselves have very little influence<sup>139</sup>.

### **b) Enrolment in Secondary Medical School**

The previous school year (2009/10), the problem with the enrolments in the State Secondary Medical School “Pance Karadjozov” in Skopje, was a current problem. Namely, the Albanian parents and students believed that they were discriminated because the Ministry of Education and Science failed to permit

<sup>139</sup>. Age, Contact, Perceptions – How Schools Establish Relations between Ethnic Communities, OSCE Spillover Monitor Mission to Skopje, January 2010, pp. 56, Case Study – Struga.

eight classes in Albanian language of instruction, as was the case in the previous year (2008/09).

„The previous year there were eight classes in this school. This year we also requested eight classes to be introduced. We will no longer discuss with the authorities who are fooling us around to wait for accreditation of the new classes, for which we now understood that the permission should be granted by the City of Skopje“, told us Enver Miftari, parents representative – an Albanian”.<sup>140</sup> Regarding the enrolment of student – Albanians in the Medical School, the institution which expressly and beyond the Open Call gave a possibility to these semi-graduates to be enrolled in three new classes in the Secondary School “Zef Ljus Marku”.

### **c) Macedonian Language from First Grade**

The second semester in the previous school year (2009/10) of the secondary education also started with resistance by the Albanian and part of the Turkish community as a result of the Decision by the Minister of Education and Science on introducing and studying Macedonian language from first grade for students members of the communities.

Izet Medjiti, the Mayer of Cair Municipality, already decided to boycott the instruction in the primary schools of this Municipality. Because, according to him, the children – Albanians will be overburdened with another subject: “The Albanians aren’t against studying the official language of the State, it is not disputable. We believe that a new third language will overburden the first graders. They are already learning both their mother tongue and English language. It is only because of this that we are against this Decision”. The petition was signed in Skopje, Gostivar, Tetovo, Struga, and there are also signatures by Macedonians who expressed their solidarity – said yesterday Valjon Bela, President of the non-governmental organization “Realnost”.

During the last session before the holidays, the Constitutional Court abolished the Decision of the Minister of Education, Mr., Nikola Todorov, according to which the first graders from the minority communities were also to optionally study the Macedonian language. Such a Court decision is due to the fact that the Law on Primary Education envisages that the minority communities should study the Macedonian language starting from the fourth grade. The

<sup>140</sup> Utrinski Vesnik - <http://utrinski.mk/?itemID=A6E834E3F2FB0A4C9AAC4078D9B175D9>

Constitutional Court abolished point 2. of the Decision because it established that this provision regulates that the curriculum for first to third grade primary school a subject – Macedonian Language is introduced for pupils from non-majority communities with a weekly fund of 2 hours, respectively 72 hour annual fund. Since the Court established that Article 42 paragraph 5 of the Law on Primary Education regulates that the instruction in Macedonian language for pupils members of the communities carry out instruction on a language and alphabet different from the Macedonian language and its Cyrillic alphabet, this provision to starting the fourth grade with adequate subject teacher.

Although according to the laws on primary and secondary education the pedagogical records are kept in Macedonian and Albanian language, the schools in which the instruction is carried out in Albanian language, bilingual grades book keeping is boycotted. The State education inspectors registered schools in which the classes are recorded only in Albanian language, but so far no sanction was pronounced for any of the directors.”<sup>141</sup>.

#### **d) Verbal and Non-verbal Forms of Discrimination**

The Directors of schools covered by this research, mutual relations, communications and the behavior between students and teachers are assessed as very well. In addition, the teachers believe that these relations are very good, which also coincides with the parents opinion.

All the school directors answered that in their school there is a developed system for resolving problems and conflicts, and that this system is most frequently operating through individual discussions between students by class teachers and subject teachers, professional services, and when needed parents are included, but the directors themselves underline that they are not fully satisfied from the operation of this system and that in future other forms of organization that would improve the communication between students and teachers and reduce the number of conflicts. The teachers, the same like the directors, believe that the existing system should be upgraded with new forms and thus improve the efficiency in resolving problems and conflicts in the schools. As far as the parents are concerned, 36% of the respondents answered that they do not know if such a system exist in the schools in which their children study.

<sup>141</sup>. Nova Makedonija

<http://www.novamakedonija.com.mk/NewsDetal.asp?vest=1910107462&id=9&setlzdanie=21880>

With regard to the students opinion, the directors, teachers and parents pointed out that this is occasionally taken into consideration. The same refers to the proposals given by the students regarding some requirements.

The school directors (62,5%) answered that the students from marginalized groups are sufficiently involved in the activities during the curriculum and extra-curriculum activities. The teachers (23,5%) and parents (18%) believe that these students are not sufficiently involved.

According to what has been said it could be concluded that there is a good communication and behavior between teachers and students within this category, but much should be done to improve efficiency of the existing systems for problems and conflicts resolution in the school and to increase the inclusion of students from marginalized groups in activities during curriculum and extra-curriculum activities.

#### **e) Discrimination in Accessing Students during Instruction Process**

The school directors (62,5%) stated that the students' knowledge and experience is neglected, while (37,5%) answered that this happens hardly ever. With regard to this, (35%) of the teachers believe that it sometimes happens, while the parents respondents (36%) also believe that this sometimes happens.

The results received from the question whether in the schools there are specific programs and methods from overcoming language barriers for those students following instruction on language? Different than their mother tongue, are appalling. High percentage (75%) of the directors answered that there are no such programs and methods in their schools. The results received by the teachers are similar. Also, (76,5%) stated that there are no such programs. On the other hand, the parents (27%) answered that there are no such programs, while (45,5%) do not know whether such programs and methods exist in the school where their children study.

In addition, the results received according to which (62,5%) of the directors answered that the teachers are not trained in methods, forms and techniques of working with children belonging to marginalized groups are appalling. Similar to this, even in a greater % (76,5%) of the teachers answered that they had not been trained.

The results with regard what are the teachers' expectations and grading of students belonging to marginalized groups are also interesting. In this part (45,5%) of the school directors answered that sometimes it happens that the teachers implement lower criteria for grading students from marginalized groups because of the modest expectations from these students, which has influence on their achievements and knowledge, and this is visible when they move from class instruction to subject instruction, or from primary education to secondary education. Almost (70,5%) of the teachers gave positive answer to the same question. However, the parents are convinced that this is happening sometimes because (91%) of the respondents answered „Yes, it happens sometimes“.

In this part the situation in the schools is upsetting, because it could be acknowledged that sometimes the knowledge and experience of the students is neglected, there are no programs and methods for overcoming the language barriers for those students following instruction on a language different from their mother tongue, the teachers are not trained on methods, forms and techniques of working with pupils belonging to marginalized groups, and sometimes it happens that the teachers implement lower criteria for evaluating students from these groups due to the low expectations from those students, which has an influence on their achievement and knowledge, and this is visible during their transfer into class instruction to subject instruction, or from primary education in secondary education.

#### **f) Exclusion from Curricular and Extra-curriculum Activities**

In the part Exclusion from Curricular and Extra-curriculum Activities in the education-upbringing process, 37,5% of the school directors answered that the students and parents are not sufficiently informed about the possibilities of their re-inclusion in the upbringing-education process if the student drop-out or, due to some other reasons failed to complete the education. With regard to this, 29,5% of the teachers also believe that the parents are not sufficiently informed. On the other hand 73% of the parents answered that they are not sufficiently acquainted with these possibilities.

The obligations and the rules when dealing with pronouncement and enforcement of relevant pedagogical measures were the next question of our interest in order to find out to what extends the students and parents are informed about this. High percentage, 87,5% of the directors answered that the students,

parents and teachers are informed about the obligations and rules when dealing with pronouncement and enforcement relevant pedagogical measures. Regarding the same question, 29,5% of the teachers said that they are not sufficiently informed, while, 63,5% of the parents said that they are not sufficiently informed.

With regard to the involvement of the parents in planning and organizing the work of the schools, 62,5% of the school directors answered that the parents are sufficiently involved. On the other hand, 23,5% of the teachers believed that the parents are not involved, and 23,5% believed that the parents are not sufficiently involved. 27% of the parents stated that they are not involved, 18% that they are not sufficiently involved, and 9% that they are not involved at all in the planning and organizing the work of the schools.

In this part, the responsible persons in the schools should impart more information to the parents about the possibilities for re-involvement in the upbringing-education process in case the students drop-out from the education, or failed to finish it on time due to any other reason, and also about the obligations and rules of behavior when pronouncing and enforcing relevant pedagogical measures, and secure greater involvement of the parents in planning and organizing the work of the schools.

### **g) Segregation of Roma students in Upbringing-education System**

The results we acquired from this part of the research also speak about the situation that is causing concern with regard to the Roma students. Namely, 62,5% of the interviewed directors answered that their schools do not organized group or individual instruction for those students who have not sufficient knowledge of the language of instruction. In addition, the teachers that were interviewed confirmed this fact. 87% of them answered that such type of instruction is not organized in their schools. The parents answered that it is not organized or that they do not know anything about such instruction.

On the following question, 25% of the school directors answered that the Roma students are grouped in the same class, also 11,5% of the teachers believes the same are grouped, while among parents the 27%. As a continuation of a previous question, we wanted to know with whom Roma children seat



wit in the same school benches. From the interviewed directors, even 50% answered that the Roma students always seat in the same school benches with other students who are also Roma, while 37,5% answered that it happens only sometimes. As far as teachers are concerned, 29,5% answered that it has always been like that, while 70,5% that it happens only sometimes. In addition, 45,5% of the parents stated that Roma students always seat in school benches with other Roma.

Finally, 37,5% of the interviewed directors answered that children are distributed into classes depending on their ethnic composition, and the answer to this question is the same in 47% of the teachers and 27% of the parents.

#### **2.2.4. Conclusions and Recommendations**

##### **Conclusions**

- 2.2.1. The legislation on prohibition and protection against ethnic discrimination in education is comprehensive. This legislation includes both national laws and international agreements that Macedonian ratified in this field. These legal acts and international instruments prohibit discrimination in accessing some levels of education, discrimination resulting from performance of education institutions, but also some measures are envisaged for preservation of the identity through the education process.
- 2.2.2. Speaking formally, ethnic discrimination against access to some education institutions or programs is not present. However, (having in mind the language of instruction) it is fact that some parents decide (ore are forced) to take their children to schools in other municipality (due to the language in which the instruction is conducted), which has an impact on the access to education and could be a ground for segregation of students from different communities.
- 2.2.3. With regard to the use of the community language, there are some members of the community who follow instruction in their mother tongues (Albanian, Turk, and Serb) in primary education. The members of the Albanian community use their mother tongue at all levels of education.
- 2.2.4. The problem with textbooks is present. There are some activities by the Ministry of Education and Science carried out in order to overcome this problem, but they should be intensified and include many other activities, especially regarding textbooks for students -members of the communities,

since this problem is much bigger in the instruction on the language of the communities.

- 2.2.5. In the textbooks, but also in the schools, not much attention is paid to the multi-cultural aspect of the Macedonian society. There is also a need of harmonizing the contents of subjects which are part of the upbringing-education work, since they are written in different languages. This has an influence and could contribute towards developing stereotypes for members of other ethnic communities.
- 2.2.6. There is also physical segregation of student in the education process on ethnic ground. Accordingly, in Struga, for example, students from Albanian and Macedonian community are divided and attend school in different shifts. Irrespective of the confidence that by this the problem is resolved, nonetheless the method is incorrect since it closes the students in their own communities even more leaving negative feelings about the members of the other community.

### Recommendations

- 2.2.1. The Government of the Republic of Macedonia and the Ministry of Education and Science should start implementing the newly adopted Strategy on Integrated Education as soon as possible.
- 2.2.2. The coverage of subjects with relevant literature on the language of instruction should be accelerated.
- 2.2.3. Textbooks used in the upbringing-education process should pay more attention to the multicultural life in Macedonia, as well as to harmonize contents of all subjects, irrespective of the language in which the textbook is written, with a special focus on respect for diversity, respect for the members of other communities, their distinctive culture, language, and religion and other. Physical segregation of students should not be practiced. Instead, and even more, the students from different communities should study some subjects together, such as a foreign language, physical or IT exercises. In that way they will have a possibility to get acquainted and eliminate negative stereotypes and prejudices that may exist.
- 2.2.4. The situation of Roma in the education process should be continuously supervised. In addition, special attention should be paid to avoiding their segregation in separate classes or school, and discrimination by the teaching staff.

2.2.5. Parents should be informed about the regular and optional instruction on the community language.

### 2.3. GOODS AND SERVICES

The area of goods and services implies wider scope of actions and interactions between the people in giving goods (sale of different products) or in providing services (from waiting on in café-bars, to banking and other financial services, and all the way through communal services, such as installation of electrical or water supply network and other). Occasionally, apart from goods and services, the definition also lists facilities, but further down in the text they will be part of goods or services.

In the EU Racial Directive a special emphasis is given to housing (sale of outlets and apartments), but in general, there are no specific definitions or listings of goods and services subject to legal regulation. In addition, no distinction is made whether the goods and services are provided with compensation or free of charge – protection against discrimination applies to both.

As a result of the historical development of discrimination as phenomenon, some fields, such as employment, education, social and health protection in the anti-discrimination legislation, and in the international supervision of these issues, are treated separately, although many of them could be classified as goods and services. Such is the case also with this research, and therefore, as well as the question of media, are covered in separate chapters, while this part is about the remaining goods and services where discrimination as phenomenon is more characteristic.

Most frequently, goods and services, in the context of discrimination is related to:

- Access to public facilities and spaces (ministries, state agencies – as cadastre, other public services, but also city squares, parks and other );
- Access to services of public character, such as electricity, water, central heating, electrical and communication services (TV, Internet, cable programs and);
- Use of public transportation and transportation centers (railway and bus stations, airports and);
- Access to facilities/spaces for recreation, sports and entertainment (stadium, swimming pools, clubs, restaurants);

- Free participation on the market of real estate/housing facilities;
- Accommodation in hotels, motels, overnight stay;
- Access to financial (banking) services, including loans, credits and other financial arrangements (mortgages, insurance, pension schemes).

While considering the situation in Macedonia, the following cases are also of relevance:

- Access to judicial bodies ( court, prosecutors office, lawyers) and the way they treat them (provision of services, length of procedure, consistency of decisions);
- Provision of security (interventions by the policy, especially in cases of ethnic tensions and conflicts, such as sports competitions or protests);
- Treatment in collecting taxes and other fees, as well as the question of denationalization;
- Access to the area of urbanism and infrastructure (cadastre, property matters, funds for water and underdeveloped regions and other);
- Access to subsidies in the area of agriculture;
- Treatment of cultural needs (support for production: publications; theatre performances and films; institutions – theatre, cultural homes, museums; monuments and other traits) of the ethnic communities.

In all these cases discrimination could be manifested in different manner:

- Refusal to provide service to some particular person (due to ethnic affiliation);
- Failure to provide a product (good) or service with the same quality or the same price, as it would be done to other person from another ethnic community.
- To provide a service in a different manner or under different conditions for different ethnic communities.

Prior to analyzing the situation in Macedonia, as an illustration we will give several examples from the international practice in order to take into consideration the situation with discrimination in the area of goods and services.

Presumably the world most well-known case of discrimination in provision of goods and services the one of Rosa Parks, Afro-American, who, in a bus at the place called Montgomery (Alabama, United States of America) refused to give the seat to a white man and seat in the part for Negros. It is discrimination, but in the international regulation the race and ethnic grounds are basically

treated together. Her arrest on 1.12.1955 resulted in a boycott of bus transportation at that place, by the entire Negro population (approximately 42,000 persons) that lasted for 381 days when the USA Constitutional Court ruled that such segregation in busses is unconstitutional. In the year 1999, the USA Congress<sup>142</sup> authorized the President to award her a Golden Medal for her contribution to the nation, naming her the “first woman of civil rights” and “mother of the movement for freedom”.

### 2.3.1. Legal Legislation

Legal protection against discrimination for offering protection when providing goods and services is relatively new. It was introduced in our Law on Prevention and protection against Discrimination (LPPD).<sup>143</sup> Although the constitutional provision (Article 9) on equality of all citizens, failed to state areas (except some of the basic), meaning comprehensive protection against discrimination (in all areas), up to now is provided only in the area of education.

At this moment, at the European Union level the protection in the area of Goods and Services is provided only on the grounds of racial and ethnic affiliation (EU Racial Discrimination), in its Article 3, point x).<sup>144</sup> The European Commission is developing a new Directive in which more comprehensive protection against discrimination will be secured (at least on the presently established six grounds in the area of employment, education, social protection and provision of goods and services).<sup>145</sup>

As already mentioned in the Introduction, LPPD will secure protection in the area of Goods and Services. The Article 4 reads: “*This Law shall be implemented by all state bodies, bodies of the units of self-government, legal entities with legal authorizations and legal and physical persons in the area of:*

1. ...

7. *Access to goods and services;...*“

<sup>142</sup>. Public Law 106-26, 4.5.1999., taken over from [www.gpo.gov](http://www.gpo.gov), on 31.10.2010

<sup>143</sup>. LPPD, op.cit., footnote 7.

<sup>144</sup>. EU Racial Directive, op.cit., footnote, Article 3, point x says that the “Directive shall apply to all persons, both from the public and private sector with regard to: ... provision of goods and services accessible to the public, including also the housing “.

<sup>145</sup>. Proposal for a Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Religion or Belief, Disability, Age or Sexual Orientation SEC(2008)2180), 2 July, 2008. The Directive is available on the EU web-site <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT>.

It could be concluded that the formulation given in the Law on Prevention and Protection against Discrimination gives sufficient basis for protection in the area of Goods and Services, which presently is extended in contrast to the European. There is nothing explicitly stated (as is the case with majority of the EU member states) to which Goods and Services it refers to, and therefore it could be interpreted that the provisions are comprehensive.

### 2.3.2. *Assessment of the Situation*

As already stated above, the small number of reported cases of discrimination submitted to the competent institutions do not give sufficient possibilities for more extensive analysis of the status on these grounds (in the given case, ethnic discrimination) and the areas Goods and Services. As a result of these reasons, we can speak only about observations and general considerations of specified trends in this area, without any unambiguous conclusion on presence of discrimination, especially in its structural form.

*Access to public facilities, spaces and premises for sports and recreation.* Generally speaking, discrimination of this kind was not recognized. There are neither cases of denied access nor attendance of at some events (including a protest) to persons from specific ethnic communities (for example, protest by ethnic Albanians on the occasion of the publication of the Macedonian Encyclopedia, or protest of Roma in front of the EU Delegation on the occasion when the Roma were expelled from France).

Furthermore, there is no visible/positioned prohibition for access to persons from some ethnic community on any public facility (state administration body, stadium and other). It doesn't exclude the possibility of discriminatory behavior by some individuals (arbitrarily or as hidden policy of the organization providing the service), as was the example with the swimming-pool in the Biser Complex, in Aerodrom Municipality) that is thoroughly elaborated with many details in the next Chapter.

Media are bringing about alleged cases of discrimination against ethnic Albanians for enrollment in the Faculty of Economics<sup>146</sup>, in Skopje, or circumventing Debar Spa Capa in the Government Project on Spa Holiday for 10,000 pensioners<sup>147</sup>. In the first case it is about an omission in formulating the application form – where there wasn't an option Albanian to fill the ethnic affiliation (without any doubt it is not discrimination with regard to the provision of the

<sup>146</sup>. „Realiteti“ are blaming the Prime Minister about Discrimination, Maxfax, 24.8.2010.

<sup>147</sup>. The Government Project excluded the Debar Spas, Alsat-M Television, 8.8.2010 r.

service itself – registering, or passing an examination, but is unequal treatment on the ground of ethnic affiliation). The statement in the second example is, in fact, incorrect since Debar Spa was one of the four included in the Project.<sup>148</sup> In any case, it remains to additionally check whether during the distribution to beneficiaries (pensioners) care had been taken about the equitable representation of ethnic communities on the ground of ethnic affiliation.

#### *Use of public transport and transport centers (railways and bus stations, airports and other).*

In this part there is no reported case on discrimination at all, neither on ethnic affiliation nor any other grounds whatsoever, also neither by the institutions nor the media. The situation is also similar regarding the *accommodation in hotels, motels, overnight stay*.

#### *Participation on the market of real estate/housing facilities.*

This is about the right to reside in any place/settlement on one's own choice. In Macedonia there is no active segregation of places to reside on the ground of ethnic affiliation, but there is a perception on dominant areas for residence of a specific ethnic community for example, Roma in Shuto Orizari), Albanians in Chair and other). In addition, there is no visible discrimination when selling-buying facilities (in particular apartments for residing), in the sense of preferring some (your own) ethnic community when advertizing. Nevertheless, there is a perception of some trends in this area, such as sales of houses/apartments in Chair/Topaana Pole/Skopje North, from where the ethnic Macedonians are moving out, and Albanians are settling. As long as this is done under market conditions (the same price for all interested, irrespective of the ethnic affiliation) and without and force, it is not discrimination. Some legislations (for example, British), give detailed description of situations in which discrimination may occur, and how it is sanctioned, and what is not considered as discrimination. For example, if there is a direct agreement for rental/sale (without an advertisement), we cannot speak about discrimination irrespective who is the buyer. A special case of interest for Macedonia is the Government Project on Social Apartments<sup>149</sup> (for different groups and other). On several occasions 500 such apartments were given, by an open competition, while during the recent two distributions, a system of automatic distribution of apartments was used. The system itself shows absence of human influence in decision making, and consequently possible discrimination. However, in case of distribution of such

<sup>148</sup>. Minister Bajrami with first retirees in Debar Spas – Capa, Makfax, 6.2.2010r.

<sup>149</sup>. Distributed 102 social flats in Gorce Petrov, Government of RM, [www.vlada.mk](http://www.vlada.mk), 01.11.2010r.

apartments in Stip, according to the Cerenje Association, not even a single family, of which 50 Roma families applying at the competition, received an apartment, indicating that there is possible discrimination. This necessitates re-examination of criteria on the conducted procedure as well as getting in touch at local level in order to contribute to the goal of the Project itself – vulnerable groups, such as the Roma, to be the end users.

*Judiciary bodies (courts, prosecutor office, layers) and their treatment (providing a service, length of procedure, consistency in decision making).*

In May this year 43 civil organizations, requesting to stop The Hague cases and release the indicted in the cases Brodec and Sopot, as well as the Skopje 2014 Project, protested. The qualifications were that it is about political processes and discrimination of the indicted for being ethnic Albanians.

A perception prevails in the public (for example, a drama performance prepared in cooperation with the Ombudsman) that the court procedures for persons from non-majority communities (as the ethnic Albanians, Roma, Turks) last longer and sometimes are intentionally delayed. Whatsoever, during the investigation such allegation was not supported.

This year there were also complaints<sup>150</sup> by Roma prisoners regarding the conditions in which they stay, and the behavior of the official persons, which was promptly denied and justified by the very poor conditions in some of the prisons (including the biggest one - Idrizovo), but that there was no different treatment – respectively discrimination against different prisoners, especially not on the ground of ethnic affiliation.

*Security (Police Intervention).* As a post-conflict society the question of how the police are behaving, respectively the treatment of different ethnic communities during police intervention is an important question in Macedonia. This mainly refers to cases of ethnic tensions and conflicts, for example during sports competitions or protests.

Although this was extremely sensitive issue during the first years following the conflict, the fact that during the few recent years there are less or almost

<sup>150</sup>. Roma from Idrizovo complained against discrimination, A1 TB, 8.3.2010.

<sup>151</sup>. Is Police Discriminating Albanians?, BBC Macedonia, 24.12.2008r.



no cases of blaming the police for discrimination on the ground of ethnic affiliation is encouraging. One of the articles in the media published following the arrest of an Ethnic Albanian after killing a member of the Alfa Unite is titled in a form of question: Is the police discriminating the Albanians?<sup>151</sup> At the same time several arguments were given that during the police operation there was no selective approach on ethnic ground.

In addition the Nerezi<sup>152</sup> case of conflict between supporters group with the local population was subject of comments where it was concluded that the police could and should have intervened faster in protecting the population-predominantly the Ethnic Albanian.

However, the impression for approving the work of the police and welcoming the actions for crime prevention, irrespective of the ethnic affiliation of the perpetrators of the evident progress in improving the feeling of citizens' security during these 10 years following the conflict, is dominant.

*Finances.* In this part we refer to one of the stereotypes of discrimination of the ground of ethnic affiliation, from conditionally speaking – the other side, that the members of non-majority ethnic communities contribute a little, if at all, in the state budget (they do not pay taxes, fees and even the bills for communal services), but are not sanctioned. Namely, according to a research by the OSCE on the level of discrimination, municipalities were compared according to income per capita. The biggest communities with majority population from other ethnic communities (such as, for example Tetovao and Gostivar), are not even in the group with big income (which include the municipalities Center, Gevgelija, Dojran, but also Sopiste, with over 3,000 Mac/inhabitant) but not even with the smallest income (Vrapciste, Zajas, but also Bosilovo with below 1,000 Mac/inhabitant). With small reservation that in every municipality there are also members of other ethnic communities (the reviews are not according the ethnic affiliation), we cannot speak yet about discrimination in the sense of the above mentioned stereotype, i.e. it could be concluded that in the Budget of the RM there is some participation of citizens from all ethnic communities.

On the other hand, the disparity in the participation of other Macedonian ethnic communities (except Macedonians) in the financial sector (granting credits) has

<sup>152</sup> Agim Nuhiu and Bekim Kadriu, Report on Cases of Discrimination in Macedonia in 2009 in 2010, Mesecina, Gostivar, 2010.

<sup>153</sup> NGO Realiteti awarded Gruevski with a Recognition against Discrimination, Alsat-M, 6.8.2010.

been visible for many years. The Macedonian Enterprise Development Foundation (MEDF) which has been working over 10 years in stimulating the participation of minorities on the financial services market and their access to credits among its beneficiaries has only 7% participation from ethnic communities. But, compared with the initial years, this is also a progress. In addition, the coverage of area in which other ethnic communities are dominant has improved, (or completed), during the recent years, by opening branch offices of several banks (especially the bigger one) making possible easier access.

#### *Urbanism/Infrastructure.*

During august<sup>153</sup> this year, the organization Realiteti accused the Government for economic discrimination of ethnic Albanians, which was immediately denied with examples of investments in infrastructural facilities (including the building of the Tetovo State University, but also roads and sports facilities) in inhabited places with dominant population of ethnic Albanians.

In June the question on financing water supply and sewage in Aracinovo, for which the Government allocated Euro 154,000 according to the Mayor Batri Bajrami insufficient to carry out the project, accused the Government for discriminating the municipality (and by this also indirectly for discrimination on ethnic ground).

In order to more precisely see the distribution of capital investments it is necessary to more seriously analyze the Budget of the Republic of Macedonia which will result in a approximate assessments regarding the achievements of different ethnic communities (since in any major Endeavour there are achievements for the wider community, respectively many ethnicities). However, having in mind the examples given, it could be concluded that there is no systematic discrimination on the ground of ethnic affiliation (funds in significant amounts are provided in communities in which ethnic Albanians live), and in the perceptions on distribution of funds many factors have evident influence. In this case we can speak more about a possible discrimination on the ground of party affiliation, or more exactly the relation Government-Opposition.

*Subsidies in the area of agriculture.* On 13.07.2010, Nova Demokratija Party pointed out to inadequate representation of ethnic Albanians in the Ministry of Agriculture (only 0.7% out of 2,600 employed)<sup>154</sup>, expressing a doubt in the

<sup>154</sup> ND: [The Government is discriminating Albanians even in agriculture, Forum, 13.7.2010](#)

distribution of subsidies for farmers, which amounted Euro 100 million this year. However, in the Sitel TV analysis, 27.10.2010, and the 10 biggest individual beneficiaries of subsidies for 2009 were reported, in which according to their names, the majority of them are not members of the majority ethnic community. Evidently, having in mind the great number of beneficiaries (accurate data was not reported, but is estimated to amount over 25,000 persons), this is not a representative sample, but due to high amounts, it could be concluded that there is no discrimination on the ground of ethnic affiliation in the distribution of subsidies.

On the other hand, the same analysis also gives 10 major legal entities – beneficiaries of the subsidies that participated with 10 times higher amount granted subsidies (6% out of the total subsidies for 2009), of which none was an agriculture economy from the Polog Region. Since all this is about legal entities, also with a possible participation both as owners and labor force of representatives by other (non-majority) ethnic communities, the reasons for this should be additionally taken into consideration – do they practice this way of organizing agriculture areas and the economy in that region (smaller parcels or mainly individual production, as for example).

In addition, in case of compensation to families affected by poor weather in year 2009, in the municipality Demir Hisar, Novaci, Prilep, Stip and Probistip the affected villages of the region, such as Tursko Rudare, Drach Settlement on the river Zletovica, populated with ethnic Turks and Roma are also included, although majority of the beneficiaries are from the villages inhabited mainly with ethnic Macedonians.

*Culture.* The Ministry of Culture, apart from the praises for a leading place in implementing equitable representation of ethnic communities in Macedonia, could also be praised for similar access to the balanced annual program<sup>155</sup> for operating and financing institutions and projects. Although no concrete budgets for individual activities are given, the list for support and evident attention to adequate representation of different ethnic communities in the Program is impressive.

On the other hand, the celebration of visa liberalization<sup>156</sup> was criticized because Albanian artists did not participate at the event on the Square. In

<sup>155</sup> Annual Program on Exercising National Interests in Culture, Ministry of Culture 2010, available on web-site [www.kultura.gov.mk](http://www.kultura.gov.mk)

<sup>156</sup> „Wake up“: Cultural Discrimination during the Celebration of Liberalization, Alsat-M, 19.12.2009r.

addition, there was a request for participating at the qualifications for Euro Song on Albanian language, which was not accepted.

This group could also consider the request (and possibly also as a case on denationalization or urbanism) the Islamic Religious Community regarding the ownership and management of facilities of Islamic cultural heritage (as for example Kapan An, Bezisten and other), which although religious, has indirect impact on the inter-ethnic relations. Namely, IRC believes that the Government is favoring MOC, and their property given back long time ago, the cases for which IRC submitted request far back before the year 2004, are still pending.

### **2.3.3. Case presentation**

Having in mind the relatively low awareness on the discrimination issue in general, as well as explicit inclusion of Goods and Services area in the recently enacted antidiscrimination law, there are no many registered cases in this area.

#### **a) A Roma in Café-bar**

Most probably the most exposed media case (although not reported neither to the competent institutions such as the Ombudsman, since it is about a private sector, nor to the courts) is the case of prohibiting the access in a café-bar in the City Shopping Center in Skopje to members of Roma ethnic community (including in such an explicit explanation that their ethnic/racial affiliation is the reason for prohibiting entrance in the facility and not waiting on them). After the case was reported in the media, the same people were permitted to enter when coming together with a Minister of finance, Trajko Slaveski.

#### **b) Selective Approach to the Swimming pool in Aerodrom Municipality**

One of the most exposed media cases<sup>157</sup> happened in August 2009 in the Biser swimming-pool, Aerodrom municipality, where certain persons were denied access to the facility.

Although it is a facility of public character, it is managed by a private company, which can introduce its rules for using the facility, as well as to limit the access to the facility only to the persons with membership cards. However, these restrictions must be publicly announced, accessible to inspection to all persons that would like to have an access and used on an equal manner for all

<sup>157</sup> Discrimination on National Ground at Biser swimming-pool, A1, 20.08.2009.

concerned. Additionally, these rules should not be discriminatory neither the ground of an ethnic affiliation, nor any other ground.

In the given case, several persons to whom an access was denied, stated that it is done because they are Albanians, Bosnaks or Roma and that it was establish through inside into the documents for their personal identification requested at the entrance. The owner stated that there was no discrimination but that it is about respecting the rules on the hygiene in the swimming-pool and that all persons who are not wearing adequate equipment (towels, bathing suits and other), are sent away and that most of them are Macedonians. During the visit to the Ombudsman and the inspectors for protection of personal data, a presents of persons from different ethnic Macedonian was demonstrated.

Anyhow, we could speak about discriminatory behavior, because, despite the explanation by the owner about the criteria for entrance into the facility, there is no ground to request identification from the citizens and all that to have an impact on the assessment whether or not it is possible to enter and use the services of the swimming-pool.

#### **2.3.4. Conclusions and Recommendations**

##### **Conclusions**

- 2.3.1. The prohibition of discrimination in the part of access to Goods and Services is for the first time covered with the new LPPD. This is also done because of the EU Racial Discrimination where Goods and Services, including housing are explicitly listed in the areas where discrimination is prohibited on the grounds of racial and ethnic affiliation.
- 2.3.2. Discrimination in access to Goods and Services takes many different forms. Rather frequently there is a perception that there is discrimination to the access of Goods and Services, but in fact the matter it is not about discrimination. This is confirmed by the general position that the citizens do not recognize discrimination, but believe that any denial of some right means discrimination. On the other hand, this also confirms the position that discrimination s difficult to prove.
- 2.3.3. Failure to report on cases of discrimination is also reflected in the part on access to Goods and Services. Apart from reporting cases in the part

of access to Goods of public character, (restaurants, clubs, swimming-pool), there are no reported cases in other areas.

- 2.3.4. There is sufficient evidence about discrimination against Goods and Services on the ground of ethnic affiliation. This fact has an influence in making difficult the possibility to prove discrimination. It is a general impression that ethnic discrimination in this part is not systematic, respectively it is about seldom and sporadic cases. This is partly due to the market relation (services are charged, and therefore, there is an economic interest not to discriminated).
- 2.3.5. This area is also not convenient for the indirect discrimination phenomenon. This, in particular is due to the fact that there are inhabited places with dominant population of one or another ethnic affiliation.

### **Recommendation**

- 2.3.1. Education of employed is required at places where there is a potential for discrimination (swimming-pools, windows, restaurants, employed in banks, real estate agencies, mobile operators, electric energy providers, and other);
- 2.3.2. When constructing bigger project, care should be taken about the multi-ethnic character of the society and also reflected in the project itself, i.e. not to have non-proportional effect on the members of specific ethnic group (indirect discrimination). This especially refers to “rules of the game“which should be fair and justified, and not seen neutral with disproportionately negative effect on the members of smaller ethnic communities. Earlier assessment of the project effects on the ethnic communities is required (in a stage of project planning). Anyhow, here the criteria established for relevant service are that matters and should matter, while ethnic affiliation should be analyzed, but not to be a part of such criteria.

## **2.4. SOCIAL PROTECTION AND HEALTH**

The effective participation of persons belonging to ethnic communities in the economic and social life is of equal importance as is their participation in public life, according o the European Social Charter and Revised European Social Charter Principles.

The participation in the social and economic life covers wide specter of issues, starting from access to adequate housing conditions, health and social protection (social insurance and social benefits), all the way through services for social protection and access to work. This, among other things, requires that the state eliminates obstacles for those people in order to have equal access to services within this area.

Social security of the citizens of the Republic of Macedonia is provided through the systems for *social insurance and social protection*. **Social insurance** is a system of measures which provides insurance from risks such as: illness, motherhood, old age, disability and death, and is exercised through the system of health insurance and health protection, the system of pension and disability insurance, and the system of insurance in case of unemployment. In most of the cases these systems are funded from contributions paid from the gross salaries of the employed, and whenever needed some deficits are covered by the State Budget.

The **social protection** provides social welfare and social services to citizens in case of need, i.e. when they are not in a position to independently exercise their social safety. Compared with social insurance, the social protection is funded from the state Budget. Within the Government, it is the Ministry of Labour and Social Policy that is the body competent for implementing the Law on Pension and Disability Insurance, the Law on Employment and Insurance in case of Unemployment, the Law on Child Protection and the Law on Social Welfare. This Ministry is creating the policy, proposing legal framework, and exercising control and supervision in the implementation of the laws and relevant secondary legislation.

The social welfare centers, under which competence fall the area of one or several municipalities, are those that work on the field and distribute welfare to the citizens. In the Republic of Macedonia there are 27 centers for social welfare (the list is given in Appendix).

Establishing a modern system of social protection that will respond to the challenges of new times is also in accordance with clearly set aims of the Republic of Macedonia for membership to the European Union. The process of European integration necessitates harmonizing the legislation in this area, pro-

moting the good governance principles, transferring good European Practices and standards. Although the European experiences show great diversity of traditions in the area of social services, when spiking about funding, regulating, managing, structuring, organizing and administering, all the European countries are sharing the same vision and principles of the social protection system. Republic of Macedonia, in its previous reform processes was also guided by these guidelines taking care about the real socio-economic context, needs and possibilities. In this respect, it harmonizes its strategic documents with the standards set in: the Charter on European Union Basic Rights, Directives 2000/43/EC, 2000/78/EC, 2004/113/EC that prohibit discriminatory behavior and is promoting the right to equal treatment, as well as the Strategy on Modernization of Social Protection. Consequently, all the strategic documents in the area of social protection are being harmonized with the National Program for Adopting the European Union Acqui and the Action Plan for European Partnership. Based on all the above stated documents, during the past period the Republic of Macedonia was focused on establishing a stabile normative framework which will provide efficient protection of citizens' social rights and implementation of the Constitutional determination of the Republic of Macedonia as welfare state. Since it is a complex area in which many political aspects, and different levels and stakeholders for providing services are drawn in, a wide range of strategic documents were adopted during the past period in which some of the goals for development of the social protection were defined.<sup>158</sup> All these documents imply a need for continuous enhancement and promotion of the social protection system, as well as the need of strategic planning of future activities in this area. In this respect, according to the Law on Social Protection,<sup>159</sup> the Republic of Macedonia started preparing its National Program for Development of Social Protection which sets the goals, priorities and trends of social protection development for the citizens of the Republic of Macedonia, with measures of active social policy on medium term (up to 5 years) and on a long term (up to 10 years). The goals and policies regarding the social protection are complexly treated and are considered as one of the most important priorities. One part of these measures is included in the social protection system, which according to the traditional definition is about "cash compensation and personal social services", provided to persons who do not enter into any of the schemes of social insurance, without sufficient funds for sustenance for themselves

<sup>158</sup>. Program on Development on Social Protection 2011-2021;  
National Strategy on Old People 2010-2020  
Program on Exercising Social protection for 2010;  
National Strategy on Reducing Poverty and Social Exclusion 2010-2020;  
Program on Social Inclusion;);  
National Strategy on Protection Against Family Violence 2008-2011.

<sup>159</sup>. Law on Social Protection, op. cit, footnote 49.



and for their families. The social protection system includes the prevention, non-institutional and institutional protection, and types of social benefits and social protection.

#### 2.4.1. Legal Regulation

With the adoption of the Law on Social Protection (LSP) in June 2009, new parameters were introduced for defining both the holder and also determining the level of social cash benefit, depending on the household size and period. Regarding the permanent cash benefit according to the Law on Social Protection, beneficiaries are clearly defined in six categories of persons, and capable to work and socially not provided for.

According to the LSP direct or indirect discrimination on the ground of sex, race, color of the skin, national, ethnic, social, political, religious, cultural, linguistic, property and social affiliations, inability and origin in exercising the rights of social protection established by this Law is prohibited. LSP defines the direct discrimination and indirect discrimination. In cases of alleged discrimination, direct or indirect, the applicant or the social protection beneficiary has the right to request the protection by the competent body. In a case procedure it is establish that the applicant or the social protection beneficiary was treated contrary to the provisions of Article 20 and 21 of the Law on Social Protecting, the applicant or the social protection beneficiary has the right to request compensation of the damage from the person who discriminate him.

In a wider sense of the notion, social protection also includes health protection. Prohibition against discrimination in the area of health protection is regulated in the Law on Protection of Patient Rights.<sup>160</sup> This Law explicitly refers to “patient rights to use health protection”<sup>161</sup> and the Law requires that these rights (in health protection) are exercises without discrimination on any grounds, including also the race (which also implies ethnic affiliation).<sup>162</sup>

In the area of social and health protection, the Law on Prevention and Protection against discrimination (LPPD) is also implemented. Namely, the Article regulating the implementation of LPPD explicitly says that LPPD, among the other areas, is also implemented for “social safety, including the area of social protection, pension and disability insurance, health insurance and health care”<sup>163</sup> In this manner, The law on Social protection and the Law

<sup>160.</sup> Law on Protection of Patient Rights, op.cit, footnote 50.

<sup>161.</sup> Ibid, Article 1.

<sup>162.</sup> Ibid, Article 5, paragraph 2.

<sup>163.</sup> LPPD, op.cit, footnote 7, Article 4, point 3.

on the Protection on Patient Rights, in the part related to prohibition against discrimination and legal protection against such discrimination, a supplemented by the generic Law on Prevention and Protection Against Discrimination. LPPD has full provisions for prevention and protection against discrimination, and also envisages special court procedure for protection. In this way, it will be implemented in parallel with the Law on Social Protection and the Law on the Protection on Patient Rights, and also enables higher level of protection.

The regulation in the area of health protection also established equal treatment of all citizens, and they are all guaranteed access to health care within the possibilities of the system. When it comes to the health aspect, the **vulnerable groups** are defined in specific strategic documents and health policies, which are adopted and implemented. From the health point of view, these vulnerable groups are as follows: children and adolescents, women, Roma, rural population, persons with mental illness, disabled persons, persons living with HIV/AIDS and persons who have not have health insurance on any grounds.

In the legal frameworks, all the citizens of the Republic of Macedonia are included in compulsory health insurance. By this a possibility is given to satisfy the requirement for access to health services, including preventive, curative and rehabilitation health protection at primary, secondary and tertiary level, first aid, drugs and medical aids and other. With the changes to the Law on Health Insurance, all the citizens – nationals of the Republic of Macedonia are provided with **health insurance** with a full package of health services.

In the area of health the Republic of Macedonia has adopted grate number of systemic acts and strategic documents. Of special importance is the health Strategy of the Republic of Macedonia until 2020, which defines the vision towards promotion of health and improvement of the health system that will correspond to the needs of the population, including also the marginalized and vulnerable groups. It defines the measures and activities for enhancing the health system, reducing mortality and morbidity in diseases representing major burden to the population and the system.

The access to health services is only one of the many dimensions of the health status of the population; the improvement of the access is one of the key steps in reducing health differences between the general population and the marginalized groups. The full inclusion in the social, economic and political



## 84 DISCRIMINATION IN VARIOUS AREAS

Name	Total	-	Mac.	Alb.	Tur.	Rom.	Vla.	Ser.	Oth.
Struga	1.225	2	283	781	10	38	2	0	109
Tetovo	8.830	526	556	7.323	118	276	0	5	26
Veles	2.436	136	1.532	205	121	372	2	6	62
Shtip	852	1	328	0	97	418	5	2	1
S - Gazi Baba	2.725	193	477	1.666	29	329	1	29	1
S - Karpos	2.720	83	397	1.975	6	238	1	9	11
S. - K. Voda	2.363	273	576	1.140	222	138	2	10	2
S - Centar	1.964	149	111	1.097	139	442	2	7	17
S - Cair	2.973	240	320	2.178	47	125	0	22	41
S - S. Orizari	2.212	111	37	204	7	1.843	1	3	6
<b>Total</b>	<b>59.537</b>	<b>3.763</b>	<b>18.237</b>	<b>24.297</b>	<b>2.791</b>	<b>9.040</b>	<b>23</b>	<b>408</b>	<b>978</b>

The distribution according the ethnic affiliation is also presented. It is evident that majority of the beneficiaries (over 40%) are ethnic Albanians, as well as that ethnic Macedonians are only 30% of the total number of the beneficiaries, i.e. that 70% of the social welfare is distributed to the members of other ethnic communities in Macedonia. Disproportionally greater representation of Roma (15%) compared with their participation in the total population of approximately 2% is also evident. In that respect, in general, not that we cannot speak about discrimination regarding ethnic minorities in this area, but we could conclude that there is an active policy on **moderating** possible previous discriminations that brought these citizens in less favorable position. Additionally, considering that the distribution of the welfare in a way is departing from the “- representation”, there is a need of more extensive research in order to see whether such distribution lasted for several years, and due to the transitional aggravation of the situation for the ethnic Macedonians as well, to check if they are discriminated again (i.e. a need to grater coverage as beneficiaries).

On the other hand, in order to fully analyze the question of discrimination and how it is perceived by the citizens, it is necessary to check whether the citizens have personal experience regarding discrimination, and establish how they fill themselves as members of different social groups most sensitive to discrimination. Consequently, within the research, and in order to check the perception of discrimination with regard to exercising the rights to social in-

surance, a survey was made with 43 beneficiaries of social welfare (25 Roma, 8 Macedonians, 5 Abanyans and 5 from other ethnic communities).

The Survey showed that 65% of the respondents believed that the beneficiaries of the social welfare are frequently discriminated in the centers for social work (CSW) and that it has been going continuously for years. One half of the surveyed claimed that they were victims of discrimination. It is characteristic that almost all of them (18 to 21) are members of the Roma ethnic community. It is manifested by their personal attitude (the impudent behavior of the employed, transferring them from one window to another window, insulting them, and even sending them out of the premises), but also results in reducing the amount of the welfare. Following such statements, additional interviews were made with one representative from six towns in which the research was conducted and were the respondents answered that they were subject to discrimination. All of the 6 interweaved persons link their discrimination only to the affiliation Roma ethnic community. They confirmed the findings regarding the attitude of CSW workers working at the CSW windows, as being rather negative ("like there is none in front of them, like I'm a black sheep, they are always nervous with us, the Roma, they send me from window to window, they do not check my documents at all, they only refuse me, they do not give me sufficient information, they do not give me single welfare in cash, they do not listen to the end what we have to say"). One of the interweaved also describe his case regarding the exercise of the right to using financial benefits for a third child, that although he went to CSW on time to submit an application, the female Clark did not want to give him the form to be field, giving a justification that presently she has no such form. When the intertwined came to the CSW the next time, he was refused because he failed to submit the application on time. All of them believe that the attitude of those employed in CSW will not be even change in future, unless, maybe, Roma are employed there.

In order to check the other side, the head of the Department for rights to cash in the Ministry of labor and Social Policy, was interweaved. Most of the complaints and protests received by the applicants in exercising their rights to social protection are about lump sum assistance in cash and ongoing assistance in cash. According to the head, the funds allocated for single assistance in cash in the current year are rather reduced so that they are not paid to the persons irrespective to which ethnic community they belong. With regard to

the permanent assistance in cash, 10% of the complaints lodged are accepted in the Ministry and the answer is positive, while for 90% there are no grounds for positive decision. Regarding the discriminatory attitude by individuals employed in the centers the head manager agreed that some individuals do have such an attitude, but he is not linking this to the ethnic affiliation of social services beneficiaries but to the general culture and upbringing of the employed.

During the research, interviews were also made with other relevant actors. Most of them believe that there is discrimination in the state institutions for social welfare, mainly against Roma due to the stereotypes regarding their way of living, their level of education and other. I agree that a great number of social welfare beneficiaries are Roma and that it is not proportional to their representation in the general population, but it also indicates to the disparity in employment – where over 70% Roma are unemployed and consequently they are discriminated.

## HEALTH

Although not yet fully officially confirmed due to the reasons stated above, the fact that the health status of Roma population is far worst and almost unenviable compared with the general population is undisputable; due to their different way of live, tradition, level of education and types of employment, there is a different structure of diseases among the Roma population, and historically there is drastically shorter length of life – for about 10 years compared with the general population, which results in grater differences of age structure between Roma population and the general population of the country – approximately 30% of the Roma population belongs to the age group 0-14 years, contrary to 21% of the general population, while, only 4,4% of the Roma are at the age of over 65 years, contrary to the average in Macedonia for all ethnic groups which's 10,57%; the mortality rate is 0,74%, the mortality rate of infants - 13,9%, opposite to the national 0,72%, while the survival index (number of live born on 100 dead) is 320,9.

Finally, all this should be considered together with the poverty situation in Macedonia. With regard to the notion **poverty** the Eurostat definition is used according to which: poor are considered those persons, families and groups of people whose resources (material, cultural and social) are at such level which exclude them from the minimum acceptable way of living in the country where they reside.

According to the data from the State Statistical Bureau, **the percentage of poverty in the Republic of Macedonia in 2008 was 28,7%**. The latest data (EU Report) indicate to a rate over 31% (EU Report). The poverty debt index for the same year was 9,2%. Analyzed by profiles the multi-member households are the most vulnerable groups having in mind the fact that 57,7% of the poor live in households with 5 or more members.

The **poverty rate among the unemployed** is higher and amounts to 38%, respectively 43% of all the poor unemployed persons. This confirms the link and influence of unemployment and poverty by which the resolution of one of the problems to as great extent has an impact on the resolution of the other problem.

The education of the head of household also has an impact on the number of poor people. Poverty analysis during the period 1997-2008 shows that the average poverty rate for a period of a twelve years is 26,3%, respectively, such is the percentage of the poor citizens in the Republic of Macedonia. If the rate of 26,3% is compared to the total number of 2 million inhabitants, it comes that about 526.000 inhabitants in Macedonia are poor. The dynamics of poverty regarding the situation in families or households who have been living in poverty for a longer period, or have been unemployed for a longer period, and consequently other situations could be possible among socially excluded and poor citizens has not been taken into consideration.

It is believed that the **poverty and unemployment have an impact on the social exclusion** although the notion of social exclusion is much wider than the notion of poverty, which mainly comes to lack of material goods or money. By linking unemployment with different dimension of social exclusion, the multi-dimensional natures of the unemployment phenomenon and its material, but also socio-psychological and social consequences are envisaged. The types of poverty are presented in Table 1. It is believed that the unemployed persons not only reduce their income, but their network for social relationships and relations is shortened, also real possibilities that exists are shortened, and by this their chances to be integrated in the social tissue.

Extensive unemployment, unresolved social and legal status of some categories of citizens (especially not registered in Registry of Birth, without identity



cards, passports, certificates, diplomas and other), also illiterate, laid-out workers, redundant workers, Roma and others directly affect many citizens. Their exclusion could also be compared with the type of discrimination since they do not have possibility to access and exercise most of their basic rights. Due to these reasons,, a so called **vicious circle of poverty-unemployment, exclusion, deprivation** is establish which brings at stake the civil status, human rights, solidarity, humanity and other.

### 2.4.3. *Conclusions and Recommendations*

#### **Conclusions**

- 2.4.1. The State should gather data and update information on socio-economic and education situation of persons belonging to ethnic communities on regular basis in order to compare them with the situation of the majority population. Also, working on discrimination in areas such as access to employment and housing, is of key importance for formulating effective politics and measures, in particular having in mind the fact that gathered data, as a result of the census of the population are not sufficient to serve as sound basis for those politics and measures.
- 2.4.2. The participation in the socio-economic life of person belonging to ethnic communities is prevented as a result of administrative obstacles, but also because of the lack of sensitivities about the specific need and difficulties that these persons are faced with, when dealing with the administrative and public services.
- 2.4.3. Persons belonging to specific ethnic communities, among the others, the Roma, are frequently faced with grate difficulties than the others, in accessing the labor market, education and training, housing, health and social protections, resulting in spiral of exclusions from socio-economic participations. Women belonging to these communities are very offer rather vulnerable to poverty and social exclusion.
- 2.4.4. Unnecessary or disproportional requirements to know the language in order to get access to some jobs, or supply goods or provides services, in particular in the private sector, prevent the access to social protection of persons belonging to the ethnic communities.
- 2.4.5. The feeling of discrimination among social welfare beneficiaries is greater. This indicates to the need to investigate the reasons of social treat of these persons. On the other hands, their discrimination could be multiple,



- first because of their ethnic affiliation (since most of them are members of non-majority communities); and second because of their social status.
- 2.4.6. Approximately 70% of social welfare beneficiaries are members of non-majority ethnic communities. This is an indicator of the general social exclusion of the non-majority communities- representatives, in particular the Roma. On the other hand, the high representation itself indicates that there is no discrimination with regard to ethnic communities. On the contrary, it should be additionally investigated whether this attitude is due to the inherited situation (whether such attitude lasted for a longer period) and whether this is, in fact an active measure for overcoming the previous long-lasting discrimination in other areas (for example, employment), or the conditions were changed during the transition and we can also speak about discrimination against ethnic Macedonian - likewise significantly poor in this period. The criteria for receiving social welfare are more rigid. It resulted in a great number of complaints (mostly from members of ethnic communities, in particular Roma), but after the checks were made it was established that specific objective criteria are respected (over 90%).
- 2.4.7. In general, the members of Roma community have worst health status than the members of the other communities. This indicates to the need of undertaking measures for easier access to help services for the members of the Roma communities. The health status of the Roma is only a part of the problem indicating that measures should be undertaken in all areas of non-discrimination, employment, education, social welfare and health. Only through a full access their social position could be improved.

### **Recommendations**

- 2.4.1. The State should undertake measures in order to prepare the personnel of public services and institutions offering help to adequately satisfy the needs of persons belonging to ethnic communities, by way of specialized training for specific requirements of the persons belonging to the ethnic communities, as well as specific social and economic problems that might affect the persons belonging to some ethnic communities in particular, (persons who are more at risk of being socially excluded, while their inclusion in the socio-economic life frequently requires targeted access).

- 2.4.2. The state should undertake effective measures in order to eliminate any unnecessary limitation in the access to the labor market, and in situation where the requirement to have a knowledge of the language is a legitimate condition for access to specific jobs, such as in public services, language courses should be available in order to prevent discrimination against persons belonging to the ethnic communities.
- 2.4.3. The social welfare should be distributed on the basis of objective criteria. In case a given ethnic group is more represented, like is the case with Macedonia, it should be a stimulus to make analysis why is it so. Namely, maybe the members of other groups are discriminated, or there are some discriminatory factors influencing the members of that group to be more represented.
- 2.4.4. It is recommended that the profile social worker on the field is separated, whose task would be focused towards promoting the position of individuals and their families within the urban and rural blocks affected by poverty.
- 2.4.5. There is a need of more extensive inclusion of the civil sector in a detecting, eliminating and preventing discrimination against vulnerable and socially excluded groups in the area of social and health protection.
- 2.4.6. Necessity to develop a policy for introducing Roma Health Mediators (RHM) and defined a professional profile assignment and coverage of field activities for the RHM. This activity is in line with the National Action Plan on Health, within the framework of the Decade on Roma Social Inclusion 2005-2015.
- 2.4.7. Implementing measures for improving accessibility to health services by exempting persons belonging to vulnerable groups, in particular Roma, single parents, beneficiaries of social welfare and other type of assistance from the state, persons living with HIV/AIDS and persons who are injecting drugs (PID) to pay participation for health services in primary health care. Defining the status of persons that will be exempted should be by way of registering their status with the competent institutions.
- 2.4.8. The introduction of medical evidence system in accordance with a new Law on Health Evidence, according to which the data about patients are kept on the basis of affiliation to ethnic community, religion and economic status. In this way, one segment of the state statistic will provide information on targeted action regarding specific vulnerable groups and their help needs.

## 2.5. MEDIA

The organization of public social life in multicultural and multiethnic societies in its most general meaning, as well as information, knowledge, tolerance and living together with ethnic, cultural, religious and all other groups with different identity to a great extent depends on the media. The most important social function of the media is the transfer of cultural heritage and spiritual values. On the other hand, one of the major challenges the media are faced with is to write about its surrounding which is getting colorful, as well as about the people who do not have anything in common. Irrespective, whether the news is related to the people or events with other ethnic or religious affiliations, sexual orientation, other social group or economic status, the role of the media and journalist is to impart information as accurate as possible from the one who was intertwined, his/her perspectives, ideas and point of views, even in cases when the difference in opinions cannot be suppressed. A democratic society it is expected to promote good relations among people with wide range of diversities, and therefore media have a big role and responsibility in representing different communities in an objective and honest manner.<sup>164</sup>

If we take the statement presented at the beginning that “more visible legal discrimination no longer exist, and now for the first time non-formal forms of discrimination come to expression” as a point of departure for analyzing this part, such statement is additionally complicated by the methodological approach for interpretation and scientific monitoring of procedures on discrimination in the media. Led primarily by the profit and material interest, big media outlets managed to rather successfully circumvent the legal norms to prohibit informing with discriminatory grounds and using sophisticated ways to send messages to the public space which have discriminatory effects. Compared with other areas in which there is or there could be discrimination (employment, education, providing goods and services, social protection and other), where the situation is most frequently assets in accordance with the **conditions** which are given to the people and groups with different identity and **participation** or better said **presence** of the “other” is mathematically established in numbers or in percentages, in media establishing and assessing that there is a discrimination cannot be simply made with the assistance of exact sciences and methods. The introduction of notions such as generalization, stereotypisation, marginalization, inferiority, diversity, inclusion or exclusion, before using the

<sup>164</sup> Handbook on Reporting on Diversities, David Tuller, Institute for Media and Diversities, 2003, pp. 17

notion of discrimination, help to more easily understand and establish the situation of discriminatory practices in the area of the media and conclusions adopted for establishing for such assessment not to be hasty, rigid or unjustified.

The comments and answers of the editors-in-chiefs of the most influential media in the State also showed that it is difficult to make a real assessment on the general situation in a multi-ethnic and multi-cultural society such as the one in Macedonia from the point of discrimination and reporting with discriminatory grounds.<sup>165</sup> Namely, according to 3 editors of media houses in the Republic of Macedonia, there is **no discrimination in the media** and **discrimination in media** reporting. Namely, for the other 3 respondents, discrimination in reporting in media is present to a great extent.

Compared with the previous allegation, where there is a division in the position of collocutors regarding the existence of discrimination in media reporting, speaking about the role which media have in creating public awareness, there is an agreement that they have a central place in creating the public agenda. Contrary to a great number of media (worldwide) which do not recognize the active role in creating the public agenda and who went to stay on the passive side, by bringing down media informing on broadcasting as much information as possible, the facts and interpretations of some event the media editors in the state openly recognize and emphasize the active side of the media in creating the public agenda and defining priorities in political and social life. By this, they do not only decide on what is the topic of the public debate, but also create values and define the fundamental social criteria.<sup>166</sup> In this respect, media and editors are not only the main actors in creating a collective public awareness, but also implicitly assume part of the responsibility for the consequences and effects for their reporting.<sup>167</sup>

<sup>165.</sup> For the research requirements six extensive interviews on the different aspects of discrimination in the media and discrimination in general were made with the editors-in-chief: A1 TV (Mladen Cadikovski), A2 TV (Aleksandar Comovski), Sitel (Dragan Antonovski), Dnevnik (Saso Kokalanov), Alsat M TV (Muhamed Zekiri), and Representative of Non-Governmental sector from the Macedonian Institute of Media (Petrit Saracini). The analysis is accompanied by a questionnaire on conducted interviews.

<sup>166.</sup> Establishing Media Responsibility in Multi-ethnic Societies, Resource Package: Information, Practices, Standards and Recommendations, Kalina Bozeva and Mark Bossanyi, King Baudouin Foundation and Inter Ethnic Initiative for Human Rights Foundation (Bulgaria), 2006, p. 12.

<sup>167.</sup> That media are active creators of public opinion, during the interview the example with the Skopje Project 2014 and the cases with frequent death of women who just gave birth were mentioned. Although both news were released to the public at the same time, the visualization of the Project Skopje 2014 initially arose great interests among some of the public; the media (at that time) managed to bring back the focus towards the problem with the frequent death of women who just gave birth. With this example the media wanted to put an emphasis on the independence in creating public agenda from political and economic centers (of power).

In order to achieve the basic goals of the media profession, detecting the truth and independence and impartiality in media information, in multicultural and multiethnic societies it is of prime importance to have an editorial team whose composition will create different perspectives with regard to the topics that are presented. Therefore, it is important to know the contexts, facts and include opinion, because, otherwise it is not possible to analyze the given situation in a correct way. If journalist and editors come exclusively from similar or the same cultural environment, it is most probable that the information they impart would be one dimensional. Having in mind that the inter-ethnic relations in the State and reporting on diversities is to great extend, and very frequently in the media and general public focus of interests, the existence of desks reflecting the multi-ethnic character in informing would be a step ahead towards achieving the above mentioned ideals in the journalist profession.

The representation of different ethnic communities in the editorial policy in the Republic of Macedonia is more an exception than a rule, in particular when we speak about the two major ethnic communities, Macedonian and Albanian. Although we cannot speak about the existence of discrimination during employment in media outlets on the grounds of ethnic affiliation, the most frequent obstacle the journalist are faced with is lack of language proficiency of the other ethnic group. In that respect, the number of Albanian journalist in the Macedonia language media is greater than the representation of journalists with Macedonian ethnic affiliation in the Albanian language media. From the other ethnic groups, the Serbian and Vlah community to a great extend are more represented in the media editorials (journalists and editors); while definitively the members of the Roma ethnic community are almost not represented in the media.<sup>168</sup> Evidently, the ethnic structure of the media is not a key factor for the reporting contents, but yet remains an important element for the understanding and attention when reporting to other ethnic communities. Although the great number of the media are striving towards cherishing the civil concept of the State, irrespective of the fact that they do not have representatives in the editorial board of the media from more ethnic communities,<sup>169</sup> “the major handicap of the media is that they cannot treat topics and problems from the daily life of other ethnic communities because they do not have direct contact with colleagues from different ethnicities”.<sup>170</sup>

<sup>168</sup>. Saso Kokalanov – Editor-in-Chief, Dnevnik Daily, interview on 1.10.2010 for the research needs. According to him, candidates from other ethnic communities do not apply for journalist position at job announcements.

<sup>169</sup>. In the interview, an example of favoring Serbian ethnic group by Sitel TV was given, when the editor of that program is a person belonging to that ethnic community.

<sup>170</sup>. Saso Kokalanov - Editor-in-Chief, Dnevnik Daily, interview on 1.10.2010 for the research needs.

### 2.5.1. Legal Regulations

The first part of the analysis gives a detailed overview of the legal regulation related to the anti-discrimination. In the absence of legal norms exclusively with the regard to the prohibition against the discrimination in the media, it is necessary to make comparison between the legislation related to anti-discrimination and the provisions related to the freedom of information, hate speech, as well as with the respect of national minorities and protection of minority languages.

Intertwining of interethnic standards of protection against the discrimination and prevention of hate speech is a very complex structure. The freedom of expression, the freedom and pluralism of media, as one of the leading democratic principles is guaranteed almost in all charters of international organizations of human, civil and political rights.<sup>171</sup> On the other hand, such freedoms do not represent unlimited and absolute category. Limitations exists than when the right to freedom of expression is confronted with the right of equality and non-discrimination and when there is clear link between the freedom of expression of thought and the harm, respectively consequences caused by such action. Establishing such a direct link is an extremely different task and a challenge for many international (judiciary) institutions to prove such relation.

In this respect, of special importance is the ECHR and its Articles 10 and 14 of this Convention, where Article 10 restricts the freedom of expression in the interests of the national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and moral, for the protection of the reputation and rights of others, est., “while in Article 14 of this Convention there a direct appeal and link is establish between the “en-joinment the rights and freedoms [freedom of expression, among other freedoms] shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”<sup>172</sup>

The international standards and rules regulating protection against discrimination in media are still in their beginning. There are a small number of provisions that could be found in the international law and the regulation in this area is primarily left to the states within the frameworks of the national legislation.

<sup>171</sup>. All documents mentioned in the first part of the analysis (Universal Declaration on Civil Rights, op.cit, footnote 115, CERD, op.cit, footnote 3, ECHR with its Protocols, EU Treaty and Treaty on EU Operation, EU Racial Directive , op.cit footnote 5 and other documents).

<sup>172</sup>. ECHR, op.cit, footnote 14, Article 10 and 14.

Although the provision of the EU Racial Directive also apply to media, as institutions which recruit and give public services (the general provisions in Article 3 of the Directive are on media), only Article 7 of the European Convention on Cross-Border Television<sup>173</sup> which directly refers to the obligations of the broadcaster for preserving the dignity and fundamental rights of the “others”, as well as the prohibition to instigate racial hatred, there is no any other place for preventing discrimination and hate speech in the international law, the media are not separated as a special sector. In the initial version of the proposal for the above mentioned directive, Article 4 stipulated “the member states [to] undertake all necessary measures to provide that educators and employed in mass media are aware for being responsible to prevent racial and religious discrimination in their educational role”. Such a formulation of Article 4 was rejected with an argument that it is about affecting the freedom of expression and pluralism in media.

Similar to the provision of the Directive 2000/43, and in Article 4 of the Law on Prevention and Protection against Discrimination (LPPD) referring to the implementation of the law on Legal Person with Public Authorization, make mention of the media. The Law does not enter deeper in to the essence, nature of the work and the role that media for public information play, and leaves the prohibition against reporting on discriminatory ground in more detail to be regulated within the Law on Broadcasting. That the LPPD provisions do not tackle the media work and reporting, the prove is Article 14 which says that the freedom of speech, public appearance, opinion and public informing are not considered as discrimination, without listing the limitations and exceptions when the freedom of speech and information will be prohibited in order to prevent discrimination. In this context the international standards should be taken into consideration which do not make absolute the freedom of limitation, but additionally are limiting by respecting the freedom and rights of the others, preventing the hate speech, spreading racial, ethnic and religious intolerance and other. However, the regulation of this topic is left to the Law on broadcasting which will be elaborated further below in an analysis. The other role of the media for public information in the Law is to inform the public on cases of discrimination, (upon request of the Commission for Protection against Discrimination – Article 24), and public announcement of the judgment (upon the request of the damaged party, and with a decision by the competent court-Article 40) in two cases, as follows: 1) the infringement

<sup>173</sup>. Available on the web site <http://conventions.coe.int/treaty/en/treaties/html/132.htm>

of the right to equal treatment was through the mediation of the media, or 2) the information on the treatment that violates the right to equal treatment was published in the media, and reporting on the judgment is necessary because of the full compensation for the damage caused or protection against unequal treatment in future cases.<sup>174</sup>

The Law on Broadcasting<sup>175</sup> in its part on program standards, is assessing with good quality and requires from the media to respect the principles of tolerance, mutual respect and understanding, non-discrimination, equality and other, with a special focus on ethnic, racial, religious and social diversity,<sup>176</sup> while in the next Article clearly and impartially sets the prohibition of programs which “are focused on violent overthrowing the constitutional order [...] or instigating national, racial, gender or religious hatred and intolerance”.<sup>177</sup>

Speaking about promotion of ethnic diversities, the Macedonian Radio Television (MRT) has special and different legal obligations from the other radio broadcasters stipulated in the special part of the Law related to the public broadcasting service. Namely, MRT undertakes to broadcast one television program service in Macedonian Language and one television program service on the language spoken at least by less than 20% of the citizens which is different from the Macedonian language and the other non-majority communities,<sup>178</sup> as well as to „create and broadcast programs of public interest which reflect the social and cultural pluralism in the state“. <sup>179</sup> Recognizing and promoting cultural pluralism as a public interest in the Republic of Macedonia, the Law assigns to the public broadcasting service to produce and broadcast programs on all segments of the society without discrimination, as well as to cherish the cultural identity of the communities, to respect cultural and religious differences and to stimulate a culture of public dialogue in order to enhance mutual understanding and tolerance for the purpose of promoting relations among communities in a multiethnic and multicultural environment.<sup>180</sup> MRT also must provide equal access to all in creating programs, as well as to prevent „any form of racial, religious, national, ethnic and other intolerance“. <sup>181</sup> From the ethnic structure of employees in MRT point of view, out of the total 776

<sup>174.</sup> LPPD, op.cit, footnote 7, Article 40.

<sup>175.</sup> Law on Broadcasting, Official Gazette of the RM, No. 100, 21.11.2005

<sup>176.</sup> Ibid, Article 68.

<sup>177.</sup> Ibid, Article 69.

<sup>178.</sup> Ibid, Article 117.

<sup>179.</sup> Ibid, Article 120.

<sup>180.</sup> Ibid, Article 121.

<sup>181.</sup> Ibid, Article 122.



permanently employed, 97 are members of the Albanian ethnic community, 33 of the Turk, 24 of the Serb, 4 of the Roma and 26 are members to all other ethnic communities. There are 189 persons working on temporarily employment contracts, of which 57 are from Albanian ethnic community.

The Strategy on the Development of the Broadcasting Activity in the Republic of Macedonia for the period 2007-2012, developed by the Broadcasting Council (BC) states that „MTV2 is broadcasting about 65 hours program on Albanians, 17 hours and 30 minutes on Turkish, and 1 and 30 minutes each on Serbian, Roma, Vlah and Bosnia on a weekly basis“.<sup>182</sup> Weather and to what extend MRT meets the legally prescribed obligations for protection of the cultural identity is seen from the analysis of the MRT program for 2010 developed by BC. According to the function of the programs, the contents of entertainment character (63,5%), informative contents (26,5%) and finally the educational contents (10%) cover most of the time in the observed period. The major remark made about this professional body (BC)<sup>183</sup> regarding the quality of the MTV2 program contents is the absence of „three audio-visual accesses for production engagement – innovation, experimentalism and creativity“.<sup>184</sup>

Out of the total broadcasted programs of 130 hours, 26 minutes and 3 seconds during the analyzed period in May 2010, 73,35% (or 95/h, 40/min. and 19/sec) are program on Albanian language, 12,67% (or 16/h, 31/min. and 53/sec) are on Turkish, while on Serb, Vlah and Bosnjak language only 1 hour and 30 minutes of program is broadcasted which is somewhat over than 1% of the total broadcast program. The program in Roma language is broadcasted 2 hours and 26 minutes in total, representing 1,87% of the total broadcasted program. As concluded in the analysis, “it cannot be said that this program service is satisfying the cultural needs of the ethnicities in RM and the broadcasted contents failed to promote the relations between the communities”. It is necessary the contents to be translated and made attractive also for the other ethnic communities in order to avoid the language barriers to become a major problem in following these contents.

<sup>182</sup>. Strategy on Development of Broadcasting Activity in the Republic of Macedonia for the period 2007-2012, Broadcasting Council, 2007, pp. 60.

<sup>183</sup>. Comparative analysis of the Public Broadcasting Service Radio Program and Television Program Services completed during the period 25 through 31 January and 10 through 16 May, 2010.

<sup>184</sup>. Ibid, Measurement made in the period 10 – 16 May, pp. 48

### 2.5.2. *Situation Assessment – Division of Medium Space*

It could be stated that the media space in the Republic of Macedonia is not integrated from the point of view of ethnic community coverage. The media outlets may in a relatively easy way be divided on ethnic, respectively linguistic criteria which to a great extent also define the contents subject to media reporting. Although it could not be argued that in some media journalist of only one ethnic community are employed, yet it could be said that the media space is “following” the division between the two biggest ethnic communities in the country: Macedonian and Albanian. Seen from this light, it could be argued that the journalist staff is distributed in the so called “Albanian” and “Macedonian” media.<sup>185</sup> Media of smaller ethnic communities do exist but most frequently they are local electronic media focus at entertainment without some especially developed information program. An important exception from this picture is the television “Alsat M”- an example that will be elaborated at the end of this part.

Apart from such “distribution” of the journalist staff, such division is supplemented by the editorial policy of the informative program. Reporting beyond its own ethnic group (or groups) is most frequently sporadic and depends on the size of the event or the situation reported. Coverage of small and daily stories in other ethnic communities is absent, in particular in the sense of “Macedonian-Albanian division”. In this respect, media reporting is almost always on more serious political events, incidents and the security situation. Such media picture is in favor of the perception on the division of the society. In the ECRI Report, it is stated that the media “report on events in a rather different manner depending on their ethnic color”.<sup>186</sup>

The media in Macedonia are monolingual, which in this case mainly refers to the electronic media. Out of total 77 commercial televisions in the Republic of Macedonia, 13 televisions in total are broadcasting exclusively programs of the Albanian language, of which one is national, one is regional, and one is national via satellite, while the remaining televisions are local. Two regional televisions are broadcasting programs on Roma and Macedonian language, one of the regional is on Bosnak language and one local television with a

<sup>185</sup>. European Commission against Racism and Intolerance, Report on „Former Yugoslav Republic of Macedonia“ (Strasbourg: June 15, 2010), 31.

<sup>186</sup>. Ibid. 30

program on Macedonian, Turkish and Albanian.<sup>187</sup> This defines the target public linguistically, and in Macedonian context this has its meaning in defining the public ethnically. Consequently, the contents of other ethnic communities' languages remain inaccessible to the public which does not understand those languages or is ruling at relevant level. Such a situation helps in maintaining divided public which is reflected on the agenda of the media remaining in that circle and creates their editorial policy depending on their own public.<sup>188</sup> This conclusion may easily be expanded beyond the information program of the electronic media which, in the digital era of broadcasting may easily implement multi-linguism, at the beginning with titling entertainment contents and similar. This would mean a process of transition from monolingual towards partial multi-lingual media addressing to the wider public. Similar to this, the electronic issues of printed media may easily be transformed into multi-linguistic portals by which the public will exceed the linguistic, respectively ethnic borders.

In this respect, the media outlets, through their editorial policy, journalist staff, but also through their target public, are defined in ethical sense. One of the exceptions is "Alsat M" television which is a national service, which, to a certain extent is broadcasting bilingual contents (Albanian and Macedonian) on its own program of different character thus making possible to create initial conditions for overcoming the gap between the two biggest ethnic communities seen as television public. The information desk of these television consists of journalists from "both blocs" and what is particularly important is that the information program is bilingual. It remains to be seen whether and how this model will survive in the Macedonian media space and whether the other televisions will implement similar approach.

<sup>187</sup>. From televisions on Albanian language: TV Alsat M (national TV station), TV ERA (regional TV station), TV ERA SAT and TV Alb (state via satellite), TV DUE, TV Gura, TV Uskana, TV Festa, TV Hana, TV Art Kanal, TV Art, TV Koha, TV Super Skaj (local TV stations);  
From TVs on Roma language: TV Sitel, TV BTR (regional TV station);  
From TVs on Bosnak Language: TV Edo (regional TV station);  
From TVs on Macedonian and Albanian language: TV Kaltrina (local TV station);  
From TVs on Macedonian, Albanian and Turk language: TV Zupa and TV Cegrani Media (local TV stations);  
From the TVs on Macedonian, Albanian and Bosnak language: TV Lazani (local TV station)

<sup>188</sup>. According to the rating on watching and reading media by the public with different ethnic affiliation, A1 TV and Dnevnik Daily are an exception. Namely, the interviews made with the editors-in-chief and chief editors show that based on the ratings of their internal needs these two media outlets are to a great extent also "consumed" by the Albanian ethnic community, or more precisely Dnevnik Daily, the newspaper that sold more copies in Tetovo to members of the Albanian ethnic community than to the Macedonian ethnic community.

### 2.5.3. Case story - Discrimination in Media Presentation

Such a divided situation leaves space for different practices of stereotyping while presenting other ethnic communities the media. In some cases when addressing a specific audience, media is using a language understood by the ethnic communities. Such media communication in some cases is based on ethnic perspective on people and events. Such a discourse serves to maintain the identity and to determine diversity of other ethnic communities. The problem with such practice is that most frequently it is based on the processes of so called construing the “otherness” in which the different groups are presented as certain threat. Such a practice serves as a basis for discriminatory display of persons and groups when the media reporting are using their difference in cases when it is not necessary, in order to establish a degrading attitude towards persons or groups.

It could not be said that in Macedonia the discriminatory presentation of ethnic groups is systematically implemented in the media.<sup>189</sup> Having regard to the past, different actors in Macedonia are cautious of the way in which the ethnic groups are publically presented. That does not imply that stereotypisation does not exist. The year’s long activity of the civil society and the presentation of many ethnic communities in the public sphere significantly contribute to situations in which there is a basic level of political correctness in the public communication. **However, there is a big space in which the media could improve these practice.**

**The most widespread form of discrimination is associated** with the behavior of certain ethnic community. The most frequent example is the reporting on deviant behavior when the ethnic affiliation is frequently added to the perpetrators of criminal acts. What is discriminatory in this practice is that such media communication unjustifiably serves for associating the a-social behavior with specific ethnic communities as a deviant behavior is present in all social groups in a given society.

The latest example for such media practice is the case with the young boy found dead in the ventilation of one newsstand in Skopje. Most of the media outlets, in their reporting informed about the “Roma affiliation” of the young boy, as it were in the Report of the Ministry of the Interior.<sup>190</sup> The Roma ethnic affiliation of the boy has no direct connection to the event, irrespective

<sup>189.</sup> The conclusion that there is discrimination in the state is also supported by the evaluation made by the editors-in-chiefs

<sup>190.</sup> News aggregation: ‘A young fellow unwillingly hung himself in a newsstand in the City of Skopje center’, available on <http://www.time.mk/read/1b9b2db3a4/36092bed8f/index.html>

whether it is about attempted theft or accident. The Mol practice to include such details in its communication with the media could probably be a subject of another analysis, but in this case the media just carry on this discourse. Such a discourse has a dual role. On one hand, it serves to foster a positive image of the other ethnic groups (that is i.e. an ethnic group of the communicator), where the construed picture of his behavior becomes a characteristic of the “other one”.

Roma are frequent target of discriminatory media presentation.<sup>191</sup> One of such examples is the Article in Vecer under the title “Roma are kindly asked not to do Gypsy doings”.<sup>192</sup> The journalist Article reports on the situation with the green areas around the “Macedonia” Square where several Roma families live. Even the very title suggests that despite the efforts for political correctness of the others, the Roma are inclined do things specific to that group, which supposedly justify the use of the scornful word -“Gypsy”. The whole text is missing any kind of argument that will explain why the Roma affiliation of these families is important information in this media coverage.

In the text itself there are several characteristic tropics used in the process of constructing the otherness, and at the same time are discriminatory against the Roma ethnic community. After the journalist described the disorder and poor condition in which those families leaved, he/she pointed out his/her astonishment that this was happening in Skopje downtown. In that case, that situation is identified as unnatural and non-representative for the city downtown, but leaves space for this to be “normal” for the other parts of the city or the country. In that respect, the text is construing the picture of “invasion” of the space by Roma who, in the eyes communicator and the way he/she is construing it, it is problematic to be a representative picture of the metropolis. Such an invasion by “the other” is hampering the efforts for preventing an idea of imaginary picture normal for the state, nation(s) and other, because according to the words of the journalist, it represents “an ugly image of the metropolis”. This distortive image it additionally reinforced in the part where the concern of passers-by is presented because the tourists observed this situation and where not pleased. Consequently, the Roma are becoming guilty for the poor image of the City thus preventing the efforts to make normal the image of the society before

<sup>191</sup>. Several institutions speak about this. For more see the reports of EKRAN, Helsinki Committee. Additionally in the interview with Mihajlo Lahtov, researcher on this topic for the „Edno Magazine“, 2009 – accessible on: <http://www.ednomagazine.com/mk/5/intervju/mihajlo-lah-tov-magister-po-covekovi-prava-i-demokratija.html>

<sup>192</sup>. ‘Roma are kindly asked not to do Gypsy doings’, Vecer, June 16, 2008, accessible on <http://www.vecer.com.mk/default.asp?ItemID=DAB12A4FF4AB06448ECDADBFC57A4E96>

the foreigner's eye. Moreover, the entire article no attempt was made to comment on the social reasons why these families are there, and their life and activities are replaced with cynical euphemisms such as "a picnic" or "outing".

However, there are also positive examples in which the media in Macedonia show sensibility to ethnically sensitive topics. One of such cases is the controversy with the Encyclopedia of the Macedonian Academy of Sciences and Arts (MASA). The media rather quickly recognized the misbalance of the Encyclopedia regarding the other ethnic group, especially the Albanian, and additionally engaged themselves to maintain the focus in their reporting on this problem. In doing this, all the concerned parties from the two biggest ethnic communities were consulted, also including the professional public which contributed to relatively objective, but socially engaged reporting. In this case the media played an important role in challenging the problematic contents of the Encyclopedia. In a similar manner, most of the media also elaborated on the ethnic context of the Project „Skopje 2014“ by instigating a public debate and imparting information, as well as consulting the different points of view of the ethnic groups regarding this Project. Thus, different representatives of individual ethnic communities were given a media space to inform about their position.

Another case which deserves special attention is the media coverage on the incident between some of the fans' groups „Komiti“ and the inhabitants from Skopje Settlement Nerezi that happened in August 2009, as well as several connected and subsequent events with the population. The event in itself had a potential to be understood in ethnic context as an incident between the two biggest ethnic communities in Macedonia. The media reported rather carefully about this event, and most of the media outlets categorized the groups in an ethnic manner as, if they did it at all, in a rather moderate level. Practically, the majority of the media did not report with the adjectives „Macedonian“ and „Albanian“ neither for one of the groups. Even in the consequential incidents some of the media were carefully avoiding generalized ethnic categorizations (Macedonians and Albanians) of the perpetrators when reporting. Evident negative exception in this example was the reporting by Netpress<sup>193</sup> which was replete with ethnic categorizations and narrative practice intended to instigate intolerance. By doing this, the members of the ethnic communities were unjustifiably associated with the violent behavior of individuals or smaller groups.

<sup>193</sup>. Netpress, 'Albanians from Nerezi provoked serious incident with the supporters group "Komiti"', Netpress, 2009, available on <http://www.netpress.com.mk/vest.asp?id=60572&kategorija=8>

What should be stated at the very outset is that the media reporting from Netpress by itself is different than in the remaining media with regard to which group initiated the violent behavior. It, by itself contains a potential for the journalist to be biased. In addition, furthermore, regarding the initial motive for the incident, the journalist reported that it was the singing of Macedonian patriotic songs which allegedly disturbed the Albanians from Nerezi. Reporting on such statement, given by supporters, without any further comments, serves only for construing the blame on the grounds of ethnic intolerance, which irreversibly colors the violence in an ethicized manner. In the next reporting, the citizens of Nerezi, at one time, are named as “citizens”, and at the very end of the article information is added on illegal constructions in Nerezi which are not in any way pertained the event. But, since it is about mosque, such a construction is an important marker in discursive fabrication of treat by competitive ethnic group.

#### **2.5.4. Conclusions and Recommendations**

##### **Conclusions**

2.5.1. The existence of ethnically pure media (from editorial and public aspect) makes the media to live in ethnically parallel worlds. Having in mind the importance and role that media have in multi-ethnic societies and the need of tolerance, understanding and knowledge for other ethnic communities with such ethnical division, media are contributing towards strengthening the level of closeness and xenophobia in the ethnic communities. In that context, the changes and diversification of the journalist, and later also of the editorial structure with members of different ethnic communities, on the medium and long run maybe useful, although for the time being remains to be a challenge. The examples of successful and most known brands in the media industry (members of different ethnic groups in media such as CNN, BBC and other) witness that diversity pays off (even on a long run). It is not an obligation of the media to discriminate us, but to call upon the values in the society, which in the Macedonian context would mean promotion of diversity, multi-culturalism and multi-ethnicity. Only assisted by the media we may reach the ethnically “clean” environments and brake the stereotypes and prejudices about the “others” existing in such environments.

- 2.5.2. On the other hand, having in mind above mentioned positive and negative examples, it could be argued that there is certain level of sensibility in media toward the ethnically sensitive issues. The long-lasting activities by different actors, as non-governmental organizations and associations of citizens, access to the political sphere to the ethnic communities, the international factor and the experiences from the recent history, contribute towards greater awareness of most of the journalist regarding the sensitive nature of the inter-ethnic relations in Macedonia. In this respect, it seems that media are most sensitive about the ethnic context, compared with the media relation towards other marginalized or minority groups in the society on specific status or ground. The examples pointed out with the media reaction on the MASA Encyclopedia, "Skopje 2014" or the event in Nerezi document this quite well and also give emphasis to the awareness of media for their responsibility in the society focused towards promotion of harmonization and tolerance in inter-ethnic relations.
- 2.5.3. This, of course does not mean that there are no problems. As there is ability to recognizing potential ethnic problems connected with big groups, so sensitivity is absent in cases of smaller ethnic groups and even more in individual personal cases. Media reporting on personalities, which includes ethnic categorization when it is not necessary, not only for informing the public itself, is a ghastly practice which is encouraging stereotypes on the basis of which the different ethnic communities visualize the others.
- 2.5.4. The inclusion of holders of public opinion in individual ethnic communities during media reporting, means a possibility for these communities to be subjects, and not only objects of information. It results in the presence of perspectives and points of view of different ethnic communities, by which the public debate is enriched in an inclusive manner, and at the same time simplified understanding of ethnic communities as monolith is avoided.<sup>194</sup> They, in fact are not monolith, and modern theories define the ethnicity as complicated network of relations.<sup>195</sup> Being aware of the heterogeneity of the ethnic communities, from the very start is making problematic the use of generalized categories of the type of ethnic group for marking some specific behavior of individuals and groups which are subject to media coverage.

<sup>194</sup>. David Tuller, *Priručnik Za Izvješćavanje O Različitostima* (London ;[Beograd]: Media Diversity Institute; Samizdat B92, 2003), 17.

<sup>195</sup>. For more see: Rogers Brubaker, *Ethnicity Without Groups* (Cambridge Mass.: Harvard University Press, 2006).



## Recommendation

- 2.5.1. A diversification of the journalists, and later of the editorial structure with members of different ethnic communities is needed in order to improve objectivity and multi-faced approach in reporting and also from pragmatic aspect for increasing the media profit through enlarging the public from different ethnic communities.
- 2.5.2. The journalist sensibility regarding the relations between the two biggest ethnic communities should be also expanded on issues connected to smaller ethnic communities. In that respect it is necessary to raise the awareness of journalists about them, as well as the awareness for the problems the ethnic categorization carries in itself, as stereotypisation, for example. In this way the association of some deviant behavior with given ethnic group and the discriminatory effects which this practice is representing in itself should be eliminated.
- 2.5.3. Apart from improving the practice during media reporting, a transition towards multi-lingual media is also desirable, which would open for them a possibility for transformation into multi-ethnic media which, at national level will address more than one ethnic group, i.e. would overcome the block division which presently is most evidently divided on the line between Macedonian and Albanian media. Addressing the complex and heterogeneous public will override the gap of simplification which is a basis for stereotypisation and discriminatory presentation of persons, and in particular of groups.
- 2.5.4. Finally, in order to successfully combat against discrimination in media, BC should undertake measures towards preventing and punishing the hate speech. In this part, perhaps the printed media should also be under BC monitoring, and through practice the hate speech should be separated from a speech which is criticizing, but this should be done in order to develop a debate on specific issue. Together with this, changes to the Criminal Code should be initiated where these acts will be presented, and developing case studies by the courts through monitoring the ECHR practice, a work which is compulsory.



## 3. OTHER ASPECTS OF DISCRIMINATION

### 3.1. Smaller Ethnic Communities

This part gives a short overview on the situation of smaller ethnic communities. One of the reasons for this is the widespread belief, particularly among the members of these communities, that the Ohrid Framework Agreement only applies to Albanians. On the other hand, there is separate research on this topic, so that here only some of the identified statements in that and the other reports are presented, while special overview is made on the situation with the Roma community which is perceived as being the most marginalized and discriminated in all the previous researches made so far on this topic.

The research on the integration of the non-majority communities<sup>196</sup> shows that inequitable representation of these communities in the central and municipal administration is not achieved, as well that there is not sufficient representation of their political representatives in the Parliament of Republic of Macedonia and in the Municipal Councils. In addition, these communities believe that their number is also underestimated, i.e. that there even during census or other research even their members identify themselves as ethnic Macedonians or Albanians. Additionally, there are shortcomings in the area of education (lack of teachers and textbooks in mother tongue), and there is also perception of insufficient measures for promoting cultural values and providing conditions for fostering the cultural identity of these communities. At municipal level, although the rule of dual majority (Badinter) when deciding on issues that affect communities is seldom used, these communities consider to be discriminatory against them, due to their own inability to influence on the decision making, but for them decide the majority and the community which is represented by over 20% in that municipality.

The European Commission Progress Report on Macedonia for 2010, states discriminatory behavior of the police against the Roma (cases of brutal

<sup>196</sup> Hadjik-Rakik, D., Haziri, L., *Integration of non-majority communities below 20% at central and local level, through the legal legislation in the Republic of Macedonia, 2010.*

behavior), and confirms the finding mentioned above about the insufficient representation of the smaller communities in the public administration. Additionally, it is concluded also that the newly established Agency for Protection of the Rights of Communities represented by less than 20% of the population are still not functional.

However, the setting up of this Agency and the findings of this and quoted reports speaks about the progress in exercising also the rights of the smaller communities, their greater representation in the public administration and the greater participation in decisions that affect them.

### **3.1.1. Roma in Education System**

In the upbringing-education process in the Republic of Macedonia the Roma students, by and large are still following the teaching on Macedonian language, despite of the constitutional and legal possibilities to follow the regular instruction on mother tongue. In the Tetovo region there is an exact number, 323, of Roma pupils in the primary and 107 in the secondary education, who, in addition to the Macedonia, follow the instruction in Albanian or Turkish language of instruction. The reason for this lies in the fact that at home their families speak on one of the above mentioned languages, and therefore it is easier for them their children to follow the instruction in one of the of above mentioned languages. Also, this problem appears in the Eastern part of the Republic of Macedonia, because in some regions, the Roma not knowing their mother tongue, speak the Turkish language.

The problem with the regular instruction on Macedonian language is present in the Skopje-Kumanovo region, because the Roma students speak their mother Roma tongue in their families. When these children begin their first grade have, it is rather difficult for them to understanding and follow the instructions on Macedonian language of instruction because they know very little, or are not familiar with that language. Until now, there are no preparatory programs for learning the Macedonian language. However, preparatory programs are envisaged for gaining knowledge of Macedonian before starting their education, in accordance with the Strategy on Integrated Upbringing-Education System.<sup>197</sup> In order to overcome this problem, and for the purpose of preservation and development of their language, culture and tradition, efforts will be made in the future to open a Department, or a Study Group on Roma Language at some of the relevant faculties in the country, or to give fellowship to students

<sup>197</sup>. Ministry of Education and Science [http://www.mon.gov.mk/index.php?option=com\\_content&view=article&id=649:integriranoobrazovanie&catid=67:novostimon&Itemid=128](http://www.mon.gov.mk/index.php?option=com_content&view=article&id=649:integriranoobrazovanie&catid=67:novostimon&Itemid=128)

for some of the regional faculties that offer such type of studies. This will make possible to resolve this problem and to finally create staff through which the Roma community will be able to achieve their constitutionally and legally guaranteed right to education in their mother tongue.

The next problem that the students - Roma are faced with in the primary education is the drop-out, respectively, leaving the upbringing-education system which is especially characteristic in the transition from fifth to sixth grade.<sup>197</sup>

Herein are other statistical data on the coverage of Roma students in primary and secondary education for the past few years.

**Table No. 1 An overview of enrolled Roma pupils in first grade in the period from 2005 through 2010.**

<i>O.No.</i>	<i>School Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1.	2005/06	685	671	1.356
2.	2006/07	715	654	1.369
3.	2007/08	782	699	1.481
4.	2008/09	839	833	1.672
5.	2009/10	754	729	1.483
<b>Percentage of Roma Pupils Increase in First Grade</b>				<b>8,5%</b>

**An overview of enrolled Roma pupils in primary education in the period from 2005 through 2010.**

<i>O.No.</i>	<i>School Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1.	2005/06	4.469	3.940	8.409
2.	2006/07	4.441	3.940	8.381
3.	2007/08	5.268	4.882	10.150
4.	2008/09	5.421	5.130	10.571
5.	2009/10	5.528	5.225	10.753
<b>Percentage of increase in coverage of Roma pupils enrolled in primary education in the period 2005 – 2010.</b>				<b>21,7%</b>

**An overview of enrolled Roma pupils in secondary education in the period from 2005 through 2010.**

<i>O.No.</i>	<i>School Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1.	2005/06	654	586	1240
2.	2006/07	678	526	1204
3.	2007/08	831	641	1472
4.	2008/09			
5.	2009/10	1054	900	1954
<b>Percentage of increase in coverage of Roma students enrolled in secondary education in the period 2005 – 2010.</b>				<b>57,5%</b> <sup>199</sup>

<sup>198</sup>. Research "Situation of Primary School Children of Roma Community Members in the Republic of Macedonia", Ministry of Education and Science.

<sup>199</sup>. Ministry of Education and Science of the Republic of Macedonia.

### **3.1.2. National Policies on Roma**

#### **a) National Strategy on Roma**

In 2005 the Government of the Republic of Macedonia adopted a National Roma Strategy. This Strategy is focused on several areas and its aim is to improve the standard and quality of living of Roma population in the Republic of Macedonia. Education, as an important segment and condition for achieving the goal of this Strategy has an important place.

#### **b) Decade on Roma Inclusion 2005 – 2015**

In addition, in 2005 the Republic of Macedonia became part of the international initiative Decade on Roma Inclusion 2015-2015 initiated by the World Bank and Soros and focused on priority areas as follows:

- Education;
- Employment;
- Housing;
- Health.

#### **c) Action Plan on Education**

Following the adoption of the National Roma Strategy and acceding to the International Initiative the Decade of Roma Inclusion 2005 – 2015, four Action and Operative plans for the four above mentioned priority areas were developed, among which is the area of education.

#### **d) Conception on Nine Years Primary Upbringing and Education**

In accordance with the reforms in the Law on Primary Education and the Conception on Nine Years Primary Education, the students-members of the Roma community have a possibility to study their language and culture through the introduction of optional subject: Language and Culture of Roma. This subject starts from the third grade and lasts until the completion of primary education.

### **3.1.3. Social Context of Roma Health Status**

The idea that poor health status in Roma population is based on lack of health education, respectively inadequate health behavior among Roma is quite present in different national cortexes. But, in order to understand the reasons for the poor health situation and unequal health status in this community compared with the general population, the inequalities linked with the existing

political and economic structures contributing toward unequal distribution of resources must be considered and understood. The refusal to change the *status quo* situation is additionally impoverishing the already limited knowledge of the situation by the politicians, decision-maker and policy makers, as well as the general public regarding the wider social picture of factors having impact on health of all people, including Roma. This is almost basic characteristic of the official answer to the question of the health of majorities in the developed world.

Furthermore, the problem is deepened by certain challenges specific for national contexts in Central and Eastern Europe, as for example: (1) Insufficiently developed skills for representing within the civil society – this is particularly through about representation in improving the health status, irrespective whether it is about Roma or neo-Roma organizations, when the concept for health as a social product, and not only absence of illness or medical care is still on the margins without any visible potential for near popularization. In addition, the number of associations or networking of Roma organizations is small, and is even smaller among Roma and non-Roma subjects, which otherwise would help to better present the new, alternative vision of health; (2) the question on ethnic affiliation and the fear from repression – unresolved civil status and lack of personal documents is an additional obstacle for the access of Roma to the health system, respectively to one of the mechanisms for improving the health status; nonetheless, the efforts for entering into the Registry Books are differently accepted by the Roma communities due to the fear that entering into the national systems of evidence opens possibilities for repression; and (3) inadequate public response to health problems of minorities and marginalized groups – this is considered as one of the leading reasons for the poor health status of the Roma population, and to great extent is reflected in lack of political will and public support for adopting and implementing required politics and infra structural changes, as well as in adopting politics which discreetly but directly or disproportionately tackle more the Roma population, thus discriminating, as is for example the health insurance only for three children in the family and other. But, this also speaks about how insignificant is the contact with the relevant direct participation of Roma population in making, or is directly participation in creating, adopting and implementing politics in the country where the Roma are significant minority.

**a) Culture and Tradition as a Factor in the Roma Health Status**

In addition to the socio-economic variables, there are different cultural factors, habits and customs among many communities which have an impact on the health of the individuals or the community. The illness is not perceived in the same manner in different communities, or in one society and it varies in the same group in different historical times. Health and illness are social constructions which are defined for each culture. Every culture creates its own therapeutic alternatives and instructions for healing. Due to this, it is important the illness to be seen as an expression of biological and cultural component. If in the process of health/illness in ethnic minorities we consider the culture, than we could see: how the patients receive information about health, how the rights and benefits which the health system is offering are used, and how the symptoms, expectations and concern about the illness are expressed.

**b) Health Risks among Roma**

Some aspects of Roma culture sometimes increase the risks for certain illness. For example, the belief in respecting rituals regarding this, contributes to resist to children and adult immunization. The social isolation could also go to such extreme (refusal to register new born babies) that some important trends regarding the mortality remain hidden. The isolation also results in smaller participation in preventive examination (for example gynecological tests which is very difficult to promote among Roma women).

For Macedonia It is important to emphasis that there is no research that will examine or establish whether the Roma communities throughout the country still have cultural aspects which expose Roma to greater risk because of late medical interventions or causing difficulties in any way to regularly and timely carry out medical procedures. Contrary to this, we witness many publications which in an anecdote approach and information believe that the mentality, culture or tradition of Roma in Macedonia do not permit to raise the level of health care, prevention or improvement of the general health status in the communities.

Besides the unfavorable situation in which the health system in Macedonia is, the unfavorable leaving conditions, inadequate housing and extreme poor hygiene in the Roma communities have an impact on the Roma health status. The national statistics registered grater incidence of infective diseases among population compared with the general population, as well as almost endemic



presence of some diseases, for example, tuberculosis; all the remaining health indicators have worst values and lack of possibility for quick improvement.

There is remarkable degree of discrimination behavior within the health system which is not always directly focused on the Roma population, but is more a financially motivated discrimination (the one who could pay has an access to any health service, either in the private or in the public segment of the health system). However, there are testimonies by Roma that the health workers treat Roma patient worst than the non-Roma as a result of discrimination.

From the above stated the feeling of discrimination among the members of Roma ethnic community, compared with the non-Roma population, is rather pronounced. Despite the fact that according to many laws prohibition of any ground is prohibited in Macedonia, in reality the members of the Roma community are not in a position to exercise their rights, according to them, only because of their ethnic affiliation.

### 3.2. Religious Discrimination

Since the independence of the Republic of Macedonia until presently the religious organizations have been involved in political process, in stages. This is due to the expansion of the religious practice among the population as a result of transformation of the socialist system, which increases the social capital of the religious organizations in the public life. These two aspects – the religion and social capital of the religious institutions – leave space to make a link between the political elites and the most influential religious organizations. Such a link implies mechanism with which the political establishments draw legitimate from the capital of these organizations, involving them in their political life.

The high level of correlation between the ethnic identification and religious determination give additional effect on this situation. Such situation comes as a result of the Ottoman heritage where the religious identification was the basic principle of categorization of the population. Thus, during the creation of nations, the religious communities acquired an important place in the national identity picture. This, in addition is strengthening the position of the religious institutions in present times. One of such examples is the attitude

that the two biggest Macedonian parties have about Macedonian Orthodox Church. In two central documents on these parties, a central place is given to the Macedonian Orthodox Church in its role for preservation of the Macedonian national identity,<sup>200</sup> by which they are openly in favor, as compared with the other actors in public life.

Whatever the case may be, achieving religious freedoms is one of the achievements of the transition. The limitation of rights to religious education and free practicing religious traditions are not seen in practice. Even in cases where the registration of new religious community is denied (for example, POA or Bektash Community), there is no prohibition for practicing religious rites by the members of these religious groups.

### **3.2.1. Problematising Secularity and Favoring**

In a situation where the religious leaders are the only visible representatives of the civil society during most important political events, such as inauguration of the Parliament or the state highest officials, gives a picture which is different than the prescribed secularity of the State according to the Constitution of the Republic. Such favorisation of the religious institutions and associations contrary to the is prescribed secularity, leaves room for discriminatory action of the public sector (primarily the state institutions) towards the part of the population with religious attachment to smaller religious communities or towards the atheistic population.

Formally, there is a gap between the legislation which guarantees equality and pluralism among the religious organizations,<sup>201</sup> and the practice that follows. Therefore, with the 2001 changes to the Constitution, in MOC, IRC, The Roman-Catholic Church, Evangelist-Methodist and Jewish Community have a central place. Such citing by name of only one part of the religious communities in Macedonia (although they are maybe the biggest one), already sets specific framework of favorisation at a symbolical level. All the more, because the idea in the Article of the Constitution shows no need of such quotation. Such a positioning is additionally leading to a range of discriminatory practices which most frequently violate either the secularity of the public

<sup>200.</sup> VMRO-Democratic Party of Macedonian National Unity, 'Doctrine', 2007  
<[http://vmro-dpmne.org.mk/Dokumenti/vrednosti\\_vmro\\_dpmne.pdf](http://vmro-dpmne.org.mk/Dokumenti/vrednosti_vmro_dpmne.pdf)> [accessible on 1 May, 2010];  
Social-Democratic Alliance of Macedonia, 'Solutions for Macedonia'  
<[http://sdsd.org.mk/upload/PROGRAMA\\_PDF\\_Web.pdf](http://sdsd.org.mk/upload/PROGRAMA_PDF_Web.pdf)> [accessible on 1 October 2010].

<sup>201.</sup> On this issue a Law on the Legal Position of the Church, Religious Community and Religious Groups was adopted. Official Gazette of RM No. 113/07.

work of the institutions or the right to freedom of religious education of marginalized religious communities.

Namely, at events organized by state bodies, as for example the start of a construction of facilities of public interest (a section of roads, building of state institutions) very frequent part of the ceremony is also “dedication” of the facility by official religious personalities, most frequently by the MOC. For the Islamic Religious Community this represents discrimination on religious ground, but instead of avoiding such an act they believe that IRC should also be invited and implement the same in accordance with the Muslim tradition. On the other hand, recently IRC publically supported a newly established political party, which, “in return” is supporting the denationalization of the IRC properties.

### 3.2.2. Introduction of Religious Education

The introduction of the subject “Religious Education” in the primary education in 2007 was welcomed as a problematic act of the Government, seen from the aspect of secularity and multi-confessional character of the society. According to some analysts, the vagueness of the Law on Education leaves room for arbitrary creation of the curricula which additionally makes problematic the situation due to the principle of impartiality.<sup>202</sup> At the same time, the Government promoted the idea of studying the religious education in a media champagne.

Some of the experts considered the proposed curricula as “religious action” instead “religious education” since, according to them; they consist of teaching how to practice the religion itself.<sup>203</sup> Confirmation for this are also some of the journalist reporting in which they document how studying religion leads to “stigmatization” of children belonging to the minority religions in the class.<sup>204</sup>

Shortly after the adoption of this act, the Constitutional Court abolished the introduction of Religious Education as non constitutional because it affects the separation of the state from the religion.<sup>205</sup> By introducing religious education, the religious population is favoring abandoning the explicit academic and scientific approach in the system of state education. Even though, it is interesting to note that, despite the fact that the introduction of religious education

<sup>202</sup>. Kadriu, Bekim, and Agim Nuhiu, ‘Discrimination in the Republic of Macedonia in 2009 and 2010’.p.p.83

<sup>203</sup>. Trajanoski, Zarko, ‘Religious Education or Religious Action?’, Zombification <[http://jasnesum-jas.blog-spot.com/2008/09/blog-post\\_7101.html](http://jasnesum-jas.blog-spot.com/2008/09/blog-post_7101.html)> [accessed on 1 October 2010].

<sup>204</sup>. Todevska, Aneta, ‘Religious Education is Crucifying Children’, Dnevnik Daily (Skopje, September, September 2008) <<http://www.dnevnik.com.mk/?ItemID=6E8BC55B0BC1ED47B6D5D9A107A9ECE6>>

<sup>205</sup>. Constitutional Court of RM PM. Decision No. 202/2008-0-1 adopted on 15.04.2009

was criticized by the opposition, the request for re-examining this provision of the Law before the Constitutional Court, was submitted by a smaller party (Liberal Democratic Party) which confirms the above mentioned link between the bigger parties and the religious institutions.

### **3.2.3. Construction of Church at the Macedonia Square**

Another example for malpractice from the aspect of religious discrimination, is the decision to build the church „St. Konstantin and Elena“ at the „Macedonia“ Square in Skopje, as part of the “Skopje 2014“ Project, which the public also experienced as interference of the state in construction of religious facility. Since it is not about a project for restoration or conservation of cultural heritage, in the context of religious dialog, the initiative to build a church at the city square in Skopje makes problematic the role of the state institution, but also the role of the local government. By this, public funds of citizens were planned to be used by only one religious group without taking care about the diversity of the population in Center municipality and Skopje. Even more, because the church was conceptualized within the “Skopje 2014” Project as a representative facility of national identity. Such an approach depicts hierarchical order of the population according to their religious determination, respectively in this case, represents the orthodox Christians as “more accurate” picture of the nation than the others. Such a stand point also emerged after the initiative to build Burmalj Mosque, as an effort of the Islamic Community to present itself as part of the society when arranging the space from „Skopje 2014 “.

In municipalities where majorities are the ethnic Albanians (but also in Suto Oriazari) more intensive construction of Muslim religious facilities is visible, openly and publicly supported by representatives of the municipal authorities. Although in most of the cases funding for the constructions comes from private sources, the administration has an influence and partly participates in allocating state land as a location for construction (for example, Municipality Struga, v.Gorna Belica, Municipality Cair for Mosque Arasta, Municipality Gostivar at the place of the former green market) or also co-financing of religious facilities (for example, Municipality Suto Oriazari).

In cases where the public institutions participated in the construction of the religious facilities, the most frequent object of discrimination is the atheistic population whose tax funds are used for religious purposes. At the same time,

these public institutions do not represent their interests despite the fact that they have an obligation to be impartial secular actor in this domain.

### 3.3. Multiple Discrimination

Multiple discrimination appears in cases when the members of one group (for example, ethnic group) are affected on some other ground of discrimination. This most serious form of discrimination has an influence on the marginalization and isolation of the members of such groups.

Multiple discrimination In the Republic of Macedonia is especially affecting the members of the smaller ethnic communities, such as Albanian, Turks, Roma and other. Consequently, women of these ethnic communities are also victims of discrimination on the ground of sex, apart from being victims on the ground of ethnic discrimination. Only as an example, in the area of labor relations and education, women members of these ethnic communities due to religious and cultural obstacles, “did not have any possibility for employment and education”.<sup>206</sup>

The multiple discrimination also affects the members of the smaller ethnic communities on the grounds of political affiliation. Thus, although the number of employed of the public organization coming from smaller ethnic communities is expanding, it is visible that the proportionally smaller ethnic communities, such as the Turks and Roma, are less represented.<sup>207</sup> This might be also due to their smaller political representation in the State authorities. Due to this reason, the Secretariat for Implementation of Ohrid Framework Agreement, announced an open competition for recruiting 250 members exactly from the smaller ethnic communities.

### 3.4. Exceptions from Prohibition against Discrimination

In every legislation there are exceptions against discrimination. These exceptions from discrimination include those unequal treatments and behavior, which, according to the legislator, and due to the lack of some legitimate goal, are not taken into consideration and are excluded, from the possibility to be

<sup>206</sup>. American State Department, Annual Report on RM for Respecting Rights and Freedoms in 2009, accessible on the web-site <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136044.htm>.

<sup>207</sup>. Commission for European Communities, Former Yugoslav Republic of Macedonia, Progress Report, Brussels, 14.10.2009, P.p.21, The report is accessible on the web-site: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/mk\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/mk_rapport_2009_en.pdf).

treated as discrimination. Speaking about the ethnic discrimination, we can say that the basic exception against discrimination are so called affirmative measures. These measures are taken in order to achieve real equality in the possibility of enjoyment freedoms and rights to members of ethnic groups, which at the given moment are not in such position (most frequently as a result of discrimination in the past).<sup>208</sup> One of such measure is also the increase the number of employed from members of relevant ethnic groups in the public administration, or increase of the number of the members of these groups in education. It is these measures that are implemented in the Republic of Macedonia, and the Law on Prevention and Protection against Discrimination is their legal basis.<sup>209</sup> However, care should be taken that when satisfactory balance in the equitable representation is achieved, they should stop from being applied, because anyhow it is unequal treatment (in some countries, such is the United Kingdom, they are illegal because it is believed that irrespective of the possible former discrimination, a new discrimination should not be made by a balance, but by eliminating the existing discrimination and gradual balancing only on the basis on competencies).

Besides the affirmative measures as and exception from ethnic discrimination, the measures which are undertaken for protection of differentiation and identity of ethnic communities, are also considered as an exclusion from ethnic discrimination.<sup>210</sup> Such measures are regulated in several areas in the Republic of Macedonia, such as the use of the language of the ethnic community in private and public life, the use of community symbols, protection of cultural values through setting up educational and cultural institutions. Such measures are not considered as discriminatory, but are always problematic due to the presence of greater number of ethnic communities whose status is different. Consequently, striking a good balance is a challenge for any authority.

An exception from discrimination is also the exercise of freedom of expression, which expression may affect the feelings of particular ethnic community. However, according to the international standards, the freedom of expression is not absolute and is restricted related to prohibition of hate speech or instigating discrimination. Regretfully, LPPD stipulates this exception as absolute.<sup>211</sup>

<sup>208</sup>. LPPD, *op.cit.* footnote 7, Article 13.

<sup>209</sup>. *Ibid.*, Article 15, point 9.

<sup>210</sup>. *Ibid.*, Article 15, point 8.

<sup>211</sup>. *Ibid.*, Article 14, point 7. For more detailed analysis see *Instruction on Institutions for Implementation of the Law on Prevention and Protection Against Discrimination*, (authors Tanja Temelkovska Milenkovic and Bekim Kadriu), 2010.

Besides these two exemptions important for the ethnic discrimination, there are also great number of other exceptions against discrimination relevant to other forms which will not be analyzed here.

### 3.5. CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

- 3.1. The Roma pupils in primary education do not follow the instruction on their mother tongue. Apart from following instruction on non-mother language, very often the Roma pupils are discriminated and segregated. There is discrimination against Roma is also present in other fields, such as the access to goods and services, health, employment.
- 3.2. In our legal system the freedom of religion system is guaranteed. People are free to practice and manifest their religion, privately and publicly. However, there is an impression that the state is favoring the majority religions (Orthodox and Islamic) through different forms, as well as during construction or restoration religious facilities, failing to register smaller religious communities or introduce religious education.
- 3.3. Apart from the ethnic affiliation, some categories of persons are also affected on other grounds which define the concept of multiple discrimination. Thus, the Roma are affected not only as members of an ethnic group, but also because of their social status, i.e. social exclusion. In addition, there are cases of discrimination against women of smaller ethnic communities on the grounds of their sex.
- 3.4. The Republic of Macedonia, with the Ohrid Framework Agreement and subsequent constitutional and other legal changes, accepted implementation of affirmative measures, in order to achieve factual equality of the ethnic communities (including also the equitable representation in the state administration). In our system these are exceptions against discrimination, and at such should be implemented until adequate balance is struck.

#### Recommendations

- 3.1. In order to resolve the problem with Roma discrimination, a complex approach, not partial one is required. Regarding the instruction on the mother tongue Department for Roma language should be opened which

would produced teaching staff in Roma language, print books for primary education in Roma language and also training the teaching staff to have more sensitive approach towards Roma students. In addition, more efficient measures should be undertaken in order to improve the Roma representation in the institutions, which will result in reducing the so called systemic discrimination against them. On the other hand, staff which has contacts with the citizens should be trained in order to improve their behavior towards and treatment of individuals on equal basis without any discrimination.

- 3.2. The state should be neutral against the religious community; it should respect the principle of secularity of the state and responsibility of the state and separation of the state from the religious institutions to its maximum. Only in this way the state could have equal access to all citizens of Macedonia.
- 3.3. More serious steps should be undertaken, in the field of multiple discrimination in order to reduced it or eliminated it. Usually all forms for reducing this discrimination is applied but yet this approach should be more complex and cover all the aspects that affect it. In general, the improvement of the situation in one of the parts has a positive impact also in the improvement the situation in the other parts.
- 3.4. The measures undertaken as affirmative actions should be clear and have clearly defined goals. They must be effective and eliminate the reasons for discrimination and ethnic misbalance in the shortest period and then be stopped.







## 4. GENERAL CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

- 4.1. The Republic of Macedonia has put in place adequate legislation and mechanisms for protection against discrimination, including the ground of ethnic affiliation. Apart from the constitutional provision in Article 9 of the Constitution, the regulation in many laws (Labor Law and other laws), the definition of discrimination as criminal act (in Criminal Code), the competencies of the Ombudsman, this area is completed with the adoption and action of the Law on Prevention and Protection against Discrimination in 2010. The forthcoming setting up of the Commission for Protection against Discrimination should also complete the institutional arrangement.
- 4.2. In addition, regarding discrimination on grounds of ethnic affiliation, respectively inter-ethnic relations as a whole, it is the Ohrid Framework Agreement (OFA) and the constitutional and other changes resulting thereto that define the Strategy of the Republic of Macedonia for coping with this problem. In the tenth anniversary of the OFA the achievements regarding the equitable representation of the ethnic communities, as one of the most important components, as well as the successes resulting from the implementation of other provisions for reducing and eliminating this type of discrimination are evident. A more extensive assessment on the implementation of OFA should serve as a basis in formulating the next steps in protection against discrimination in the forthcoming period.
- 4.3. Generally speaking, in the Republic of Macedonia, except from its linkage with the OFA and the equitable representation, the awareness for the existence of discrimination is at a rather at low level. Namely, the citizens do not recognize the discrimination, and also there is not sufficient awareness in the institutions regarding the need of neither equal treatment nor protection against discrimination. For example, the members of the Police usually treat worst drug abusers that sexual workers or Roma. In addition, the courts are rather cautious when having cases of alleged discrimination because they are entering into unknown zone.

- 4.4. Non recognition of the concept of (non)discrimination is also confirmed by the fact that there is small number of reported cases of discrimination. The courts are not registering individual cases of discrimination (there are only few initiatives before the Constitutional Court for assessment of some legal provisions which are considered discriminatory), while during the past three years only 47 cases were reported to the Ombudsman classified as discrimination. The most frequent ground is exactly the ethnic affiliation, while the most frequent area - employment. However, these data should be considered with reservation due to few problems: small number of cases in general, for adequate statistics; failing to state the ethnic affiliation when submitting complaints (only 9 out of 47 cases); insignificant factual establish discrimination (9 out of 37 resolved cases, or 24%).
- 4.5. In addition to this in all the areas of social life, in general, there is not sufficient complete evidence on the ethnic affiliation of beneficiaries of some benefits. This fact makes difficult drawing relevant conclusions for (non) existence of ethnic discrimination. On the other hand, the inability to prove existence of discrimination also makes difficult the process of undertaking measures for reducing and preventing discrimination. It is a question also where such data should be recorded, having in mind the provisions on protection of personal data and the right to self-declaring and non-declaring one's own ethnic affiliation. When we also add to this the previous conclusions on non-recognition of discrimination and non-reporting cases of alleged discrimination, it becomes clear that the whole problem is complex and requires systemic approach to its resolutions.
- 4.6. However, from the conducted research it could be concluded that there is no systemic discrimination in Macedonia. Apart from the relevant legal regulation, the practice shows that equal possibilities and access for members of all ethnic communities are made possible. In addition, a level of 25% employment of non-majority communities in the state administration is achieved, as a result of the equitable representation concept dedication. In the primary education teaching in Macedonian language is provided for all ethnic communities. In agriculture, 7 out of 10 individual farmers with highest granted subsidies are from the non-majority communities. In the social field, 70% of the beneficiaries are not ethnic Macedonians.
- 4.7. It does not mean that there is no discrimination at all, or that the situation in all above mentioned areas is ideal. Both, the Ombudsman and the examined

cases reported in the media stated that there was discrimination most frequently exactly on the grounds of ethnic affiliation. With the new Law on establishing Special Commission for Protection against Discrimination an increase number of reported and confirmed cases of discrimination could be expected.

### **Recommendation**

- 4.1. Further promotion of the equality and non-discrimination concept is required. The role of promoter should be played both the state institutions (then Commission for Protection against Discrimination, Ombudsman) and the civil sector. The promotion of the non-discrimination concept should result in easier recognition of discrimination by the citizen; make institutions sensitive to the issues falling in this area, greater use of legal mechanisms for protection against discrimination, easier resolution of cases of alleged discrimination by the court. This process has started but it should be followed by more intensive and more efficient steps. The main role should be played by the Commission for Protection against Discrimination.
- 4.2. The Ohrid Framework Agreement was and still is a good strategy for managing inter-ethnic relations and coping with discrimination on the grounds of ethnic affiliation. There is a need of neutral, impartial and augmented assessment of achievements. It should be one of the introductory elements for defining a strategy and action plan on combating discrimination, in general and separately on the grounds of ethnic affiliation.
- 4.3. There is a need of training the institutions competent on issues on non-discrimination, within the area of their activities. In addition, the members of the Police should be trained how to deal with citizens respecting the principle of equality. Judges and prosecutors should be trained in the part related to the procedures on discrimination, their specifics (as for example, the burden of proof), defining discrimination, establishing the level of the damage and implementation of exceptions against discrimination. All this should result in more efficient and more just procedures for protection against discrimination.
- 4.4. In addition, stimulation of reporting cases of discrimination is also a special goal. This goal is archived primarily through promoting the non-discrimination concept among the citizens, but especially by promoting the principle mechanisms for protection against discrimination. There

are many such measures which should be implemented especially by members of a civil sector including the Commission for Protection against Discrimination and Ombudsman.

- 4.5. In order to undertake more efficient measures for protection against ethnic discrimination, it is necessary to improve records on the grounds of ethnic affiliation. Thus, in the part related to employment it is necessary to see how many members and non-majority communities are represented in the public administration, but also at what level they are represented (qualitatively). In the part related to education, there should be evident information how many persons from the non-majority communities do not attend instruction (in primary and secondary education), and how to make it more accessible to them. In addition, it should be considered how many of the members of smaller ethnic communities continue in higher education, and how to increase their number. This information is needed for undertaking measures that would be appropriate to the given situation, and which guarantee more efficient achievement of the goal. But, the protection of personal data and the right to non-declaration on the ethnic affiliation should be taken into consideration.
- 4.6. It is necessary to proceed with a concept of equitable representation of citizens belonging to all communities (as affirmative action), in the bodies of the state authorities and other public institutions, with attention to the distribution in the vertical hierarchy (management positions). Equality and non-discrimination on different grounds for all citizens, starting from declarative democratic principles and principles should become practice applications in the daily life of all citizens since discrimination and discriminatory behavior exist in different forms and areas.







# APPENDICIES

## APPENDIX 1: MEMBERS OF ADVISORY COMMITTEE

	Institution	Members
	<b>Parliament of RM – from MP group of/ Parliamentary body</b>	
1	VMRO-DPMNE	Tome Danevski
2	Socialist Alliance of Macedonia (SDSM)	Radmila Sekerinska
3	Democratic Union for Integration (DUI)	Dzevat Ademi
4	Democratic Party of Albanians (DPA)	Imer Aliu (didn't participated)
5	New Democracy (ND)	Imer Selmani
6	Movement for Reconstruction of Macedonia (DOM)	Liljana Popovska
7	Committee for Relations between Communities	Jasminka Percinkova
	<b>Government of the Republic of Macedonia</b>	
8	Ministry of Labor and Social Policy	Dusko Minovski
9	Secretariat for Implementation of OFA	Izet Rizahu
10	Secretariat for European Affairs	Dragan Lazarov
11	Municipalities (ZELS)	Dushica Perishic
12	Ombudsman	Snezana Teodosievska Jordanoska
13- 14	Agency for Exercising the Rights of Communities under 20% of the Population Civil Organization	Vesna Babik Petrovski and Kadir Salih
15	Alliance of Macedonia Discrimination-Free	Toci Muhamed
16	Macedonian Center for International Cooperation	Aleksandar Krzalovski
17	Association for Democratic Initiative	Lulzim Haziri
18	Foundation Institute Open Society	Nade Naumoska
19	Helsinki Committee on Human Rights	Gordana Nestorovska
20	Association of Macedonians with Muslim Confession Media	Serif Kadrievski (didn't participated)
21	Macedonian Institute for Media Professional-Scientific Public	Petrit Sarcani
22	University Sts. Cyril and Methodius	Lazar Jovevski
23	University of Southeastern Europe/ DUT International Community	Ardit Memeti
24	European Union Delegation	Stefano Sgoba
25	Embassy of the United States of America	Amanda Timko (as observer)
26	Organization for Security and Cooperation in Europe (OSCE)	Zaneta Poposka

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**APPENDIX 2:**  
**OVERVIEW OF INTERVIEWED PERSONS**  
**(APART FROM MEMBERS OF THE ADVISORY COMMITTEE)**

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	<b>Name and Surname, Function</b>
1	Mladen Cadikovski, Editor-in-Chief (EC), A1 TV
2	Aleksandar Comovski, EC, A2 TV
3	Dragan Antonovski, Editor, Sitel TV
4	Muhamed Zekiri, EC, Alsat M TV
5	Saso Koklanov, EC, Dnevnik Daily
6	Muhamed Toci, HDZR Mesecina and President of the Alliance Macedonia without Discrimination
7	Jasmina Jovanovska, Head of unit for social protection in MLSP
8	Slagjana Ikonomova, Advisor in MLSP
9	Bekim Kadriu, Doctor in legal science, specialist in the field of discrimination
10	Zaneta Popovska, OSCE Rule of Law Officer
11	Izet Rizahu, State advisor in SIOFA, at Government of R. Macedonia
12	Focus groups with 43 social help beneficiaries in Tetovo, Bitola, Prilep, Kumanovo, Skopje and Shtip.
13	Survey questionnaires with 8 principals, 17 teachers and 11 parents teachers and - 11 parents from following primary schools: - Brothers Ramiz I Hamid, Shuto Orizari; - Diturija, Saraj; - Rajko Zhinzifov, Veles; - Mustafa Kemal Ataturk, Gostivar; - Nikola Karev, Krushevo; - Ciril and Methodius, v. Kucheviste, Kumanovo - Goce Delcev, Shtip and - 26 July, Shuto Orizari.

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### APPENDIX 3: LEVEL OF SOCIAL WELFARE

#### Level of Social Welfare in Cash

The level of the right to social welfare in cash is established in a perceptual amount of average monthly net salary per worker in the Republic of Macedonia received in the previous year:

- Persons 13,50%
- Family and household with two members 17,46%
- Family and household with three members 22,23%
- Family and household with four members 28,58%
- Family and household with five members and more 33,34%

The level of social welfare in cash is established depending on the period of implementation of that right, as follows:

- During the first two years, this right is implemented in its full amount
- During the third, fourth and fifth year, 70% of the established level is paid
- Upon expiration of the fifth year, 50% of the established level is paid

<b>Ndihma sociale në vitin 2009</b>	<b>100%</b>	<b>70%</b>	<b>50%</b>
Person	2.173	1.521	1.086
Family and household with two members	2.810	1.967	1.405
Family and household with three members	3.578	2.505	1.789
Family and household with four members	4.600	3.220	2.300
Family and household with five members and more	5.366	3.756	2.683

#### Ongoing Welfare in Cash

The level of the right to ongoing welfare in cash is established in the amount of the average monthly net salary per worker in the Republic of Macedonia received in the previous year:

- Basic welfare in cash (holder – single person) 20%
- Holder with one co-holder of the right 28%
- Holder with two or more co-holders of the right 40%

<b>Ongoing welfare in cash in the year 2009</b>	<b>Amount</b>
Basic welfare in cash (holder – single person)	3.219
Holder with one co-holder of the right	4.507
Holder with two or more co-holders of the right	6.438

#### Right to Compensation in cash for help and care by other person

The level of the right to compensation for help and care by other persons is established in the amount of the average monthly net salary per worker in the Republic of Macedonia received in the previous year:

- For a person from the first category (greater scope) 26% - for the year 2009 is Den. 4.185
- For persons from the second category (smaller scope) 23% - for the year 2009 is Den. 3.702.

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The level of compensation in cash for help and care by other person depending on the received average monthly income of the family is:

**1. Person living in a family of one or two members:**

Income in the Family		Level of compensation in cash for help and care by other person for the year 2009	
<i>Ammount in Denars</i>	%	<i>Ammount in Denars</i>	%
1 Up to 8.048	Up to 50%	1 category .....5.022,00	120%
		2 category .....4.442,00	
2 8.048-16.096	50%-100%	1 category .....4.185,00	100%
		2 category .....3.702,00	
3 16.096-24.144	100%-150%	1 category .....2.093,00	50%
		2 category .....1.851,00	
4 Over 24.144	Over 150%	1 category .....209,00	5%
		2 category .....185,00	

**2. Person Living in a Family of three Members:**

Income in the Family		Level of compensation in cash for help and care by other person for the year 2009	
<i>Ammount in Denars</i>	%	<i>Ammount in Denars</i>	%
1 Up to 16.096	Up to 100%	1 category .....4.185,00	100%
		2 category .....3.702,00	
2 16.096-24.144	100%-150%	1 category .....2.929,00	70%
		2 category .....2.591,00	
3 Over 24.144	Over 150%	1 category .....209,00	5%
		2 category .....185,00	

**3. Person living in a Family of four or more Members:**

Income in the Family		Level of compensation in cash for help and care by other person for the year 2009	
<i>Ammount in Denars</i>	%	<i>Ammount in Denars</i>	%
1 Up to 24.144	Up to 150%	1 category .....4.185,00	100%
		2 category .....3.702,00	
2 24.144-32.192	150%-200%	1 category .....2.929,00	70%
		2 category .....2.591,00	
3 Over 32.192	Over 200%	1 category .....209,00	5%
		2 category .....185,00	

#### APPENDIX 4: SURVEY ON SOCIAL WELFARE BENEFICIARIES

The survey was conducted through a Questionnaire of representative sample of 43 beneficiaries of ongoing welfare in cash from following cities: Tetovo, Skopje (Shuto Orizari), Stip, Prilep, Delcevo, Kumanovo and Bitola.

##### Ethnic Affiliation of Respondents

▪ Roma	25
▪ Macedonians	9
▪ Albanians	5
▪ Macedonian Muslims	1
▪ Turks	3

##### Question: How often is the discrimination in CSW on the ground of ethnic affiliation?

▪ Rather frequent	17
▪ Frequent	11
▪ Seldom	11
▪ Do not exist	2
▪ I don't know	2

15 members of the Roma ethnic community believe that they are rather frequently discriminated in the CSW (only one member from the Albanian community and one Macedonian), the majority are from Kumanovo (5), Bitola (4) and Delcevo (3). Nine members of the Roma ethnic community believe that the discrimination is frequent (only one member of the Albanian community and one Macedonian). Apart from the members of the Roma ethnic community, all the others believe that it is seldom or that discrimination in CSW is non existent.

Most of the respondents believe that the level of discrimination in CSW is the same like 5 years before, a very small number believe that it is rather frequent (10, all Roma) or seldom (8).

**To the Question: Whether during the past 12 months you personally felt discriminated against in the CSW on the ground of ethnic affiliation?,** 21 of the respondents answered affirmatively (only 2 Macedonians and 1 Albanians). As an example of discrimination they stated:

- They behave insolently with Roma, do not respect them, insult them (respondents in Tetovo)
- They do not grant them lump-sum help and ongoing assistance in cash because they are Roma (respondents in Skopje)
- Bad behavior towards Roma (Stip)
- They are discriminated on ethnic grounds (Roma), do not give them ongoing welfare in cash and lump sum welfare in cash, they shout at them and send them out, employed do not answered their questions (Prilep and Delcevo)
- The employed behave insolently, do not give them ongoing welfare in cash and lump sum welfare in cash, do not give them information for exercising their right to social benefits, unequal approach by social workers, sending them from window to window (Kumanovo and Bitola)

**On the last question: Do you believe that the members of your ethnic community are more discriminated against by the CSW compared with the others,** all the respondents from the Roma ethnic community answered affirmatively (only one Albanian and one member of the Turkish ethnic community also answered affirmatively).

The answers to these questions lead to the conclusion that the beneficiaries of social benefits from the Roma ethnic community feel that they are discriminated against having in mind the behavior of the employed in the centers for social work.

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**APPENDIX 5:****QUESTIONNAIRE FOR INTERVIEW WITH RELEVANT ACTORS IN SOCIAL FIELD**

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1. Do you believe that there is discrimination in Macedonia against Roma by the institutions responsible for social welfare?
  2. If your answer is affirmative, on what is based your opinion?
  3. How many members from the Roma community exercise their rights in the field of social welfare?
  4. Have you or any member of your family ever felt discriminated against? If your answer is affirmative, describe the situation.
  5. Are the Macedonian Roma more discriminated against than the other, and why?
  6. Should the new Law on non-discrimination help Roma in detecting and reducing cases of discrimination?
-

## APPENDIX 6:

## QUESTIONNAIRE ON SURVEY OF THE POPULATION ON ETHNIC DISCRIMINATION

## I. GENERAL – CONTEXT

**Q1. Could you tell me what do you think, how frequent is each of the stated forms of discrimination in the Republic of Macedonia? Discrimination on the grounds of...**

		Very Freq.	Rather Freq.	Rather Seldom	Very Seldom	Don't exist	NK	PA
e1	Ethnic affiliation	1	2	3	4	5	-1	-2
e2	Sex/Gender	1	2	3	4	5	-1	-2
e3	Sexual orientation	1	2	3	4	5	-1	-2
e4	Age	1	2	3	4	5	-1	-2
e5	Religion or Religious Belief	1	2	3	4	5	-1	-2
e6	Disability	1	2	3	4	5	-1	-2
e7	Party Affiliation	1	2	3	4	5	-1	-2

**Q2. (e8) If you compare the present situation with the one five year before, would you say that the discrimination on ethnic grounds is more frequent or more seldom?**

1 – Rather frequent

2 – Rather more frequent

3 – Neither more frequent, nor more seldom (the same)

4 – Rather seldom

5 – Very seldom

-1 – Don't know (spontaneously) / -2 – No answer (spontaneously)

**Q3. Whether during the past 12 Months:**

		Yes	No	NK	NA
e9	You personally felt discriminated/intimidated because of your ethnic affiliation?	0	1	-1	-2
e10	You were witness of discrimination or intimidation because of your ethnic affiliation?	0	1	-1	-2
e11	Give an example				



**Q4. Is there any discrimination on ethnic grounds in provision of the following services?**

	Yes	No	NK	NA
e12 Security and police (protection/interventions, issuance of licenses, passports, IDs, citizenship, others)	0	1	-1	-2
e13 Judiciary (prosecution, judiciary, institution for enforcement of sanctions)	0	1	-1	-2
e14 Public functions (import-export licenses, customs, taxes, denationalization)	0	1	-1	-2
e15 Economy (import-export licenses, concessions, licenses)	0	1	-1	-2
e16 Agricultural (subsidies, licenses, access to IPARD funds)	0	1	-1	-2
e17 Health (health insurance, health services – examination, prescriptions, treatment, orthopedic aids, obstetrics)	0	1	-1	-2
e18 Education (enrolment in state schools, granting fellowships, 0 accreditations, diploma nostrifications)	0	1	-1	-2
e19 Social services (social welfare, adoption, other compensations)	0	1	-1	-2
e20 Culture (financial support to artists, institutions and projects: books, theatre performances, other)	0	1	-1	-2
e21 Urbanism (building licenses, apartment buy-out, selling construction land, urban plans, other.)	0	1	-1	-2

**II. SECURITY AND POLICE****Q5. With which of these statements you agree with, using a Scale from 1 to 10?**

e22	Police maintains public order and security irrespective of the community ethnic culture									
	1	2	3	4	5	6	7	8	9	10
	Police maintains public order and security in my community because of its ethnic composition									
e23	Police prosecute criminals irrespective of their ethnic affiliation									
	1	2	3	4	5	6	7	8	9	10
	Police prosecute criminals depending on their ethnic affiliation									

**III. JUDICIARY****Q6. With which of the following statements you agree with? , using a Scale from 1 to 10**

e24	Rule of law and enforcement of laws implemented on the entire territory, irrespective of the ethnic composition									
	1	2	3	4	5	6	7	8	9	10
	Rule of law and enforcement of laws is implemented on the entire territory, depending on the ethnic composition									
e25	Courts carry out procedures and define sanctions irrespective of the ethnic affiliation									
	1	2	3	4	5	6	7	8	9	10
	Courts carry out procedures and define sanctions irrespective of the ethnic affiliation depending on the ethnic affiliation									

## IV. FINANCES

## Q7. With which of the following statements you agree with, using a Scale from 1 to 10?

e26	The Budget of the Republic of Macedonia is distributed on the basis of objective criteria irrespective of the ethnic affiliation	1	2	3	4	5	6	7	8	9	10
	The Budget of the Republic of Macedonia is distributed by favoring the others (not my) ethnic communities										
e27	Members of some ethnic communities do not pay taxes, and it is not sanctioned	1	2	3	4	5	6	7	8	9	10
	Those who don't pay taxes are sanctioned irrespective of their ethnic affiliation										
e28	Access to credits from banks is provided irrespective of the ethnic affiliation	1	2	3	4	5	6	7	8	9	10
	Banks favor other (not my) ethnic communities in their access to credits										

## V. EMPLOYMENT

## Q8. Do you agree or disagree with the following statement?

		<i>I Fully Agree</i>	<i>I do not Agree at all</i>	<i>Neither I do, or don't</i>	<i>NK</i>	<i>NA</i>
e30	Other ethnic communities take hold of jobs from my community	1	2	3	-1	-2

## Q9. With which of the following statements you agree with, using a Scale from 1 to 10?

e31	When there is a lack of employment possibilities, employers should give advantage to members of their ethnic community	1	2	3	4	5	6	7	8	9	10
	Even when employment possibilities are lacking, the selection should be on objective criteria, irrespective of the ethnic affiliation										

## Q10. According to you is there Discrimination during employment in

		<i>No</i>	<i>Yes</i>	<i>NK</i>	<i>NA</i>
e32	State Sector	0	1	-1	-2
e33	Private Sector	0	1	-1	-2





## X. LEADING FUNCTIONS IN COMBATING DISCRIMINATION

### Q18. (e) Is it acceptable for you to be elected on high political function?

			No	Yes	NK	NA
e47	Member of other ethnic community	0	1	-1	-2	
e48	Ethnic Albanian	0	1	-1	-2	
e49	Ethnic Turks	0	1	-1	-2	
e50	Ethnic Roma	0	1	-1	-2	

### Q19. Is it acceptable for you a member of other ethnic community to be elected for?

			No	Yes	NK	NA
e51	President of the Republic of Macedonia	0	1	-1	-2	
e52	President of the Parliament of the Republic of Macedonia	0	1	-1	-2	
e53	President of the Government the Republic of Macedonia	0	1	-1	-2	
e54	President of the Constitutional Court of the RM	0	1	-1	-2	
e55	President of the Supreme Court of RM	0	1	-1	-2	
e56	President of the Republic Judiciary Council	0	1	-1	-2	
e57	Public Prosecutor of the Republic of Macedonia	0	1	-1	-2	
e58	Ombudsman of the Republic of Macedonia	0	1	-1	-2	
e59	Minister of Foreign Affairs	0	1	-1	-2	
e60	Minister of Defense	0	1	-1	-2	
e61	Minister of Interior	0	1	-1	-2	
e62	Minister of Justice	0	1	-1	-2	
e63	Minister of Finance	0	1	-1	-2	
e64	Governor of National Bank	0	1	-1	-2	
e65	Head of the General Staff of Army	0	1	-1	-2	

### Q20. (e66) If you are a victim of discrimination or harassment, are you going to ask for protection from relevant institutions, organizations?

0 - No                      1 - Yes                      -1 - Don't know (spont.) / -2 - No answer (spont.)

*If your answer is YES*

### Q21. (e67) Whom will you address for protection (choose one answer):

- 1 - Court
- 2 - Police
- 3 - Ombudsman
- 4 - Lawyer
- 5 - Trade Union
- 6 - Civil Organization
- 7 - Miscellaneous
- 1 - I don't know / -2 - No answer

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**APPENDIX 7:**  
**QUESTIONNAIRE FOR THE MEDIA REPRESENTATIVES/EDITORS**

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1. According to you, does the media have active role in the creation of the public opinion? Do they only transmit information's from the source of information, or actively participate in the creating of citizen's opinion?
  2. To what extent the media should have passive or active role in the creating public opinion among the citizens? What are the filters through which passes a news to meet the standards of professional, unbiased and objective informing? What are the main criteria for an news to be classified as unbiased and objective?
  3. According to you, is there discrimination in the media? Is there discrimination from the media? Do you have employees from several ethnic communities in R. Macedonia? Which positions do they have? Are there editors of news content from different ethnic communities?
  4. In your opinion, is there enough informative programmes in your media for the different ethnic communities? In what context are the subjects (positive, negative)? Is there a different between the reporting for the different ethnic communities?
  5. Do you think that the limitations in terms of prohibiting discrimination restrict freedom of expression and informing?
  6. Do the media use stereotypes while reporting on ethnic communities? Which media most often uses these stereotypes? Do the politicians and other public figures in their public performances use stereotypes and statements with discriminatory basis? Would you inform if such public figure has this kind of public appearance? On this appearance, you would only transfer the news, or you will comment?
  7. Do the actors, that are included in the process of reduction of the discrimination in the society, have approach to the media? Are this kind of activities published in the informative programmes in your media?
  8. In your own opinion, is there discrimination in the Republic of Macedonia in general? Which is the most discriminated group? From whom? How we should stop discriminatory practices?
-

**APPENDIX 8:****QUESTIONNAIRE FOR DIRECTORS/TEACHERS AND PARENTS OF SCHOOL-CHILDREN****1. How will you evaluate intern relationships, communication and behavior of the students and the teachers?**

- Excellent;
- Very good;
- Good;
- Bad;
- Very bad

**2. Does the school has a system for resolving conflicts and problems between student/student and student/teacher, if yes, please describe that system and state are you satisfied of the function of the same?**

- Yes;
- No.

**3. Is the student's opinion respected, and is the same taken in to consideration during making any decision in the school?**

- Yes, the students opinion is always taken in to consideration;
- Yes, the students opinion sometimes is taken in to consideration;
- No, the student's opinion is never taken in to consideration.

**4. Does the proposals of the students, which are referring to their needs are taken in to consideration?**

- Yes, proposals of the students are always taken in to consideration;
- Yes, proposals of the students are sometimes is taken in to consideration;
- No, proposals of the students are never taken in to consideration.

**5. Are the student's encouraged to ask questions?**

- Yes, they are encouraged very often;
- Yes, they are encouraged often;
- They are encouraged;
- They are encouraged very rarely;
- They are never encouraged.

**6. Are the questions posed by the students overlooked?**

- No, never;
- Yes, sometimes;
- Rarely overlooked;
- Overlooked often.

**7. How often the students from the marginalized groups are included in the class activities and extracurricular activities?**

- They are included;
- They are included enough;
- They are not included;
- They are not included enough;
- They are not included at all

**8. Does the knowledge and the experience of the students from the marginalized groups overlooked?**

- No, never;
- Yes, sometimes;
- It's rarely overlooked;
- It's overlooked often.

**9. Is the curriculum for the students that are from the marginalized groups shorten?**

- Not at all;
- Yes, sometimes.

**10. Does the school have special programmes and methods for overcoming the language barriers for those students that are following classes on the different language than the mother tongue?**

- Yes it has;
- No, has not.

**11. Do the teachers pay due attention and effort towards motivating and provision of additional assistance to those students that are showing weaker results due to their specific circumstances and needs of living?**

- Yes, always;
- Yes, sometimes;
- Not always;
- No, never.

**12. Are the school teachers trained for methods, forms and techniques for working with students that are belonging to marginalized groups?**

- Yes;
- No.

**13. Do the teachers apply reduced criteria for evaluating the students from the marginalized groups due to low expectations from this students, and does this has influence on their achievements and knowledge, and that is evident in the shift from lower to upper classes or from primary to secondary school?**

- No, never;
- Yes, sometimes it happens;

**14. Do the schools take into consideration lingual, cultural, ethnic and socio-economic composition of the students during planning of the activities and the tasks?**

- Yes, always;
- No, never;
- Yes sometimes.
- -

**15. Do the teachers recognize individual characteristics, abilities and knowledge of the students from the marginalized groups?**

- Yes;
- Yes, always;
- No;
- No, never.



**16. How often are the students laudable and awarded for their achievements and results?**

- They are laudable regularly;
- They are laudable sometimes;
- They are not laudable at all;
- They are not laudable sometimes;
- 

**17. How much are the students involved in extracurricular school activities?**

- They are included;
- They are included enough;
- They are not included;
- They are not included at all.

**18. During those activities, are their aspirations and abilities taken in to consideration?**

- Yes, always;
- No, never;
- Yes, sometimes;
- Not always.

**19. How much are the students and the parents informed about the opportunities for re-including in the upbringing educational process, if the student leaves educational process early, or for any other reason doesn't finish on time?**

- They are informed;
- They are not informed enough;
- They are not informed at all.

**20. How much are the students, parents and the teachers familiar with the obligations and rules for handling at imposition and implementation of appropriate pedagogical measures?**

- They are familiar enough;
- They are not familiar enough;
- They are not familiar at all.

**21. Does the school have systematic procedures for applying, following and solving the reported cases of violence inside and outside of the school?**

- Yes, it has;
- No, has not.

**22. How much the parents are included in the planning and organizing of the school work?**

- They are included;
- Included enough;
- Not included;
- Not included enough;
- Not included at all.

**23. Does your school apply affirmative measures for registration of the students that don't have personnel documentation?**

- Yes;
- No.

**24. Does your school have classes for children with special needs?**

- Yes, it has;
- No, has not.

**25. If yes, do all the children enrolled in these classes have proper documentation for categorization?**

- Yes they have;
- No, they haven't;
- Part have, Part haven't.

**26. How often are students' absences registered?**

- Always registered;
- Sometimes registered;
- Sometimes not registered.

**27. What measures are taken from the school for improving the attendance of the students?**

- 
- 
- 

**28. Does the school organize group or individual teaching for those students that are not enough familiar with the language of the teaching classes?**

- Yes, it is organized;
- No, it is not organized.

**29. Are the Roma students most often enrolled in your school?**

- Yes;
- No;
- Maybe.

**30. If yes, why is that so?**

- -
- -
- -

**31. Are the Roma students grouped in the same class?**

- Yes;
- No;
- Yes, sometimes;
- No, never.

**32. Are the Roma students, sitting most often in the school bench with another Roma student?**

- Yes always;
- Yes, sometimes;
- No, never;
- Not always.

**33. Are the students grouped in the same class by the ethnicity?**

- Yes;
- No;
- Yes, sometimes;
- No, never.

## APPENDIX 9:

REVIEW OF EMPLOYEES IN STATE ADMINISTRATION ACCORDING TO ETHNIC ORIGIN  
(as of June 2010, source: Ministry of Finance)

Institution	Total	Mac.	Alb.	Turks	Roma	Serbs.	Bos.	Vlach	Other
President of the RM	34	30	3	0	0	1	0	0	0
Counter Intel. Agency	238	192	34	1	1	4	1	4	1
Parliament of the RM	358	264	76	4	1	7	3	1	2
State Audit Office	122	108	9	0	0	3	0	1	1
State Anti Corruption Comm.	16	11	4	0	0	0	0	0	1
State Election Comm.	100	73	20	0	0	0	0	4	3
Comm. for Protection of Competitiveness	26	18	7	1	0	0	0	0	0
Directorate for Protection of Personal Data	22	19	3	0	0	0	0	0	0
State Commission for Complaints on Public Procurements	10	9	1	0	0	0	0	0	0
Comm. for Verification of Facts	12	8	4	0	0	0	0	0	0
Constitutional Court	30	25	3	1	0	1	0	0	0
Government of the RM	264	151	101	6	1	2	3	0	0
General and Common Services of the Govern.	310	270	21	5	2	5	3	2	2
Secretariat for Legislation	23	14	5	0	0	2	0	0	2
State Attorney of the RM	104	96	4	2	0	2	0	0	0
Agency for Development and Investment	17	8	7	1	1	0	0	0	0
Civil Servants Agency	64	48	12	2	2	0	0	0	0
Secretariat for EU Affairs	57	46	4	2	1	0	0	4	0
Secretariat for the Ohrid Framework Agreement	864	8	760	44	13	4	26	4	5
Agency for Minority Rights Realization	6	0	0	2	0	3	0	1	0
Agency for Managing Confiscated Property	10	10	0	0	0	0	0	0	0
Ministry of Defense	8085	6037	1518	136	90	156	41	41	66
Directorate for Classified Information	34	26	4	0	0	1	0	3	0
Directorate for Rescue and Protection	273	221	36	1	5	7	0	1	2

## 148 APPENDICIES

Institution	Total	Mac.	Alb.	Turks	Roma	Serbs.	Bos.	Vlach	Other
Crisis Management Center	298	236	45	3	2	5	2	3	2
Min. for Internal Affairs	11379	8966	1901	73	75	192	0	12	160
Ministry of Justice	261	214	35	3	2	3	2	1	1
Office for Enforcement of Sanctions	769	665	89	0	2	4	0	9	0
Office for management	362	277	73	6	4	0	0	2	0
Ministry of Foreign Affairs	432	333	87	6	3	1	0	0	2
Ministry for Finance	621	550	61	0	1	7	0	2	0
Customs Office	1112	957	117	12	2	12	2	6	4
Bureau for State Reserves	21	18	2	0	0	1	0	0	0
Public Revenues Office	1242	1112	81	11	3	14	3	16	2
Office of Financial Police	30	26	4	0	0	0	0	0	0
Ministry of Economy	532	392	110	5	0	8	5	8	4
Agency for Foreign Investments	47	40	2	0	0	1	0	0	4
Agency for Tourism	7	5	2	0	0	0	0	0	0
Bureau for Protection of Industrial Ownership	34	20	12	0	0	1	0	1	0
Ministry of Environment and Spatial Planning	162	109	47	0	0	5	0	0	1
Ministry of Transport and Communications	234	174	52	4	1	2	0	0	1
Agency for Civil Aviation	63	47	15	0	0	1	0	0	0
Ministry of Agriculture and Forestry and Water Resource Management	964	781	139	10	1	20	0	7	6
Agency for Promotion and Development of Agriculture	145	137	3	1	2	2	0	0	0
Ag. for Hydro Meteorology	204	190	7	1	0	5	0	0	1
Agency for Financial Support to Agriculture	90	86	4	0	0	0	0	0	0
Ministry of Labor and Social Policy	1519	1209	210	19	14	28	6	23	10
Ministry of Education and Science	7793	6198	1277	138	17	62	10	28	63
Bureau for Development of Education	160	128	28	2	1	0	0	1	0
National Agency for European Education Programs and Mobility	16	15	1	0	0	0	0	0	0
Agency for Youth and Sport	36	25	7	2	1	1	0	0	0
Ministry for Info. Tech.	22	20	1	0	0	0	0	1	0
Ministry of Culture	176	98	63	5	2	5	1	2	0

## DISCRIMINATION BASED ON ETHNICITY

149

Institution	Total	Mac.	Alb.	Turks	Roma	Serbs.	Bos.	Vlach	Other
Financing the activity in the Domain of Culture	1954	1668	158	34	18	39	6	14	17
Ministry of Health	291	174	107	2	1	4	1	0	2
Ministry of Local Self-Government	40	17	18	0	0	0	1	0	4
Agency for Migration	21	13	7	0	0	0	0	1	0
Commission on Free Access to Public Information	16	11	5	0	0	0	0	0	0
Commission for Relations with Religious Communities and Groups	10	6	4	0	0	0	0	0	0
Agency for Cadastre and Real-estate	858	735	93	7	2	12	1	4	4
State Statistics Office	276	228	28	0	0	14	1	3	2
State Archive	226	186	32	3	1	3	0	0	1
Bureau for Court Expertise	24	20	1	0	1	0	0	1	1
Macedonian Academy of Science and Arts	59	56	1	1	0	0	0	0	1
Bureau for Regional Dev.	11	6	5	0	0	0	0	0	0
Court Authority	2953	2510	290	33	26	29	11	40	14
Public Prosecutor's Office	418	361	43	5	0	2	0	6	1
Office of the Ombudsman	67	34	25	1	2	2	1	2	0
<b>Total on Central Level</b>	<b>47034</b>	<b>36745</b>	<b>7928</b>	<b>595</b>	<b>301</b>	<b>683</b>	<b>130</b>	<b>259</b>	<b>393</b>
<b>Total on Local Level</b>	<b>28912</b>	<b>20329</b>	<b>7053</b>	<b>640</b>	<b>137</b>	<b>358</b>	<b>100</b>	<b>106</b>	<b>189</b>
<b>Total Employees in State Admisntration</b>	<b>75946</b>	<b>57074</b>	<b>14981</b>	<b>1,24</b>	<b>438</b>	<b>1,04</b>	<b>230</b>	<b>365</b>	<b>582</b>
<b>Total %</b>	<b>100</b>	<b>75.20</b>	<b>19.70</b>	<b>1.6</b>	<b>0.60</b>	<b>1.4</b>	<b>0.30</b>	<b>0.50</b>	<b>0.80</b>
<b>Total % in the population</b>	<b>100</b>	<b>64.18</b>	<b>25.17</b>	<b>3.85</b>	<b>2.66</b>	<b>1.78</b>	<b>0.84</b>	<b>0.48</b>	<b>1.04</b>

## ABBREVIATIONS LIST

- ECRI** - ECRI - European Commission against Racism and Intolerance  
**ECHR** - European Convention on Human Rights  
**EU** - European Union  
**LL** - Labor Law  
**LSP** - Law on Social Protection  
**LPPD** - Law on Prevention and Protection against Discrimination  
**IRC** - Islamic Religious Community  
**PP** - Public Enterprises  
**CERD** - Convention on Elimination of Racial Discrimination  
**MAAS** - Macedonian Academy of Arts and Sciences  
**MEC** - Ministry of Education and Science  
**ICCPR** - International Covenant on Civil and Political Rights  
**ICESCR** - International Covenant on Economic, Social and Cultural Rights  
**MOC** - Macedonian Orthodox Church  
**MRT** - Macedonian Radio and Television  
**MLSP** - MLSP - Ministry of Labour and Social Policy  
**MCIC** - Macedonian Center for International Cooperation  
**O (RM)** - Ombudsman (of the Republic of Macedonia)  
**OSCE** - Organization for Security and Cooperation in Europe  
**UN** - United Nation  
**OFA** - Ohrid Framework Agreement  
**RM** - Republic of Macedonia  
**AC** - Advisory Committee  
**BC** - Broadcasting Council  
**SIOFA** - Secretariat for Implementation of Ohrid Framework Agreement

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