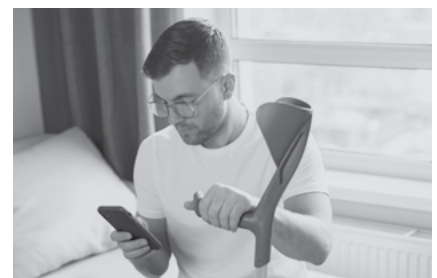


SITUATIONAL ANALYSIS



of the Rights of Persons with Disabilities in the Republic of North Macedonia – 2021



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**of the Rights of Persons
with Disabilities in the Republic
of North Macedonia – 2021**

Funded by the UNPRPD MPTF

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List of Abbreviations

| | |
|---------------------|---|
| CoRPD | Committee on the Rights of Persons with Disabilities |
| CPPD | Commission for the Prevention of and Protection from Discrimination |
| CSO | Civil Society Organizations |
| CSW | Centres for Social Work |
| DRR | Disaster Risk Reduction |
| ESA | Employment Services Agency of the Republic of North Macedonia |
| ESRP | Employment and Social Reform Programme |
| GBV | gender-based violence |
| HIF | Health Insurance Fund of the Republic of North Macedonia |
| ICF | International Classification of Functionality |
| IOM | International Organization for Migration |
| IMM for CRPD | Independent Monitoring Mechanism for implementation of the UN Convention on the Rights of Persons with Disabilities |
| LEPD | Law on the Employment of Persons with Disabilities |
| LHE | Law on Higher Education |
| LHI | Law on Health Insurance |
| LHP | Law on Health Protection |
| LoI | List of Issues |
| LPC | Law on Protection of Children |
| LPE | Law on Primary Education |
| LPPP | Law on Protection of Patients' Rights |
| LRL | Labour Relations Law |
| LSP | Law on Social Protection |
| LPPD | Law on the Prevention of and Protection from Discrimination |
| LSE | Law on Secondary Education |
| MK | Republic of North Macedonia |

| | |
|---------------------|---|
| MoLSP | Ministry of Labour and Social Policy |
| MoH | Ministry of Health |
| MoJ | Ministry of Justice |
| MoFA | Ministry of Foreign Affairs |
| MPTF | Multipartner Trust Fund |
| NCB for CRPD | National Coordination Body for the Implementation of the UN Convention on the Rights of Persons with Disabilities |
| NCDO | National Council of Disability Organizations |
| OPD | Organizations of Persons with Disabilities |
| OHCHR | Office of the High Commissioner for Human Rights |
| PA | Personal Assistance |
| SDG | Sustainable Development Goals |
| SEC | State Electoral Committee |
| SOF | Strategic Operational Framework (2020–2025) |
| SSO | State Statistical Office |
| UN CRPD | United Nations Convention on the Rights of Persons with Disabilities |
| UNCT | United Nations County Team |
| UNDP | United Nations Development Program |
| UNFPA | United Nations Population Fund |
| UNICEF | United Nations Children’s Emergency Fund |
| UNO | United Nations Organization |
| UNPRPD | United Nations Partnership on the Rights of Persons with Disabilities |
| WG | Washington Group on Disability Statistics |
| WG-SS | Washington Group on Disability Statistics’ short set of questions |
| WHO | World Health Organization |

1. Executive Summary

The Republic of North Macedonia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2011. In the following period, the rights of persons with disabilities were advanced because of the ongoing reforms in social protection and education, and developments in the areas of non-discrimination, inclusive employment services, deinstitutionalization, access to sexual and reproductive health services, prevention of gender-based violence and promotion of gender equality. A political will to ensure active participation of persons with disabilities is evident and reflected in the legislative framework.

The 2019 Social Protection Law promotes the principle of equal treatment and non-discrimination in the realization of social protection rights, which are based on equal and just treatment, recognizing disability as a basis for discrimination. The new Social Protection Law and a major revision of the Child Protection Law overhauled and consolidated the cash benefit system to, among other things, ensure increased coverage and adequacy. The reform also introduced new social support and care services for persons with disabilities and their caregivers.

With the undertaken reforms in education, the state strives for all children with disabilities to be included in regular primary education. The state has also provided financial resources and hired 500 education assistants for children and youth with disabilities through primary schools with a resource centre.

The system of assessment according to the International Classification of Functioning (ICF) for children and youth up to 26 years of age has recently started to be successfully implemented, in four of the eight planning regions. However, the transition to ICF-based assessment as the single-entry point into the system of cash benefits and support services cannot be completed until assessment bodies are established in all regions. The process of deinstitutionalization is ongoing, albeit not in line with article 19 of the CRPD. The process has been completed for children, with no children left in large-scale institutions in the country. Children without parental care are either in foster care, or small group homes. However, there are still persons with disabilities over 18 years of age in institutions. Generally, the process of deinstitutionalization should depart from the goal of closing large institutions and move towards provision of accessible and affordable housing, modern technical aids, personal assistance, and peer support, which will improve self-confidence

of the persons with disabilities and their capacity to become fully included in society.

Considering the previous developments and achievements, this situational analysis uses the CRPD lens to identify seven main bottlenecks and challenges in the realization of fundamental human rights of the persons with disabilities, and the basic preconditions for the inclusion of disability in the society.

First, the analysis indicates that the approach based on the rights of persons with disability is not consistently adopted in legislation, and the medical approach to disability is still predominant. While the Law on the Prevention of and Protection against Discrimination is regulated in accordance with the CRPD, the Constitution and the existing legal framework are burdened with derogatory terminology, mainly using the medical approach to disability. Differences within the disability community itself are not recognized and are not considered within the legislation, strategies, plans and budgets. The legal framework for humanitarian crises and emergency is not in line with the CRPD. In the pandemic situation, people with disabilities were again marginalized, as their specific needs were not appropriately addressed.

Second, there is still a need for better promotion of the CRPD at all societal levels, improving availability and accessibility of essential statistics and other data for creating sustainable and effective disability policies, changing societal perceptions and attitudes towards disability – including the general understanding of disability and overcoming the existing stigma. Key decision-makers, public sector actors, the general public, and even the community of persons with disabilities are insufficiently familiarized with the CRPD and the associated commitments the country has made towards its implementation. Neither at the central, nor at the local level there is a person with disability in a political position, not even in the position of a municipality adviser. The existing legal framework is not conducive to effective participation of persons with disabilities in politics and public life. People with disabilities mainly participate in organizations of persons with disabilities (OPDs).

Third, public spaces, infrastructure and information are largely inaccessible for citizens with disabilities. As sign language is not recognized as an official language, media programs are largely inaccessible to people with disabilities. Universal design as a standard is not recognized and incorporated in legal obligations. There

is a lack of knowledge of the concept of accessibility by all stakeholders. Regulatory bodies carrying out inspections in different areas do not have adequate capacity to enforce the obligations stipulated in the CRPD.

Fourth, access to services, including to support services, for persons with disabilities, is mainly based on the medical model of disability and its scope is not in accordance with Article 1 of the CRPD. Habilitation services are not recognized within the legal framework. The non-institutional support provided for children and adults with disabilities is quite restrictive. At the local level, the range of services is quite limited. In addition to completing the establishment of the assessment system according to the ICF for children and youth, the state should start building the institutional framework for establishing a disability assessment system for all persons with disabilities, regardless of age. Service providers have low knowledge of CRPD. People with disabilities in the process of deinstitutionalization are included and involved only as service beneficiaries. No measures have been taken to open a debate considering the legal capacity of persons with disabilities.

Fifth, the reforms in education, although advanced in the primary education sector, are yet to tackle the secondary education, which remains segregated and restrictive. The participation of people with disabilities in the higher education is inconspicuous. Despite the positive and promising reforms in the area of primary education, the legal framework in the field of education still needs to be enhanced in line with the CRPD. Education infrastructure remains inaccessible, while stakeholder capacity is low. People with disabilities are not involved in these processes.

Sixth, systemic changes are needed to enable independent living of persons with disabilities and ensure respect for their human rights on an equal basis with others. The concept of independent living is not properly understood by stakeholders, and the placement of persons with disabilities in group homes is not in line with the CRPD. The employment system does not offer opportunities for the inclusion of persons with disabilities in the open labour market. Systemic measures are needed to promote the abilities of persons with disabilities, as well as the introduction of a quota employment system with a systemic approach to establish a granted employment system. Furthermore, persons with disabilities have limited access to justice. There is a lack of analysis of court cases related to disability and the application of CRPD in the country by the courts, but it is evident that the courts lack training, legal opinions, and specialized meetings to harmonize the court practice in this sphere.

Seventh, the country lacks consistent and comparable statistics on persons with disabilities. Existing data

sources are fragmented, lack disaggregation including by sex, age and geographical location, and their quality needs to be improved. This hampers the monitoring of the implementation of the CRPD, as well as effective and efficient policy making, implementation, and evaluation. Although the government has appointed the National Coordination Body to monitor the implementation of the CRPD, sufficient human and financial resources were not allocated for this purpose. The involvement of OPDs and parents' organizations in this body could be further strengthened. The Independent Monitoring Mechanism, formed under the Ombudsman's Office, also lacks adequate financial and human resources capacity to carry out its role effectively, according to the Article 33 of the CRPD.

2. Background

Despite the ratification on the UN Convention on the Rights of Persons with Disabilities (CRPD) by numerous countries, many of them are unfortunately still struggling to translate the CRPD into concrete policies, systems, programs, actions, and services, which would enable the independent and dignified life of persons with disabilities.

The United Nations Partnership on the Rights of Persons with Disabilities, Partner Fund (UNPRPD, MPTF) was established to facilitate cooperation between United Nations' (UN) members. This partnership represents cooperation between UN agencies, governments, organizations of persons with disabilities (OPD) and the civil society (CS) to promote the rights of persons with disabilities according to the CRPD and the sustainable development goals for inclusion of disability (SDG). In order to provide consistency between stakeholders in the country and the UN country teams, and pursuant to the Strategic Operational Framework 2020–2025 (SOF) of the UNPRPD and CRPD, it is planned to perform a situational analysis in each country and to develop common proposals for programs for further actions.

3. Purpose of the Situational Analysis

UN agencies in the Republic of North Macedonia (MK) implemented activities pursuant to the SOF with the goal of making a Situational Analysis on the Issue of Disability (Analysis).¹ Five consultants were engaged in the preparation of the analysis, following a public call. The call for consultancy was open for all interested experts, regardless of their gender, ethnicity, disability, etc. The goal of the analysis is to identify the basic preconditions for inclusion of disability in mainstream society, and to identify the main bottlenecks and challenges in the realization of fundamental human rights of the persons with disabilities. At the same time, the analysis also points out the main priorities and actions that need to be supported and initiated in the country in the forthcoming period in connection with the fulfilment of rights to individual and independent life of persons with disabilities pursuant to the CRPD.

¹ See PRPD: Availability of preconditions required for the provision of inclusion of persons with disabilities in various public policies, services and other interventions.

4. Methodology

Having in mind the goal of the analysis, the consultants selected exploratory research as the main methodology. Exploratory research led to the identification of the main priorities for the country in relation to the CPRD. Data for analysis was collected by means of desk review and field research.

The literature that was reviewed comprises legal documents (national laws, international treaties); practice of human rights bodies; case law; and academic literature. This literature was reviewed through desk research conducted in July 2021.

The field research comprised four activities (See Annex 1):

1) Organizing and conducting focus groups.

Nine focus groups were organized in total. Seven focus groups were conducted by videoconference with representatives from various fields as follows: representatives of UN agencies and the international community, representatives of the National Coordination Body for the Implementation of the Convention on the Rights of Persons with Disabilities (NCB for CRPD), representatives of OPD and CSO, representatives of human rights protection institutions and CSOs working in this field, representatives involved in the systems for assessment of disability and representatives of organizations of parents with children and adults with disabilities. A total of 44 persons participated in these focus groups, 13 of whom were men and 31 women, including nine persons with disabilities, two women and seven men.

The other two focus groups were conducted with persons with disabilities. A total of 30 persons with disabilities participated, 19 men and 11 women.

2) Individual interviews were conducted with select representatives from national institutions and persons with disabilities who have been deinstitutionalized and accommodated in the units for supported living supported by Centre for Support of Persons with Disabilities “Poraka – Negotino” in Volkovo. A total of 9 individual interviews were conducted, 2 of which were with women with disabilities.

3) Preparation and dissemination of questionnaires – according to the guidelines from UN PRPD, the consultants prepared a questionnaire that was disseminated to all the ministries, including the Gov-

ernment of North Macedonia. Questionnaire responses were qualitatively analysed.

4) Validation workshops. Three validation workshops were held: with OPDs, government stakeholders and UN agencies. At the validation workshops the findings of the situational analysis were presented and discussed with stakeholders. Stakeholders’ feedback was reflected in the proposed recommendations.

The requested limited length of the Analysis, as well as the limited time available were taken into consideration in the selection of methodology and design of the project. The necessary conceptual limitations, both in the collection and processing of the required data, and in the drafting of the text of the Analysis, were also considered.

5.

Situational Analysis and Findings

In line with the UNPRPD guidelines, the analysis focuses on the following areas:

- 1) Analysis of the stakeholders and coordination – with a focus on the capacity of rights holders and duty bearers, and the identification of the possible capacity gaps of key duty bearers and OPDs. Obstacles to the participation of persons with disabilities and OPDs in decision-making processes have been specifically analysed.
- 2) Analysis of the policies on equality and non-discrimination – with a focus on whether the legal environment enables protection, promotion, and fulfilment of the rights of persons with disabilities.
- 3) Inclusive services and support services – availability of systems for assessment and referral for disability, availability of support services for disabilities, as well as the extent to which basic services are inclusive and connected to the support services for persons with disabilities.
- 4) Accessibility – does the existing legal framework and standards regulate the issue of accessibility as a key precondition for independent living and full and equal participation in society by persons with disabilities.
- 5) Participation of persons with disabilities – extent to which persons with disabilities can meaningfully participate in the community and the various local and central processes. This approach is based on the assumption of the need for political participation of persons with disabilities and is expanded with the focus on meaningful participation in areas that are key to the lives of persons with disabilities on many levels
- 6) CRPD-compliant budgeting and financial management – with the focus on disability budgeting policies and budgetary contribution to furthering the rights of persons with disabilities in line with the CRPD.
- 7) Accountability and administration – availability of inclusive evidence and data collection systems in order to understand the situation of persons with disabilities, the inequalities they experience and the barriers they face in participating on an equal basis, and the adequacy of the national accountability mechanisms.

In the different areas, the analysis additionally takes into account cross-cutting issues of gender and age. The analysis additionally addresses the challenges arising from the COVID-19 pandemic.

5.1 Stakeholder and Coordination Analysis

The National Coordination Body for the Implementation of the Convention on the Rights of Persons with Disabilities (NCB for CRPD) was founded in April 2018. Although the NCB unites in its work the relevant ministries, representatives of the Government, an umbrella OPD and a resource centre, there is no coordination with independent and rights based OPDs and CSOs supporting persons with disabilities that are not involved in the work of NCB. For more information about structural, capacity, and systematic issues related to the work of the NCB, please see National Monitoring and Implementation Framework below. One of the representatives of the OPDs within the NCB has been selected through a Public Call 2/2018 for Nominating a Member of the NCB for the Implementation of the UN CRPD from 19 April 2018, while the other was nominated by the National Council of Invalid Organizations.

Government Stakeholders

The Ministry of Labour and Social Policy is considered to be the main provider of rights of persons with disabilities since most of the bodies responsible for the issues concerning disabilities work under the umbrella of this ministry.

A team for monitoring the implementation of CRPD was established in 2019 within the Department for the Protection of the Rights of the Child and Persons with Disabilities of the National Ombudsman's Office. The team works on cases of rights violation and discrimination based on disability as well as on legislation analysis and proposing legal reforms regarding the rights of persons with disabilities in line with CRPD. The Ombudsman's team has established cooperation with some of the OPDs and during the pandemic started organizing coordination meetings which included all relevant stakeholders working in the field of persons with disabilities. At the moment, this group consists of 17 stakeholders, including OPDs, CSOs, individuals, etc. and is planned to be restructured into smaller thematic groups. The Ombudsman has regional offices throughout the country, but cases regarding

disabilities are sent to the Head Office in Skopje.

In the Macedonian Parliament there is an Inter-Party Parliamentary Group for the rights of persons with disabilities. This group was initiated by an OPD and established as an informal group in 2003. At the moment, in the new Parliament composition, the Group consists of 50 members representing different political parties. The technical coordination is run by Polio Plus on a voluntary base. Although the deputies are advocating for the enhancement of legislation together with the CRPD, there is little coordination between this group and other Government bodies. Although the Group has initiated several legislative reforms, few have been successful.

The newly established Commission for the Prevention of and Protection against Discrimination (CPPD) started operating in February 2021 after more than a year-long hiatus.² Since its re-establishment the members of the Commission have been very enthusiastic in publicizing their work through the media and their presence at public events, enhancing their openness for cooperation with other relevant stakeholders, that was also evident in their collaboration with the CSOs during the first few months of their work.³

Persons with disabilities are generally represented through the OPDs, as well as the parental organizations of children with different disabilities. Most of the OPDs have been active for a long time and there are only few organizations that have been formed in recent years. There are also CSOs (such as the Helsinki Committee for Human Rights and the Macedonian Young Lawyers Association) working in the field of rights of persons with disabilities, mainly in providing legal aid, including strategic representation in front of international bodies,⁴ supporting the process of deinstitutionalization, but also working on sexual and reproductive health and rights of women with disabilities.

The best source for relevant rights-based data and statistics on the national and local levels comes from the OPDs, CSOs and international organizations and embassies active in the country (UN agencies, OSCE, EU Delegation, British Embassy, Swiss Embassy, USAID, etc.). Funded heavily by international donors, OPDs and rights based CSOs tackle the lack of official data by producing their own, via multiple research activities, covering a wider range of fields. However, these activities are significantly limited by the available resources at the disposal of around 130 OPDs and additional CSOs,

provided by donor disability programmes that are seriously affected by the COVID-19 pandemic.

Persons with disabilities, especially persons living in rural areas,⁵ do not have the necessary information on the activities of existing OPDs or CSOs working in the field of persons with disabilities. Some of them are familiar with the work of the Helsinki Committee for Human Rights and the Macedonian Young Lawyers Association as free legal aid providers. Some of the participants from the Skopje region do have the information but have not used any of the mechanisms in exercising their rights so far.

Although the area of disability is not a conflict area in general, i.e., there is consensus on this issue among all stakeholders, there is still a high degree of inertia from the politicians, which is mostly due to insufficient knowledge of the area, but also the insufficient efforts of CSOs for joint advocacy.

Most government ministries and departments do not have disability focal points for the purposes of coordination. There is a lack of awareness and understanding of the CRPD among most government officials in various ministries as well as in the courts and Parliament. Most of the official documents, such as laws, policies, and circulars cannot be used by persons with disabilities. Most of the central and local government offices are not accessible for persons with disabilities.

OPDs and CSOs

There is a significant diversity in understanding disability within the disability movement. The National Council of Disability Organizations (NCDO) is an umbrella OPD encompassing seven unions of OPDs, based on the type of the condition or an affinity/interest (National Council of Deaf and Hard of Hearing, National Federation for Sports and Recreation of Persons with Disabilities, etc.). The NCDO has a highly centralized umbrella structure based on the traditional understanding of disability, mainly revolving around the medical approach, and does not include rights based OPDs. The rights based OPDs are a relatively new development in the past 25 years. They are very vocal in demanding rights regardless of disability, affinities, or the reason for the disability. This cross-disability unifying rights-based approach is a key component of these diverse organizations, even though their overall capacities significantly vary. A third type of OPD are the parental OPDs and resource centres, that mainly focus on service provision. Finally, there are rights based CSOs that are active in the disability field, implement project, and develop programs that address various disability rights issues.

² The mandate of the previous Commission ended on 22.08.2019.

³ See more in the chapter on Equality and Non-discrimination.

⁴ See more at: https://mhc.org.mk/news/presuda-na-evropskiot-sud-za-chovekovi-prava-po-aplikacija-na-helsinkiot-komitet-prekrsheni-zaradi-negova-bezbednost/?fbclid=IwAR2Ef3oCDJQ5K7U1YoaU3SsE5K7rRmptzy3B0pRrEx-3AE2L5uCsui_UYCO.

⁵ Focus groups with persons with disabilities.

In general, the cooperation among organizations working on the rights of persons with disabilities, both OPDs and CSOs, has been assessed as very low by all stakeholders that have been consulted during the field work. There is a visible division, especially among the OPDs, which is reflected in their poor representation and the low level of success in achieving systemic changes championed by several organizations separately.

The rights based OPDs do not have a platform or a network for sharing and coordinating their work. Some of these OPDs have managed to mobilize into small informal groups, mainly requesting certain legal reforms, but these initiatives still remain ad hoc, poorly organized, and not visible enough. Although the needs and the goals of the OPDs are more or less the same or overlapping, there is still no intention for creating a joint agenda.

The need for better cooperation and coordination of the organizations working in this field has been emphasized by most of the stakeholders during the focus groups and interviews. Some of the interviewees have stated that the lack of cooperation among the OPDs in the country is worrying and should be taken as a serious matter, since it can have an impact on the support provided by the different donors.

Many of the benefits provided by the state are directly related to the membership of persons with disabilities in the NCDO unions.⁶ These provisions restrict the right to association of persons with disabilities, which also contributes to the emergence of antagonism between OPDs, unions and parent organizations and prevents the creation of a single voice.

OPDs state that they have a good cooperation with the institutions when it comes to presenting their needs and requests, but what is lacking is appropriate feedback and results afterwards.

Since the OPDs and CSOs working in this field are mostly project funded by international donors, including the UN agencies in the country, the cooperation with the international organizations has been established, but what is lacking is sustainability, since some of the organizations are only passively involved as soon as the project support is over.

The UN agencies working in the country have established partnership with all relevant institutions, including the ministries, centres for social work, municipalities. There is, however, no structured coordination of the work within different UN agencies when it comes to activities in the field of disability.

There is a lack of representation of persons with disabilities in the media. Media workers are not disability sensitive and often do not know how to present content involving persons with disabilities other than through a perspective based on compassion.

⁶ For more see the chapter 5.5. Representation and Participation of Persons with Disabilities.

5.2 Equality and Non-discrimination

In spite of significant improvements to the **legislation**, including harmonization with the European law,⁷ there is still insufficient harmonization of the laws and by-laws and policies relating to persons with disabilities with the CRPD, which is also pointed out in the recommendations of the Committee on the Rights of Persons with Disabilities, and the implementation of the legal provisions is a particular weakness.⁸ At the same time, legal provisions only address a formal equality on the basis of disability.

The **terminology** used for persons with disabilities and the various types of disability, both in individual use and in official documents, including laws, strategies, rulebooks, etc. is not unified.⁹ Varying and old terminology is frequently used, which is based on the medical model.¹⁰ The use of various definitions and categorizations of disability in the legislation is not in accordance with the human rights based disability model.¹¹ Additionally, the definitions of persons with disabilities used in various documents are not unified, whereas persons with psychosocial disability are not recognized at all, which leaves out an entire community from the overall system of social benefits on the basis of disability.

Much of the public has a negative attitude towards persons with disabilities, and these attitudes are supported by a general lack of understanding about disability and about the persons with disabilities in general. The government must evaluate the effectiveness and the impact of their strategies and campaigns aimed at raising the awareness of the public.¹²

Only a small part of the persons with disabilities are acquainted with the CRPD and not a single person participating in the focus groups has information on

the existence of the NCB for CRPD.¹³

The right to equality and non-discrimination is guaranteed with Article 9 of the **Constitution of North Macedonia**,¹⁴ but disability has still not been included as a separate basis for discrimination.¹⁵ Additionally, the terminology (invalid persons, invalids) used in the Constitution is obsolete and not in accordance with the CRPD.

The **National Strategy on Equality and Non-discrimination 2016–2020** set three general strategic goals of which, according to the information available for the given period, only one had been achieved, namely, the improvement of the legal framework on equal opportunities and non-discrimination. The least progress can be seen in capacity building and improving the work and coordination of the institutional mechanisms for prevention of and protection from discrimination. One of the detected weaknesses in the strategy is insufficient budget funds allocated for its implementation, which endangered the very implementation of the Strategy.¹⁶ The new strategy for 2021–2026 is yet to be drafted.

The **Law on the Prevention of and Protection from Discrimination**¹⁷ lists disability as one of the bases for discrimination,¹⁸ including a definition for persons with disabilities as persons having a long-term physical, intellectual, mental or sensory disability which, in interaction with the various social barriers, can prevent their full and effective participation in society on an equal basis with others.¹⁹ The law prohibits all types and forms of discrimination, including direct and indirect discrimination, calling, inciting and instructing for discrimination, harassment, victimization and segregation, and more severe forms of discrimination in terms of the Law mean multiple discrimination, intersectional discrimination, repeated discrimination and continued discrimination.²⁰ The Law also includes discrimination by association as any distinction, exclusion or restriction of a person based on their relationship with another person or group

⁷ European Commission. (2020). Report of the European Commission on North Macedonia for 2020.

⁸ Committee on the Rights of Persons with Disabilities. (2018). Concluding observations on the initial report of the former Yugoslav Republic of Macedonia.

⁹ The legislation has many terms referring to this group of people, from invalids and disabled persons, through persons with mental and physical impairment, to persons with special needs or capabilities, etc. This creates a legal dichotomy, which this analysis is not aimed at analyzing. The authors use the term persons with disabilities as the closest to the social model of disability, but not the human rights model. When quoting legal texts or policies, the original term of the referenced legal document is used.

¹⁰ OPD focus group.

¹¹ Committee on the Rights of Persons with Disabilities. (2018). Concluding observations on the initial report of the former Yugoslav Republic of Macedonia.

¹² K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹³ Focus groups with persons with disabilities.

¹⁴ *Constitution of the Republic of Macedonia*. Decreed with decision number 08-4642/1.

¹⁵ *Constitution of the Republic of Macedonia*. Decreed with decision number 08-4642/1.

¹⁶ European Commission. (2020). Report of the European Commission on North Macedonia for 2020.

¹⁷ *Law on Prevention and Protection from Discrimination*. "Official Gazette of MK" no. 258/2020 from 30.10.2020.

¹⁸ Ibid, Article 5.

¹⁹ Ibid, Article 4.

²⁰ Ibid, Article 13.

under any discriminatory grounds,²¹ which covers persons influenced by the condition of the persons with disabilities. The Law underlines that the prohibition of discrimination also means the provision of appropriate access to infrastructure, goods and services, foremost through the application of the principle of reasonable accommodation and that the denying of reasonable accommodation constitutes discrimination.²² However, there is an evident problem occurring with the understanding and application of the principle of reasonable accommodation, which is shown to still not be clear enough and differently interpreted. It is quite frequently identified with accessibility, which leads to its selective application, thus leaving room for discrimination of persons with disabilities. The principle of reasonable accommodation is also not recognized by the institutions themselves, which is also indicated by the lack of guidelines for reasonable accommodation, which every institution is obliged to prepare and apply in its work.

Access to justice for persons with disabilities is considerably limited. All categories of persons with disabilities face difficulties regarding access to courts and justice, which limits their right to a fair and just trial under equal conditions.²³ The analysis of accessibility of courts in the country shows that they are completely non-functional for persons with disabilities (with the exception of the local court in Bitola),²⁴ and the knowledge of judges in the field of disability is still at a very low level,²⁵ including knowledge of the rights under CRPD.²⁶ The analysis of the court proceedings initiated for protection from discrimination in 2020 indicates that there are no consistent data on the areas and bases for discrimination, i.e., the courts do not include the basis for disability, which leads to a lack of data on eventual trends and occurrences in this area.

Persons with disabilities very rarely address regional offices of the Ministry of Justice for free legal aid, which is due to the insufficient information on these services, but also the insufficient training of the civil servants on how to work with persons with disabilities.²⁷ Furthermore, organizations offering free legal aid have

insufficient capacity to communicate with persons with disabilities.²⁸ The compensation envisaged by the state for free legal aid is relatively low by European standards, and the state does not have appropriate mechanisms for monitoring the quality of the provided free primary and secondary legal aid.

The new **Law on Social Protection**,²⁹ which was adopted in May 2019, promotes the principle of equal treatment and non-discrimination in the realization of social protection rights, which are based on equal and just treatment, including disability as a basis for discrimination. Part of the rights and services contained in the previous law were amended and/or reformulated in this Law and, at the same time, a significant number of completely new social protection rights and services were envisaged, with the aim of supporting the deinstitutionalization process.

Persons with disabilities are insufficiently informed about the changes introduced with the new Law and some of them believe that they are denied certain rights that they had under the previous law,³⁰ especially regarding monetary allowances,³¹ and at the same time they are facing difficulties in realizing their rights due to lengthy decision making by the Centre for Social Work (CSW).³² Additionally, different interpretation of legal provisions by civil servants in the different CSWs has been identified,³³ which is indicative of insufficient knowledge of legal provisions and lack of uniformity in their interpretation. CSOs and CPPD have recorded cases related to the amendments of the Law that concern beneficiaries who have had to again apply for entitlements they had used under the previous law.³⁴

The new **Law on the Prevention of and Protection from Violence against Women and Domestic Violence**, which came into effect in May 2021, includes the principle of non-discrimination, according to which measures, activities and services envisaged by the law should be implemented without discrimination

²¹ Ibid, Article 4.

²² Ibid, Article 4.

²³ Petrovska, N. and Avramovski, D. (2021) *Legal, Financial and Physical Access to Justice in Basic Courts in the Republic of North Macedonia*. Coalition "All For Fair Trials".

²⁴ Focus groups with representatives of protection institutions.

²⁵ Committee on the Rights of Persons with Disabilities. (2018). Concluding observations on the initial report of the former Yugoslav Republic of Macedonia.

²⁶ Focus groups with representatives of protection institutions.

²⁷ Jovanovska, B. (2020). *Legal Strengthening of the Community in the Process of Deinstitutionalization: Report*. Helsinki Committee for Human Rights.

²⁸ Petrovska, N. and Avramovski, D. (2021) *Legal, Financial and Physical Access to Justice in Basic Courts in the Republic of North Macedonia*. Coalition "All For Fair Trials".

²⁹ *Law on Social Protection*. "Official Gazette of the Republic of North Macedonia" no. 104/19, 146/19, 275/19, 302/20 and 311/20.

³⁰ Jovanovska, B. (2020). *Legal Strengthening of the Community in the Process of Deinstitutionalization: Report*. Helsinki Committee for Human Rights.

³¹ Focus groups with persons with disabilities. Interview with representatives of the Ombudsman.

³² Ombudsman of the Republic of North Macedonia. (2021). Annual Report for 2020.

³³ Focus group with service providers, Interview with representatives of the Ombudsman.

³⁴ Focus groups with representatives of protection mechanisms.

on the basis of disability.³⁵ The Law provides that competent institutions should, when taking measures and activities, take into account the consequences of gender-based violence on vulnerable categories of women, which include women with disabilities and women with children with disabilities,³⁶ as well as appropriate adjustment of the measures, activities and services for victims of gender-based violence to the specific needs of women with disabilities.³⁷ It is important to be highlighted that at the moment the bylaws for this Law are being developed. All these documents will include the component on persons with disabilities. Most of the shelters are unavailable to women with disabilities, which means they do not meet the minimum standards of the Istanbul Convention.³⁸ The Law itself does not provide measures and does not address violence in group homes and institutions viewed as family units and the new organized forms of life, which means it is not in full compliance with the CRPD.

The new **Law on Primary Education** adopted in August 2019 is based on the principles of equality, availability, accessibility, and inclusiveness of education, and for the first time it specifically mentions disability as a basis for discrimination. However, with its entry into force in September 2019, the number of complaints to the Ombudsman and to the CSOs increased.³⁹ Parents of children with disabilities complain about the shortage of teacher assistants, which was one of the forms of support for the students introduced by the new law. Moreover, a large number of children with disabilities have not yet undergone functional assessment due to the insufficient capacity of Centres for Functional Assessment and Support for Children and Youth, and, therefore, cannot receive adequate educational support in line with their individual needs.

Although secondary education, just like primary, is compulsory for all children and youth, the amendments to the Law on Secondary Education aimed at establishing inclusive education have still not been adopted.

The penalties provided in the **Law on Construction**, which regulates access to and inside buildings and the design and construction of buildings that would

ensure unobstructed access, movement, stay and work of persons with disabilities, are low, and violations are qualified as misdemeanour, which discourages compliance by profit-driven construction companies.⁴⁰

Despite the recommendations and efforts to apply the intersectional approach in the adoption of laws and policies, persons with disabilities belonging to certain marginalized groups (on the grounds of gender, ethnicity, nationality, etc.) are still insufficiently recognized. At the same time, when cases of discrimination are recorded, multiple bases for discrimination are usually considered. It is important to mention that the primary basis for recording cases of multiple or intersectional discrimination with the Ombudsman is disability.⁴¹

Persons with disabilities are insufficiently **included in the process of policy making**,⁴² which was particularly evident during the COVID-19 pandemic. Persons with disabilities, or the CSOs working in this area, very not at all included in the process of the adoption of measures and policies for protection from and handling the consequences of the virus and they were, thus, not in line with their specific needs, as well as the needs of their caregivers.⁴³ Out of a total of 250 decrees with the power of law adopted during the state of emergency, only two provisions explicitly mention persons with disabilities.⁴⁴

The process of deinstitutionalization contributes to strengthening the rights of persons with disabilities provided in the CRPD, with the aim of providing quality and dignified life and social inclusion which, in addition to closing off the institutions, also means the establishment and development of services in the community, but also participation of the beneficiaries in the decision-making processes at different levels. The process of deinstitutionalization is ongoing, but it is essential to work on ensuring quality of service through effective monitoring, as well as establishing additional services in the community in order to identify children and adults with disabilities who are exposed to social risk and isolation and are victims of discrimination and segregation.⁴⁵

According to the latest recommendations of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment and Punishment

³⁵ Law on Prevention and Protection from Violence against Women and Domestic Violence. "Official Gazette of the Republic of North Macedonia" no. 24 from 29.1.2021. Article 5.

³⁶ Ibid, Article 7.

³⁷ Ibid, Article 8.

³⁸ European Commission. (2020). Report of the European Commission on North Macedonia for 2020.

³⁹ Ombudsman of the Republic of North Macedonia. (2020). *Special Report on the conducted research on the state of realization of the right to education of children with special educational needs in primary schools in the Republic of North Macedonia*. Jovanovska, B. (2020). *Legal Strengthening of the Community in the Process of Deinstitutionalization: Report*. Helsinki Committee for Human Rights.

⁴⁰ Focus group with service providers, Focus group of OPD.

⁴¹ Interview with representatives of the Ombudsman.

⁴² Focus group of OPD.

⁴³ Jovanovska, B. and Petkovska, N. (2021). *The Influence of the crisis caused by COVID-19 on persons with disabilities in North Macedonia*. Westminster Foundation for Democracy.

⁴⁴ Ibid.

⁴⁵ European Commission. (2020). European Commission Report on North Macedonia for 2020.

(CPT), in addition to the need for regular open air activities and increase of rehabilitation activities, all users of Special Institution Demir Kapija, regardless of whether their legal capacity has been taken away from them, should be given an effective right to initiate a procedure on the legality of their accommodation and stay, and to get a regular and immediate review and revision of accommodation decisions by the courts.⁴⁶ With the aim of improving the process of deinstitutionalization in the psychiatric hospitals in Demir Hisar and Negorci, the CPT indicates the lack of adequate services for the support of mental health and independent living in the community. In Demir Hisar hospital, the possibilities for movement and open-air activities are limited, and there are still cases of binding users in both hospitals.⁴⁷

5.3 Accessibility

National laws and policies mention accessibility as just a concept without any implementation or funding strategy.

Physical Accessibility

The Law on Construction regulates the right of physical accessibility and availability of public buildings and public areas, as well as the design and construction of pedestrian paths for the movement of persons with physical disability and persons with impaired vision.⁴⁸ At the local level, urban planning and issuing of construction permits is regulated by the Law on Local Self-government,⁴⁹ which does not include either the principle of non-discrimination or the principle of accessibility. Thus, at the local level it is not clear which authority is responsible for the implementation of the provisions of the Law on Construction, and problems arise due to different interpretations of this law.⁵⁰ The obligation for providing physical accessibility is further regulated in the Rulebook on the Manner of Providing Unobstructed Access, Movement, Stay and Work of Persons with Disability to and inside the Buildings.⁵¹ This Rulebook outlines the minimal standards on the manner of providing unobstructed access, movement, stay and work of persons with disabilities to and in buildings for public, business, residential and business-residential use. The Rulebook on Standards and Norms in Urban Planning⁵² also regulates the right to parking spaces. Accessibility of catering facilities is regulated in the Rulebook on Categorization of Catering Facilities.⁵³

Although the legal framework and policies adopted in this area are rather clear, there are problems due to inappropriate implementation and different interpretations. Many public institutions, even new buildings, are not physically accessible for persons with disabilities.⁵⁴ The Law on Construction is currently being reviewed by the government, and a consultation with the National Council of Invalid Organizations of Macedonia (NCIOM) has been held.⁵⁵

⁴⁶ Council of Europe. (2021). *Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 10 December 2019.*

⁴⁷ Ibid.

⁴⁸ Law on Construction, Official Gazette no. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13.

⁴⁹ Law on Local Self-government, Official Gazette no. 5/02.

⁵⁰ See: *Handicap – the missing puzzle, Report on the status of persons with handicaps*, Polio Plus, 2012, p.77, <www.polioplus.org.mk>

⁵¹ Rulebook on the Manner of Providing Unobstructed Access, Movement, Stay and Work of Persons with Disability to and in the Buildings, <http://www.mtc.gov.mk/new_site/images/storija_doc/115/pravilnici/25-2010.pdf>

⁵² Rulebook on Standards and Norms for Urban Planning, <http://mtc.gov.mk/new_site/images/storija_doc/1353/Pravilnik%20za%20standardi%20i%20normativi%20za%20urb.planiranje%5B1%5D.pdf>

⁵³ Rulebook on Amending the Rulebook on the Conditions for Categorization of Catering Facilities. Available at: <https://dejure.mk/zakon/pravilnik-za-uslovi-za-kategorizacija-na-objektite-za-vrsenje-na-uostitelska-dejnost>.

⁵⁴ Statements from focus groups with OPD and Providers of services.

⁵⁵ Statement from focus group with OPD representatives.

Participants in the focus groups point out that the facilities, both in urban and rural areas, are inaccessible. Numerous studies have also concluded that buildings are inaccessible. Despite the legal obligation, in practice, making a building accessible and available to disabled persons largely remains a matter of individual choice by public and private entities.

Accessible Transport

The Law on Road Transport⁵⁶ does not provide substantive equality. The Law only has provisions for transport benefits of persons with disabilities, who must be members of NSIOM. A similar legal solution is given in the Law on Public Roads,⁵⁷ which allows persons with disabilities not to pay toll for the use of public roads. Entitlement is defined according to a diagnosis and disability degree provided in an act of the competent committee for Pension and Invalid Insurance (PII). This legal solution has also been copied in the Programme for Beneficial Use of Public City Transport by Persons with Special Needs, where persons with disabilities are again defined on the basis of their diagnosis and degree of disability.⁵⁸ Additionally, this programme contains an upper age limit 26 years of age.

The Law on Road Traffic Safety does not define what are parking spaces for persons with disabilities are.⁵⁹ At the same time, the legislators have failed to fully regulate the use of vehicles by their assistants and parents of children with disabilities. The legislators have also not regulated the movement of persons with disabilities with a guide dog. The provisions of this Law do not mention the principles of accessibility and availability in the conditions for receiving a driver's license and operating license for buses, trains, or auto-taxi transport, with the aim of meeting at least minimum preconditions for the provision of transport to passengers with disabilities.

Information and Communication

According to the Law on Free Access to Public Information, information holders are obliged to inform the public about their work. The Law, however, does not stipulate that public information should be provided

in accessible formats.⁶⁰ The Law on the Use of Sign Language provides the right for persons with hearing impairment to use sign language in the role of a party or participant in proceedings in front of state bodies.⁶¹ The persons have the right to use sign language for other needs as well, but only up to 30 hours per year, thus realizing their right to an interpreter. The decision on the entitlement to use sign language is left to the CSW, which only additionally limits the use of sign language.

Persons with hearing and speech disability point out that they are facing difficulties in realizing rights due to the insufficient number of trained sign language translators and interpreters. The list of sign language interpreters contains only 31 persons, which is indicative of the lack of interpreters.⁶² There is no separate law, or part of a law, which would stimulate learning Braille alphabet, and this must be provided for in the future.

Public opinion research concludes that the media are not interested in the situations affecting persons with disabilities, and that they usually address this issue by presenting individual cases, most often in an inappropriate manner, and the approach is sensationalist, with pathos and pity.⁶³

The Law on Data in the Electronic Form and Electronic Signature provides a definition of electronic signatures that is not harmonized with the CRPD.⁶⁴ The Law on Audio and Audio-visual Media Services related to accessibility and availability of broadcasters and broadcasting accessible and available information of different types does not have an explicit prohibition of discrimination on the basis of disability.⁶⁵

In accordance with the provided recommendations in the action plan of the NCB for CRPD, the Ministry of Information Society and Administration has planned activities aimed at drafting an action plan for developing web pages that comply with accessibility standards.⁶⁶ In spite of the obligation for accessibility

⁵⁶ Law on Road Transport, Official Gazette no. 68/04, 127/06, 114/09, 83/10, 140/10, 17/11, 53/11, Constitutional Court decision: 01.02.2006; 14.05.2008; 10.11.2010.

⁵⁷ Law on Public Roads, Official Gazette no. 84/08, 52/09, 114/09, 124/10, 23/11, 53/11, Constitutional Court decision: 10.03.2010.

⁵⁸ Program of the City of Skopje for 2018 < <http://ipserver1.skopje.gov.mk/e-skopje/sluzben%20glasnik%20so%20konverzija.nsf/82aa49069ed-fbbb780256a22004ba9e0/030cd9927ac366ecc1258370004336ce?OpenDocument>>.

⁵⁹ Consolidated text of the Law Road Traffic Safety of the Ministry of Interior, <<http://www.mvr.gov.mk>> .

⁶⁰ Law on Free Access to Public Information, Official Gazette no. 6/10.

⁶¹ Law on the Use of Sign Language, Official Gazette no. 105/09.

⁶² National Association of Deaf of R. Macedonia, <http://www.deafmkd.org.mk/index.php?option=com_content&view=article&id=55&Itemid=80>.

⁶³ See: Zh. Poposka, E. Kochoska, Z. Shavreski. Holistic Report on Persons with Disabilities in the Republic of Macedonia, 2015. Open the Windows, available at: <https://civicamobilitas.mk/wp-content/uploads/2018/02/0-holisticki-izvestaji-za-licata-so-poprecenost-vo-makedonija-mk.pdf>.

⁶⁴ Law on Data in Electronic Form and Electronic Signature, Official Gazette no. 34/01, 6/02, 98/08.

⁶⁵ Law on Audio and Audiovisual Media Services, Official Gazette no. 184/13, 13/14, 44/14.

⁶⁶ Action Plan for 2021 of the NCB for implementation of CRPD, available at: https://vlada.mk/sites/default/files/dokumenti/akciski_plan_za_2021_godina_za_implementation_na_konvencijata.pdf

of internet pages, the state electronic sites are still not accessible. Assistive technology resources are limited to two web portals and a handful of Braille printers. There are two websites (<http://nssrm.org.mk/> and <https://samoglas.mk>) with libraries of audiobooks in Macedonian, including fiction, professional literature on law and certain laws and manuals relevant to persons with impaired vision. Braille alphabet printers are located only at the Faculty of Philosophy in Skopje, Public School for Rehabilitation of Children and Youth with Visual Impairments “Dimitar Vlahov” and the National Association of Blind Persons.

The Committee for Information and Communication Technologies at the Faculty of Philosophy created the first Cyrillic font for dyslexic persons, Dyslexic FZF, and easy to read mandatory school reading books were promoted in cooperation with Einstein Association.

On the initiative of the MoLSP, UNDP and the National Association of Blind Persons, the audio reader “Kiko,” the first digital tool, has been launched. This free application is already available in Macedonian, and its Albanian version is currently being developed. Most of the aforementioned initiatives are supported technically and financially by the international community and the UN agencies in the country.

NCB for CRPD has recorded the CRPD in an easy-to-understand audio format and it has also been printed in Braille alphabet, but this information and materials fail to reach persons with disabilities on the territory of the entire country. Only three participants of the focus groups of persons with disabilities were familiar with the provisions of the CRPD; two of them were students in special schools, where this information had been provided, and one person received the information at a UNDP training.

All focus group participants stated that they have no information of the existence of the NCB for CRPD. Persons with disabilities believe that our society is not adjusted to persons with disabilities. They are not acquainted with such terms as “universal design” and “reasonable accommodation,” but they do know that they are facing problems accessing institutions and moving through their local environments. None of the persons with impaired vision that participated in the focus groups, who use the Braille alphabet have had access to materials in such format in the environment where they live. Also, no one has seen materials in an easy-to-understand format, and their relatives help them understand what they receive as information in oral or written form. All persons with disabilities and their parents believe that institution employees do not have sufficient information on the manner of work and communication with persons with disabilities. Persons with disabilities reported experiencing and witnessing aggressive behaviour of civil servants towards

themselves and others on multiple occasions.

Focus group participants point out that institution employees lack the time or the patience to explain things to persons with disabilities or to help them. All focus group participants from rural environments state that they had no information of the existence of OPDs that can fight on their behalf for the realization of their rights, or that they offer free legal aid.

At the start of the state of emergency imposed due to Covid-19, government press conferences were the only source of information. After reactions by OPDs the conferences were interpreted into sign language. With the exception of this information, all other information and public debates in the media were in an inaccessible format, including the government web page and the emergency numbers opened for this purpose. In such circumstances, persons with disabilities face serious challenges. Most healthcare institutions are also inaccessible. Testing centres were no exception. The measures for mandatory wearing of masks imposed additional limitations on persons with sensory disability (deaf persons).⁶⁷ On the basis of the research, some of the greatest difficulties that people with disabilities faced during the pandemic were limited socialization (21.5 %) and limited movement (20.9 %), and 18.3 % faced difficulties respecting the safety measures, i.e., maintaining physical distancing, avoiding groups and difficulties wearing a mask.⁶⁸ The majority of primary and secondary schools believed that children and youth with disabilities could only partially follow distance learning and did not have adequate resources and support from family members.⁶⁹

⁶⁷ Report on Human Rights for 2021, Fra, EPI, available at: <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>.

⁶⁸ See: Jovanovska, B. and Petkovska, N. (2021). *The Influence of the crisis caused by COVID-19 on persons with disabilities in North Macedonia*. Westminster Foundation for Democracy, 2021, available at: <https://www.wfd.org/wp-content/uploads/2021/07/Vlijanieto-na-Kovid-19-vrz-licata-so-poprecenost-MK.pdf>.

⁶⁹ <http://ombudsman.mk/upload/Posebni%20izvestai%202020/Poseben%20izvestai%20-E%20nastava%20vo%20ucilista.pdf>.

5.4 Inclusive Services for Persons with Disabilities

(For more information on inclusive services for persons with disabilities, see Annex 4.)

Services in social protection, education, health care, and employment are closely related to the state's approach to disability, which is embodied in the disability assessment system. The existing system, as well as the legal infrastructure for access to services for persons with disabilities, does not comply with the CRPD.

The disability assessment (certification) is complex and involves multiple standards and agencies. Certification processes, except for the recently introduced functional assessment conducted by the National Functional Assessment Body, are performed in parallel, uncoordinated, last too long, are not client friendly, lack supervision and control, and are inefficient. There are currently at least three independent channels for disability assessment. Complex and ring-fenced processes, and lack of coordination among the agencies have resulted in parallelism, duplication, and huge administration throughout the disability assessment process. For each benefit, individuals need to pass different medical commissions for determination and assessment of disability. The definition of disability and a person with disability, except when it comes to the functional assessment, is strictly medical and lacks the aspects of functionality and a needs-focus.

Government decisions to simplify, unify and streamline parallel processes have resulted in the establishment of a National Functional Assessment Body.⁷⁰ Currently, two regional bodies have been established, and seven more regional bodies for functional disability for children and youth are to be established. The composition of the bodies does not include persons with disabilities, and the trainings that the persons undergo are exclusively related to the International Classification of Functionality (ICF). According to the plan of the MoLSP, in this area it is planned to introduce a system for assessment of disabilities in a wider scope.⁷¹

5.4.1 Access to Social Security and Social Services

The services outlined in the Law on Social Protection (LSP) are provided by the state, but since decentralization, both CSOs and private organizations can also act as service providers.⁷²

⁷⁰ Government's decisions No. 45-5503/1 of August 20, 2019, and No. 45-8738/1 of November 26, 2019.

⁷¹ The MLSP listed the planned legal changes in this area in the Stakeholder Engagement Plan, published on www.mtsk.gov.mk under SIAP banner.

⁷² MAPP, Report on Poverty and Social Exclusion in the Republic of Macedonia, 2010, <http://bim.lbg.ac.at/de/socijalna-inkluzija-i-covekovite-prava-vo-makedonija/izveshta-za-siomashti-i-sotsi-alna-iskluchenost-vo-republika-makedoni-2010>

Despite the formal equality, the services, and benefits to persons with disabilities are based on a medical disability approach. Benefits and services can be accessed by people over the age of 26, depending on the type and degree of disability. Excluded from these benefits are persons with psychosocial disabilities, persons with intellectual disabilities who are not in wheelchairs, as well as persons with disabilities over 26 years of age who are placed in foster families. The same approach is copied in the Law on Child Protection (LCP) describing the eligibility of children with disabilities up to the age of 26.⁷³

The Personal Assistance Program (PA) is non-compliant with the CRPD and is equated with care in institutions. In this process, people with disabilities are only users, without any active role in the process of assessment, training and defining the criteria for the use of PA service. The duty bearers and CSOs involved as PA service providers, do not have adequate knowledge of the PA concept and understanding of the right for independent living.

There is no comprehensive legislation taking into account all the rights of persons/children with disabilities, i.e., a special law on citizens with disability. Persons with disabilities under the age of 26 are treated as children in the country. The matrix of this approach has been transferred to all fields and rights.

Persons with disabilities and parents of children with disabilities are facing administrative and bureaucratic obstacles and different interpretations of legal provisions by institutions. The existing standard for day care centres is not in line with the CRPD principles in that it does not consider "the best interest and will of the children and adults with disabilities."

The existing monitoring mechanisms are oriented towards collecting current data on the quantity of services provided and not towards the evaluating the outcomes and quality of services. There is a major lack of the assessment of needs of children/persons with disabilities. There is a lack of trained staff, network and accessible infrastructure, and properly defined quality standards for disability.

The disability dimension is not part of the gender policies. Thus, services and measures to help and support women victims of domestic violence are not provided to women with disabilities. The reintegration services and shelters that currently exist are not accessible to people with disabilities.

⁷³ Law on Protection of Children, Official Gazette no. 23/13, 12/14, 44/14, 144/14.

The Law on Civilian War Invalids⁷⁴ and the Law on Special Rights of Members of the Security Forces and Members of their Families⁷⁵ are provide benefits for persons with disabilities, but not on the basis of their disability, but rather on the account of the circumstances under which the disability was acquired.⁷⁶ These laws are just one example of how the state may provide different benefits for the same disability.

The state has not yet adopted an action plan for the implementation of the National Strategy for Deinstitutionalization (2018–2027).⁷⁷ Deinstitutionalization is mainly understood as the relocation of people with disabilities into group homes settings.⁷⁸ Stakeholders, OPD and CSO, including the persons with disabilities themselves and the parents of children with disabilities do not understand the concept of independent life.⁷⁹ The support staff is also focused on basic care activities and cultural events from time to time. There is no evidence of individual planning for people with disabilities to be included in the community. The necessary support services for independent living have not been developed yet.⁸⁰

Additionally, deinstitutionalization of adults with disabilities and the services to support community living are not in line with the CRPD. The process does not encompass the right of persons with disability to decide whether they wish to live outside of institutions, on how to make an informed decision to do so, on where and with whom they wish to live in the community, etc.

Coordination between all stakeholders is very low. Lack of accessibility restricts persons with disabilities from participating in the community. Lack of self-confidence contributes to some of the deinstitutionalized persons' feeling insecure regarding the relevance and success of the process itself.⁸¹ Legal capacity continues to be taken away from people with disabilities. A large portion of people with disabilities in institutional care, group homes or families are still deprived of their legal capacity and put under guardianship.

In the context of COVID-19, the government adopted several measures that directly affected men and women with disabilities, but those were not in line with the CRPD.⁸² Travel bans, and lockdown measures had negative impact on persons with disabilities. During the lockdown, exceptions were made for parents of children with disabilities and persons with disabilities with their assistants, but only if they

⁷⁴ Law on Civilian War Invalids, MoLSP, available at: <https://mtsp.gov.mk/WBStorage/Files/civilniinvalidi_konsolidiran.pdf>.

⁷⁵ Law on the Special Rights of Members of Security Forces of RM and Members of their Families, MoLSP, available at: https://mtsp.gov.mk/WBStorage/Files/braniteli_precisten.pdf>.

⁷⁶ See: *Handicap – the missing puzzle, Report on the status of persons with handicaps*, Polio Plus, 2012.

⁷⁷ UNICEF, in coordination with other UN and EU agencies, participated in the development of the Strategy for Deinstitutionalization 2018–2027 “Timjanik” and the accompanying Action Plan. A situational analysis was performed, and challenges and priorities were identified and that was included in the final text of the Strategy. The process of deinstitutionalization is an ongoing process and UNICEF continues to support it. National Strategy for Deinstitutionalization 2018–2027 “Timjanik”, MoLSP, is available at: <https://www.mtsp.gov.mk/content/pdf/strategii/Strategii%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf>.

⁷⁸ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² See: Analysis of the Influences of COVID-SARS-19 on Gender and Differences Policy Study No. 40, OSCE, 2021, available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>.

had a document to prove that they are disabled and a document that they have the right for assistance. Transferring the educational activities online has created additional burden for boys and girls with disabilities with which in practice the articles 24, 5 and 3 of CRPD were derogated.⁸³ For example, the online educational classes conducted on TV were not adapted and made available in suitable formats for boys and girls with disabilities, with different types of impairment. In addition, children with disability who were educated in special schools were not targeted with any educational measures during the pandemic school closure period 10 March – 10 June 2020. Within the social protection and labour market, four measures have been adopted, one was directly connected with the disability (assistance for people with disabilities and the elderly in 27 municipalities to deal with the crisis more easily by engaging 200 unemployed as service providers). These measures, according to some studies, resulted in a decreased intensity the care during lockdown, because personal assistants did not follow special safety protocols, which instigated fear of possible infection and transmission, both among the recipients of care and the assistants. General individual self-care and disruption of services and support were reported as challenges for persons with disabilities during COVID-19 pandemic.

There is a weak promotion of CRPD on all levels. The stakeholders as well as the general public, including the disability community are not sufficiently aware of the existence of the CRPD as an international agreement, as well as of the obligations arising from it.

5.4.2 Access to Healthcare and Healthcare Services

The legal framework and policies governing access to health services are not in line with the CRPD.⁸⁴ The procedures for obtaining primary, secondary, and tertiary health care are not accessible and available to persons with disabilities.⁸⁵ Access to health services is based on the medical model of disability. Despite the existence of various items of legislation and strategies, access to health for persons with disabilities remains a major constraint. Communication remains a major problem for persons who are deaf and others who rely on sign language because health care personnel is not well versed in sign language.

The lack of training on communication with and approach to persons with disabilities compromises the right to information of patients with permanently reduced capacity for judgment.⁸⁶

Access to orthopaedic devices and equipment⁸⁷ is quite limited, determined by age, amount of co-payment, expiration dates of the devices, and, for some devices. The right to rehabilitation can only be used as extended treatment and is limited.

There is a lack of specialized health services, and programs and services for prevention, early detection, diagnosis, early treatment and rehabilitation for children and adults with disabilities. Disability is not part of programs for professional training in the field of public health.⁸⁸ One trainer with disability participated in the implementation of the activities from the Action Plan for Reproductive Sexual Health, including training family doctors, social workers and other relevant professionals (psychologists, special educators, etc.) on issues of sexual and reproductive health (SRH) and rights, and gender-based violence (GBV), which were conducted in cooperation with the Centre for Family

⁸³ Article 24 regulates the commitment that right to education will be realized without discrimination and on the basis of equal opportunity. Article 5 is on equality and non-discrimination, whereas non-discrimination is in addition determined as one of the general principles regulated with Article 3.

⁸⁴ Law on Health Protection. Official Gazette of RM no. 43/2012, 145/2012, 87/2013, 164/2013, MoH. Available at: <http://mz.gov.mk/wp-content/uploads/2012/12/zakon-za-zdravstvena-zastita-2_12_2012.pdf>; Law on Health Insurance (integrated consolidated text Official Gazette no. 65/2012, 16/2013 and 91/2013), Health Insurance Fund. Available at: <[http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisquruvanie%20\(Interen%20precisten%20tekst\).pdf](http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisquruvanie%20(Interen%20precisten%20tekst).pdf)>

⁸⁵ See: “WHERE IS THIS SHIP SAILING” – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of health protection law, 2018, available at: <http://polioplus.org.mk/margina/dokumenti/kade-plovi-ovoi-brod-en.pdf>

⁸⁶ For example, Law on Termination of Pregnancy <http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-PREKINUVAJE-NA-BREMENOSTA-zaklučno-so-br.-149-od-2015.pdf>. See also: “Patients’ Rights with Focus on Persons with Intellectual Disability” ESE, 2011, page 6. <http://www.esem.org.mk/pdf/Publikaciji/ESE%20Intelektualna%20poprecenost.pdf>.

⁸⁷ Rulebook on the Indications for Realization of the Right to Orthopedic and Other Devices, HIF MK, available at: <http://www.fzo.org.mk/default.asp?ItemID=D42C5C3FA5A79548A0408B9FB59A9874>.

⁸⁸ Law on Public Health, no. 136/2011 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-javno-zdravje-precisten.pdf>.

Medicine and with the support of UNFPA.⁸⁹ Some of the topics covered on these trainings were: family planning, pregnancy care (pre- and postnatal care), cervical cancer detection, GBV detection, referral, etc. Additionally, with the support of UN Women persons with disabilities deinstitutionalized from S.I Banja BANSKO were trained on GBV and CRPD.

No ways for obtaining permission from women with disabilities are foreseen, as there are none for counselling women placed in institutions, group homes and/or the new forms for supported living.⁹⁰ Stereotypes and thoughts are an additional obstacle to the exercise of the right to health care for the persons with disabilities.⁹¹ Persons with disabilities are left out of detection and early prevention, and of the programme for malignancy diseases. There are no determined costs for these services for the persons with disabilities by the state.

An additional barrier to access to health services is the inaccessibility of both public and private health facilities and institutions.⁹² This includes the inaccessibility of gynaecological institutions (public and private). Accessibility standards are not set out in the rules for placing on the market medical aids, products, and equipment.⁹³ In spite of the legal obligation for keeping records of children with disability, neither health institutions, nor the Institute of Public Health keep registers of children with special needs.⁹⁴

Except for the government press conferences, which had live sign language interpretation, the rest of the information related to COVID-19 was inaccessible. The internet page containing information as well as the internet page inviting citizens to apply for vaccination were also not in an accessible format. Vaccination points and points for PCR tests are inaccessible.⁹⁵

⁸⁹ <http://jph.mk/wp-content/uploads/2019/08/Nov-tekst-na-AP-usoqlaseno-Sekretariat-za-zakonodavstvo-11.09.2018.pdf>.

⁹⁰ Law on Termination of Pregnancy: <http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-PREKINUUVANE-NA-BREMENOSTA-zakluchno-so-br.-149-od-2015.pdf>.

⁹¹ See: "Sexual and Reproductive Health and Persons with Disabilities – Needs and Services Assessment Report – Hera, 2012, pp. 61–62.

⁹² See: "Sexual and Reproductive Health and Persons with Disabilities – Needs and Services Assessment Report – Hera, page 20, 2012, <http://hera.org.mk/wp-content/uploads/2014/02/izvestaj_poprecenost_rz.pdf>. Accessed on: 21.10.2014.

⁹³ Law on Medicinal Products and Medical Devices, 11/2012 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-tekovi-i-medicinski-pomagala.pdf>.

⁹⁴ Law on Record Keeping in the Field of Healthcare, Official Gazette of RM, no. 20/09. Available at: <http://www.fzo.org.mk/WBStorage/Files/Zakon_za_evidencii_vo_oblasta_na_zdravstvoto_Sl.Vesnik_na_RM_br_20_od_16.02.2009_godina.pdf>.

⁹⁵ Report about human rights for 2021, FRA, EPI Available at: <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>

5.4.3 Access to Education

The overall legal framework in education does not offer a comprehensive inclusive approach to the realization of the right to education for people with disabilities in accordance with the CRPD.

The Law on Child Protection (LCP) lacks many measures that would lead to inclusive equality.⁹⁶ The law is burdened with different terminology and has a medical understanding of the state of disability. LCP treats adults with disabilities up to 26 years of age as children. The system does not provide adequate support for parents for accepting their child with a disability, and there is a reluctance on the part of educators to work with children with disabilities.⁹⁷

In 2020, 0.34% of GDP was earmarked for preschool education.⁹⁸ According to the WB report from 2015, the representation of children with disabilities in preschool education is below 5%.⁹⁹ According to a 2018 report, the percentage of children with disabilities is 1.19% of the total number of children attending kindergartens.¹⁰⁰

The greatest progress in terms of inclusive education can be seen in the reform in the primary education. The enactment of the new Law on Primary Education (LPE) supported by the Concept of Primary Education and the Concept for Inclusive Education and a series of bylaws, paves the way for the inclusion of all children in regular education by 2023.¹⁰¹ Additionally, the transformation of special schools and classes into resource centres and learning support centres is underway. The concept of primary education, however, despite drawing on several international documents and strategies does not even refer to the CRPD, so the concept itself does not mainstream the disabilities issue from the perspective of CRPD. LPE includes disability in the section on protection against discrimination.

⁹⁶ Law for child protection, MoLSP Available at: <https://www.mtsp.gov.mk/content/pdf/zakoni/2018/198%202018%20ZAKON%20ZA%20ZASTITA%20NA%20DECATA%20%20%D0%BA%D0%BE%D0%BD%D1%81%D0%BE%D0%B-D0%B8%D0%B4%D0%B8%D1%80%D0%B0%D0%BD%20%D1%8-2%D0%B5%D0%BA%D1%81%D1%82-converted.pdf>

⁹⁷ INCLUSION of children with disabilities in preschool education: a research report. – Skopje: Ombudsman, 2018, UNCEF Available: https://www.unicef.org/northmacedonia/media/4386/file/MK_CWDInKinderqarten_Report_MK.pdf

⁹⁸ https://eacea.ec.europa.eu/national-policies/eurdydice/republic-north-macedonia/early-childhood-and-school-education-funding_en

⁹⁹ The World Bank. Former Yugoslav Republic of Macedonia Early Childhood Development: SABER Country Report 2015

¹⁰⁰ INCLUSION of children with disabilities in preschool education: a research report. – Skopje: Ombudsman, 2018, UNCEF Available: https://www.unicef.org/northmacedonia/media/4386/file/MK_CWDInKinderqarten_Report_MK.pdf

¹⁰¹ Concept for primary education, Available at: <https://mon.gov.mk/stored/document/Koncepcija%20MK.pdf>; concept for inclusive education is available at: <https://mon.gov.mk/stored/document/Koncepcija%20za%20inkluzivno.pdf>.

Despite the intention to fully include children with sensory disabilities, the legislative framework does not regulate the use of sign language or the Braille alphabet. The study of sign language is not envisaged either as a compulsory subject or as an optional one in the Concept for Primary Education. This approach contributes to the suspicion towards and resentment of people with disabilities during their inclusion in the regular education.¹⁰²

The LPE regulates the engagement of educational assistants (EA) and personal assistants (PA). The rulebook for EA and PA as well as lowering the age limit for PA from 18 to 6 in the LPP confirms that the legislator does not have adequate knowledge of the concepts of EA and PA.¹⁰³ The findings from the field also indicate that the personal assistants are not clear about their obligations and responsibilities towards the students and other professionals.¹⁰⁴ The majority of teachers (59.9%) equate the work tasks of the personal assistant with the work tasks of the education assistant.¹⁰⁵

The Law on Secondary Education (LSE), The Law on Higher Education (LHE) as well as and the National Education Strategy 2018–2025 are not based on a comprehensive and inclusive approach, and all of them are not in line with the CRPD.¹⁰⁶ The training of the teaching staff on the issue of disability usually takes place through projects and support from international institutions without any long-term strategy by the Ministry of Education and Science and BDE.¹⁰⁷ The educational programs do not contain provisions that make accessible formats obligatory or desirable.¹⁰⁸

The physical and communicative accessibility, as well

as access to assistive technology is a major problem for persons with disability in the education.¹⁰⁹ No educational institution keeps records and statistics on the number of people with disabilities included in the education system disaggregated by gender.

Another challenge, especially for the children and young persons with disability is the lack of comprehensive sexuality education (CSE) within the formal school curricula, which make these groups of people more vulnerable to violence, including gender-based violence, sexual harassment, etc. Additionally, the lack of information for CSE may lead to the development of anxiety, depression, and isolation, especially among the persons with intellectual disability and inappropriate sexual behaviour that arises as a result of sexual drives that appear in the adolescence period but are not followed by socialization and understanding of social norms, that shape the appropriate sexual behaviour demonstrated by other persons of the same age.¹¹⁰

In recent years, no systematic approach has been taken to increase the educational and social skills of persons housed in institutions. The biggest part of children and young people who are deinstitutionalized, living with biological or foster families, or in a small group homes, are not part of any education schemes because the perception is that they cannot learn because they have “severe and profound disabilities” combined with “health problems.”¹¹¹

In terms of participation and consultations, it must be noted that neither the OPD, nor adults with disabilities, nor children and young people with disabilities have been consulted and actively involved in drafting legal changes in education.¹¹²

¹⁰² Statement by representatives from the focus groups

¹⁰³ https://mon.gov.mk/stored/document/2021_Pravilnik_Nachin%20na%20pobarauvanje%20asistenti.pdf

¹⁰⁴ Paula Federica Hant, Publication Research “Educational and Personal Assistants. Now and Here – Open perspectives” UNDP, available at: https://www1.undp.org/content/dam/the_former_yugoslav_republic_of_macedonia/docs/Educational%20and%20personal%20assistants%20-%20MKD.pdf

¹⁰⁵ Current situation of children with special educational needs in primary education in the Republic of North Macedonia, 2018, BDE Available at: <https://www.bro.gov.mk/wp-content/uploads/2020/02/Aktuelna-sostoi-ba-na-inkluzija-na-deca-so-posebni-obrazovni-MK.pdf>

¹⁰⁶ Law on Secondary Education is available at: http://www.mon.gov.mk/images/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD_%D0%B7%D0%BO_%D1%81%D1%80%D0%B5%D0%B4%D0%BD%D0%BE%D1%82%D0%BE_%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B507.pdf; Law on Higher Education is available at: http://www.mon.gov.mk/images/documents/zakoni/ZAKON_VISOKOTO_OBRANOVANIE-final.pdf; National Education Strategy is available at <http://mrk.mk/wp-content/uploads/2018/10/Strategija-za-obrazovanie-MAK-WEb.pdf>.

¹⁰⁷ Summary Report of the state responses to the questions related to the initial report of the Republic of Macedonia on the implementation of the convention on the rights of persons with disabilities, 2018, available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fCSS%2fMKD%2f31979&Lang=en

¹⁰⁸ Law on textbooks for primary and secondary education.

5.4.4 Access to Employment

Employment levels of persons with disabilities are very low when compared to those of the persons without disabilities, almost invisible. On average, only 1671 persons with disabilities were recorded as unemployed in 10 years (2010 – 2020). The existing statistics provide no information about the number of self-employed

¹⁰⁹ Application of assistive information technology in regular primary schools in Macedonia, current conditions and needs, Open the windows, 2011; Z. Shavreski, N. Amdiu, E. Kochoska, T. Ortakovski, the team od Juridica, The missing link –Demystification of the rights of persons with disabilities in the Republic of Macedonia with a review of the right to education, 2018 Polio Plus. Available at: <http://polioplus.org.mk/margina/dokumenti/Alkata-sto-nedostasuva-B5-mk.pdf>.

¹¹⁰ Fitzpatrick, Srivorakiat, Wink, Pedapati & Erickson, 2016; Eaves & Ho, 1996.

¹¹¹ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹¹² Report for human rights for 2021, FRA, EPI, Available at: <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>.

persons with disabilities, nor about the numbers of persons with disabilities employed outside of the Law on the Employment of Persons with Disabilities and of those employed in the public administration. The initial analysis of sheltered companies shows that in 2019 around 2,500 persons with disabilities are employed in sheltered companies with a relatively small turnover.

The overall legal framework in the field of work and employment does not provide a coherent system in accordance with the CRPD.

The Law on Employment of Persons with Disabilities regulates the special conditions for employment and work of persons with disabilities and is largely focused on employment in privately established sheltered companies.¹¹³ The law provides number of incentives measures financed by the Special Disability Fund.¹¹⁴ Nevertheless, there needs to be a possibility for these to be reviewed by a court of law in order to be able to assess if they are fit for the intended purpose or not, especially in the light of the existence of a serious concern about possible misuses.¹¹⁵ This means that part of the financial support paid to companies that employ people with disabilities to accommodate the workplace are not used to purchase appropriate equipment for the specific need of the person with disability or, in other cases, people with disabilities are not involved in work processes, but serve as a tool to obtain financial support from the state, for which the person with disability receives minimal financial compensation.

The inaccessible infrastructure for employment of persons with disabilities in the open market contributes to the large number of persons with disabilities being discouraged from seeking work or training. The level of registration of the unemployed persons with disabilities is very low compared to the persons without disabilities. In order to be register as unemployed, every person is obliged to appear in persons at the premises of the Employment Services

¹¹³ Law on the Employment of Persons with Disabilities, "Official Gazette of the Republic of Macedonia," No.87/2005 (consolidated text), 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/2011, 129/15, 147/15, and 27/16. Available at: <http://www.mtsp.gov.mk> and <http://www.slvesnik.com.mk>. A sheltered company is defined as a company with at least ten employees, of which minimum 40 percent persons with disabilities, registered (as a sheltered company) with the MLSP and AVRМ. In January 2019, 224 registered sheltered enterprises were established, functioning in accordance with the Law on Employment of Persons with Disabilities. These sheltered enterprises employed 5,677 persons, of which 2,351 (41.4 percent) were persons with disabilities. Grants / incentives to sheltered companies for employment of persons with disabilities are financed by the Special Disability Fund (SDF) managed by AVRМ. Besides SDF grants, sheltered companies receive a transfer for social insurance contributions for their employees.

¹¹⁴ Rulebook on the Requirements and the Manner of Awarding Grants from the Special Fund for Improving the Conditions for Employment and Work of Persons with Disabilities, "Official Gazette of the Republic of Macedonia" No. 156/2008.

¹¹⁵ See also: Z. Poposka, analytical publication "Travel far – demystifying the issue of disability in the area of employment and labor relations", 2018, Polio Plus, available at: <http://polioplus.org.mk/margina/dokumenti/patuvaj-daleku-mk.pdf>.

Agency (ESA). ESA premises are in general totally inaccessible for persons with disabilities.¹¹⁶ The people living in institutions, group homes and other organized forms of supported living, as well as adults with disabilities who attend day centres, cannot be registered as unemployed.¹¹⁷

Another serious problem for ensuring employability for the persons with disabilities is their legal capacity. Many of the persons who were de-institutionalized are certificated as "incapable."¹¹⁸

At the local level, employability of persons with disabilities is not addressed in municipal strategic programs, nor is the issue of disability part of the economic development plans of the municipalities.

With the new reforms the government is trying to move to implement professional rehabilitation and active employment policies.¹¹⁹ In 2020 the government planned to start drafting a new Law on the Employment of Persons with Disabilities which will have a quota system and a new system for vocational rehabilitation.¹²⁰

The vocational rehabilitation system is regulated by several laws and policies.¹²¹ The legal provisions are not in line with access to human rights and do not provide adequate access for persons with disabilities to existing systems of training, retraining or internships.

The existing criterion for general health condition restricts the access to and inclusion of persons with disabilities in public administration. In the Law on Civil Servants regulating employment in the public sector *general health capability* is stated as a prerequisite for employment. This provision, although seemingly neutral, has a disproportionate adverse effect on the disabled persons, since the entire group *a priori* is prevented from applying for employment. For this reason, there should be a distinction between health condition and work capability for persons with disabilities, so that these two are not equated. The same type of provisions is there in the laws on courts, advocacy, police, military service, foreign affairs, and others. Although this criterion does not always

¹¹⁶ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Reform Program of the Government 2017–2020. The Government with assistance from the United Nations Development Programme (UNDP) has been piloting a new model of professional rehabilitation to strengthen the open market employment of persons with disabilities. The ongoing pilot has established two rehabilitation centers, implemented in two different types of organizations, which should provide valuable insight and experience for future setup of the national rehabilitation system.

¹²⁰ The MLSP's report of September 30, 2019, to the Government.

¹²¹ Law on Pension Disability Insurance

entail discrimination, it should be revised and put under judicial control. The present report, therefore, suggests reconsidering this criterion, which limits the eligibility of disabled persons to work positions in the state administration, judiciary, and legal practice, and providing specifications in line with article 25 of the Law on Labour Relations, that is, putting this condition within the context of the occupation itself. The very definitions of health and work ability are contrary to the principles, values, and provisions of the CRPD.

Work oriented rehabilitation and support in employment for persons with disabilities will be piloted until October 2022. Topansko Pole Centre in Skopje is a part of the social protection system. In December 2020, the institution was reconceived as a centre for professional rehabilitation service and support in employment of persons with disabilities. Another centre has been established and piloted within the social enterprise Izbor in Strumica, where a centre for work-oriented rehabilitation and support for employment with the Training Centre for Vocational Skills was established. UNDP and the MoLSP are supporting this process and both centres within the project "Creating Opportunities for Employment of All Persons – Main Phase, 2019–2022."

5.5 Representation and participation of persons with disabilities

The right to participation in political and public life for the persons with disabilities is severely restricted when looked at from the perspective of the CRPD.¹²² The State has failed to provide an enabling environment where the persons with disabilities would exercise their right to vote and be voted for, i.e., run for an office with support.¹²³ The existing legal framework does not consider the intersectional approach. The quota system intended for equal gender representation, which is envisaged in the legislation, does not incorporate the issue of participation of women and girls with disabilities. The right to vote at home for the community with disabilities is medically based.¹²⁴

The initiatives undertaken by the SEC in recent years have been supported exclusively by the international community, which is a serious shortcoming in

terms of their continuous implementation and sustainability.¹²⁵ Despite the good intention to include persons with disabilities in the observation process, the establishment of special organizations is supported, which will consist exclusively of observers with disabilities and will deal only with election observation.¹²⁶

The general public has various negative perceptions about persons with disabilities, and women with disabilities are especially vulnerable. Only 67% of political parties would accept a person with disabilities as their leader, and it can be observed that persons with disabilities are more acceptable to smaller political parties than larger ones. Regarding the gender dimension, men with physical disabilities are more acceptable as leaders. The vast majority of persons with disabilities (95%) supports the system of quotas for their participation in the political life.¹²⁷ Perceptions conducive to multiple discrimination are plentiful and they intersect between gender and disability, especially for women with multiple disabilities for whom only 2% would vote.¹²⁸

The absence of standard terminology is an additional obstacle to political participation of persons with disabilities. In the political programmes at the last parliamentary elections, persons with disabilities were referred to 223 times with different terminology.¹²⁹ There is a tendency to create new terms, such as "mental developmental disabilities" or "special disabilities," "disability and special needs," etc.

In the disability movement there are tensions between OPDs who receive public funds (traditional organizations based on impairment and united under one umbrella) and new OPDs, as well as parental organisations of children with different diagnoses, which re focused on service delivery. The activities and the public funding for traditional organizations is regulated by law. Moreover, membership in one of the traditional OPDs is a prerequisite for receiving some of the benefits, such as the allowance for a parking space.

There is no communication and coordination between traditional and new OPDs. Organisations of parents of

¹²² See: UN Committee, General Comment No. 1 about Article 12 of the UN CRPD, 2014. Available at: <https://undocs.org/en/CRPD/C/GC/1>.

¹²³ See: Concluding remarks on the Republic of Macedonia's Initial Report by the UN Committee, 2018. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MKD/CO/1&Lang=En.

¹²⁴ See: Kochoska E., Klimoska J. Publication "Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities", Westminster Foundation and Polio Plus, 2020, available at: <https://polioplus.org.mk/wp-content/uploads/2021/05/izqubenata-vrednost-niz-politichkoto-uchestvo.pdf>.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ See: Publication Lost Agenda: Demystification of the disability issue in the field of equality and non-discrimination, Polio Plus – 2018 Available at: <http://polioplus.org.mk/marqina/dokumenti/izqubenata-agenda-mk.pdf>.

¹²⁸ See: Kochoska E., Klimoska J. Publication "Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities", Westminster Foundation and Polio Plus, 2020, Available at: <https://polioplus.org.mk/wp-content/uploads/2021/05/izqubenata-vrednost-niz-politichkoto-uchestvo.pdf>.

¹²⁹ Ibid.

children with disabilities are mostly focused on opening day centres for children with different diagnoses and impairments, and those are also financed by the state. The new OPDs that are focused on a watchdog role are a minority that is not financed by the state.

Deinstitutionalized persons with disabilities are not included in the OPDs or in other organisations. Persons with disabilities are included in the deinstitutionalization exclusively as beneficiaries and are not part of the teams implementing deinstitutionalization projects.¹³⁰

Persons with disabilities are not involved and are not part of CSOs' teams, including those providing legal aid, and they are not part of other CSOs that provide other services on the local or national level.¹³¹ Some CSOs that provide services to persons with disabilities strive to work and cooperate with the OPDs, but such cases are rare. CSOs working with such vulnerable groups as HIV patients, LGBT, Roma, and women, have so far not cooperated with OPDs and have not included persons with disabilities, either as beneficiaries, or as part of their teams.¹³²

There are no persons with disabilities either in the CRPD Monitoring Body or in the Ombudsman's Office.¹³³ Despite the application of three persons with disabilities for the new composition of the Commission for the Prevention of and Protection from Discrimination, none of them was elected by the Assembly.

The status of OPDs is not clear in the Macedonian legislation. So, when institutions need to include or consult OPDs or persons with disabilities, they are often unable to do so.

Only two UN agencies have included persons with disabilities in their project teams. Other UN agencies point out that they always hire consultants from the community of persons with disabilities to carry out activities related to disability issues.

The state has not conducted any consultations with the persons with disabilities during the state of emergency due to Covid-19. The existing legal framework for humanitarian crises and state of emergency is not in line with the UN CRPD. OPDs were not actively involved in the preparation, implementation and monitoring

of emergency laws and policies.¹³⁴ The measures and actions that were initiated were not in line with Article 11 of the UN CRPD.¹³⁵

Regarding the participation of persons with disabilities at the local level, 72.5% of the respondents in a recent survey in the Northeast and Polog regions believe that persons with disabilities do not participate in the decision-making processes in their municipality. While 62.5% of the respondents cumulatively, in both regions think that the Mayor in the municipality should have a person with a disability as a Councillor in his office.¹³⁶

The resistance and the still visible non-acceptance of persons with disabilities as equal actors in society show that very little has been done in terms of raising awareness and promoting respect for the rights and dignity of persons with disabilities. Policies and actions taken by various corporate actors often focus on disability as a unitary concept and are not gender specific. They do not consider the multiple discrimination faced by women because of their gender, as persons with disabilities, as members of different ethnic groups including Roma, age, or educational group and who are often poorer and less active than men with disabilities in similar circumstances.¹³⁷

5.6 CRPD Compliant Budgeting

The Government of North Macedonia has adopted an ambitious and comprehensive Public Financial Management (PFM) Reform Program. The PFM system, however, has not yet been translated into a genuinely results-based budgeting at the central level.

One of the ways to assess the cost of exclusion of PwDs from the labour market as the loss in GDP caused by disability

¹³⁰ Statement of focus groups of CSOs which provide services.

¹³¹ Focus group of representatives of the safeguarding institutions.

¹³² Focus group of representatives of CSOs providing services for other vulnerable categories.

¹³³ Interview with representatives of the Ombudsman.

¹³⁴ See, Author Marija Risteska, Researchers Ana Avramovska-Nuskova, Gordana Micova-Nestorovska, Sashko Jovanov, Liljana Jonoska, Elena Kochoska, Publication, Analysis of the COVID-SARS-19 impact on the gender and differences, Study of politics No 40, page 47, 2021 OSCE, Available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>.

¹³⁵ See: Biljana Kotevska, Nesime Salioska, Magdalena Lembovska, Gordana Lažetić, Aleksandra Bogdanovska, Simonida Kacarska, Maja Balsha, Vigjilencja Abazi, Elena Kochoska, Publication Report on the fundamental human rights for 2021, Institute of European Policies and Agency of Human Rights of EU, Available at: https://fra.europa.eu/sites/default/files/fra_uploads/frr2021_north_macedonia-frr2021_en.pdf.

¹³⁶ See: E. Kochoska, Z. Shavreski, Publication Analysis of policies and situation in the Northeast and Polog region, Hendikep Plus, 2020.

¹³⁷ See: , Z. Shavreski, E. Kochoska, V. Lazovski, V. Jovanovska. Analysis of the situation of persons with physical disability, Helsinki Committee, 2017. Available at: <https://mhc.org.mk/wp-content/uploads/2019/05/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0-%D0%BD%D0%B0-%D1%81%D0%BE%D1%81%D1%82%D0%BE%D1%98%D0%B1%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%BB%D0%B8%D1%86%D0%B0%D1%82%D0%B0-%D1%81%D0%BE-%D1%84%D0%B8%D0%B7%D0%B8%D1%87%D0%BA%D0%B0-%D0%BF%D0%BE%D0%BF%D1%80%D0%B5%D1%87%D0%B5%D0%BD%D0%BE%D1%81%D1%82-%D0%B2%D0%BE-%D0%A0%D0%B5%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B0-%D0%9C%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D0%B8%D1%98%D0%B0.pdf>.

related exclusion is to measure the gap between what PwDs actually earn and what they would be expected to earn if they were not disabled. Following such an approach, a study by the ILO estimated that the loss to GDP in the low- and middle-income countries ranges between 1 and 7 percent of GDP.¹³⁸

UN Women, the Swedish International Development Cooperation Agency and women's organizations have put many efforts into incorporating gender responsive budgeting in the Law for Budget in 2018. Gender-responsive budgeting is now compulsory by law and work is ongoing to institutionalize gender budgeting in national policymaking and budgets at the central and local levels.

In this process, one OPD has also submitted an initiative on the inclusion of disability responsive budgeting to the Ministry of Finance, the Government, and the National Coordinative body for CRPD Implementation, but without success. Through a UN Women supported project, the Centre for Research and Policy Making has introduced gender and disability responsive budgeting for the integration of children with disability in the schools in 4 municipalities.¹³⁹ In general the persons with disabilities remain underrepresented in the budget process at the national level because they are lumped together with other vulnerable groups.

Although North Macedonia has made progress in many aspects of intergovernmental finance, its 81 local governments still find it difficult to ensure adequate and efficient coverage of social services. According to the World Bank, "North Macedonia's social assistance spending is not only relatively low, but it is also fragmented, although social protection spending (with social insurance, including pensions) is quite large. Social assistance is deficient in several areas. Cost-effectiveness is also a challenge, particularly for programs like the parental allowance, for which hikes in spending have not had the intended impacts on population growth. Social financial assistance benefits are barely adequate, but there are few financial incentives for social assistance beneficiaries to seek employment."¹⁴⁰

Persons with disabilities have not effectively participated in monitoring budget implementation for various reasons including the lack of transparency in the budgets at both the national and local levels.

Reliable data on budget spending on disability is hard, if not impossible, to obtain from the duty bearers, the only exception being the social transfers to persons with disabilities as recipients of different social benefits. Many

municipalities lack administrative and financial capacity to develop services for people with disabilities due to the non-binding provisions within the Law on Social Protection and the limited fiscal decentralization of the country.¹⁴¹ Disability budgeting at the local level is usually focused on providing financial support for the operation of day care centres and transport for children with disability to and from schools. Regular general services at the local level are not available to citizens with disabilities, unless they are specifically aimed at the disabled and provided on medical or charity grounds, which is contrary to the provisions of the CRPD.

In employment, there is no CRPD compliant budgeting – the state provides enormous funds for employers while it invests almost nothing into providing training, equal opportunities and strengthening capacities of persons with disabilities. The sheltered system is the main path towards employment for persons with disabilities, with the Special Fund for Furthering the Conditions for Employment and Work of Persons with Disability as the conduit through which the state distributes the budget support to the for-profit sheltered companies. This Fund is mainly filled through the VAT and custom taxes paid by the shelter companies into the national budget. In theory, this budget should be realized in four main areas: 1) providing reasonable accommodation of the workplace, 2) providing work training/vocational training to persons with disabilities, 3) purchasing equipment, and 4) providing financial subsidies to employers for support of the full-time employment of persons with disabilities. The first two areas are aimed directly at furthering employment, work, and employability of persons with disabilities, while the latter two target employers by providing them with financial benefits for having employed persons with disabilities. With less than 0.04% of the € 3.3 million average annual budget of this fund during 2012–2016 spent in the first two areas, the remainder of the budget is allocated to the purchase of equipment (30.7%) and financial subsidies to employers (50%). The remainder of around 19% is reallocated for covering non-disability related budgetary expenses.¹⁴²

In education, disability budget expenditures can be seen in the transformation of the "specialized education system" into a resource and learning support system for children with disabilities. In 2019/2020, 321 assistants (91-PA and 230-EA) were hired in 35 municipalities.¹⁴³ In 2021, the

¹³⁸ Backup, S. "The price of exclusion: the economic consequences of excluding PwDs from the world of work." ILO, (2009).

¹³⁹ <http://www.crpm.org.mk/wp-content/uploads/2018/08/05.-Polio-Plus-Aerodrom-Final-Designed.pdf>.

¹⁴⁰ <https://www.worldbank.org/en/country/northmacedonia/publication/sowing-seeds-of-sustainable-future>.

¹⁴¹ See: *Mechanisms for Provision of Social Services in Macedonia*, Ministry of Labor and Social Policy and GiZ, 2011, p. 24, <http://www.nacionalnakomisija.gov.mk/sites/default/files/prikachyvanja/studija_mehanizmi_za_obebeduvanje_na_socijalni_uslugi_vo_makedonija.pdf> Accessed on: 20.11.2014.

¹⁴² For more information see: *Analysis Assessing National Programs and Measures for Employment of Persons with Disabilities*, p. 52-59, Tomislav Ortakovski, OSCE, 2018.

¹⁴³ Paula Federica Hant, Publication Research "Educational and Personal Assistants. Now and Here – Open perspectives" UNDP, available at: https://www1.undp.org/content/dam/the_former_yugoslav_republic_of_macedonia/docs/Educational%20and%20personal%20assistants%20-%20MKD.pdf

Ministry of Education and Science plans to hire 500 EA. For this purpose, 59 million denars are provided from the budget.¹⁴⁴ However, this will address a small fraction of the real needs of the education system, i.e., budget funds should also be made available for the training of PAs and EAs; building capacities of teachers regarding the different roles of the different assistants and disability rights; development of educational programs that include disability and are accessible to all students; providing physical and communicative accessibility, and access to assistive technology.

Orthopaedic devices and equipment are provided for by the budget of the Health Insurance Fund. Various conditions regarding age, co-payment and expiration date of the items further impact the opportunity of persons with disabilities to utilize foreseen financial benefits. Budget funds aimed at rehabilitation are limited; eligibility for their use is limited to a certain post-injury period, and they can only be used as an extended treatment option, which excludes a certain number of persons with disabilities.

Organizations of persons with disabilities, apart from the umbrella organization, are not systematically supported by the national or local budgets. The Law on Disability Organizations¹⁴⁵ and the Law on Games of Chance and Entertainment Games¹⁴⁶ guarantee the annual financial support of a little over €1.2 million to seven union-organizations under the umbrella of the National Council of Disability Organizations (NCDO), with no de-facto chance for rights-based OPDs to be supported in the same way.¹⁴⁷ Despite the findings of misuse of NCDO funds by the state auditor in 2017, no sanctions were taken by the state.

Investment into sustainable development goals (SDGs) implementation in the country is done by 13 development donors. Of the €870 million sent between 2016 and 2020, the highest amount went to SDG 11 (Sustainable urbanization). According to the data from the report "Implementing Sustainable Development Goals: Rapid Integrated Assessment of Key National Policy Development Planning," in SDG context, depending on donor's mandate, investments were especially injected into SDGs Goals (i.e., DEU projects' budgets were oriented to address targets in SDG 16 (Inclusive Governance) and SDG 17 (Partnerships),

while UN Agencies majority of their funding channelled into SDG 8 (Economic growth and employment). According to this report, the projects funded by DEU in SDG context allocated over €193 million where the majority of the funds were allocated to SDG 16 (Peaceful and inclusive societies) – almost €70 million, while the Goal 16 was funded with some 33 million Euro. The UN Agencies in North Macedonia collectively allocated some €106.5 million into SDGs between 2016-2020 where for the SDG 8 (Growth and jobs) were allocated almost €24 million. There is no data how much of these funds are allocated for disability and CRPD implementation and there are no SDG disability disaggregated indicators in the country.¹⁴⁸

5.7 Accountability and governance

Developing effective, accountable, and transparent institutions at all levels of government is integrated in the 2030 Sustainable Development Goals, as SDG 16.6. Strengthening the capacities to effectively monitor this SDG needs well-coordinated, well-funded and complementary action at different levels.

Statistics and Data Collection

In lieu of a common understanding of the human-rights approach to disability, and a prevailing medical/charity approach, especially in the financial gatekeeping, the duty bearers have no clear understanding of disability. Apart from the Law on the Prevention of and Protection against Discrimination¹⁴⁹ which is aligned with the UN CRPD non-definition of disability, different sectors have different definitions, but all are guided by the dominant medical approach.¹⁵⁰ The key duty bearers who collect disability data are the Ministry of Labour and Social Policy,¹⁵¹ Centres for Social Work, Employment Agency,¹⁵² Pension and Disability Insurance Fund,¹⁵³ Ministry of Education and Science,¹⁵⁴

¹⁴⁴ <https://www.fakulteti.mk/news/23072021/vo-tek-e-oglas-za-vrabotuvanje-500-obrazovni-asistenti-za-poddrshka-na-decata-so-poprechenost-na-uchilishte-kje-zemaat-plata-od-24-000-denari>.

¹⁴⁵ See: Law on Disability Organizations, MoLSP, Available at: https://mtsp.gov.mk/WBStorage/Files/invororganizacii_konsolidiran.pdf.

¹⁴⁶ See Law on Games of Chance and Entertainment Games, Available at: <http://www.ujp.gov.mk/mk/regulativa/opis/25>.

¹⁴⁷ The National Council of Disability Organizations is an association of seven associated national disability organizations: National Council of Blind Persons, National Council of Deaf and Hearing Impaired Persons, National Council of Persons with Physical Disability – Mobilnost (Mobility), Republic Centre for Support of Persons with Intellectual Disability "Poraka", National Council of Civilian Persons with Disability from the War, National Federation for Sport and Recreation of Persons with Disabilities of Macedonia – Macedonian Paralympic Committee and National Union of Disabled Workers.

¹⁴⁸ https://sustainabledevelopment.un.org/content/documents/1578Rapid_Integrated_Assesment_North_Macedonia.pdf.

¹⁴⁹ Article 4, points 2, 3, 4, 5 (Official Gazette 101/2019).

¹⁵⁰ See Laws and Policies in the Republic of Macedonia in the Disability Field – Report of the Systematic Monitoring of Laws and Policies, 2015, p. 14-17; Analysis Assessment of the National Programs and Measures for Employment of Persons with Disabilities, 2018, p. 20.

¹⁵¹ Data on the number of people receiving disability allowance, third person care allowance, allowance for personal assistance, number of people receiving the Guaranteed Minimum Income allowance, and other relevant data.

¹⁵² Data on unemployed persons with disabilities, number of shelter companies for employment of persons with disabilities, number of persons with and without disabilities employed in shelter companies.

¹⁵³ Data on the number of persons receiving disability pension, severity of disability.

¹⁵⁴ Number and type of primary and secondary schools and resource centers for children with disability, number of students enrolled in these schools, number of personal and education assistants in regular schools.

Ministry of Health,¹⁵⁵ and the Health Fund¹⁵⁶. All these data are one dimensional and tailored to the narrow needs of the collector. It is most often disaggregated by gender, age group and ethnicity, but only to show the number of male and female persons with disabilities in each sub-group.

The State Statistical Office (SSO) aggregates the disability data collected by duty bearers in its monthly, annual, and topical reports,¹⁵⁷ even though it is in the position to gather disability disaggregated data and mainstream disability throughout their methodologies. The five-year Programme for Statistical Research is the key document in defining the scope of data that will be collected in that period.¹⁵⁸ For various reasons over the years disability has not been mainstreamed in this programme. The process of defining the needs and priorities for the 2023-2027 programme is supposed to start after the 2021 census, and the SSO seems open to cooperation on broadening its methodological approaches to mainstream disability.

An additional dimension that plays a role in designing the statistical priorities of the SSO is the number of requests they annually receive regarding the needs of outside actors, including other duty bearers, OPDs and CSO, individuals, researchers, PhD candidates, etc. Apart from a few OPDs and CSOs, there is no other actor that requests disability statistics, not even the government. The low number of requests to the SSO on disability statistics is mostly related to the already known fact that they do not have any disability specific or disability mainstreamed data in their possession, apart from the data sourced from other duty bearers. However, a possibility for applying bigger pressure on this duty bearer through frequent and strategically targeted requests, could help put disability issues higher on their list of priorities. This, in fact, is true for all duty bearers.

The SSO has the key role in designing the census questionnaire, which offers only limited space and time for questions on any one topic, such as disability. That is why it is important to include relevant and well-formulated questions that can produce the best data for policy creation. The Washington Group on Disability Statistics (WG) developed short and extended sets of disability questions to be used in such undertakings, one report noting the use of the short set by more than 60 countries by mid-2020.¹⁵⁹ The same report concludes that the disaggregation of SDG indicators by disability according to international standards

is both feasible and growing, and that unlocking the full potential of the disaggregation will require more technical assistance to support national statistical offices to make the most of their existing instruments and data.

However, the 2021 census of the population, housings and dwellings in North Macedonia does not include either of the WG sets,¹⁶⁰ even though the country claimed otherwise to the CoRPD in 2018 in its replies to the List of Issues of the initial report.¹⁶¹ A very limited version of the WG short set of questions is included in the census questionnaire. Furthermore, in the consultation process for the census questionnaire, none of the ministries and other institutions that were included in the process pointed out the absence of the WG short set or made an official comment on this issue. At the same time, representatives of UN agencies believed that the census questionnaire included the WG short set. Without the WG short set, the census will not produce necessary data on disability, which will have an overwhelming negative impact on the quality of disability policies and measures on all levels. None of the duty bearers that were reached out to seem to be aware of this, nor did they seem to prioritize this issue.

A broad agreement between researchers, OPDs, CSOs, and international organization is that data on disability in the country are scarce.¹⁶² The duty bearers collect disability statistics in a rudimentary form and in isolation from one another, making the data partial, insufficient and scattered. Disability data vary with varying definitions of disability, focus on bare quantities without exploring cause-and-effect relations. Furthermore, these data are most often not easily accessible to the public and can be obtained either from official publications of the duty bearers or through submitting requests for access to public information – the latter being more often rejected than not. Most importantly, disability is not mainstreamed throughout data collection mechanisms and methodologies. This exacerbates the invisibility of this group of rights holders in the eyes of the policy creators, undermines the overall accountability of the duty bearers, and explains why government is mostly unable to design and implement sustainable, coherent, and rights-based disability policies, strategies, or measures in most areas.¹⁶³

¹⁵⁵ Data from commissions deciding on the individual disability degree, and other relevant medical disability data.

¹⁵⁶ Data on disability equipment supported by the Fund, amount of funds provided for disability equipment, other relevant medical disability data.

¹⁵⁷ <https://www.stat.gov.mk/PublikaciiPoOblasti.aspx>

¹⁵⁸ <https://www.stat.gov.mk/pdf/Programa20182022.pdf>

¹⁵⁹ See <https://www.washingtongroup-disability.com/question-sets/>; Report of the Ability of Countries to Disaggregate SDG Indicators by Disability, 2020, https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Documents/WG_Implementation_Document_10_-_SDG.pdf

¹⁶⁰ Questionnaires to be Used in the Census on Population, Households and Dwellings in the Republic of North Macedonia, 2021 (Official Gazette 30/2021).

¹⁶¹ List of issues in relation to the initial report of the former Yugoslav Republic of Macedonia. Replies of the former Yugoslav Republic of Macedonia to the list of issues, 2018, Reply to question 54.

¹⁶² Analysis of the Situation of People with Physical Disabilities in the Republic of Macedonia, 2017, p. 63, 64.

¹⁶³ For example, in July 2021 the Government transferred 100,000,000 MKD from the Special Fund for Furthering the Employment of Persons with Disability to a different programme (Official Gazette 166/2021); 30,000,000 MKD in September 2020 (Official Gazette 218/2020); 100,000,000 MKD in June 2020 (Official Gazette 156/2020).

National Implementation and Monitoring Framework

The **focal points within the government** that see to the legal and practical implementation of the rights under UN CRPD, as part of its broader three-tier framework for implementation, are yet to be established in North Macedonia, even after 10 years since ratification. This causes serious concern for society as whole, illustrates a possible lack of comprehension of the concepts upon which the UN CRPD is built, and lack of political will to methodically deal with rights-based disability topics. Further, it emphasizes the lack of understanding by the political elites of sustainable systems and infrastructure for the benefit of all citizens.

Following amendments to the by-laws¹⁶⁴ governing the national set-up under Article 33 of the UN CRPD, North Macedonia reshaped the National Coordination Body for the Implementation of the UN CRPD, i.e., the **national coordination mechanism**, by positioning it in the Office of the Prime Minister, and by strengthening the representativeness of the institutions.¹⁶⁵ Both positive developments are echoed in the Concluding observations on the initial country report by the Committee on the Rights of Persons with Disabilities.¹⁶⁶ The National Coordinating Body (NCB) adopted the 2021 Action Plan for Implementation of the UN CRPD in July 2021, as a highly ambitious plan outlining legislative, policy, infrastructure and on the ground measures to be implemented by seven ministries.¹⁶⁷

Keeping in mind the NCB's key aim to boost cooperation between ministries and to avoid adoption of isolated measures by policymakers, notable issues remain. The minimum hierarchical levels of the representatives of institutions in this body are yet to be determined, as higher levels are necessary to ensure proper dissemination and implementation of the adopted measures throughout the line ministries.

Representation in this body of the umbrella organization for "invalid" persons and the resource centre for parents of children with "special needs" can be viewed as problematic: first, there is no clear criteria under which they have been

designated;¹⁶⁸ and second, human rights based OPDs are not represented. Coupled with the unestablished focal points in government, these considerations bring into question the commitment to adequate implementation of the UN CRPD, and to mainstreaming of the human rights-based approach throughout its policy and programme cycles.

This concern is further amplified by the fact that the NCB's and the Ombudsman's requests to secure priority vaccination of persons with disabilities against COVID-19 are yet to be answered by the Ministry of Health. Further, its communication of concerns to relevant institutions regarding the non-functioning of commissions that award disability benefits has had no result – which causes persons with disabilities to not be able to receive benefits and to lose the already received ones.¹⁶⁹ Additionally, the NCB did not give support to the request by the independent monitoring mechanism for inclusion of the Washington Group on Disability Statistics' short or extended set of questions in the upcoming state census in 2021. The above highlights the imperative of establishing focal points within institutions that will facilitate the transposition of the measures of the UN CRPD into the national system and into the lives of citizens.

The **independent monitoring mechanism** is positioned in the Section on the Rights of Children and Persons with Disabilities in the Ombudsman's Office, which has a B accreditation status, meaning partial compliance with the Paris Principles.¹⁷⁰ The mechanism is formally operational from 2019, with a small team of three people, none of whom is a person with disability. Its establishment is a positive step in UN CRPD implementation, and it needs to be strengthened. The Section reached out to OPDs and CSOs to join the mechanism, and 17 have already accepted, however, there are no clear rules on the representativeness of OPDs and CSOs, nor procedures on how its members are appointed/dismissed. The first two official meetings took place in 2021, with the support of the UN Resident Coordinator Office. Lack of structure and prioritization are visible, as is a shared understanding for the need of a systematic watch-dog approach to monitoring.

As a result of the Ombudsman's efforts, children with disabilities were successfully returned to in-person school attendance within the special education system, thus addressing the exacerbated and disproportionate impact COVID-19 had on children with disabilities. In cooperation with OPDs and through internal procedures, the Section has initiated requests for amending discriminatory articles of some laws, most notably the ineligibility of persons

¹⁶⁴ Decision on Formation of a National Coordinative Body for the Implementation of the Convention on the Rights of Persons with Disabilities of the United Nations (Official Gazette 144/2012 – repeated; Official Gazette 69/2018, 75/2019).

¹⁶⁵ Office of the Prime Minister, Ministry of Education and Science, Ministry of Labor and Social Policy, Ministry of Health, Ministry of Finance, Ministry of Transport and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Culture, Ministry of Local Self-Government, Secretariat for European Affairs, as well as the National Council of "Invalid" Organizations, and the Resource Center for Parents of Children with "Special Needs".

¹⁶⁶ Concluding observations on the initial report of the FYR of Macedonia, Committee on the Rights of Persons with Disabilities, Articles 4a, 4d.

¹⁶⁷ https://vlada.mk/sites/default/files/dokumenti/akciski_plan_za_2021_godina_za_implementationa_na_konvencijata.pdf.

¹⁶⁸ Public Advertisement for Nomination of a Member to the NCB, <https://vlada.mk/node/14502>, accessed on 24.07.2021.

¹⁶⁹ <http://www.mobilnost.mk/index.php/2011-10-26-09-10-24/396-sednica-na-nacionalnoto-koordinativno-telo-za-implementationa-na-konvencijata-na-oon-za-pravata-na-licata-so-invalidnost>, accessed 24.07.2021.

¹⁷⁰ <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>, accessed 22.07.21

over 65 to obtain the disability allowance, the requirement for certain membership in order to obtain subsidized bus tickets, and the full inclusion of the Washington Group sets of questions in the upcoming census. These and other activities by the Section in cooperation with CSOs and OPDs can form the basis for the work of the monitoring mechanism, which can be furthered as its capacity becomes strengthened.

While the Ombudsman's National Preventive Mechanism¹⁷¹ and its Mechanism for Civic Control¹⁷² are established by law, the monitoring mechanism is not. The annual budget the monitoring mechanism receives is on par with those of the other two but remains insufficient for the fulfilment of its core role. Additionally, its capacity needs strengthening with additional human resources and with human rights-based knowledge, both highly prioritized by staff.

The Minister of Foreign Affairs chairs the **Intergovernmental Body on Human Rights**,¹⁷³ with its Secretariat positioned in the Directorate for Multilateral Relations and Security Cooperation. This body is tasked with coordinating the full scope of human rights relating to all ministries and government institutions; exchange of information and data relating to the implementation of the recommendations of the treaty bodies; and proposing amendments to furthering the human rights legislative framework. In essence, this body coordinates the fulfilment of the recommendations by the treaty bodies by different entities of government, with only a coordinative reporting and follow-up. This Body is comprised of the Minister on Foreign Affairs, 12 State Secretaries of as many ministries, and 4 heads of government agencies, as well as 4 heads of independent mechanism as outside members.¹⁷⁴ These high levels of representation provide a good overview on the progress of addressing the recommendations.

A final note needs to be made on the **complete absence of disability strategies** and of **disability mainstreaming in existing strategies** of all duty bearers. This also encompasses all the mechanisms under Article 33, excluding the 2021 Action Plan of the NCB, which focuses on the obligations of different duty bearers regarding concrete measures – not as an overarching strategy to mainstream disability throughout their work. Furthermore, existing strategies of duty bearers are almost fully devoid of any disability considerations, apart from disability issues that “belong” in their lines of work.

Reports to CoRPD

The obligation to periodically report on all disability developments invites countries to undertake a transparent research and drafting process, and to involve persons with disabilities and their representative organizations in the drafting and compiling of the report.¹⁷⁵ On the one hand, this aims to strengthen the accountability of the duty bearers, and to foster governance partnerships between governments and civil society, on the other.

The initial report of North Macedonia under the CRPD was drafted by the Ministry of Labour and Social Policy, while rights based OPDs were provided with a final draft to comment upon. The report focused on legal provisions and policies and failed to address the situation of persons with disabilities. The initial report was submitted to the CoRPD in October 2014.¹⁷⁶ Following this government report, an informal coalition of OPDs and CSOs submitted a summary report as a response to the List of Issues (LoI) by the country.¹⁷⁷ This input encompassed not only the answers to the LoI, but also addressed numerous other issues not raised in the LoI, thus acting as an alternative report. It illustrated the diametrically opposite understandings of disability by duty bearers, on one side, and OPDs and CSOs, on the other; and presented the situation on the ground that drastically differed from the government's report.

¹⁷¹ Law on Amending the Law on the Ombudsman (Official Gazette no. 181/2016)

¹⁷² Law on Amending the Law on the Ombudsman (Official Gazette no. 35/2018)

¹⁷³ Decision on Establishing an Intergovernmental Body on Human Rights (Official Gazette 55/2012, 55/2015)

¹⁷⁴ Including the Ombudsman and the Commission for Prevention and Protection against Discrimination

¹⁷⁵ UN CRPD, Article 35 Para 4 in line with Article 4 Para 3.

¹⁷⁶ tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMKD%2f1&Lang=en.

¹⁷⁷ <http://www.nsiom.org.mk/konvencija/category/16-izveshtai-za-konvencijata>.

6. Analysis

Although the country ratified the UNCRPD in 2011, little has been done to ensure that persons with disabilities can exercise their rights and live independent lives with dignity. Stigmatization and discrimination against the community with disabilities prevail, which in combination with the inaccessible environment limits the opportunities for the people with disabilities to participate as equal members of the society.

During those 10 years since ratification, the country did not systematically move toward effective implementation of the CRPD. The existing legal framework, including the Constitution governing civil and political rights, as well as economic, social, and cultural rights, is rigid, restrictive, and discriminatory, and are not in line with UN CRPD.

The recently enacted laws (on primary education, social protection, employment, and part of the laws on the health right) just proclaim the formal equality and are not in line with CRPD provisions. The Law on the Prevention of and Protection from Discrimination recognizes the right for equality and non-discrimination according to Article 3 and 5 from the CRPD. There is limited knowledge about the reasonable accommodation and inclusive equality by all stakeholders, OPDs, CSOs.

As far as the institutional infrastructure is concerned, the government in 2018 made an effort and established a broader three-tier framework for CRPD implementation (NCB for CRPD implementation). The focal point is appointed within the government and the Monitoring Body that was established in 2020 within the Office of the Ombudsman. Despite this effort, the resulting infrastructure is not in line with the CRPD (Article 33).

The Minister of Foreign Affairs chairs the Intergovernmental Body on Human Rights, with its Secretariat positioned in the Directorate for Multilateral Relations and Security Cooperation. The Secretariat communicates with a limited number of CSOs, with positive examples from the last reporting cycles under the Convention on the Rights of the Child and the Universal Periodic Review. However, weak linkages with OPDs are evident, with no communication regarding the UN CRPD, apart from facilitating the presentation of the initial report before the UN CoRPD. The body is yet to define modalities, possibly within its Expert Group, of a more structured cooperation with the broader civil society framework, including OPDs.

There is lack of CRPD understanding by the government, the courts, and the parliament, as well as other regulatory bodies in different fields, including the national protective mechanism for human rights. The country does not have a functional and inclusive mechanism in place for coordinating, monitoring, and evaluation disability provision, as well as the implementation of the CRPD and the SDGs.

The disability movement is fragmented into traditional OPDs, new OPDs and organizations of parents of children with disability. OPDs and parent's organisations lack knowledge of CRPD provisions. In the prevailing view of the representatives of the international community in the country, the disability community is deeply divided and antagonistic. Strengthening partnerships within the disability movement, furthering close cooperation with human rights CSOs, and enhancing capacities of the monitoring mechanism – all in creating a unified voice based on the human rights-based approach to disability – should continue to be strategically supported. Among other positive outcomes such an approach is likely to foster a solid understanding of disability as part of human diversity, which, in turn, will reflect on the quality of the watch-dog role of OPDs and CSO, while contributing to new generations rights-based organizations of disabled persons from diverse backgrounds.

There is a lack of coordination between the government, donors, UN agencies and OPDs on disability issues. The country does not have a National Disability Strategy and standard operating procedures for disability inclusion and mainstreaming.

All persons with disabilities face challenges in access to justice due to the insufficient information on the existence of services that can provide better access, but also the insufficient training of the civil servants for working with persons with disabilities. There is very little accessible information on what to do after experiencing rights violations and violence.

The country's inaccessible public infrastructure (workplaces, schools, courts, churches, police stations, prisons, etc.), transport and information are seriously affecting the full enjoyment of rights by persons with disabilities. There is a lack of accessibility standards, operating procedures, and capacity of the regulatory bodies on the national and local levels. The accessibility and non-discrimination requirement are not part of the public procurement regulations.

The benefits and services for people with disability (children, youth, or elderly) are designed on the medical model. Persons with disabilities can be eligible for different services and benefits (health, social, educational) depending on the degree of impairment, diagnosis, and age.

A major challenge is the disability assessment. For every benefit, citizens with disability need to pass through the heavily bureaucratized system composed of different commissions. The government has initiated and established the first National Commission for Disability Assessment using the International Classification of Functionality (ICF) model for children and youth up to 26 years of age. The MoLSP has announced the starting of the reform of the disability assessment for citizens over 26 years of age through the initiative undertaken for reforming the employment of persons with disabilities. This reform is a good opportunity to implement a human rights-based approach. The success of this undertaking will depend on establishing a comprehensive system equipped with human resources thoroughly familiar with the CRPD provisions.

The social services and the infrastructure are not accessible for persons with disabilities. The existing cash benefits for citizens with disability are limited by the type of disability, age, and the type of residence. The non-institutional services are limited. Citizens with disabilities living outside institutions often find themselves in the care of overburdened biological and foster families. Opportunities for social integration are often missed, making life in the family at times as much of an isolating experience as life in an institution. The services of personal assistance (PA) and care, including educational assistance are overlapping and are not in line with the CRPD provisions.

Independent living is often misunderstood as absence of dependence on support of another person. Neither stakeholders nor persons with disabilities have proper understanding of the concept. The process of deinstitutionalisation is not in line with Article 19. It is crucial to notice that neither persons with disabilities nor service providers (staff from the centres for social works, CSOs who are engaged as providers) are familiar with CRPD. Persons with disabilities are participating in the deinstitutionalization process only as users.

Another major challenge in the country is the legal capacity situation of many persons with disabilities. The rules and procedures of legal acts are outdated. The following processes need to be reviewed in terms of human rights: (a) the procedure of placement under guardianship and selection of guardians, (b) the mandate and responsibilities of the guardians, and (c) periodic reviews of the ability to make decisions

by the person with disabilities. Issues related to legal capacity are complex and affect many areas of life in a substantial way – ownership, setting up one's own family, employment, and many others. Thus, it is necessary to open a debate and to start planning the establishment of a system for supported decision making.

Existing community-based services are fragmented, uncoordinated, incomplete, and underdeveloped, and non-inclusive. There are no integrated inclusive services on the local level. Most activities related to disability at the local level are just part of the work of social care departments, and financial support is most often provided for day centres.

Healthcare services for persons with disabilities are inaccessible or of poor quality. The existing legislation does not provide for obligatory education on the issues of the disability for healthcare professionals, managers, and providers of health services. The existing system for providing orthopaedic aids is not aligned with the needs of people with disabilities, neither in terms of quality nor in terms of the right of choice. Women are at a particular disadvantage: sexual and reproductive health services are completely unavailable to women with disabilities.

The government has enacted a new law on primary education opening the regular schools for all children and youth with disabilities, but the issue of the inaccessible educational infrastructure remains. Although this law is close to being in line with the CRPD provisions, still the secondary education remains inaccessible, segregated, and specialized. The government has announced that in the coming years legal reforms in the secondary education will follow. The existing legislation does not provide for obligatory education on the issue of disability for teachers and university staff.

The employment system at the moment promotes only the employment of persons with disabilities in sheltered companies. The participation of persons with disability in the labour market is very low. The law needs to be revised and the status of the Special Fund for the Employment of People with Disabilities needs to be revisited. The registration of unemployed persons with disabilities is very low. There is a need of developing supported employment services. In this light, a good opportunity is the pilot model implemented by UNDP with the establishment of two centres: one in a public social institution in Skopje and the other in a social enterprise Izbor in Strumica. Both centres are piloting different services and testing experience-based approach to the employability of people with disabilities. Another good opportunity in this area is the government's commitment to adopt a new law on the employment of people with disability with a quota

system. On the local level, the employability of people with disabilities is not taken into consideration within the municipalities' strategic programmes.

The country has no structured approach to obtaining statistical data on persons with disabilities. Duty bearers that collect statistical data on disability are doing it in a fragmented manner, only focusing on their immediate needs. There is a significant lack of communication between duty bearers regarding collected data, which leaves it siloed and unusable for data-based policy creation. Unfortunately, the 2021 census has failed to adequately include the community with disabilities. None of the duty bearers have an obligation to aggregate data on persons with disabilities. The country does not recognize and does not understand the concept of results-based budgeting for inclusion of persons with disabilities. The disability provisions are not part of the new Law on Budget, not even of the Public Financial Management. There are very limited technical capacity and know-how within the public sector and among the donors, including UN agencies, to budget for inclusion. Not all programmes and services budget for inclusion and reasonable accommodation.

The participation of persons with disability in the political and public life remains low. The existing legislation for elections and employment in the public administration is not in line with the CRPD provisions. The political parties are not familiar with the CRPD obligations. The government does not make any consultations with the OPDs or individuals with disabilities, including children and women with disabilities, when preparing legislation, policies, or politics on the national or local level.

7. Critical Gaps and Opportunities for Action

7.1 Critical gaps

- There is lack of coordination among stakeholders who are poorly informed of CRPD
 - ⊕ The mechanisms and coordination among all stakeholders on the national and local levels are very weak. There is lack of coordination between government, international donors, UN agencies and OPDs
 - ⊕ Lack of awareness and understanding of the CRPD among most government officials in various ministries, Parliament and Judges as well as among OPDs, CSOs and PwDs on the national and local level.
- Persons with disabilities are not perceived as equal with others and are systematically discriminated against
 - ⊕ The Constitution and the existing legislation are not in line with the CRPD. There is no National Disability Strategy. Capacity of the human rights protection mechanism, and of the stakeholders in the justice system is very low in relation to the CRPD provisions
 - ⊕ The existing guardianship system, negates or restricts the legal capacity of persons with disabilities, limiting their right to make decisions and their right to choose
 - ⊕ Due to the lack of financial and institutional capacities, and lack of partnership and cooperation among OPDs, there is no unity among them, and they don't speak in a unified voice for rights of PwDs
 - ⊕ What constitutes reasonable accommodation is widely misunderstood, including by CSOs, OPDs and individuals with disabilities
 - ⊕ There is very limited technical capacity and know-how among duty bearers around the concept of legal capacity and article 12 of CRPD
 - ⊕ The state has failed to create a mechanism of supported decision making, which would restore the legal capacity of people with disabilities in institutions, including those in the process of deinstitutionalization, who have been relocated to group homes.
- Persons with disabilities cannot move and communicate independently in their surroundings
 - ⊕ Inaccessibility of infrastructure in public places (workplaces, schools, courts, and churches), transport and information are seriously affecting the full enjoyment of rights by persons with disabilities. Lack of accessibility standards and operating procedures, capacity, and the related implementation framework in areas of construction, transport, and information technologies.
- Inclusive Services
 - ⊕ Disability assessment as a gate to services and benefits
 - No clear vision of how to establish the right system for disability assessment based on the needs of people with disabilities
 - ⊕ Inclusive social services for social security and poverty reduction
 - Social services are medical-based and discriminatory. There is a lack of regulatory mechanisms for social services on the national level. There is a lack of coordination among CSW and EA
 - There are no integrated services for supporting people with disabilities in their local communities
 - Low capacity of municipalities and OPDs to engage in productive partnerships and contribute to improved service delivery and realization of local priorities in line with development strategies
 - There is a lack of coordination and lack of services for proper and effective implementation of deinstitutionalization. The 2021 Action Plan for Deinstitutionalization has not been enacted by the government. Various parties involved in deinstitutionalization are not familiar with the CRPD
 - ⊕ Inclusive services for inclusive education
 - Despite the efforts made to establish inclusive primary education, the capacity and knowledge of stakeholders and teachers is still lacking. Secondary education is segregated and special.

There is lack of capacity among teachers on all levels. The existing training curricula for educators do not teach skills needed for working with children and youth with disabilities

- ⦿ Supported employment
 - Employment policy for PwDs is not in line with CRPD. The Special Fund for Employment of PwDs does not operate transparently. The law doesn't promote or regulate any form of supported employment of PwDs. The rate of registration of PwDs as unemployed is very low. The regulation of vocational rehabilitation centers is not in line with the CRPD
- ⦿ Inclusive services for enjoyment of the right to health and SRH and prevention of GBV
 - Despite the existence of various pieces of legislation and strategies, access to health for persons with disabilities remains a major constraint, discriminatory and based on a medical approach. Persons with disabilities have limited access to information on sexual and health reproductive rights, and GBV prevention
- ⦿ Women and girls with disability in gender policies
 - Gender policies as well as other policies (children, HIV) do not have provisions for disabilities following the intersectional approach of the CRPD. Women and girls with disabilities have limited information and access to justice and post-violence assistance
- ⦿ Persons with disabilities are left out of the majority of political and societal processes on all levels
 - The legal framework is not in line with the CRPD and doesn't offer opportunity for men and women with disabilities to voice their opinions on issues that are important to them, and to become leaders themselves. Persons with disabilities encounter many barriers to participating in political and public life, including lack of societal support, education gaps, restrictive legal frameworks, and inaccessible physical environments and communication methods, low incomes and unemployment, and multiple layers of discrimination
 - The legal framework and the allocation of state funds for traditional OPDs is regulated by a special "Law on Invalid Organizations," which creates an antagonism between traditional and new OPDS, which are united into NCDO as certain benefits and services are conditional on the NCDO membership
- There are no mechanisms to ensure the participation of persons (including children) with disabilities in decision-making processes affecting their lives, particularly, the right of children with disabilities to have their views taken into account on matters pertaining to them and their families, including participation in all protection mechanisms
- ⦿ CRPD compliant budgeting
 - The existing legally enforceable regulations across ministries and Public Financial Management do not incorporate the disability issue, which implies that every year public funds are spent for services that are not accessible to PwDs. There are no systematic and transparent consultation with OPDs during the budget process. There are very limited technical capacity and know-how within the public sector and among the donors, including UN agencies, to budget for inclusion. There is low knowledge of persons with disabilities in the budget, formulation, implementation and monitoring and evaluation processes
- ⦿ Duty bearers are not accountable for mainstreaming and implementation of disability rights
 - Severe lack of disability-specific and disability-disaggregated data within all responsible institutions, alongside a lack of will to mainstream disability in existing data collection methodologies, makes it impossible for disability either to be addressed or prioritized in politics. There is lack of data on disability segregated by gender, age, ethnicity, and impairment. The 2021 national population, households and dwellings census will not provide the necessary data for the creation of sustainable disability policies. The CRPD reporting mechanism is not clear and does not have a functional operation framework. There is a lack of OPD participation and consultation with OPDs in government SDG and CRPD processes. There are very limited technical capacity and know-how among the donors, including UN agencies, regarding disability and CRPD provisions
- ⦿ Covid-19 pandemic and the Law on Humanitarian Crises and State of Emergencies
 - The existing legislation is not in line with the Art. 11 from the CRPD. The same one has not predicted any consultation with the PwDs and OPD. During Covid-19 the state did not consult PwDs and OPDs. Consequently, most of the measures adopted during the Covid-19 crisis have violated the rights of PwDs.

7.2 Opportunities for Action

Widespread awareness of the need for a good mechanism for coordinating disability related activities on the national and local levels among the people within the existing structures (NCB for CRPD, Ombudsman, CPPD) indicates that there is a window of opportunity for action. There are also some OPDs and CSOs that are actively advocating for CRPD implementation. The UN agencies and other international donors are also advocating for the inclusion of disability in the Government agenda through their partnership frameworks. The current revision of the Law on Citizens' Associations and Foundations initiated by the Ministry of Justice and expected to be completed in 2022 is a good opportunity to advocate for better regulation of the work of OPDs and the allocation of state funds to all OPDs in line with the CRPD provisions.

The experience of the collaboration with the EC and UN agencies during 2021 census can pave the way for further capacity development of the national Statistics Bureau. EUROStat was the main partner of the government in census related activities, and UN agencies led by UNFPA and UNICEF have contributed to exploring opportunities for the creation of a user-friendly database on population that will enable the mapping of socio-economic and demographic disparities.

Recent donor commitments to invest in the infrastructure of schools is an opportunity to make schools accessible to PwDs. Additionally, the current revision of the Law on Construction by the government is a good opportunity to enhance this law with the CRPD provisions.

UNICEF support for the National Functional Assessment Body for children and youth under 26 is a good opportunity to enhance the capacity of this body and the planned nine regional bodies for functional disability assessment for children and youth. The training curricula, however, need to be upgraded with the CRPD provisions. Also, MoLSP with the support of WB is planning to introduce a new system for disability assessment of persons over 26. This process is also connected with the initiative for changes in the Law on the Employment of Persons with Disabilities.

In the Revised Employment and Social Reform Programme 2022 (ESRP) the Government has recognised the challenges of the practical implementation of the integrated case-work system in the field, including effective cooperation between centres for social work (CSWs) and EA and the need to develop their capacity.¹⁷⁸

Integrated services provided under "Community Work Programme" piloted by UNDP in partnership with MoLSP and MoH and local municipalities can serve as a model for integrated service provision to people with disabilities. Even though those services primarily target the elderly and chronically ill persons, once enhanced with CRPD provisions, this model can be used to create a system of integrated services for people with disabilities on the local level. Also, within the ESRP, the Government has recognised the necessity to develop services for professional rehabilitation of persons with disabilities and services of personal assistance, in order to facilitate their entry in the education system and the labour market, as well as to provide for their full social inclusion.

The programme "Implementing Norms, Changing Minds," implemented by UN Women provides a good opportunity for mainstreaming disabilities. Similarly, programmes aimed at promoting gender equality and reproductive health rights can be enhanced with CRPD provisions. UNFPA in cooperation with the Government and MoH works to build capacities to implement laws and policies that advance gender equality and reproductive rights with a specific emphasis on greater integration with sexual and reproductive health and eliminating gender-based violence. Their programs enhanced with the CRPD provisions can be a good opportunity to develop the capacities of stakeholders in the health social and educational systems, including OPDs and individuals with disabilities who are living in institutions, group homes, foster and biological families.

The experiences and support of the UN Agency and gender watchdog CSOs in the process of gender budgeting is a good opportunity for cooperation and networking for OPDs who may start an initiative on disability budgeting and CRPD.

¹⁷⁸ https://www.mtsp.gov.mk/content/pdf/dokumenti/2020/1.4_esrp.pdf

8. Conclusions and recommendations

Persons with disabilities in North Macedonia are not perceived as equals in society. They are systematically discriminated against, cannot move, and communicate independently in their surroundings, the services are neither fully inclusive nor accessible to persons with disabilities, and their **representation and participation** is not adequate and meaningful. There is no effective participation of diverse persons with disabilities and OPDs in the process of creation of policies, and there is low awareness among persons with disabilities and poor organizational and financial capacity of the OPDs.¹⁷⁹

Recommendation 1: *The UNCT should systematically support capacity building of rights holders and their representative organisations for non-discriminatory, inclusive, and accountable representation in UN supported interventions, as well as supporting their capacity to undertake proactive advocacy and engage in meaningful dialogue with duty bearers (government) and CSO service providers on inclusive policies and inclusive service delivery. The UN should also engage with duty bearers (government) and other development partners to develop their understanding and capacity to undertake consultations that are inclusive of all disability groups and to provide reasonable accommodation to facilitate their meaningful participation.*

National **CRPD implementation and monitoring mechanisms** need further improvement. While the National Coordination Body for the Implementation of the UN Convention on the Rights of Persons with Disabilities (NCB on CRPD) implementation has been moved to the Office of the Prime Minister for a better executive support, on-the-ground implementation mechanisms, such as focal points envisaged by CRPD, have not been established. The independent monitoring mechanism positioned in the Ombudsman's Office does not have dedicated staff, formalized structure, or clear requirements for CSO/OPDs membership and contribution. In close coordination with the government and line ministries, UN and its agencies can support a process of identification and designation of focal points in the line ministries. These focal points can be individuals or units, depending on existing circumstances within duty bearers. In cooperation with the Office of the Prime Minister, the UN and its agencies can support the process of formalization of the NCB as part of that office, with dedicated resources to support its unimpeded work. Finally, in partnership

with the Ombudsman, the UN and its agencies should support further development of the independent monitoring mechanism as a stand-alone entity within the Ombudsman's Office, with dedicated financial and human resources for a Secretariat. This should include support for the development of rules and procedures to better manage internal processes, alongside opportunities for continuous capacity building for its dedicated staff and other members.

Recommendation 2: *UN agencies should support further development of the independent monitoring mechanism as a stand-alone entity within the Ombudsman's Office, with dedicated financial and human resources for a Secretariat. This should include support for the development of rules and procedures to better manage internal processes, alongside opportunities for continuous capacity building for its dedicated staff and other members.*

As reasonable accommodation is still not understood as an element of equality, development of standard operating procedures for the implementation of reasonable accommodation at various levels is recommended. The Government, with support of the NCB on CRPD, the Independent Monitoring Mechanism, and the OPDs, should define obligations and related enforcement mechanisms of ministries, public agencies, courts, local authorities and CSOs to provide reasonable accommodation to persons with disabilities. In addition, the Court and the Public Prosecutors should be supported in collecting proper evidence and recording of cases of discrimination on the basis of disability, as well as of the violation of the **rights of persons with disabilities** by the courts.

The NCB on implementation of CRPD, with the participation of and in consultation with persons with disabilities and OPDs, and in close cooperation with the Ministry of Justice and the Ministry of Labour and Social Policy, should be supported by the UN and development partners in the process of repealing all discriminatory provisions that permit deprivation of legal capacity based on impairment and replace them with supported decision-making mechanisms that respect the autonomy, will and preferences of the person concerned. Capacity building activities for public officials are needed, on the right to equal recognition before the law of persons with disabilities and supported decision-making arrangements.

¹⁷⁹ A more detailed table of recommendations is available in Annex 6 Critical gaps, conclusions and recommendations.

Recommendation 3: *The UN and development partners should initiate and participate in a debate about the article 12 of the CRPD. Additionally, UN Agencies need to support the process of capacity building for public officials on the right to equal recognition before the law of persons with disabilities and supported decision-making arrangements according to the CRPD.*

Community-based services are still fragmented, uncoordinated, incomplete, underdeveloped, and non-inclusive. There is no common understanding between the stakeholders, including within the disability movement, regarding the existing and the needed services, and the variety of different types of community support services that are yet to be developed. The local authorities across the country have no skills and resources to assess the needs at the local level and mobilize resources to develop new services. The current disability assessment that should identify required services, is based on the medical model for the adults, and is also fragmented and heavily bureaucratized. There is a lack of knowledge and understanding of CRPD provisions and human rights model by the staff involved in the disability assessment commissions. To address these findings, the government, MoLSP and other stakeholders, with a participation of OPDs, should be supported in the process of strengthening the capacity of existing and emerging new and all other commissions for disability assessment, using the functional assessment tools based on the International Classification of Functionality. The new approach based on the functional analysis needs to be adopted across the commissions, thus ensuring (i) focus on the individual needs of people with disabilities, instead of the impairment and diagnosis; (ii) generating data about the support that people require and not solely on eligibility for existing benefits and services; (iii) use of the data generated from the individual disability assessment to inform the establishment of a variety of services across the country, at both local and national level, and ensure the allocation of sufficient resources for the development of support services. Concurrently, the existing legislation regarding support services, as well as the regulatory systems of support services, including the system of licencing and monitoring, need to be strengthened based on the CRPD, with the participation of OPDs.

Employment of persons with disabilities is relatively rare in the open labour market and is mainly organized in designated ('sheltered') companies. The principles of equal opportunity, non-discrimination and equality between men and women need to be introduced, starting from the technical and vocational education system, through the employment system. Review of the Law on Employment of Persons with Disabilities is needed, with participation of OPDs and persons with disabilities, as well as development of a clear strategy to move to open market employment, introduction of

the quota system and developed mechanisms to expand sheltered employment, by including components of training and transition to supported employment followed by conversion to mainstream employment in open labour market. The funding structure needs to be revised to improve the flexibility of current financial supports and increase the availability and quality of supported employment through increased funding capacity for long-term support.

There is a lack of services, and programs for prevention, early detection, early treatment and rehabilitation. The rehabilitation and the right to personal mobility, including access to orthopaedic devices and equipment provided through the health services/sector are limited. The legal framework and the policies governing access to health services are not in line with the CRPD. The procedures for access to the primary, secondary, and tertiary health care are not accessible and available to persons with disabilities. Revision of the legislative framework regulating health services, including medical rehabilitation and personal mobility, in line with the CRPD provisions, and with active participation of persons with disabilities and OPDs is recommended. Establishing services and programmes for prevention, early detection, diagnosis, early treatment and rehabilitation of children and adults with disabilities is also recommended.

Women and girls with disabilities cannot access the existing services for the prevention of gender-based violence (GBV) and sexual and reproductive health (SRH) as a result of the inaccessible infrastructure and lack of information. The relevant stakeholders in the field of SRH and GBV are not familiar with CRPD provisions concerning SRH and GBV. Therefore, support should be provided to the MoLSP, MoH, local communities, and CSOs in the process of the development of common technical and operational capacities and related mechanisms for accessible and available services for GBV and SRH for women and girls with disabilities, by also ensuring active participation of persons with disabilities and OPDs. Training curricula for GBV and SRH (family planning, care during pregnancy, motherhood, cervical cancer prevention) should be developed in line with the CRPD provisions, and information materials related to GBV and SRH topics should be available in accessible formats, including the "easily read" format.

Recommendation 4: Concerning the challenging process of establishing integrated inclusive services for persons with disabilities taking into account the intersectional approach on the national and local levels, and based on the already undertaken activities by the UN agencies in this direction, the focus should continue to be on:

- 4.1 Strengthening the capacity of existing, new and all other commissions for disability assessment using the functional assessment tools. There is also a need for UN agencies to facilitate the process of establishing proper regulatory systems of support services, including the system of licensing and monitoring.
- 4.2 Facilitating multi-stakeholder contribution to the design and delivery of disability support, social, health, educational and employment services, proposing policy recommendations on relevant laws and bylaws governing these services, and designing an administrative data collection system to provide information on service users, as well as developing capacity of duty bearers to identify and address financing and budgeting bottlenecks of targeted services to most persons with disability taking into account the intersectional approach.
- 4.3 Supporting effective employment policies with a focus on persons with disabilities and complementary measures in the field of supported employment and development of centres for supported employment.

Recommendation 5: UN agencies should support the process of the development of common technical and operational capacities and related mechanisms for accessible and available services for gender-based violence (GBV) prevention and sexual and reproductive health (SRH) for women and girls with disabilities. This should include the development of training curricula for GBV and SRH (family planning, care during pregnancy, motherhood, cervical cancer prevention) in line with the CRPD provisions.

In relation to **accessibility**, the situation of persons with disabilities is that they cannot move and communicate independently in their surroundings. The majority of public buildings are not physically accessible, and the public agencies are not familiar with the CRPD and accessibility provisions. The universal standards are not recognized in legislation, and the equality, non-discrimination, and accessibility are not part of procurement acts. The sign language is not recognized as a language and there is only a small number of sign language interpreters in the country. The braille alphabet is not regulated within the system. To address these issues, the Government, OPDs, NCB on CRPD, the

Ministry of Finance, and the Public Procurement Bureau, should be supported for including accessibility and non-discrimination requirement in public procurement regulations, as well as involvement of the OPDs in public procurement committees with regards to infrastructure (built environment, transport, and ICT) and services for which accessibility is critical as well as with regards to services on national and local level. Supporting the development of regulation for the use of the sign language and its recognition in the country as a language is needed, as well as the introduction of measures that would promote the learning of sign language. Support to the MoES and the MoLSP should be provided to create a mechanism to increase the literacy of blind people, and to further regulate the use of the Braille alphabet.

Recommendation 6: The UN and its development partners should advocate for and/or support the development of common technical and operational capacities of the regulatory bodies and other relevant actors connected with procurement, construction, housing and hotels, and restaurants on the national and local levels to understand and implement accessibility according to the CRPD provisions.

There is a lack of effective measures that facilitate the **participation of persons with disabilities** in realizing their right to vote, political participation and representation. The existing legal framework for political participation is not in line with the CRPD. Persons with disabilities lack adequate political representation at the national level and representation at the local levels. There is a lack of mechanisms to ensure the participation of children and other persons with disabilities in decision-making processes, including the participation in all protection mechanisms. The representation and participation of persons with disabilities in the CSOs, service providers and international organizations is at a very low level and almost invisible in society. Capacity development of persons with disabilities, with specific focus on youth and women, should be supported; it should target the basics of democratic decision-making, policies, branches of power and mechanisms for creating legislation and be aimed at a greater inclusion and mainstreaming the rights of persons with disabilities. Targeted measures and actions should be supported to ensure greater networking and cooperation of CSOs, OPDs and service providers in various areas of social action, as well as to motivate and encourage CSOs to include persons with disabilities in their teams.

Recommendation 7: Another advocacy/support area for the UN should be education of OPDs and PwDs, especially youth and women with disabilities, on the basics of democratic decision-making structures, policies, branches of power and mechanisms for creating legislation, and capacity development for their greater

and more meaningful participation in these processes on a longer-term basis.

Existing legally enforceable regulations across ministries and Public Financial Management do not comply with **CRPD provisions on budgeting and financial management**. This implies that every year public funds are spent for services that are not accessible to persons with disabilities. Additionally, there is a lack of systematic and transparent consultation with OPDs during the budgeting processes. There are very limited technical capacity and know-how within the public sector and among the donors, including UN agencies, to budget for inclusion. There is also low level of knowledge of persons with disabilities in the areas of budget formulation, implementation, monitoring, and evaluation processes. Consequently, advocacy is recommended for the revision of the Law on Budget, to incorporate the disability issue, and oblige all ministries and local authorities to prepare budgets in accessible format with disability dimension incorporated. Building on the current efforts towards gender budgeting, piloting of disability results-based budgeting for inclusion of persons with disabilities in several local communities can be supported. The UN Women's Gender Responsive Budgeting (GRB) project can be an initial vehicle for mainstreaming disability in budgeting and financial management in government. This process can be carried out by OPDs in cooperation with other CSOs and local municipalities. It is recommended that the education of the government, CSOs and OPDs about CRPD compliant budgeting, as well as training for persons with disabilities for budget formulation, implementation and monitoring and evaluation processes be supported on a longer-term basis, based on the GRB project model.

Recommendation 8: *UN agencies should support the capacity development of the government, CSOs and OPDs for CRPD compliant budgeting, as well as training for persons with disabilities for budget formulation, implementation, and monitoring and evaluation processes on a longer-term basis, based on the GRB project model.*

There is a **lack of disability-specific and disability-disaggregated data at all levels**, alongside a lack of will to mainstream disability in existing data collection methodologies. This makes it impossible for disability to be addressed or prioritized in policy development. In 2022 the government should prioritize a strategic approach to mainstreaming disability throughout data collection activities by all duty bearers. It should lead by example and adopt a strategy for such mainstreaming encompassing all duty bearers and ensuring meaningful involvement of OPDs, rights based CSOs, and the international community. The State Statistical Office should start the process of mainstreaming disability within their ongoing statistical operations, such as

the monthly, annual, and topical data collection. UN and other development organizations should support the State Statistical Office (SSO) and line duty bearers that gather data in mainstreaming disability in their data collection processes. Synergy with the Gender Equality Facility implemented by UN Women should be facilitated to maximise impact.

Recommendation 9: *UN agencies should provide technical support to the State Statistical Office (SSO) in the process of mainstreaming disability within their ongoing statistical operations, such as the monthly, annual, and topical data collection, through capacity building activities. This should include supporting the SSO in conducting needs assessment and designing the Programme for Statistical Research 2023–2027, in order to properly mainstream disability throughout the existing questionnaires and other statistical tools. This strategic support should be broadened to all duty bearers that collect data to the extent possible in order to properly mainstream disability within their methodologies, while wherever possible, the bodies that already collect disability data (such as ICF assessment bodies), should develop a system that would automatically process these data, in order to provide evidence for policy making and service development and delivery.*

The gaps related to the situation of persons with disabilities in an emergency- or humanitarian-crisis-related context have become evident during the outbreak of the **COVID-19 pandemic**. The existing legal framework for humanitarian crises and state of emergencies is not harmonized with the UN CRPD and does not provide for and guarantee the participation of and consultation with persons with disabilities and the representative OPDs. The government and NCB on CRPD in cooperation with the persons with disabilities and OPDs need to initiate and carry out a revision of emergency laws and practices in accordance with Articles 11 of the CRPD. Participation of persons with disabilities must be ensured in preparedness activities, humanitarian needs assessments, related monitoring processes, and in programmes and projects related to situations of risk and humanitarian emergencies, climate related hazards and DRR.

Recommendation 10: *Considering the situation of persons with disabilities in the emergency situation during the outbreak of the COVID-19 pandemic, UN agencies should encourage the government to pool their resources and capacities to address disability in the emergency and humanitarian crisis measures. Also, given their knowledge of the CRPD provisions for emergency situations, UN agencies could build the capacity of the regulatory bodies in this field.*

9. Recommendations for further analysis / data collection

Further CRPD implementation and disability inclusion are only possible if policies, programmes, and services are informed by the analysis of relevant and reliable data. There are several critical areas where further analysis is needed to help the government define appropriate solutions and actions.

The analysis has firmly established that persons with disabilities in the country underreport cases of discrimination on the grounds of disability to the relevant duty bearers and instead report discrimination to local and/or national OPDs, rights based CSOs and umbrella organizations. Even though the role of these organizations can always be strengthened, research indicates a lack of understanding and information within the disability community regarding the system for the protection of rights. Further analysis is therefore needed to:

- identify the actual extent of needs where there is significant underreporting.
- assess the trust of persons with disabilities toward the relevant duty bearers.
- assess the knowledge of persons with disabilities on how to protect their rights.
- assess the overall accessibility of the relevant duty bearers; and
- assess the awareness of sexual harassment and gender-based discrimination among persons with disabilities.

Furthermore, support services, as essential precondition for disability inclusion throughout society, are insufficient both at the national and local levels, and mostly based on mere financial transactions from the duty bearers to the person with disability. In order to develop services in line with the UN CRPD and the overall right-based approach to disability, further analysis should be conducted to:

- map existing services and assess their accessibility levels, in line with the UN CRPD and the individual needs of persons with disabilities.
- design a disability services portfolio based on the service mapping and assessment.

- assess the sufficiency and responsiveness of services to actual on-the-ground needs.
- what needs are there for new services and for developing existing ones.
- produce comparative analysis to showcase best practices and transfer of knowledge; and
- identify the knowledge, attitudes, and practices of persons with disabilities regarding the protection and realisation of their rights, with a view to pinpoint the causes for significant underreporting of discrimination on the grounds of disability.

Further analysis is also needed to provide evidence for the promotion of inclusion and participation of persons with disabilities in the national planning, development of national priorities and identifying gaps relevant to the rights of persons with disabilities in the country. Primarily, inclusive equality is not understood in the same way by different duty bearers, on both, national and local levels, and in both, developmental and humanitarian contexts. An evident lack of understanding of the UN CRPD itself and of the role of duty bearers in line with it is prevailing. Thus, analysis is needed for mapping the needs for capacity development of relevant duty bearers regarding the practical implementation of the UN CRPD, and the individual needs of each duty bearer in enhancing institutional policies in line with the UN CRPD.

Additionally, the focal points within Government and other duty bearers have not been established in 10 years since UN CRPD ratification. Lack of understanding and knowledge to adequately do so is evident, and the lack of political will underscores this condition. The independent monitoring mechanism has been set up in a very rudimentary form under the Ombudsman and is lacking a formalized structure and procedures to further develop its structure and functions. Further analysis is therefore needed to find the best possible ways for the creation of (i) functional focal points and for (ii) a model of an independent monitoring mechanism that will be responsive to the prevailing disability issues.

10. Recommendations for future programmatic actions

There is little doubt that investments are needed in most of the areas relevant to advancing the CRPD implementation in the country. However, improving the understanding on the CRPD for both rights holders and duty bearers, enhancing the accountability of duty bearers, and ensuring meaningful participation of persons with disabilities in national development planning and monitoring processes are identified as essential starting points at this stage of development. Hence the recommendations for future programmatic actions are focused in these three areas.

I. Capacity building of both rights holders and duty bearers for non-discriminatory, inclusive, and accountable service delivery. The delivery of community-based services is still found to be fragmented, uncoordinated, incomplete, underdeveloped, and non-inclusive. There is no common understanding among the stakeholders, including the disability community, regarding the existing and the needed services, and the range of different types of community support services that should be developed. The local authorities across the country have no skills and resources to assess the needs at the local level and mobilize resources to develop new services. To address these gaps, the Programme is to design and implement comprehensive and service-focused capacity building interventions. These may include tailored trainings and rollout of both inclusive service delivery models and of administrative systems for collecting service-based disaggregated data.

II. Strengthening of the existing legislation regulating the design, delivery, and monitoring of community-based services. A key step for CRPD compliance is the alignment of the existing domestic legislation. This is particularly relevant in the field of service design and delivery, where the outdated legislation often leads to services which are not designed together with persons with disabilities, one-size-fits-all service delivery models and non-existent or inaccessible monitoring processes. To address these gaps, the Programme's interventions may be focused on facilitating multi-stakeholder contribution to the design and delivery of disability support social services, proposing policy recommendations on relevant laws and bylaws governing these services and designing an administrative data collection system to provide information on service users.

Any interventions undertaken must reflect the full diversity of persons with disabilities and their needs. The existing gender-neutral approach on CRPD implementation is to be replaced with an intersectional and rights-based approach, where persons with disabilities are not perceived as a single homogeneous group, but as individuals with diverse identities and characteristics. All interventions focused on rights holders must include women and girls with disabilities and representatives of the most marginalized groups of persons with disabilities, including children. Their meaningful participation is to be ensured through implementation of inclusive and development-appropriate methods (to be agreed in the initial programme stage together with OPDs and CSOs representing these groups).

III. Meaningful contribution of persons with disabilities – through their representative organisations – to national development planning and monitoring processes. Persons with disabilities and the representative OPDs are largely excluded from national development planning and monitoring processes in North Macedonia. OPDs are mostly consulted on disability-specific issues and on some decisions directly affecting their constituencies. However, they are not represented in high-level policy consultations on the country's future, including the development of the Common Country Analysis (CCA). To address this challenge, the Programme will facilitate a multi-stakeholder consultation on the CCA – including OPDs representing the full diversity of persons with disabilities. This will enable OPDs to review the progress of North Macedonia in all areas included in the CCA and obtain a more comprehensive picture of the country's development milestones and challenges.

The inclusion of OPDs and CSOs representing the most marginalised groups of persons with disabilities is to be implemented in keeping with the “leave no one behind” principle. The interventions will be targeted to support OPDs and CSOs, regardless of their current technical and administrative capacities, to participate in national development planning and monitoring processes. Cross-disability OPDs will be supported to include the most marginalised groups in their structures – including persons with intellectual and psychosocial disabilities – and to analyse development issues through a gender lens.

11. Annexes

Annex 1. List of Participants in Focus Groups and Individual Meetings

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|---|--|------|--------|---------------------------|
| | | | Male | Female | |
| 09.07.2021 | Focus group with the representatives from the UN Agencies and international organisations | | | | |
| | Marija Trifunovska | UNDP | | x | |
| | Natasha Bulevska | USAID | | x | |
| | Tanja Temelkovska | OHCHR | | x | |
| | Milica Trpevska | IOM | | x | x |
| | Maya Lazarevska | IOM | | x | |
| | Vangel Trkaljanov | UNICEF | x | | x |
| | Jasmina Belchovska Tasevska | UNDP | | x | |
| | Marija Matovska | UNFPA | | x | |
| | Vesna Ivanovik | UN Women | | x | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|--|---|------|--------|---------------------------|
| | | | Male | Female | |
| 09.07.2021 | Focus group with the representatives from the National coordinative body for CRPD implementation | | | | |
| | Lidija Krstevska Dojchinovska | Member of NCV for CRPD – representative from the Government | | x | |
| | Vlado Krstovski | Member of NCV for CRPD – representative from NSIOM | x | | |
| | Ljupka Arsovska | Member of NCV for CRPD – representative from Resource Centre for children with disabilities | | x | |
| | Tomislav Cvetkovski | Member of NCV for CRPD – representative from the Government | x | | |
| | Mirjana Zlatanova | Member of NCV for CRPD – representative from the Government | | x | |
| | Mihajlo Kostovski | Member of NCV for CRPD – representative from the Government | x | | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|--|---|------|--------|---------------------------|
| | | | Male | Female | |
| 12.07.2021 | Focus group with representatives from different Disability Assessment Commissions and Centre for Social work | | | | |
| | Goran Petrushev | Member of the new national body for functional assessment according ICF | x | | |
| | Lidija Krstevska Dojchinovska | Member of the new national body for functional assessment according ICF | | x | |
| | Vesna Cekovska | Zapovim | | x | |
| | Hristina Savevska | Zapovim | | x | |
| | Marija Petkovska | Zapovim | | x | |
| | Biljana Arizankoska Eftimova | Zapovim | | x | |
| | Dr, Miakoski | Zapovim | x | | |
| | Tanja Mishevska | Center for social work | | x | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|-----------------------|--|------|--------|---------------------------|
| | | | Male | Female | |
| 13.07.2021 | Focus group with OPDs | | | | |
| | Marija Puposka | Young youth - OPD of persons with deaf disability | | x | x |
| | Martin Angelov | Young youth - OPD of persons with deaf disability | x | | x |
| | Dimitar Ilchov | Thought – association of person with psychosocial disability | x | | x |
| | Suzana Najodvska | Union of students and youth with disabilities | | x | |
| | Sefer Hiseini | Shpresa – cross disability OPD | x | | x |
| | Snezana Gradosorlieva | Union of physical disability Mobilnost - Ohrid | | x | x |
| | Zoran Jovanovski | Without limitation – | x | | x |
| | Branimir Jovanovski | National Union of physical disability Mobilnost | x | | x |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|--|--|------|--------|---------------------------|
| | | | Male | Female | |
| 13.07.2021 | Focus group with representatives from the parent's organisations | | | | |
| | Stefan | Inklusiva – Kumanovo | x | | |
| | Anita Gagovska | Message – New – Struga | | x | |
| | Daliborka Zlateva | Parent Association of children with cerebral palsy | | x | |
| | Verica Tasheva | Message Negotino | | x | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|--|--|------|--------|---------------------------|
| | | | Male | Female | |
| 15.07.2021 | Focus group with representatives from the mechanism for protection of human rights and CSOs provider of legal assistance | | | | |
| | Igor Jadrovski | Commission for protection against discrimination | x | | |
| | Natasha Petkovska | Helsinki Committee | | x | |
| | Ivana Petkovska | Coalition "All for fair trials" | | x | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|------------|---|---|------|--------|---------------------------|
| | | | Male | Female | |
| 22.07.2021 | Focus group with representatives from the service providers | | | | |
| | Vesna Matovska | HERA | | x | |
| | Silvana Naumovska | HOPS | | x | |
| | Biljana Dukovska | Macedonian Platform for fight against poverty | | x | |
| | Aleksandra Valkanovska | Red Cross | | x | |
| | Sashko Jovanov | Humanost | | x | |
| | Elena Petrovska | Margini | | x | |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|---|--------------------|--|------|--------|---------------------------|
| | | | Male | Female | |
| Six focus groups with persons with disabilities | | | | | |
| 06.07.2021 | Ile Gechev | Physical disability | x | | x |
| 06.07.2021 | Dimitar | Person with visual impairments | x | | x |
| 06.07.2021 | Arsen Stavrov | Person with visual impairments | x | | x |
| 06.07.2021 | Vasil Radenovski | Person with visual impairments | x | | x |
| 07.07.2021 | Jovica Perovski | Physical disability | x | | x |
| 07.07.2021 | Regepi Rajhep | Combined disability | x | | x |
| 08.07.2021 | Ivan Nacev | Physical disability | x | | x |
| 08.07.2021 | Tanja Neshevska | Physical disability | | x | x |
| 08.07.2021 | Trajche Panchev | Intellectual Disability | x | | x |
| 08.07.2021 | Natasha Taneva | Intellectual Disability | | x | x |
| 08.07.2021 | Darjan Panchev | Intellectual Disability | x | | x |
| 08.07.2021 | Slavica Dimovska | Physical disability | | x | x |
| 08.07.2021 | Ubavka Simonovska | Intellectual Disability | | x | x |
| 08.07.2021 | Chedo Kostadinov | Intellectual Disability | x | | x |
| 08.07.2021 | Adil Pashov | Combined disability | x | | x |
| 12.07.2021 | Poposki | Physical disability | x | | x |
| 12.07.2021 | Gordana Mitanoska | Intellectual Disability | | x | x |
| 12.07.2021 | Mara Trpeska | Intellectual Disability | | x | x |
| 12.07.2021 | Mirfet | Physical disability | | x | x |
| 12.07.2021 | Ankica Markovska | Intellectual Disability | | x | x |
| 12.07.2021 | Svetlana Markovska | Person with visual impairments | | x | x |
| 15.07.2021 | Marina Jovanova | Intellectual Disability | | x | x |
| 15.07.2021 | Gordana Nikoļova | Intellectual Disability | | x | x |
| 15.07.2021 | Stanche Trajcev | Physical disability | x | | x |
| 15.07.2021 | Blagojcho Mitrov | Person with visual impairments | x | | x |
| 16.07.2021 | Stefan Stefanovski | Physical disability | x | | x |
| 16.07.2021 | Goko Surlovski | Physical disability | x | | x |
| 16.07.2021 | Zlatko Micjovski | Intellectual Disability | x | | x |
| 16.07.2021 | Iva | Intellectual Disability | | x | x |
| 16.07.2021 | Berit Jakupi | Person with visual impairments | x | | x |

| | Name and Surname | Organisations / Institutions / individuals | Sex | | Persons with disabilities |
|---|----------------------|--|------|--------|---------------------------|
| | | | Male | Female | |
| Individual meetings with different stakeholders | | | | | |
| 13.07.2021 | Vlatko Lazovski | Councillor for deinstitutionalisation within MoLSP | x | | |
| 14.07.2021 | Elena Zdravkovska | MoFA, Director for multilateral affairs and security cooperation | | x | |
| 20.07.2021 | Dona Kosturanova | Westminster Foundation for Democracy | | x | |
| 20.07.2021 | Damir Neziri | Westminster Foundation for Democracy | x | | |
| 23.07.2021 | Vesna Kostik | Ombudsman, Independent monitoring mechanism for CRPD | | x | |
| 23.07.2021 | Zaklina Petkovska | Ombudsman, Independent monitoring mechanism for CRPD | | x | |
| 27.07.2021 | Jovancho Sapungjiski | State Councillor, State Statistical Bureau | x | | |

Annex 2. Minutes of Focus Groups with People with Disabilities

Six focus group discussions were held with people with disabilities in the period from 06.07.2021 to 16.07.2021 to discuss the current situation.

- Focus group discussion – Vladevci on 06.07.
- Focus group discussion – Jegunovce on 07.07.
- Focus group discussion – Lozovo on 08.07.
- Focus group discussion – M.Brod on 12.07
- Focus group discussion – Zrnovci on 15.07
- Focus group discussion – Skopje on 16.07

30 persons from different cities/villages with various degree of disability, age and ethnic background took part in FGD. 12 were women and 18 were men. In respect of disability, 7 were with impaired sight, 1 with combined developmental disorders, 12 with intellectual disability and 10 with motor impairments.

Some focus group discussions were also attended by parents of people with disabilities.

Information about the Convention on the Rights of People with Disabilities and the National coordination body for implementation of the Convention

- Only three persons had information on what is stipulated in the Convention, two of them were students at special schools and obtained such information there, and one person obtained information from education provided by UNDP. The first two individuals are from Skopje and take part in activities of the Macedonian Red Cross and the Special Olympics and made mention of these organizations as place where they receive additional information. One person receives information from a friend who is engaged in the activities of the NGO Solem. All other persons from other regions and rural areas heard about the Convention for the first time at the trainings organized by the National farmers' federation and We effect, where professors from the Faculty of philosophy are trainers. All FGD participants stated that they had no information about the existence of the National coordination body for the CRPD.

Self-advocacy skills

- In many cases, it is not the people with disabilities, but their parents who are vocal about disability. Also, they heard for the first time about self-advocacy as a term and about its use at these trainings. Only two persons are members of organizations and they are recognized as partners for finding information and assistance about exercising of rights. Not a single person from rural area is member of an association, CSO or union. They fight individually for their rights or with the assistance from close family members. Persons who received education in the special educational system are more vocal about their rights and much more independent regarding communication and mobility. They attribute these skills to the fact that they attended special schools and lived in dormitories. These persons, regardless of their degree of disability, can function independently.

Access to information and institutions

- Persons with disabilities think that our society is not adjusted to their needs. They are not familiar with the terms of universal design and reasonable accommodation but are aware about the problem of having access to institutions and moving freely in their local community. None of the people with impaired sight, who use the Braille, has had material in this format in the local community. Also, none of them have seen materials in easily readable format, so close people help them understand the information received either verbally or in writing.
- All persons and their parents share the opinion that staff in institutions lack information how to treat and communicate with people with disabilities. In many cases they have found themselves in situations that were uncomfortable both for them and for other people in the premises of institutions when staff were aggressive to them. They state that staff have no time and patience to provide explanations or assist them.
- All participants from FGD stated that before the project "From DisAbility to FoodAbility" started, they had no information about organizations that fight on their behalf or offer them free legal assistance. Once the project started, they recognize the National farmers' federation as organization that can be approached for help. This year they learnt about the Helsinki Committee of Human Rights and the Young Lawyers; however, they still approach the National farmers' federation for advice. Some participants from Skopje region possess information but have not used the mechanisms for exercising their rights.

- In terms of transportation, none of the persons ever used vehicle adjusted to the needs of people with disabilities, but also think that such vehicles do not exist in their communities. Persons with disabilities have not had any experience with sound or light signalization, tactile paths, adjusted toilets in their place of residence.

Quality of life

- There are no social clubs or inclusive activities for people with disabilities in the rural areas. Almost all FGD participants live in their micro world, without much communication and interaction with the environment. Local authorities do not take initiatives for their inclusion in the environment.
- They all share the opinion that meetings with people who share the same problems as well as organization of various trainings, workshops or home visits can significantly improve the quality of life. Also, they stated that visits by professors from the faculty of agriculture were very useful as they were giving them guidelines about the types of production and how to increase the production. They all underline the importance of a village in a society and that the state should develop a sound strategy how to retain the population in the rural areas, by stimulating organic production which seems to be more difficult due to climate change and pollution.
- Unemployed persons, whose only source of income is agricultural production, think that information about production and placement of their products is of exceptional importance. Furthermore, development of ideas how to use one' hobby as possibility to provide earning and social interaction seems both interesting and beneficial. Considerations about branding and increased product placement is motivating both for them and their families to be increasingly involved in production activities.
- All FGD participants from rural areas stated that they have never taken part in sporting or cultural events. Such activities also rarely happen in villages. Even if such information exists, it either does not reach them or they feel insufficiently accepted by the community.
- They all share the opinion that there is need for more frequent activities that highlight the abilities of people with disabilities so that people with typical development can readily accept them.

Covid 19 pandemics

- FGD participants stated that free movement of farmers in their place of residence, that is, places where farms and green houses are located, was the best measure. Along with the fact that they as persons with disabilities were able to freely move unlike their relatives or neighbours.
- One weakness that they stress is that they and their family members, who constantly accompany them, were not given priority for vaccination. Some of them lack information and are still not thinking about getting vaccinated, but those who had information think that the response should have been faster. The vaccination facility in Strumica was stressed as a positive example, where the doctor provided individual consultations about the choice of vaccine and possible side effects. All vaccinated persons were given comprehensible information on how to behave before and after vaccination.
- Biggest problem for children and youth with disabilities was the distance learning process. Parents neither have the capacity or technical possibilities to help in the teaching process. Many children in rural areas have no Internet access or have poor network connectivity, and do not have devices to follow the online teaching process. Additional problem for parents was the lack of rehabilitation component and corrective work since the pandemics outbreak. They all point to the need for a professional staff to help their children continuously or temporarily while staying at home.

Discrimination

- Lack of knowledge about the term of discrimination, mechanisms for tackling discrimination and poor expectations of people with disabilities lead to a situation when most of them generally think that they are not discriminated against. Most of them recognize the insufficient inclusion in the local community as discrimination. All FGD participants mentioned that they are regularly involved in electoral caravans and are loyal when it comes to exercising their electoral right and obligation.
- Two persons mentioned misunderstandings with employers about the amount of salary or about being requested to return part of the salary to the employer, however, they no longer work in those companies and now only deal with agriculture. Other FGD participants, who are involved in the production process through protective companies in the country or in catering activities in Skopje in the Tavern "Umbrella", stated that they are satisfied with

the working conditions and are equally paid as their colleagues on the same positions. Persons who are employed mentioned the possibility for social interaction at the workplace and outside and think that this way they serve as example for other people with disabilities, but also, they fight to dismantle the stereotypes and prejudices against people with disabilities.

Conclusion and recommendations

- Persons with disabilities from smaller communities, especially from rural areas, are excluded from the community and lack opportunities to show their abilities. None of them are included in the community activities, or other activities of non-governmental or international organizations. Persons from Skopje region have possibilities for social interaction and inclusion in more activities, which is conducive to improved quality of life, as well as quality of life of their families.
- Further work is required for strengthening of their self-advocacy skills, recognition of mechanisms for protection from discrimination and capacity building and promotion of possibilities for people with disabilities on the territory of the whole country.

Quotations about other stated problems during FGD, taken from transcripts

- There is a special educator in the school, however, there are many children, and there is need for more speech therapists. A special educator has his own field of work and a speech therapist has another speciality. In the area of Kocani there is only one or two speech therapists, and more are needed. We hear about speech therapists and special educators in kindergartens. However, we initially face a problem with enrolment in kindergarten, they would not accept her because of combined developmental disorders, she cannot fit into that environment and there is lack of special educators. The child also has food allergies. I was feeding her with rice and potatoes. I have invested my whole life in her, I have spent the last 10 years with her, out of which 4 years on a school desk only to make sure my child makes progress and has some improvements. So, such is the reality. There is no personal assistance.

She was not born like that. She was healthy and attended school until age of 10. She got epilepsy at age of 10, doctors said that the part of the brain is burnt down. She cannot remember, cannot understand money, can't tell what the time is, or

any numbers, letters, she knows nothing. When she recovered, she was asking who are you, what is your name, who is that...? She is withdrawn, would not have contacts with other people, would not go anywhere. She is attached to me all the time. If I am supposed to go somewhere, I either take her with me or I would not go. I took her to a psychologist at the Mental Health Institute in Skopje, she received therapy at Neuromedika for spinal problems, takes medicines at home, visits the day care centre since age 10, and she has been visiting this centre for 14 years now and this is the only place she wants to visit. She would not accept any new teacher and wants to be only with a teacher close to her. If someone else approaches she would not talk. There are times when she would not speak for a whole week, I am not sure if she does not want or can't talk. If we start laughing about something she would start crying, and if we cry, she starts laughing, then I don't know how long she would be laughing...

Where should these children go after age of 18? What about them afterwards?

People with severe intellectual disability may not be employed according to the law, however, they are recruited as volunteers and this is how they work. People with physical disability like me can get involved in work.

The work has changed us.

The following informal discussion included various issues

- There is no support for these children. These children eat special food, take special vitamins, lose blood because of their posture, their body... they really have special needs. Money is not enough to cover all costs.
- These children eat special food, take special vitamins....they literally have special needs.
- There was one governmental initiative for carers for people with severe forms of disability, and costs to be covered by the state.
- There is a lot of injustice in how the allowance is granted. Allowances are now graded, from lowest to highest. There must be some scale. For example, two grandmothers are helping me (my mother and mother-in-law). I have another son, teenager, healthy child, but he lives in a different world. I try to stay in balance, also I care about my life, whether to go to faculty, to work...to be able to better provide for my children. What will happen when those who help me disappear? My child has 99% sight impairment. My child has all diagnosis that allow for

- mobility allowance. But he is not 26 years of age. This should not be a limit.
- A mother spoke about the problem with the MLSP – My daughter's diagnoses are determined, but not in writing. She was given a professional finding and opinion at the time when she was receiving physical therapy and the result was severe physical progressive disability. That is, it would require rehabilitation and there will be no further deterioration. She has scoliosis, muscular dystrophy, underdeveloped muscles, limbs, one-sided hemiparesis, loss of sight and hearing on the side of the hemiparesis. Then, the findings of the Mental Health Institute stated it was border disability with insignificant impairments, and then light retardation to be enrolled at school. We were not given any child allowance, I learnt by chance from the director when I submitted the documents...The allowance should be 8.000 denars on one ground, and 3.000 denars on the other ground. I asked them why I cannot receive allowance on both grounds? I was told I am not able to receive it on two grounds. I asked if it will be possible to be given at least the bigger allowance of 8.000, they said I have already been given on one ground. They disregard the physical disability.
 - We are having problems about the allowance for care for another person
 - We have problem with disability allowance and categorization of disability. We do not know who to approach
 - When one approaches the social workers for assistance, it seems as if they give the money from their own pocket. Come next week...One wastes the whole day; they send you from one to another place. I cannot go from door to door because the child is waiting for me at home. From one to another desk, go bring that document, then go to another desk, then come next week. They send me somewhere for a signature, go to desk 8, then desk 6, and they are supposed to do that. When you approach the last clerk, they say "it's time for break". I will give this amount of money to the state, I don't need that money if I must keep on wandering from one to another place.
 - One cannot go from door to door, the child is waiting at home.
 - The child is with us, waiting in the car, gets nervous...
 - One package of medicines costs 2.500 denars, they give me 25 denars exemption, and the exemption for all 6-7 medicines is maximum 350 denars.
 - We get complaints that paediatricians are not sufficiently informed about these children, they lack basic knowledge about children with special needs. They are doctors, how come they do not know what is a special need and how to approach a child?
 - Problems are not identified on time. For instance, a child cannot speak, has motoric problems, can't hold the head upright... If paediatricians react on time, there will be less problems in children.
 - If appointments are scheduled, it should be like that. It is a child with special needs and should be received at the scheduled appointment, without waiting until 12 o'clock. Only private hospitals function, but that requires financial capability... and one waits there as well.
- These children must be given priority, they cannot stand waiting. For instance, my child. I would drive him to the place and the moment we enter the institution, he gets irritated, and immediately wants to leave. He starts walking around, going from one place to another, gets hyperactive, starts to sweat, to cry. This happens when you go there at 8.00 a.m. and leave at 12.00, this is what happens to a child.
- Yes, I have two children, the bigger child is ...I approached the social services to ask which are the rights of a single mother. I was rejected on all grounds. First, I was told that I am unemployed, and I am not entitled to any allowance – only employed people are entitled to children's allowance. Second, they asked where I live? If you live on the street, we could have done something about it I am not entitled to social benefits....I cannot get allowance for my child because based on the documents I receive alimony, which, in fact I don't receive it. I was told that 3.000 denars is enough for a three-member family to survive, they literally used this word. I asked them to give me a prescription how to survive with this amount, and then I can go and take the prescription. This is where changes are needed. According to the Law on Social Protection, children with developmental needs are entitled to one-time assistance. Every government has some commission, and no one has ever seen the commission. The allowance is from 3 to 15 thousand, depending on the commission's decision.
 - I spend 7-8 000 denars only for medicines for my child. I have no income, except for the child allowance.
 - Me and my husband are both unemployed. We should receive social benefits for unemployment. Once the child was born, our life completely changed. I approached the social services to ask for social benefits. I was told that I receive child

allowance and therefore I am not entitled to social assistance. I said, I am sorry mister that I am the one to tell you the law, my child is entitled to the allowance. He would not believe what I was saying and then I went to see the director. Then, together with the director, who I didn't know, we went to see him and read the law...

- It has happened to me too many times that social services shut the door in my face.
- We filed dozens of requests about secondary schools for children with disability to the Government and all political parties. Finally, one mother said: "what do you want, it should be a real pleasure to have a child with special needs." We requested that an unemployed parent who spends 24/7 365 days a year attached to his child, to have at least minimum 8.000 denars allowance in order to be able to receive pension. Because if a parent does not assist the child at home, the child cannot make progress. Our second request was about centres where these children can get together and be able to live together, as you say it- to live with support. Third request – to enable all parents to accompany their children at hospital regardless of the child's age. Our fourth request was to erase the limit of 26 years of age because these persons also live after the age of 26. And why they make us submit the same documents every year... if you are late for one day, they erase you from the list. The access to orthopaedic devices should be mitigated and another important request - a commission should be established to properly determine the abilities of these children, or their work ability, that is, a commission to ensure proper and detailed categorization. These were some of our requests.

What is the situation on the buses?

- We push each other, they shout at us and look at them in a strange way
- Their first reaction is to look at the child, and then without any eye movement, they would simply say "go away" and push the child
- They called the police, the child got confused. We were waiting for a bus. He wanted to get on the first bus that came but we were not supposed to be on that bus. My child got very irritated, I was trying to calm him down and could not see what was happening. An elderly woman reported me to the police that I was beating the child. I had no time to tell her that this is not the problem, but she brought the whole police there. I managed to calm down the child. Can you imagine what kind of people exist; they did this instead of helping. I told the school social worker that I cannot travel by city bus, I asked if I could use the bus for children with spe-

cial needs. I was told that is not allowed. Now I use taxi in the past three months. This requires more money. At my child's school, the bus would come for just one child, but we are not allowed to use it. It must be announced in advance. These buses can be used only by children with diagnosed physical disability. My child was taken out of the bus.

Education – experiences with primary and secondary education

- My daughter attended a spin-off class in the school "Zlaten Stremec" in Dracevo. She had a wonderful teacher and experienced special educator. They worked with a combined class. I still have the notebooks; I can offer them to be used for writing children's books. We learnt together as much as we could. We thought we could retain the acquired knowledge which is very important for our children. All of a sudden, we come to a secondary school, a place where no books can be found, no written materials. When I asked why there are no books, they said that the MoES does not have program for that school and no law foresees the design of such books. There are no textbooks for vocational secondary school for people with disabilities. I am always saying that very poor work is done with our children. Is it maybe because they are absent from school due to illnesses, due to lack of materials or the teachers are not motivated? Something has to be done about this. Something has to be changed. They can keep the same materials from primary schools, maybe just further explain the materials verbally.

Lack of subjects for skills development, arts, as this is their biggest interest

- There are vocational studies in crafts, such as cooking, garage mechanic assistants....if a person is registered with epilepsy, that person cannot study and deal with life threatening activities. They have 2 classes in physical education, but the teacher does not even get in the room to play with them. There are many devices but there is no one to work with them. Children are supposed to use them alone or parents should go there and make the children use the bicycle.

A.K. – In the school "Zlaten Stremec" they are all special educators and make a lot of effort. Retraining is required...lack of motivation derives from lack of education. I mean education for special educators. These are major problems. The situation in mainstream schools is even more difficult. The situation in kindergartens is most heart-breaking.

- Mother – Inclusion is important and good thing. I am satisfied because the child gets in contact with the real world and has contacts with children with typical development and children with disabilities.

My child is in a group with 10 other children, they accept him.... however, when he starts grade 8, I guess he will understand that he is different. But that is our problem, not problem of the inclusion process. We constantly tell him at home that he is like all of them, that they love and respect him....

- I guess out of one thousand respondents you will be the only one who is satisfied. That is because you have found yourself in an environment where the child is accepted. My child attended mainstream kindergarten and pre-school education. My experience is that even if I had 16 children, I would not entrust them even half of my children. First, my daughter was not accepted by the teacher in the kindergarten and her nephew was beating my daughter every day. The teacher was informed about the special needs, but she would let the other children beat her every day. Even if I stay there, they will still beat her. When we enrolled her in pre-school classes before starting primary school, there were total of 28 children and 2 of them had disabilities. One child had hemiparesis from vaccination and the teacher was told to hold his hand, not to let him use the stairs alone because the classroom was on the third floor. My child has both impaired sight and movement and the teacher needed to hold his hand. The teacher let the two children alone 3-4 times to go down the stairs and then they got lost. They went to the basement, then we could not find them, and they fainted because of fear of getting lost.

A child should first experience the affection of the teacher at the entrance door.

- I am against inclusion. You mentioned that each teacher should have an individual program for each child with disability. Why special program? I ask you as parent asking another parent. If you think that your child does not differ from other children, why special program? The child can have low grades, excellent grades are not needed, but will still go to mainstream school. Why did you enrol him in a mainstream school?
- I enrolled my child there in order to be able to fit in with other children, to be aware that he also belongs to the same society.
- Here is an example – twins, one with typical development and the other one with special needs. They are in the same class but don't share the same desk. One of them sits behind the other. They get the same grades. One of them says to his mum – I want to have special needs like my brother, he does not learn at all and has the highest grades, and the teacher is reproaching me.
- I would like to ask – why are we asking for special

conditions? If I want to put him in the lion's mouth, the lion will chew him

- Why are we requesting for these children to be working, and that they should work with normal people? If we keep them in a school for children with special needs, then you should ask that they also work in special environment in future
- Excuse me, I will send my child to a mainstream school if conditions exist. I did not come by chance from Tetovo to Skopje to bring my child to a special school
- It depends on the school....I have heard that there is a school in Gostivar, with lifts, special toilets, small classes, special educators
- It should be clear who can attend a mainstream school. In Dracevo, where I live, there is a child who cannot even tell his name. He is in the sixth grade and they beat him up every day. But the mother wanted her child to attend a mainstream school and enrolled him there.
- In my opinion, full inclusion requires having a special educator and speech therapist in each class that would be able to pay attention to every child

The law is clear. Parents have uncontested right to decide about the child's school. We can further discuss this matter if we want. In terms of children who can or cannot attend mainstream schools, the Mental Health Institute issues only a recommendation. Documents, such as professional findings and opinion, are used only to apply for allowances. The parent decides that is his/her right. And it should be like that. However, practitioners need to take more responsibility. There are children who cannot be part of the inclusion process. Children who are aggressive, self-aggressive etc. When it comes to having a special educator in each class, that concerns a special school. Size of classes should be lowered, one cannot work in the same way with a class of 30 children, 2 of whom have disabilities. Here I mean children who were given professional findings and opinion, what to say about other children

In Macedonia, two systems function in parallel. There are positive experiences with both systems. It's good that parents were able to choose.

Mother – the problem is that in my child's classroom there were 5 children, 1 teacher and she was supposed to be my child's guard. In a Macedonian language class, there are 2 children and 2 teachers (1 caregiver). There is no speech therapist in Albanian language and no psychologist. In grade 5 and 6, there are 10 children with special needs and only

one teacher. The speech therapist works only in Macedonian language. I spend 4 hours a day there. The Macedonian speech therapist would not work with our children. He cannot speak Albanian and the children are too many for one speech therapist. My child has autism, I don't know if he understands me, it is just now that he somehow understands me. The director said that the Ministry of finance would not give money for new employment. And parents are supposed to remain silent, to wait for the ministry to allocate money for new employments. I left my house and my life in Tetovo and live in a rented old house in Skopje just to take my child to school. The teacher cannot control him, he simply walks around alone. We asked for more staff, but they say the ministry does not allow. I think if the director had made effort, it could have been provided. I am struggling for 4 years with this problem. As a parent, I will sacrifice my life, I came here for better conditions.

The situation with speech therapists is worrisome. There is no longer a special department for speech therapists at our Institute and that is our mistake. Only clinical speech therapists get educated at the Faculty of Medicine, and they cannot work in a school.

- Speech is now getting better
- My child has school subject- Macedonian language. I pray to God that my child first learns the Albanian language, and then I will teach him Macedonian.
- What happens after secondary school, no employment, who will employ them?
- Supported life arrangements should exist in every town, and that should be close to parents.
- Even if they have possibilities, they will make to prevent them from progress. Many mistakes are made, and our life consists of experiencing mistake after mistake. When I asked for the medical record at the clinic 10 years ago, they said I should look for it in the basement. When I found it, it was empty. When my child was born, and while staying at the clinic for infectious diseases during the first 15 days, they transferred the documents from the clinic in Cair to the university clinic...Only after 20 days I was able to read what is my child's condition, because no one said anything.... and then I learnt that her heart stopped, that she was resuscitated, that they were late with resuscitation, that she had 6 holes in the heart, blood clots, kidney failure...with catastrophic consequences. Most recent problem is that Doctor Pota gave us a document that she needs to be regularly vaccinated. At 3 months age, she was vaccinated and had high temperature (41), cried all day, we did not know what to do. We were told at

the clinic that this condition is quite normal....We brought her back and then problems started with epilepsy, convulsions... instead of Phenobarbitone they gave her Epiap....sugar level dropped....lack of vitamins....once they regulated the sugar level....

Annex 3. Information on the Meeting with Persons Who Have Left SI Demir Kapija

Both female participants who left the Special Institution Demir Kapija (Volkovo) were very willing to talk and share information.

Their satisfaction with the day centre and housing in supported living housing units was evident, along with the quality of life they have after leaving the Institution in Demir Kapija.

One person said that she had gone through all the institutions in her life – Demir Kapija, Banja BANSKO, foster families and that she is finally feeling like her own self here. She said that she is working as a janitor.

Regarding the other person, after coming from Demir Kapija she enters a completely new stage where she learns to read and write, and she is currently working as an assistant to an elderly person, receives a salary and has a partner.

Both believe that they have full independence and right to personal choice in organizing their activities for the day and in their homes, as well as a choice on who they will spend their time with. They are additionally happy to be living in Skopje, they are completely independent in movement and travelling via public transport through the city.

They list as positive examples of the activities they have had with the volunteers from the US Peace Corps who taught them many skills and the cooperation with SOLEM where they learned about self-advocacy. In addition to learning how to politely present themselves and behave, they also learned to work and communicate over the internet, prepare presentations, videos and they are very proud that they can show their results to the students from the Institute for Special Education and Rehabilitation and the Institute for Social Work and Social Policy. They are glad that before the pandemic the students invited them to their parties, and they are also happy that when they meet in town all the people coming to the day centre, they greet them and want to chat to them.

Both have pointed out financial security as very important, and that they are satisfied with the work and that it makes them feel happy – having a daily routine and daily obligations.

Both persons stated that they were involved in the activities of SOLEM, selling the magazine “Face to Face”.

They would not change their jobs, although they are certainly ready to learn new things as needed.

Although they know that there is a document like the CRPD, they heard about it from SOLEM, if they have any issues, they contact the employees of the day centre of PORAKA NEGOTINO in Volkovo – because they believe that this is quickest and easiest for them.

They cannot judge which of their rights have been violated, but they know and have heard of discrimination.

They used to be more exposed to discrimination, especially by their neighbours when they lived in an apartment building in Novo Lisiche.

They point out Volkovo as an excellent environment in which they fit in great, they know their neighbours and feel accepted and non-discriminated.

When it comes to voting on elections, they have not voted thus far and believe it is a waste of time and produces no results.

Annex 4. Additional Information on Inclusive Services for People with Disabilities

Services in the provision of social security, education, healthcare, and employment are closely connected to and defined by the process of assessment of children, youth, and adults on disability. The assessment system in the country is based on a medical model, where amenities and services at the national and local levels are defined according to the level of “defect” and the age limit, above or under the age of 26, except for the new system of functional assessment according to International Classification of Functionality (ICF). The system for assessment according to the ICF should completely replace the old system of assessment, which is based on the medical model, where the services on national and local levels are defined based on the “degree of impairment” and an age threshold of 26 years. Disability in children can be detected at birth, but the communication between sectors is inadequate, so even if children receive the necessary medical assistance at the onset, the other services, e.g., through the social sector, are unavailable. There is no established process on how newborn care nurses and general practitioners should identify the children so that they get access to counselling and development services or other specialized services.

Regarding the right to employment and work, three commissions are functioning on national level; one of which recommends that persons with disabilities are prioritized in employment in line with the Law on Employment of Persons with Disabilities; the second determines the grade of incapacitation and determines whether the person with disability can be employed in line with Article 2 of the Law on Employment of Persons with Disabilities; and the third, in MoLSP (the assessment is carried out by a team from the ZAPOVIM) determines which work place is suitable for the persons with disability, designated him/her to it, and determines the scope of work assignments. If an employed person with disability would like to move to another post and to professionally advance, they would have to go in front of the same commission to obtain a new finding and opinion. The work of last commission is discriminatory, as it does not recommend reasonable accommodation that will provide better work conditions for the person with disability.

In the last three years the state started implementing the new assessment system through the ICF for children and youth up to 26 years of age. The two regional bodies in Skopje and the national body are currently in operation. The offices of these bodies have been equipped and refurbished with support of UNICEF. Three additional centres are currently being established in the interior of the country in Strumica, Gostivar and Bitola. The premises are currently being renovated with funds

from Ministry of Health (MoH). These bodies include persons taken over from other institutions and comprise a special educator and rehabilitator, psychologist and social worker and a doctor.

The persons engaged in these assessment bodies are obliged to go through training on ICF. Trainings are conducted by members of the national assessment body with many years of experience¹⁸⁰. The composition of the bodies currently does not include persons with disabilities. Trainings are implemented with the support of UNICEF. These bodies provide recommendations for children and youth with disabilities on their inclusion in the education system and assessment of their need for personal and educational assistants. There is good cooperation between these bodies and the expert commissions assessing children up to the age of 26, but not with the other commissions that assess persons with disabilities over the age of 26. Focus group participants state that the assessment system should also be implemented for persons over 26 years of age and that this should be introduced gradually. MoLSP together with WB announced the introduction and completion of the assessment process for persons over 26 years of age starting next year. Due to the rigidity of the system itself and the established medical practice, participants in the focus groups stated that it is necessary to further sensitive and strengthen the capacities of all expert bodies and institutions for CRPD, so that all stakeholders understand the human rights approach. Additionally, changes are needed in university curricula to acquaint students with ICF and CRPD.

3.1 Access to Social Security and Social Services

The services prescribed in the LSP are provided by the state, but with the appearance of the trends of pluralization and decentralization, as well as the process of deinstitutionalization, CSOs and private organizations also appear as service providers¹⁸¹. Many municipalities lack the administrative and financial capacities for developing different services for persons with disabilities, and the municipalities that do have day centres have still not taken the competences over them, because there are no binding provisions in the law¹⁸². As

¹⁸⁰ Statement by a focus group of representatives for assessing the issue of disability.

¹⁸¹ MAPP, Report on Poverty and Social Exclusion in the Republic of Macedonia, 2010, <http://bim.lbg.ac.at/de/socijalna-inkluzija-i-covekovite-prava-vo-makedonija/izveshta-za-siromashti-i-sotsi-alna-isklucenost-vo-republika-makedoni-2010>.

¹⁸² See: *Mechanisms for Provision of Social Services in Macedonia*, Ministry of Labor and Social Policy and GiZ, 2011, p. 24.
<http://www.nacionalnakomisija.gov.mk/sites/default/files/prikachyvanja/studija_mehanizmi_za_obebeduvanje_na_socijalni_uslugi_vo_makedonija.pdf> Accessed on: 20.11.2014

a result of this, parallel systems are maintained at the local level: one for the general population and another for persons with disabilities¹⁸³. In spite of complying with formal equality, services provided to persons with disabilities are based on the medical approach. From the viewpoint of personal coverage of social security provision services, they are in opposition to the provisions of CRPD. The existing monetary benefits for persons with disabilities are realized based on an assessment founded on the degree of disability and age limit. The provision of these benefits does not include persons with psychosocial disability, as well as a large portion of persons with intellectual disability who are not confined to a wheelchair.

Persons with disabilities over the age of 26 accommodated in caregiver families are also excluded from these monetary benefits. As for adult persons over the age of 26, the same legal solution has been copied in the Law on Protection of Children (LPC)¹⁸⁴ where monetary benefits are defined by type and degree of disability and diagnosis. The difference between these allowances is the amount of funds. Provision of support to families is again divided between whether one is a single parent of a person over or under 26 years of age. However, in both laws, instead of utilizing these funds as benefits allowing for greater activation of children, youth, and adults with disabilities, they only serve to fill out the family budget. This approach indicates that the legislators have insufficient knowledge of the system of independent living for persons with disabilities. 98.5% of persons and parents of children with disabilities believe that these benefits do not contribute to making persons with disabilities active in society¹⁸⁵.

According to SSO data, there are 2,987 juvenile beneficiaries of social protection (from 7 to 26 years of age), 1,142 of which are girls with disabilities. Of these beneficiaries, 265 are persons with impaired sight, 266 are persons with impaired hearing, 107 are persons with difficulties in verbal communication, 1,272 are persons with mental disabilities, 127 are persons with autism and 950 are persons with combined development disabilities¹⁸⁶. The number of children with disabilities not in contact with social services is approximately 10% of the total number of

children, beneficiaries, registered by the services¹⁸⁷. Additionally, it is estimated that approximately 6,400 to 9,600 persons with disabilities aged 18 to 65 are not in contact with social services (i.e., between 1/3 and 1/2 of the number of registered persons)¹⁸⁸. The number of adult beneficiaries of social protection according to gender and age (from the age of 26 to 65+) was 30,271 in 2019, 12,908 of which are women with disabilities. Out of these beneficiaries, 3,228 are persons with impaired sight, 3,098 are persons with impaired hearing, 16,125 are persons with physical disabilities, 4,016 are persons with mental disabilities and 3,804 are persons with combined developmental disabilities.

The data from the State Statistical Office (SSO) does not provide a complete overview of the issue of disability and shows that children and youth with difficulties in verbal communication, as well as children and youth with autism, do not exist in the statistical data on adult beneficiaries and get lost in the social protection system.

There is no concrete legislation considering the rights of persons / children with disabilities in the country, i.e., a special law for citizens with disability. Persons with disabilities under the age of 26 are treated as children in the country. This matrix of thinking has been transferred to all fields and rights.

The situation is similar in the provision of the right to personal assistance. The proposed criteria on who can provide this service and the manner of organization and defining of classes, what the personal assistant should do, are criteria for persons who need to provide care in institutions and not someone who should provide support for independent living. The system of personal assistance is equalized with care giving. In this process also, persons with disabilities are just end users without an active role in the process of assessment, training and defining criteria where, how, when, from whom and with whom. This service can be received based on the degree of disability, age, and the status of whether you are a person with disability who has been deinstitutionalized or not. Persons can use this service up to 80 hours a month in their everyday life, but ones who have left the institutions can receive personal assistance up to 160 hours a month, depending on the degree of disability and the suitability criteria provided in the LSP and the rulebook on personal assistance.

The opinions of some CSO participants included in the process of deinstitutionalization and who are

¹⁸³ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹⁸⁴ Law on Protection of Children, Official Gazette no. 23/13, 12/14, 44/14, 144/14.

¹⁸⁵ See: E. Kochoska, J. Klimoska. Publication "Terra Incognita" – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of the right to social protection, 2018, Polio Plus, available at: <http://polioplus.org.mk/margina/dokumenti/terra-incognita-mk.pdf>.

¹⁸⁶ See SOCIAL PROTECTION OF CHILDREN, YOUTH AND ADULTS, 2019, Statistical overview number 2.4.21.01/914 for 2019, SSO.

¹⁸⁷ National Strategy for Deinstitutionalization, 2018 – 2027, MoLSP, available at: https://www.mtsp.gov.mk/content/pdf/strategii/Strategii%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf.

¹⁸⁸ National Strategy for Deinstitutionalization, 2018 – 2027, MoLSP, available at: https://www.mtsp.gov.mk/content/pdf/strategii/Strategii%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf.

providers of personal assistance are that persons with disabilities require care, which is why this system is good and is conducted in accordance with the program. Such opinions only confirm the indications that even the CSOs included as service providers in personal assistance do not understand the concept of personal assistance. Parallel to this, service providers states that they have not undergone training on CRPD and access to human rights.

When realizing rights, persons with disabilities and parents of children with disabilities face administrative obstacles and different interpretation of legal provisions by the institutions. For example, if the parent did not work and complete years of service due to care for their child, and they have not placed the child / person in an institution, they are entitled to an 8,000 denar pension. However, these persons are requested to provide certificates on their property and average salary, which is not provided in the Law at all, because regardless of their income they have that right. Thus, no parent has still realized this right¹⁸⁹.

The existing standard for day care centres is focused on adults and does not include the principles relating to “the best interest of the child” and “the best will of the person”.

The existing mechanisms for monitoring of services is oriented towards collecting current data and not towards the outcomes of the provided services. There is lack of assessment of the needs in the field for children/ persons with disabilities. There is lack of trained staff, lack of network and infrastructure and lack of properly defined quality standards for disability. There are no data on children with disabilities, except for the ones who are beneficiaries of special allowances. The only allowance that municipalities (according to their own discretion and will) provide to children with disabilities is allowance for transport from home to school.¹⁹⁰

Foremost, persons with disabilities have difficulties physically reaching institutions. Focus group findings show that CSWs do not have appropriate premises for providing professional assistance/counselling. 82.5% of persons with disabilities and parents of persons with disabilities believe that social policy institutions are not accessible and available¹⁹¹.

The issue of disability is not included in the policies regulating the gender issue. Services and measures for

assistance and support of women with disabilities who are victims of domestic and gender - based violence in the form of safe and long-term housing, psychosocial assistance and support and free legal aid have not been predicted. The currently existing reintegration services and shelter centres are not accessible to persons with disabilities.

Additionally, access to services is made more difficult due to requirements for provision of voluminous documentation. All interviews had two key things in common: people are facing issues providing all the documents, which repeat for every right, and the lack of time and finances. Assistance and care in the homes of persons with disabilities is offered in only five-six municipalities. This service is offered through the program for community service - socially useful work (SUW). Some municipalities point out that the problem lies in social stigma and not accepting the state of disability by the families, without the consent of which assistants cannot be provided.

Most activities related to disability at the local level are just part of the work of social care departments and financial support is most often provided for day centres. They are not acquainted with CRPD. Mainstream services at the local level are not available for citizens with disabilities unless they are directed at disability. For example, the opening of a special fitness centre for persons with disability that was financially supported by the municipality of Strumica. Even in such cases the municipalities are not aware that with such activities they promote a medical and charity model to the community with disability, which is violation of the human rights of persons with disabilities and the provisions of CRPD.

The provided analysis of the capacities of social services indicates that the greatest need for social services is actually the need for building infrastructure and human capacities before being able to discuss new social services and, of course, defining the cost of services.

Additionally, different benefits are provided through the Law on Civilian Invalids from the War¹⁹² and the Law on Special Rights of Members of the Security Forces of RM and Members of their Families¹⁹³ for persons with disabilities, but not on the basis of the disability, but the reason for gaining the disability¹⁹⁴. With these laws the state again provides different benefits for the same state of disability.

¹⁸⁹ Statement from the focus groups of persons with disabilities.

¹⁹⁰ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹⁹¹ See: E. Kochoska, J. Klimoska. Publication “Terra Incognita” – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of the right to social protection, 2018, Polio Plus, available at: <http://polioplus.org.mk/margina/dokumenti/terra-incognita-mk.pdf>.

¹⁹² Law on Civilian Invalids from the War, MoLSP, available at: < https://mtsp.gov.mk/WBStorage/Files/civilniinvalidi_konsolidiran.pdf >.

¹⁹³ Law on the Special Rights of Members of Security Forces of RM and Members of their Families, MoLSP, available at: https://mtsp.gov.mk/WBStorage/Files/braniteli_precisten.pdf.

¹⁹⁴ See: *Handicap – the missing puzzle, Report on the status of persons with handicaps*, Polio Plus, 2012.

Independent living mainly depends on informal support networks. The necessary support services have not been developed and are mainly part of the public day centres for children and OPD and CSO. Deinstitutionalization is widely understood as relocating people with disabilities to small group homes and changes in the institutional nature and care¹⁹⁵. There are numerous reports pertaining to the deinstitutionalization process. Although most of them fail to analyse the occurrences from the viewpoint of disability and truly referring to the provisions from Article 19, the narrative thereof is dominated by statements on the quality of services (living conditions and level of care) instead of the quality of life (access to mainstream services and future prospects for persons with disabilities).

Stakeholders, OPD and CSO, including the persons with disabilities themselves and the parents of children with disabilities do not understand the concept of independent life.¹⁹⁶ In spite of the adopted National Strategy for Deinstitutionalization¹⁹⁷ (2018– 2027)¹⁹⁸, the state has still not adopted an action plan for its implementation. By the end of 2019 there were no longer any children in institutions, including children with disabilities. Thus far, most of the financing in the process of deinstitutionalization – except capital expenses in certain cases – is from international donors. Lack of standards for development services and transition to independent living makes the staff work as they always have, i.e., focusing on activities for basic care and occasional cultural events. There is no evidence of individual planning for persons with disabilities aimed at their inclusion in the community¹⁹⁹. Bearing in mind that persons with disabilities accommodated in institutions and those out of institutions have very low social skills, it is necessary to undertake measures in this process for raising of social skills of persons with disabilities who have completed the process of deinstitutionalization, as well as to introduce mandatory measures and activities for advocacy and self-advocacy of the persons who are still in the institutions and who have completed the process. The inclusion of persons with disabilities in the process must be provided in this. Coordination between all stakeholders is very low. Lack of accessibility restricts persons with disabilities from participating in the

community. Lack of self-confidence contribute to some of the deinstitutionalized persons feeling insecure regarding the relevance and success of the process itself²⁰⁰.

Additionally, deinstitutionalization of adults with disabilities and the services to support community living are not in line with the CRPD. The process does not encompass the right to choose of persons with disability to decide whether they wish to live outside of institutions, on how to make an informed decision to do so, on where and with whom they wish to live within the community etc.

The key factor is that among policy makers, central and local administration, and the public there is no understanding of the CRPD obligations at all. This contributes to maintaining existing perception towards persons with disabilities at all levels. This is also compounded with continued taking of legal capacity away from people with disabilities. Parallel to this, a large portion of people with disabilities in institutional care, group homes or families are still deprived of their legal capacity and put under custodianship. Although the Government did not make any consultations with persons with disabilities and OPDs pursuant to the CRPD, in COVID-19 conditions it adopted several measures that have direct impact on men and women with disability. During lockdown measures personal assistants did not follow the special protocols, which created fear both with the service recipients and assistants of possible infection and transmission of the disease, which lead to lower care intensity²⁰¹.

3.2 Access to Healthcare and Healthcare Services

The founding principles of the Law on Health Protection (LHP)²⁰² are insufficiently detailed from the viewpoint of the CRPD. The Law on Health Insurance (LHI)²⁰³ regulates healthcare services in primary, specialist-consultative and hospital care (short and long term) and healthcare services through government programs for preventive and curative protection. 94% of persons with disabilities and parents of children with disabilities believe that they are discriminated against in the field of healthcare and believe that the procedure for receiving primary,

¹⁹⁵ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹⁹⁶ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

¹⁹⁷ UNICEF, in coordination with other UN and EU agencies, participated in the development of the Strategy for Deinstitutionalization 2018–2027 “Timjanik” and the accompanying Action Plan. A situational analysis was performed and challenges and priorities were identified and that was included in the final text of the Strategy. The process of deinstitutionalization is an ongoing process and UNICEF continues to support it.

¹⁹⁸ See: National Strategy for Deinstitutionalization 2018 – 2027 “Timjanik”, MoLSP, available at: <https://www.mtsp.gov.mk/content/pdf/strategiji/Strategiji%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf>.

¹⁹⁹ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

²⁰⁰ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020.

²⁰¹ See: Analysis of the Influences of COVID-SARS-19 on Gender and Differences Policy Study no. 40, OSCE, 2021, available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>.

²⁰² Law on Health Protection. Official Gazette of RM no. 43/2012, 145/2012, 87/2013, 164/2013, MoH. Available at: <http://mz.gov.mk/wp-content/uploads/2012/12/zakon-za-zdravstvena-zastita-2_12_2012.pdf>.

²⁰³ Law on Health Insurance (integrated consolidated text Official Gazette no. 65/2012, 16/2013 and 91/2013), Health Insurance Fund. Available at: <[http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisquruvanje%20\(Interen%20precisten%20tekst\).pdf](http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisquruvanje%20(Interen%20precisten%20tekst).pdf)>.

secondary and tertiary protection are not accessible and easily available²⁰⁴.

Healthcare institutions are foremost physically inaccessible, including the MoH itself and the regional departments of the HIF MK (Health Insurance Fund of the Republic of North Macedonia)²⁰⁵, as well as many public and private medical practices. The Law on Protection of Patients' Rights (LPPP)²⁰⁶ regulates the right of information for patients with permanently diminished capacity for judgment²⁰⁷ but, due to lack of trainings on communication and approach to persons with disabilities, this realization of this right is made difficult in practice. Unlike other patients, a blind person, a deaf person who cannot read, a mute person who cannot write and a deaf-mute person, must accept or refuse a certain medical intervention with a statement given in front of two witnesses. This method again reflects the medical approach to issues of disability.

Disability is not part of the criteria when preparing and providing programs for professional training in the field of public health²⁰⁸. Pursuant to the Law on Medicinal Products and Medicinal Devices²⁰⁹, the criteria for placing medicinal products and devices on the market do not predict accessibility and availability standards.

The premise for realizing healthcare services is age and level of disability and diagnosis. Access to orthopaedic aids and other equipment, regulated through the Rulebook on the Indications for Realization of the Right to Orthopaedic and Other Devices²¹⁰ is determined by age, amount of participation fee that the insured person needs to pay, as well as the time for use of these aids. According to HIFNRM information,²¹¹ approximately 193 thousand aids were issued in 2020, most of which belong to the group of orthopaedic devices. Based on the data for issued

orthopaedic devices, it can be concluded that most issued devices belong to the sub-group of miscellaneous and sanitary devices, which includes diapers and urostomy, ileostomy and colostomy bags. Expenses for orthopaedic aids in November 2019 constituted 1.68% of the total budget.²¹² 95% of persons and parents of children with disabilities believe that there is no transparency and accountability on the part of HIFNRM regarding the funds allocated for health protection of persons with disabilities²¹³.

The right to rehabilitation can be used as extended traumatology and post-operative convalescing in the duration of 21 days in the period of 1 year for persons with disabilities, defined by diagnosis that are listed in the rulebook itself. Exception are the children with cerebral paralysis up to 3 years of age where rehabilitation can last up to 30 days and up to four times per year, and for children aged 3 to 14 it can last up to 30 days and up to 2 times per year. In 2020, the right to specialized medical rehabilitation, as continued hospital treatment, with a decision from HIFNRM, was realized by 2,068 insured persons, which is approximately 62% less than in 2019. In 2020 HIF MK provided contractual payments (budgets) in the total amount of 83,000,000 denars for private healthcare institutions that perform medical rehabilitation as extended hospital treatment (spa). The fee for medical rehabilitation performed in public healthcare is included in the total fees²¹⁴.

Despite the healthcare services, there is still a lack of specialized healthcare services, and programs and services for prevention, early detection, diagnosis, early treatment and rehabilitation of children and adults with disabilities. Children and adults with disabilities who need general dentistry can only realize it in the Dental Clinical Centre in Skopje, which puts persons and children from rural areas in a completely unfavourable position.

Healthcare employees have insufficient knowledge of the rights and obligations arising from the CRPD. 99% of surveyed persons gave a negative grade for the work of healthcare employees with citizens with disabilities²¹⁵. Stereotypes and opinions are an additional obstacle in realizing healthcare protection rights for persons with disability, and they are frequently denigrated and

²⁰⁴ See: Publication "WHERE IS THIS SHIP SAILING" – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of health protection law, 2018, available at: <http://polioplus.org.mk/margina/dokumenti/kade-plovi-ovoi-brod-en.pdf>.

²⁰⁵ See: "Sexual and Reproductive Health and Persons with Disabilities – Needs and Services Assessment Report – Hera, page 20, 2012, <http://hera.org.mk/wp-content/uploads/2014/02/izvestaj_poprecenost_rz.pdf>. Accessed on: 21.10.2014,

²⁰⁶ See: Law on Protection of Patients' Rights (Official Gazette of RM no. 82 from 08.07.2008). Available at: <<http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-ZASHTITA-NA-PRAVATA-NA-PATIENTITE-zakluchno-so-br.-150-od-2015.pdf>>

²⁰⁷ See: "Patients' Rights with Focus on Persons with Intellectual Disability" ESE, 2011, page 6. <http://www.esem.org.mk/pdf/Publikaciji/ESE%20Intelektualna%20poprecenost.pdf>.

²⁰⁸ Law on Public Health, no. 136/2011 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-javno-zdravje-precisten.pdf>

²⁰⁹ Law on Medicinal Products and Medical Devices, 11/2012 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-lekovi-i-medicinski-pomagaala.pdf>

²¹⁰ Rulebook on the Indications for Realization of the Right to Orthopedic and Other Devices, HIF MK, available at: <http://www.fzo.org.mk/default.asp?ItemID=D42C5C3FA5A79548A0408B9FB59A9874>

²¹¹ Annual Report for 2020 of HIFNRM, available at: <http://www.fzo.org.mk/WBStorage/Files/Godisen%20izvestaj%202020.pdf>

²¹² See: Report on the Realization of the Funds from the Budget of HIFNRM for the Period 01.01-30.11.2019, available at: <http://www.fzo.org.mk/WBStorage/Files/11.%20Noemvri%202019.pdf>

²¹³ See: Publication "WHERE IS THIS SHIP SAILING" – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of health protection law, 2018, available at: <http://polioplus.org.mk/margina/dokumenti/kade-plovi-ovoi-brod-en.pdf>

²¹⁴ See: Annual Report for 2020 of HIFNRM, available at: <http://www.fzo.org.mk/WBStorage/Files/Godisen%20izvestaj%202020.pdf>

²¹⁵ See: Publication "WHERE IS THIS SHIP SAILING" – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of health protection law, 2018, available at: <http://polioplus.org.mk/margina/dokumenti/kade-plovi-ovoi-brod-en.pdf>

considered asexual²¹⁶.

Persons with disabilities are left out of the detection and early prevention, and of the programme for malign diseases, with no access to services, for which no cost is established.

In recent years, the UNFPA, through its program on sexual and reproductive health (SRH) and rights and gender-based violence (GBV), and with the aim of implementing some of the activities from the action plan on reproductive sexual health²¹⁷ provided trainings for general medical practitioners and social workers in the whole country. Persons with disability were part of the UNFPA training team.

These trainings are conducted in cooperation with the Centre for Family Medicine and are aimed at strengthening the capacities of stakeholders regarding the CRPD, the concept of GBV on women with and without disability, as well as introducing them to the concept of reasonable accommodation. With the aim of strengthening the capacities of persons with disability regarding SRH and with the support of UN agencies, various trainings were provided for persons with disability, OPD and other stakeholders and persons with disability who have completed the process of deinstitutionalization. Trainings under the UN program managed by UN Women were implemented for persons from SI Banja BANSKO and for other stakeholders, on the concept of gender-based violence, CRPD and the concept of independent living. Trainers with disability were included as part of the trainer teams.

UNFPA, together with healthcare workers and other stakeholders, works on planning of family and care during pregnancy (especially regarding women and girls with disabilities), amongst the above areas.

Regarding the right to terminate pregnancy, in the existing legal solution²¹⁸ the decision, i.e., the written statement for women whose legal capacity was taken from them is made by their guardians. The law does not provide for ways of acquiring consent from women with disability, nor does it provide ways for communication and counselling of women accommodated in institutions and/or group homes and/or in the new forms of organized supported living.

Despite the legal obligation for keeping records of children

with disability,²¹⁹ neither healthcare institutions, nor the Institute of Public Health keep registers of children with special needs. In COVID-19 conditions, persons with disabilities stated that they faced greater social isolation, which influenced their mental health.²²⁰ The information considering COVID – 19 transmitted through the media were not in accessible formats²²¹. Information from MoH on COVID-19 were not in accessible and available formats. The internet page containing information related to COVID-19 is inaccessible. Additionally, the internet page inviting citizens to apply for vaccination is also not in an accessible format. Vaccination points and points for PCR tests are inaccessible.

3.3 Access to Education

Perceptions regarding inclusive education indicate that there is a six-time increasing in the number of people who support the idea that children with disabilities should attend regular schools with their peers (from 4% in 2014 to 24%), however, 66% believe that child inclusion with a disability in regular education will inevitably mean that other children will be deprived of sufficient attention by teachers²²².

According to the WB report from 2015. "The representation of children with disabilities in preschool education is below 5%"²²³. Out of 58 kindergartens in 2017 and 2018, 39 kindergartens (or 68%) have taken care of 415 children with disabilities. The percentage of children with disabilities is 1.19% of the total number of children included in kindergartens²²⁴.

The Law on Child Protection (LCP)²²⁵ lacks many measures

²¹⁶ See: "Sexual and Reproductive Health and Persons with Disabilities – Needs and Services Assessment Report – Hera, 2012, pp. 61 – 62.

²¹⁷ <http://iph.mk/wp-content/uploads/2019/08/Nov-tekst-na-AP-usoqlaseno-Sekretariat-za-zakonodavstvo-11.09.2018.pdf>

²¹⁸ Law on Termination of Pregnancy <http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-PREKINUUVANE-NA-BREMENOSTA-zakluchno-so-br.-149-od-2015.pdf>

²¹⁹ Law on Record Keeping in the Field of Healthcare, Official Gazette of RM, no. 20/09. Available at: http://www.fzo.org.mk/WBStorage/Files/Zakon_za_evidencii_vo_oblasta_na_zdravstvoto_SL_Vesnik_na_RM_br_20_od_16.02.2009_godina.pdf

²²⁰ See: Analysis of the Influences of COVID-SARS-19 on Gender and Differences Policy Study no. 40, OSCE, 2021, available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>

²²¹ Human Rights Report 2021, FRA, EPI Available at <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>

²²² GFK, Second Survey on Knowledge, Attitudes and Practices Regarding Inclusion of Children with Disabilities UNICEF (2018) Skopje op cit. https://www.unicef.org/northmacedonia/media/3186/file/MK_2018_DisabilityKapReport_MK.pdf

²²³ The World Bank. Former Yugoslav Republic of Macedonia Early Childhood Development: SABER Country Report 2015

²²⁴ Inclusion of children with disabilities in preschool education process: Research report- Skopje: Ombudsman of the Republic of Macedonia, 2018, UNICEF Available at https://www.unicef.org/northmacedonia/media/4386/file/MK_CWDInKindergarten_Report_MK.pdf

²²⁵ Law on Child Protection, MLSP, Consolidated text Available at: <https://www.mtsp.gov.mk/content/pdf/zakoni/2018/198%202018%20ZAKON%20ZA%20ZASTITA%20NA%20DECATA%20%20DO%BA%DO%BE%DO%BD%D1%81%DO%BE%DO%BB%DO%B8%DO%B4%DO%B8%D1%80%DO%B0%DO%BD%20%D1%82%DO%B5%DO%BA%D1%81%D1%82-converted.pdf>

that would lead to inclusive equality, such as the application of the principle of best will and preferences of children with disabilities, the principle of promoting the development identity of children with disabilities, the approach to defining of children and adults with disabilities, as well as their active involvement in all processes. According to the LCP, as a child, is considered any person up to 18 years of age, as well as “persons with disabilities in physical and mental development up to 26 years of age.” The law is burdened with different terminology and has a medical understanding of the state of disability. With LCP, adults with disabilities up to 26 years of age are treated as children.

LCP provides an opportunity within the kindergarten to form a group for children with disabilities, which is certainly not in the direction of inclusion, i.e., includes only physical integration. The normative of the Rulebook²²⁶ does not define the standards for accessibility and communications in accordance with the KPLP. The process of detecting, identifying, and reporting children with disabilities is hampered by the lack of unified systemic procedures when it comes to early detection and intervention. The process does not provide adequate support for parents to accept their child with a disability, and there is a reluctance on the part of educators to work with children with disabilities²²⁷.

In 2020, 0.34% of GDP was earmarked for preschool education²²⁸.

The greatest progress in terms of inclusive education is in primary education. Primary education is regulated by the Law on Primary Education (LPE)²²⁹ and supported by the Concept of Primary Education²³⁰, as the Concept for Inclusive Education²³¹. The concept of primary education despite all international documents and strategies does not even refer to the CRPD, so the concept itself does not mainstream this issue from the aspect of CRPD. LPE²³², includes disability in protection against discrimination.

²²⁶ https://www.mtsp.gov.mk/content/pdf/pravilnicidetska/standardi_gradinki.pdf

²²⁷ Inclusion of children with disabilities in preschool education process: Research report- Skopje: Ombudsman of the Republic of Macedonia, 2018, UNICEF Available at https://www.unicef.org/northmacedonia/media/4386/file/MK_CWDInKindergarten_Report_MK.pdf

²²⁸ https://eacea.ec.europa.eu/national-policies/eurydice/republic-north-macedonia/early-childhood-and-school-education-funding_en

²²⁹ Law on Primary Education Available at <https://mon.gov.mk/stored/document/Zakon%20za%20osnovnoto%20obrazovanie%20-%20nov.pdf>

²³⁰ Concept for primary education, MES Available at: <https://mon.gov.mk/stored/document/Koncepcija%20MK.pdf>

²³¹ The concept of inclusive education, Available at <https://mon.gov.mk/stored/document/Koncepcija%20za%20inkluzivno.pdf>

²³² Draft Law on Primary Education, MES 2018, Available at: < http://www.mon.gov.mk/images/dokumenti/4_1177161790%D0%9D%D0%B0%D1%86%D1%80%D1%82_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B7%D0%B0%D0%BE%D1%81%D0%BD%D0%BE%D0%B2%D0%BD%D0%BE%D1%82%D0%BE%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B5_1.1.doc

Regarding the use of languages (Article 10), the legislator did not provide for the use sign language, nor the Braille Alphabet. The use of the Braille alphabet is foreseen solely in realization of the curriculum and programmes, and in the grading of students with disabilities. The study of sign language is not envisaged either as a compulsory subject or as an optional one in the Concept for Primary Education²³³. This approach contributes to the suspicion and resentment of people with disabilities²³⁴ about their inclusion in regular education. The definition that accessibility means “taking measures to provide access to students with disabilities” in the LPE is understood, in the narrow sense of the word, as providing means to overcome physical barriers, instead of systematically resolving the accessibility problem in the schools.

The LPE regulates the inclusion of educational assistants (EA) and personal assistants (PA). The rulebook for EA and PA²³⁵ as well as lowering the age limit for PA from 18 to 6 in the LPP confirms that the legislator does not have adequate knowledge of the concepts of EA and PA and it should be noted that such selectivity in service delivery is a violation of the article 19 of the KPLP. The findings from the field also indicate that the personal assistants are not clear about their obligations and responsibilities towards the students and other professionals²³⁶. The largest percentage of teachers (59.9%) equate the work tasks of the personal assistant with the work tasks of the education assistant²³⁷.

In 2019/2020, 321 assistants (91-PA and 230-EA) were hired in 35 municipalities²³⁸. In 2021, the Ministry of Education and Science plans to hire 500 EA. For this purpose, 59 million denars are provided from the budget²³⁹.

According to the SSO data²⁴⁰ at the beginning of the school year 2020/2021, the number of students in the 42 special primary schools was 706 students with disabilities, of which 256 were girls. In the secondary 4 special schools,

²³³ <https://360stepeni.mk/kako-ke-izleda-osnovnoto-obrazovanie-sposed-novata-kontseptsija/>

²³⁴ Statement of participants in focus groups

²³⁵ https://mon.gov.mk/stored/document/2021_Pravilnik_Nachin%20na%20pobarauvanje%20asistenti.pdf

²³⁶ Hant, Publication Research “Educational and Personal Assistants. Now and Here – Open perspectives” UNDP

²³⁷ Current situation of children with special educational needs in primary education in the Republic of North Macedonia, 2018, BDE Available at <https://www.bro.gov.mk/wp-content/uploads/2020/02/Aktuelna-sostojba-na-inkluzija-na-deca-so-posebni-obrazovni-MK.pdf>

²³⁸ Hant, Publication Research “Educational and Personal Assistants. Now and Here – Open perspectives” UNDP, available at

²³⁹ <https://www.fakulteti.mk/news/23072021/vo-tek-e-oglas-za-vrabotuvanje-500-obrazovni-asistenti-za-poddrshka-na-decata-so-poprechenost-na-uchilishte-kje-zemaat-plata-od-24-000-denari>

²⁴⁰ State Statistics Office, Primary and secondary schools in the Republic of North Macedonia at the beginning of the academic year 2020/2021, Available at: <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?id=17&br=13594>

the number of students is 232, out of which 75 are girls with disabilities. There is an inconsistency in the records between the holders of liabilities and the SSO. SSO points out that there are 45 to 42 special schools in the country, while according to the holders of obligations there are only 5 special schools which according to the new Concept for Education and LPE become primary schools with a resource centre. To improve the inclusion process, a Project for unhindered access is implemented in 14 educational institutions across the country - 6 primary schools, 4 high schools and 4 faculties through the Action Program of 2019-IPA 2 - EU for inclusion for which the technical documentation has been prepared (adaptation projects).

The Law on Secondary Education (LSE)²⁴¹ is segregated and fragmented. The jobs for which people with disabilities are trained do not correspond to the needs of the labour market and they are not in the same scope and quality as in the regular high schools²⁴². The Law on Higher Education (LHE)²⁴³ does not contain clauses for protection against discrimination on the grounds of disability, does not regulate the right to appropriate adjustment, nor the forms of communication. The training of the teaching staff on the issue of disability usually takes place through projects and support from international institutions without any long-term strategy by the Ministry of Education and Science and BDE²⁴⁴. The educational programs do not contain provisions that would promote and apply the various forms, as well as provisions where there will be an obligation that they should be in accessible formats²⁴⁵.

No educational institution keeps records and statistics on the number of people with disabilities included in the education system, considering the gender aspect.

In recent years, no systematic approach has been taken to increase the educational and social skills of persons housed in institutions. The biggest part of children and young people who are deinstitutionalized are not part of any education schemes because the perception is that they cannot learn because they have “severe and profound

disabilities” combined with “health problems”²⁴⁶.

Field research indicates that physical²⁴⁷ and communicative accessibility, as well as access to assistive technology²⁴⁸ is a major problem. The state should introduce an obligation for each educational institution to keep records and statistics on the number of people with disabilities.

The National Strategy for Education 2018-2025²⁴⁹ also has a significant framework in the education system. The strategy offers different terminology (people with disabilities, special educational needs, mental or physical disability) as well as a medical approach to looking at disability, with mental or physical disability being cited as a reason for certain students to have special educational needs (paragraph 150); for civic education in primary education and implementation guidelines²⁵⁰ the issue of disability is not covered.

In addition to the cooperation between the school and the parents / guardians, the concept does not envisage the inclusion of children and young people with disabilities, measures to encourage the autonomy of the governing bodies in which the children and young people with disabilities themselves will be represented, as well as the lack of opportunity for the student to express their permission regarding the individual education plan. The report on implemented activities from the National Strategy for 2019 and 2020 does not contain information on children with disabilities.

The issue of disability is not covered in the Concept for civic education²⁵¹ in primary education and implementation guidelines. Regarding sexuality education, UNFPA is engaged on developing IT solutions for the comprehensive sexuality education for persons belonging to the Autistic spectrum and persons with intellectual disabilities. As noted by UNFPA, persons with disabilities (especially

²⁴¹ Law on Secondary Education, Consolidated Text, MES, Available at: http://www.mon.gov.mk/images/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD_%D0%B7%D0%B0_%D1%81%D1%80%D0%B5%D0%B4%D0%BD%D0%BE%D1%82%D0%BE_%D0%BE%D0%B1%D1%80%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B507.pdf

²⁴² Z.Shavreski, N. Amdiu, E. Kochoska, T. Ortakovski, the team od Juridica, The missing link –Demystification of the rights of persons with disabilities in the Republic of Macedonia with a review of the right to education, 2018 Polio Plus. Available at <http://polioplus.org.mk/margina/dokumenti/Alkata-sto-nedostasuva-B5-mk.pdf>

²⁴³ Law on Higher Education, MES. Available at: http://www.mon.gov.mk/images/documents/zakoni/ZAKON_VISOKOTO_OBRAZOVANIE-final.pdf

²⁴⁴ See: Report on the Organizations of Persons with Disabilities and CSOs about the Implementation of the CRPD, submitted for consideration at the 20th session of the UN Committee on the Rights of Persons with Disabilities, 2018. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fCSS%2fMKD%2f31979&Lang=en

²⁴⁵ Law on textbooks for primary and secondary education

²⁴⁶ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

²⁴⁷ See: Research report- Application of assistive information technology in regular primary schools in Macedonia, current conditions and needs, Open the windows, march 2011; page 9-15

²⁴⁸ Z.Shavreski, N. Amdiu, E. Kochoska, T. Ortakovski, the team od Juridica, Association for Legal-Economic Research and Education, Publication The missing link –Demystification of the rights of persons with disabilities in the Republic of Macedonia with a review of the right to education, 2018 Polio Plus. Available at <http://polioplus.org.mk/margina/dokumenti/Alkata-sto-nedostasuva-B5-mk.pdf>

²⁴⁹ <http://mrk.mk/wp-content/uploads/2018/10/Strategija-za-obrazovanie-MAK-WEB.pdf>

²⁵⁰ Concept for civic education, Available at Достапно на <https://www.bro.gov.mk/wp-content/uploads/2020/09/%D0%9A%D0%BE%D0%BD%D1%86%D0%B5%D0%BF%D1%82-%D0%B7%D0%B0-%D0%93%D1%80%D0%B0%D1%93%D0%B0%D0%BD%D1%81%D0%BA%D0%BE-%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B5-MK.pdf>

²⁵¹ Concept for civic education, Available at > <https://www.bro.gov.mk/wp-content/uploads/2020/09/%D0%9A%D0%BE%D0%BD%D1%86%D0%B5%D0%BF%D1%82-%D0%B7%D0%B0-%D0%93%D1%80%D0%B0%D1%93%D0%B0%D0%BD%D1%81%D0%BA%D0%BE-%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B5-MK.pdf>

intellectual) are 3-4 times more exposed to the possibility of violence and abuse, compared to the general population.

In 2020 certain changes were made in the LPE and LSE, which ensure the smooth organization of teaching in the country and in emergencies, as is the case with the pandemic "Covid-19". The legal changes were prepared based on studies by international organizations such as WHO, UNICEF. In the school year 2020/2021, funds are provided through the EU as scholarships for children with disabilities in the first and second grade who will enrol in regular education²⁵².

In terms of participation and consultation, it must be noted that neither the OPD, nor persons with disabilities, nor children and young people with disabilities have been consulted and actively involved in drafting legal changes in education²⁵³.

3.4 Access to employment

According to the 2017 survey, the 15+ years old population in the country for 2017 was 1,679,935 individuals, of whom 56.8% are active and registered on the labour market whilst 43% are inactive²⁵⁴. Out of 725,723 inactive individuals on the labour market, 59,701 are inactive, have some kind of disability and are not participating in the economic flows²⁵⁵. On the other hand, there are 31,781 individuals without disability, who are able-bodied but unable to participate in the labour market and in the economic processes due to the lack of support services for their relatives with disabilities – a situation that forces them to stay at home and provide some kind of support to their relatives or close ones with disabilities²⁵⁶. There is no data about the state of disability, nor is there any statistical data about active, employed, and unemployed persons with disabilities.

The legislation does not provide for a coherent system for employment of the persons with disabilities as required by the UN CRPD. Bearing in mind that the entire infrastructure is totally inaccessible, including the transport sector, persons with disabilities are faced from the start with an unequal opportunity to look for a job and get one. Cases of persons with disabilities employed in the open labour

market are quite rare. The Law on the Employment of Persons with Disabilities²⁵⁷ governs the specific conditions around the employment and the work of the persons with disabilities, while focusing on their employment in shelter companies. Notwithstanding that this Law was enacted as an affirmative measure, it has so far failed to yield the necessary results²⁵⁸. The Law provides for a large number of incentives in terms of monthly salaries that are paid out of the Special Fund as grants²⁵⁹. Nevertheless, there needs to be a possibility for these to be reviewed by a court of law in order to be able to assess if they are fit for the intended purpose or not, especially in the light of the existence of a serious concern about possible abuses by employers, especially shelter companies²⁶⁰. From the point of view of anti-discrimination, a controversial provision is the one specifying that "...a person with disability may be an employer or act as a responsible person at an employer under the condition that he/she has received a positive opinion from the Commission under the MoLSP". This provision is a classic example of a legally based discrimination.

A separate chapter in the Law governs the persons with disabilities' entitlement to vocational education and training. An unemployed person with disability shall be referred to vocational training through the Employment Service Agency of the Republic of North Macedonia. Training for a job may be given at the employer and at another employer under special programs/according to special conditions and in a way as determined in the Law on the Employment Service Agency. Persons with disabilities referred to vocational training don't have the status of an employee of the employer where the vocational training is given, except in cases when the employer has hired them.

The same approach has been preserved in the provisions on professional rehabilitation in the Law on Pension and Disability Insurance, where disability is tied with one's (i) health status and (ii) ability to work. The very definitions of health and work ability are contrary to the principles, values and provisions of the UN CRPD. As far as inclusion, equality and non-discrimination are concerned, both the Law on the Employment of Persons with Disabilities and the Law on Pension and Disability Insurance keep the persons with disabilities out of the system for pension and

²⁵² https://eacea.ec.europa.eu/national-policies/eurydice/republic-north-macedonia/early-childhood-and-school-education-funding_en

²⁵³ Human Rights Report 2021, FRA, EPI Available at <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>

²⁵⁴ Publication: Labor Force Survey, 2017, Statistical Review 2.4.18.03, State Statistics Office. Available at: <http://www.stat.gov.mk/Publikacii/2.4.18.03.pdf>

²⁵⁵ Publication: Labor Force Survey, 2017, Statistical overview 2.4.18.03, State Statistics Office. Available at: <http://www.stat.gov.mk/Publikacii/2.4.18.03.pdf>

²⁵⁶ Publication: Labor Force Survey, 2017, Statistical overview 2.4.18.03, State Statistics Office. Available at: <http://www.stat.gov.mk/Publikacii/2.4.18.03.pdf>

²⁵⁷ Law on the Employment of Persons with Disabilities, "Official Gazette of the Republic of Macedonia", No.87/2005 (consolidated text), 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/2011, 129/15, 147/15, and 27/16. Available at: <http://www.mtsp.gov.mk> and <http://www.slvessnik.com.mk>

²⁵⁸ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

²⁵⁹ Rulebook on the Requirements and the Manner of Awarding Grants from the Special Fund for Improving the Conditions for Employment and Work of Persons with Disabilities, "Official Gazette of the Republic of Macedonia" No.156/2008.

²⁶⁰ See also: Z. Poposka, analytical publication "Travel far – demystifying the issue of disability in the area of employment and labor relations", 2018, Polio Plus, available at: <http://polioplus.org.mk/margina/dokumenti/patuvaj-daleku-mk.pdf>

disability insurance, and instead of making them active by going to re-training, the State pushes them towards family or disability pension as a means for social security for their lives. One of the requirements in the Law on Internship²⁶¹ for persons with disabilities to be interns is for them to have completed at least primary education. Given the context and the conditions in which the persons with disabilities are living, this provision is unfavourable and leaves them with no room for using internship as a tool for entering the labour market.

The concept of self-employment of persons with disabilities was strongly promoted and popularized in 2015, so that unemployed persons with disabilities be encouraged to open companies of their own. To date, 230 such companies have been registered. In partnership with CSOs and OPDs, UNDP is working on establishing models for economic inclusion of the persons with disabilities and Centres for Professional and Vocational Rehabilitation. Two such centres have been established: one in a public social security institution in Skopje, and second one in the social enterprise “Izbor” (Choice) from Strumica. The existing criterion of general health status restricts the persons with disabilities’ access to and inclusion in the public administration and the judiciary. Distinction should be made between persons with disabilities’ health status and ability, on the one hand, and their work status and ability, and these two should not be considered as same. The ad hoc measure of 300 *employments of persons with disabilities* enabled a more robust inclusion of the persons with disabilities in the public sector. It is indicated in the Ombudsman’s report that out of a total of 300 persons with disabilities that were ranked/selected after the call, 230 of them exercised their right to employment by being deployed to a public authority/institution, while 33 were not deployed anywhere²⁶².

Employment levels of persons with disabilities are very low when compared to those of the persons without disabilities, almost invisible. According to ESA MK records²⁶³, only 1282 persons with disabilities are registered as unemployed (436 are women with disabilities). According to age breakdown, men aged 50–59 and beyond account for the majority of the unemployed; from a gender perspective, the majority of unemployed women are 50–59 years old²⁶⁴. Regarding the state of disability, the majority of the unemployed

persons with disabilities are those with mental²⁶⁵ disability (768 persons), followed by persons with physical disability (407), and deaf persons (128)²⁶⁶. On average, only 1671 persons with disabilities were recorded annually over the past ten-year period.

The existing statistics provide no information about the number of self-employed persons with disabilities, nor about the numbers of persons with disabilities employed outside of the Law on the Employment of Persons with Disabilities and of those employed in the public administration. According to the type of occupation, 1205 persons with disabilities²⁶⁷ have some basic occupation; 360 have occupations with non-industrial processes in the manufacture sector; 292 work as handlers and fitters of machinery and installations; 94 work in the service industry and as workers in shops and market sales; 28 are technicians and related occupations; 26 are clerks; 4 are employed as members of legislative and executive bodies, state officials, managerial civil servants, diplomats, and directors; 3 are experts and scientists; and 2 work as professional farmers and fishermen²⁶⁸. Regarding the state of disability, the majority of the employed persons with disabilities are with “obstacles in their intellectual development” (891); physical disability (461); impaired hearing (244); impaired sight (115); other disabilities (303; this category is unknown in the social protection system; thus, it is not clear what kind of disability it is about). 65% of the responding persons with disabilities think that the Law on the Employment of Persons with Disabilities is not the best solution for their employment; instead, the best solution in their view is the open labour market. There is widespread opinion among the persons with disabilities in favour of the introduction of quota system for their employment in both public and private sectors (85%), which is not the case with the parents of the children with disabilities where the difference consists in 30 percentage points²⁶⁹.

10 persons with disabilities, 4 of whom were women (40%), were employed in 12 municipalities by March 2020 (Bitola, Prilep, Ohrid, Struga, Shuto Orizari, Kumanovo, Shtip, Kochani, Vinica, Delchevo, Berovo, and Pehchevo), with

²⁶¹ <https://uklo.edu.mk/filemanager/KREDO/Zakon-za-praktikanstvo-21-05-2019.pdf>

²⁶² See: Special report of the Ombudsman about the measure of 300 employments for persons with disabilities. Available at: <http://ombudsman.mk/upload/Istrazuvanja/2016/Istrazuvanje-Makedonski%20sumi.pdf>

²⁶³ Overview of registered unemployed persons with disabilities, ESA MK, available at: <https://av.gov.mk/voveduvanje-vo-evidencija.nspix>

²⁶⁴ Overview of registered unemployed persons with disabilities according to the age structure, ESA MK, available at: <https://av.gov.mk/content/Statisticki%20podatoci/%D0%94%D0%B5%D0%BA%D0%B5%D0%BC%D0%B2%D1%80%D0%B8%202019/p2%20invalidni%20lica%20voznost%20122019.pdf>

²⁶⁵ Terms like mental disability are terms used in the reports of the State Statistical Office.

²⁶⁶ Overview of registered unemployed persons with disabilities according to the type of disability, ESA MK, available at: <https://av.gov.mk/content/Statisticki%20podatoci/%D0%94%D0%B5%D0%BA%D0%B5%D0%BC%D0%B2%D1%80%D0%B8%202019/p1%20invalidni%20lica%20vid%20122019.pdf>

²⁶⁷ Publication: Social protection of children, youth and adults in the period 2012 – 2018; Statistical overviews; State Statistical Office; available at: <http://www.stat.gov.mk/PublikaciiPoOblast.aspx?id=22&rbrObl=3>

²⁶⁸ Publication: Social protection of children, youth and adults, 2018; Statistical overview 2.4.19.03, page 31 – 33, State Statistical Office, available at: <http://www.stat.gov.mk/Publikacii/2.4.19.03.pdf>

²⁶⁹ See: Z. Puposka, analytical publication: “Travel far – demystifying the issue of disability in the area of employment and labor relations”, 2018, Polio Plus. Available at: <http://polioplus.org.mk/margina/dokumenti/patuvaj-daleku-mk.pdf>

the support of UNDP and in partnership with MoLSP, SDC and ESA MK (The Municipal Beneficial Work Program). In 2018, 147 unemployed persons with disabilities were given adjusted training on entrepreneurship and management with the support of UNDP. In 2019, 43 persons with disabilities applied for grants for self-employment, 31 of whom received a certificate on successful completion of the training; 19 of them established a business of their own and hired 4 additional persons.

The concept of self-employment of persons with disabilities was strongly promoted and emphasized in 2015, in order to encourage unemployed persons with disabilities to start their own companies. The measure of self-employment of persons with disabilities, as part of the Operational Plan for active programs and measures for employment and services on the open labour market, has been implemented by UNDP. To date, 230 companies established by persons with disabilities have been registered, within which they are self-employed as employers. UNDP in partnership with CSOs and OPDs undertakes activities to establish models for economic inclusion of persons with disabilities, as well as activities for establishing a centre for support of work-oriented rehabilitation and employment. These centres offer a set of services aimed at supporting persons with disabilities for inclusion in the labour market. As part of the Project Creating Job Opportunities for All - main phase, UNDP in partnership with SDC, MLSP and ESA MK formed two pilot models, one of which is developed in partnership with the social enterprise within the NGO Choice from Strumica, while the second pilot centre is part of the Public Social Institution Institute for Rehabilitation of Children and Youth in Skopje. As part of the same project, the establishment of a third such centre to provide services to people from the Polog region is in the implementation phase. Within the centre in Strumica, with the support of UNDP, a training centre for processing, drying, and packaging of agricultural products has been established, which offers training for acquiring skills and qualifications for occupations in agriculture. This training centre is open for training of all people, not only persons with disabilities.

UNDP within work is striving to infuse social inclusion and decent work standards into national employment strategies. In partnership with Ministry for Labour and Social Policy, SDC and Employment Agency within the component community-based services (CBS) in a period of six months until March 2020, in 12 municipalities (Bitola, Prilep, Ohrid, Struga, Shuto Orizari, Kumanovo, Shtip, Kochani, Vinica, Delchevo, Berovo and Pehcevo) 10 persons with disabilities, of which 4 women (40%), have been employed. Also according the UNDP information in 2018, 147 unemployed persons with disabilities received tailored entrepreneurship and management training. In 2019 forty-three persons with disabilities have applied for grants for self-employment, of which 31 obtained certificates for successfully completing the training; 19 of

these set up their own business and employed another 4 people²⁷⁰

With their support, work rehabilitation service was provided to 23 persons with disabilities, 20 of whom were persons with physical disability from the public institution Banja BANSKO in Strumica, and 3 were persons with intellectual disability involved in organized living with the support of the parent organization "Poraka" (Message) from Negotino.

The level of registration of the unemployed persons with disabilities is very low compared to the persons without disabilities. According to the Law on Registration for Employment, the applicants are due to show up in person. The people living in institutions, group homes and other organized forms of supported living, as well as adults with disabilities who attend day centres, are not registered in the ESA MK. According to ESA MK, their teams cannot go to the homes of the persons with disabilities; they think this is a job of the Centres for Social Work²⁷¹. In this context, one should also bear in mind that ESA MK premises are, in general, totally inaccessible for the persons with disabilities.

Another serious problem for ensuring employability for the persons with disabilities is the issue of their legal capacity. Many of the persons who left institutional care were assessed as "incapable". The State should get down to bringing them their business ability back as soon as possible and make a new assessment of these e-institutionalized persons.

At local level, employability of persons with disabilities is not addressed in municipal strategic programs, nor is the issue of disability part of the economic development plans of the municipalities.

Perception is one of the key barriers persons with disabilities are facing. Much of the public has a negative attitude towards these persons, and these attitudes are supported by a general lack of understanding about disability and about the persons with disabilities in general. The Government must evaluate the effectiveness and the impact of their strategies and campaigns aimed at raising the awareness of the public²⁷².

²⁷⁰ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

²⁷¹ K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

²⁷² K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

Annex 5. Answers Received from UN Agencies and Part of the International Community

| Questions | UNFPA | IOM | UNHCR |
|---|--|--|--|
| Do UN agencies and international organizations have coordination meetings with other international organizations on which activities and programs would be supported without having overlap of same activities? | No, but since there is regular coordination with national partners, information on existing or planned activities by other international organizations are received from the national partners. | In the frames of IOM, regular consultative meetings are held with all institutions, non-governmental organizations, and stakeholders in the field of migrations, aimed at coordinated implementation of projects and avoiding overlapping of activities in the field in which IOM is implementing activities. | Yes, such coordinative meetings and consultations are held with wide participation, especially when drafting, monitoring, and preparing reports on programs related to promoting the rights and inclusions of persons with disabilities. Additionally, bilateral consultations are held with other international organizations, embassies, and international partners. |
| How do UN agencies and other international organizations define the activities they would support, and which do not lead to violation of the rights of the disability community and Article 3 of the CRPD? | UNFPA is always driven by the creed that no one should be left out. All activities implemented by our office are based on the needs of the target group and the principles of equality, indiscriminability, accessibility (when conducting trainings, events etc.) and equal rights. | Within IOM we have a regional office with thematic experts and during every program planning it reviews and approves all projects, activities, and programs. Additionally, during programming the IOM considers all national and international laws, strategies, and conventions in power. In all its activities, trainings, and work with organizations of persons with disabilities, the IOM applies the human rights disability model, in accordance with CRPD principles. | Before defining program and project activities, a situational and needs analysis is conducted, reasons for vulnerability are identified, for non-realization of rights, and the stigma and exclusion of this category of persons. |
| In which way do UN agencies and other international organizations make assessments to determine if their activities are in line with the CRPD? | UNFPA organizes meetings with representatives of organizations representing the rights of persons with disabilities, as well as with the target group, where every participant points out their most serious issues, priorities, etc. | When conducting any project or program activities, the IOM carries out a consultation process with institutions in the country in order to align the programs with the country's priorities. Regarding assessments whether activities are in line with the CRPD, our organizations has appointed 2 contact persons exclusively for disability who, in addition to being responsible for mainstreaming disability as a thematic area, they also perform consultations, monitoring and evaluation of all current activities in the agency. | Through different means. Primarily through direct consultations and direct participation of persons with disabilities, providing conditions for the participation of persons with disabilities in creating policies, laws and decisions, research and public awareness raising |
| Do UN agencies do disability-based budgeting? | No. | In IOM there is no specific disability-based budgeting, but we do have programs supporting vulnerable categories of migrants that include persons with disabilities as one of the categories for which budgets for activities are planned. | I have insufficient knowledge. |

| USAID | UNDP | UNICEF |
|---|--|---|
| <p>USAID participates in formal structures, but it also frequently informally coordinates with other international organizations active as donors in Macedonia. Unfortunately, there is no domestic/national body or working group for coordination of programs in the field of implementation of the CRPD, except for the partial mentioning of inclusion of vulnerable groups in the work of the sectorial working group on education, employment and social inclusion coordinated by SEA, and through which other donors coordinate their programs with the ones supported by the EU.</p> | <p>Yes, such coordinative meetings are held with wide participation, especially when preparing and doing planning, preparing, and planning program and project activities, concluding partnership and, of course, when presenting reports and the results of the implemented activities.</p> | <p>Yes, such coordinative meetings and consultations are held with wide participation, especially when preparing joint projects, reports, when monitoring and evaluating programs related to the promotion of the rights and inclusion of persons with disabilities. Also, such meetings are held when there are bilateral consultations with international organizations, embassies, and other international partners.</p> |
| <p>USAID has a policy for inclusion of persons with disabilities (Disability Inclusion Policy https://www.usaid.gov/inclusivedevelopment/disability-rights/disability и https://usaidlearninglab.org/sites/default/files/resource/files/additional_help_for_ads_201_inclusive_development_180726_final_r.pdf) that is mandatory for organizations implementing projects financed by USAID, and which can have different development goals and do not have to be focused on persons with disabilities. Projects are also obliged to report on how they implement these regulations.</p> | <p>Every defined program and project activity is preceded by an analysis of the factual situation regarding the targeted issue, data is compared with previous analysis at the national level, the needs are determined and, in cooperation with representatives of the disability community, priorities are determined and confirmed with the aim of creating conditions for their greater inclusion in society mainstreams.</p> | <p>Before defining program and project activities, a situation and needs analysis is conducted, and the reasons for vulnerability, non-realization of rights, stigma, and exclusion of this category of persons are identified. Considered are previous experiences and conducted activities, as lessons learned and good practice examples. UNICEF also has a so-called focal point, i.e., a person who has excellent knowledge of all legal acts, by-laws, and conventions on protecting the rights of the disability community. This person is obliged to constantly learn in this area and to make sure that the implemented activities are in full compliance and lead to improving the rights of the persons with disabilities.</p> |
| <p>Such an assessment in the frames of designing/preparing a new multi-year project or strategy is, unfortunately, not obligatory when planning new projects or strategies.</p> | <p>By engaging international experts working on promotion, implementation and analysis of policies enabling better inclusion of persons with disabilities in society (independent living, education, social services, employment support, housing, etc.). Through organizing consultation meetings with persons with disabilities and organizations representing the rights of this group of citizens at the national and local levels, as well as exchange of experiences, information, and knowledge in the field with EASPD as the umbrella organizations including 15,000 organizations of persons with disabilities, service providers and experts who participate in the creation of the policies at the EU level aimed at implementing UN CRPD.</p> | <p>In addition to the persons nominated in the organization to ensure that activities are in line with the CRPD, persons with disabilities are included in the assessment, as well as representatives of organizations dealing with these topics. Regional inclusion advisors are also included in the assessment, as needed.</p> |
| <p>No, but there is a special program with an annual budget of several million dollars for new/thematic projects or better accommodation of existing projects to make all activities/services/product accessible and inclusive of persons with disabilities in their activities.</p> | <p>Yes, at the level of program and project activities, which are most frequently related to reasonable accommodation and accessibility.</p> | <p>The program and financial system used by UNICEF contains several types of activity coding in order to mark their goal. Thus, there is specific coding of activities for children with disabilities in order to determine expected results as well as the funds allocated for that purpose.</p> |

| Questions | UNFPA | IOM | UNHCR |
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| Which mechanisms do UN agencies use to correct their support for activities that were determined to be in opposition to CRPD provisions? | We have not had such a situation in UNFPA, thus far. | In IOM, every project has regular monitoring by the agency for implementation of the project and a second tier by the regional office that has different thematic experts, including on disability. The regular monitoring conducted according to criteria defined in advance and in line with the organization's rules enables correction if the needs arise. | Dialogue with beneficiaries, changing of activities and possibility for repurposing of funds. |
| What is the amount of funds that UN agencies (every UN agency individually) have allocated in the last 3 years for the issue of disability and in which areas? | <p>Area: sexual and reproductive health (SRH) and rights and gender - based violence (GBV)</p> <p>Innovations, creation of a digital solution for comprehensive sexuality education of persons with autism spectre disorders and persons with intellectual disabilities (2019-2021) – 80,141 USD</p> <p>UNPRPD (2018- 2020), trainings, sensitizing service providers, creation of information materials – 100,000 USD,</p> | Approximately 300,000 Euros for improving conditions for vulnerable categories of migrants, access, and protection of vulnerable categories of migrants. | OHCHR support is mainly advisory and technical, through expertise and from the main Geneva office in all areas. Annual financial support is modest and is approximately 4-5,000 USD this year. |

| USAID | UNDP | UNICEF |
|---|---|--|
| | <p>Consultations with representatives of organizations of persons with disabilities, monitoring of activities in the implementation stage and exchange of experiences and consulting with national and international human rights experts.</p> | <p>Dialogue with beneficiaries, changing and adaptation of activities and flexibility in repurposing funds for activities supporting the realization of rights of persons with disabilities.</p> |
| <p>There were no activities specifically focusing on the issue of disability in the last few years in Macedonia. The last such project was “Project for internship and employment of young persons with disabilities in the ICT sector”, which was closed in March 2018 and was implemented by the Foundation iVote in partnership with the association of students and youth with disabilities and Open the Windows.</p> | <p>UNDP in the last 3 years, regarding the promotion of rights of persons with disabilities, support of the implementation of UN CRPD and promoting inclusive processes in society has realized investments in the implementation of the following program and project activities:</p> <ul style="list-style-type: none"> - Program for self-employment of persons with disabilities - Programs for community work (creation and implementation of services for persons with disabilities – personal and teacher assistants for students in regular and secondary schools, care, and assistance services in the homes of persons with disabilities and old and infirm persons) - Creating jobs and opportunities for all – Main Stage – Piloting of services in job-oriented rehabilitation and support for the employment of persons with disabilities through Centres for professional rehabilitation and support in employment in Skopje and Strumica - Mentorship program and support for the development and managing of businesses established by persons with disabilities - Delivery of specialized professional and vocational preparation for deinstitutionalization of adults in from SI Demir Kapija - UNPRPD – Building a local model for deinstitutionalization - Economy of care – Creating new social services for assistance and care in the homes of persons with disabilities, chronic illnesses, and persons in need of palliative care - Equipping a centre for replacement of family care in Demir Kapija - Creation of a Regional centre for occupational activities, training, and delivery of services for replacement of family care and assistance services in the home for persons with disabilities in the Polog region located in Gostivar - Creation of speech synthesis – voice (audio reader) in Macedonian and Albanian for blind persons, persons with dyslexia, autism and for all persons facing difficulties in acquiring information and knowledge in written form | <p>In the period 2018-2020 the UNICEF office has spent 2,000,000 USD on disability related activities.</p> |

| Questions | UNFPA | IOM | UNHCR |
|--|--|--|---|
| In what manner do UN agencies ensure representation and inclusion of persons with disabilities, taking into account the gender and age aspects? | On issues related to SRH and GBV and implementation of all related activities, the UNFPA has thus far always engaged consultants from the community (persons with different types of disability). | In IOM there is the IOM Disability Inclusion Network for improving representation and inclusion of persons with disabilities. Both contact persons responsible for mainstreaming disability and IOM employees with disability interested in implementing activities for inclusion of persons with disabilities participate in the network. From the viewpoint of employment, the ION has zero tolerance for discrimination on the basis of age, gender, and disability, which it clearly communicates in all employment advertisements. Additionally, in IOM there is a rulebook on providing appropriate individual conditions for employees with disabilities, which are suited to their individual needs. | Efforts are made to ensure diversity, but also a wide or in-depth outreach is undertaken and informing on the activities, which in certain circumstances are targeted and aimed at a certain less represented group. |
| Which are the current or previous joint program of the UN agencies in the country? | UNPRPD | In the frames of current IOM projects, in partnership with UNFPA and UNHCR a project is implemented on improving migration data in the Republic of North Macedonia and the cross-cutting topic is disability. | Joint program for support of deinstitutionalization 2018-2020 and the new program 2021-2022, which is in its initial stage. |
| What are the partnerships established as a result of these programs, in the frames of the UN team in the country, with the government and partnerships with organizations of persons with disabilities and other stakeholders? | <ul style="list-style-type: none"> Strengthened cooperation between the UN agencies and acting as one Improved cooperation with the Ministry of Health, Ministry of Labour and Social Policy, Center for Family Medicine Improved cooperation and greater inclusion of all organizations of (and for) persons with disabilities, through various stages and activities (consultations, trainings, etc.) | There is a Disability Inclusion Group within UN where all agencies perform regular coordination, and the IOM has 2 contact persons who are members of the group. Additionally, in the implementation of all IOM project our long-term partners are the competent ministries and institutions in the country working in the field of migrations. | Those are partnerships within the UN team, with the Government and competent ministries, with the Ombudsman, discussions are also held with the Commission for the Prevention of Discrimination, organizations of persons with disabilities, numerous civil society organizations and the academic community. |

| USAID | UNDP | UNICEF |
|-------------|--|---|
| | <p>UNDP is making efforts for information to be accessible and disseminated to all groups of persons with disabilities, regardless of their gender, age or type and level of disability. When realizing most activities, UNDP directly engages organizations of persons with disabilities, and engages consultants with disabilities who, in line with their expertise and experience, contribute to the realization of project tasks.</p> | <p>Inclusion of volunteers with disability through the UN volunteer program and motivating and giving priority to persons with disabilities during recruitment. Working with organizations employing persons with disabilities, targeted identification of persons with disabilities and their inclusion in project activities. Constant efforts are made to ensure diversity but also a wide or in-depth outreach is undertaken and informing on the activities, which in certain circumstances are targeted and aimed at a certain less represented group.</p> |
| Do not know | UNPRPD | <ul style="list-style-type: none"> • UNICEF conducted a regional project “Protection of Children from Violence and Promotion of Social Inclusion of Children with Disability in the Western Balkans and Turkey”, with the support of the EU and in cooperation with the European Disability Forum, in the period 2016–2018. • Joint UN project “Work Bottom to Top – Creating a Local Deinstitutionalization Model” 2018–2020. • Joint UN project, initial stage “Building a Diverse Society – Equality and Inclusion of Persons with Disabilities through Systemic Reform” – on-going 2021. |
| | <p>Partnerships within the UN team, Government of MK, MLSP, MES, MH, ZELS, MLSG, EARNM, 30 CSW partnerships with over 50 municipalities, Organizations of persons with disabilities, NGO, etc.</p> | <ul style="list-style-type: none"> • Partnerships have been established in the frames of the UN team with the Government and competent ministries, with the Ombudsman, discussions are also held with the Commission for Prevention of Discrimination, organizations of persons with disabilities, numerous civil society organizations and the academic community • The undertaken activities in the frames of the regional UNICEF project were aimed at resolving the inherent fragmentation in the disability movement and insufficient knowledge of the CRPD and the rights arising thereof, which includes monitoring of its implementation. The activities were focused on improving the understanding of the human rights-based approach to disability with organizations of persons with disabilities (OPD) and strengthening the relations between OPDs. |

| Questions | UNFPA | IOM | UNHCR |
|---|--|--|--|
| Are there any joint programs between UN agencies and other international donors for the support of legislative reform, for policy development or other relevant national programs important to persons with disabilities? | No | IOM, in a joint program in partnership with UNFPA and UNHCR is preparing a migration policy, which is one of the most important strategic documents related to migration. Additionally, the joint program contains a component treating the issue of disability from the viewpoint of improving migration data in the Republic of North Macedonia. | I do not think that there are joint programs in the formal sense, but there is financing of programs by bilateral partners, as well as coordination of activities in this regard. |
| Does every UN agency have an established system for systemic capacity building of employees on the CRPD? If yes, how frequently is it implemented? | No | In the frames of professional development of IOM employees, trainings are conducted on different forms of disability. A training was conducted in 2020 on mainstreaming disability in the programming of the organization of IOM's program team, and in 2021 a training was conducted for employees working in the field on mainstreaming disability when providing protective services. Additionally, in the frames of our digital learning platforms there is a certified training for Accommodating Employees with Disabilities, as well as various webinars covering different aspects of disability, which are available to employees implementing projects in different areas. | The UN team (18 agencies operating in the country) has prepared an Action plan for improving the inclusion of persons with disabilities in accordance with Strategy adopted globally, which contains many segments of interest, including the constant capacity building of UN agency employees, through online trainings, beginner and advanced trainings, workshops, resources, dissemination of training materials and exchange of experiences. |
| Does the management of UN agencies in the country include persons with disabilities and at which working position? | In UNFPA, no. | In the IOM office in Skopje there is no person with disability in the management, however the program team has an employee with disability working as a Project Assistant. | No, not yet. |
| According to you, what is a representative organization of persons with disabilities? | An organization that has members and/or is managed by persons with disabilities (of various types), where the persons themselves have the final word. where the needs of the persons can be clearly addressed, simply an organization that offers full inclusion of the persons. | A representative organization of persons with disabilities is an organization established with a minimum of 51% of persons with disabilities and the management structure includes persons with disabilities or their representatives. | An organization where more than half the members and employees are persons with disabilities. |

| USAID | UNDP | UNICEF |
|--|--|--|
| | | <p>In coordination with the other UN agencies and the EU, UNICEF participated in the development of the Strategy for Deinstitutionalization 2018-2027 "Timjanik" and the accompanying Action Plan. UNICEF was part of the working groups, discussions and debates and organized conferences. A situational analysis was prepared, challenges were identified and that was transferred into the final text of the Strategy. By the end of 2019 there were no longer any children in the institutions, including children with disabilities. The process of deinstitutionalization is a continuous process and UNICEF continues supporting it.</p> <p>·UNICEF is implementing a two-year project financed by the EU "Just(ice) Children – EU for Juvenile and Child-Friendly Justice", 2020-2022. Special attention in the implementation is given to making the justice system more inclusive and adapted to the needs of children with disabilities. The activities will also be aimed at ensuring that legislation and practices are in line with international and European standards, guaranteeing the fair access to justice for children with disabilities.</p> |
| <p>Currently, the online professional development platform for employees entitled USAID University there are two training programs available to all USAID employees, which are focused on greater inclusions of persons with disabilities in all USAID project, but they are not mandatory. Additional and more in-depth such trainings exist in the sector for education, which designs and oversees development programs all over the world, dedicated to improving the education systems of developing countries.</p> | <p>Yes. Since 2019 in UNDP, in line with the UN Strategy for improving the inclusion of persons with disabilities, we have started sensitizing, trainings and planning in the direction of capacity building of employees and partners we implement project activities with.</p> | <p>The UNICEF team has the option of attending online trainings through the dedicated platform Agora, as well as webinars and thematic discussions on building employee capacities. Amongst other things, there is a professional development plan in UNICEF, according to which every employee should offer an area in which they can transfer knowledge to their colleagues or others outside of the organization. An example of this is the session organized by UNICEF on reasonable accommodation and use of assistive technology in education. This session was organized within the UN working groups and was attended by UN agency representatives and representatives from the ministries with the aim of constant improving and upgrading the understanding of CRPD and the needs and manner of communication of persons with disabilities.</p> |
| <p>In Macedonia no, but the USAID headquarters in Washington has an Agency Disability Rights Coordinator, as well as Disability Inclusive Education Specialist in the Bureau for Development, Democracy, and Innovation / Center for Education (DDI/EDU).</p> | <p>No, not yet.</p> | <p>The representative of the UNICEF office has completely lost hearing in one ear.</p> |
| <p>An organization comprised of, representing, and advocating the rights of persons with disabilities on different bases.</p> | <p>An organization in which persons with disabilities directly participate in the creation of policies, making of decisions and implementation of activities related to the promotion of their rights, etc.</p> | <p>According to the Law on Associations and Foundations, 97% of the persons included in the organization should be with disabilities and over 70% of the persons in the management board should have disabilities.</p> |

| Questions | UNFPA | IOM | UNHCR |
|---|--|--|--|
| <p>According to you, which will be the priority challenges in the next 3 years?</p> | <p>Proposed activities and areas of work:</p> <ol style="list-style-type: none"> 1. Establishing a registry of persons with disabilities and creating a software application to integrate the healthcare, social and education systems (if they are children and youths). This part will require revising the existing application form in the Institute for Public Health. 2. Establishing a registry on violence, again in cooperation with UNICEF and WHO, and putting into operation the reporting for children and adults through a multi-sector approach. 3. Continuing and deepening existing trainings for capacity building of all stakeholders through detailed processing of Articles 16 and 12 of the Convention on the Rights of Persons with Disabilities. These trainings should include healthcare personnel, social services, local self-government, the community itself (with the possibility of including education institutions where inclusion is present), the police, organizations of citizens, shelters (in GBV trainings), teacher and personal assistants, public prosecution office, judges and the HIFM. <ul style="list-style-type: none"> - To work in regions where we know that there are persons with disabilities, where homes are located, etc. - The training on GBV should continue the cross-cutting approach and it should mandatorily include the police (even with basic trainings on GBV and basic trainings for work with persons with disabilities). - Consider expanding the topic of trainings by including mental health support. In the COVID situation one of the especially neglected topics and support that the persons themselves and their assistants requested was in this part (who and where can provide this type of support and have it in continuity). - Organize trainings for capacity building on non-discrimination. To have the possibility to develop the new Law on indiscrimination and the competences of the Commission. 4. Organizing trainings for persons and associations of citizens for persons with disabilities. These trainings relate to capacity building and awareness raising of the persons themselves on topics related to health components, violence, discrimination, rights, convention, etc. 5. Putting on the agenda the issue on institutional violence. Possibility to conduct a research, especially with institutes intended for persons with disabilities. 6. Putting on the agenda the issue of establishing a family, adopting children, etc. and the legal changes arising therefrom. 7. Review of the existing healthcare system regulation, existing rulebooks, standards (in comparison with other countries), the service package received by persons with disabilities, etc., in order identify possibilities for their adaptation to the needs of the persons themselves and in the direction of reducing all kinds of barriers. | <p>In the frames of our mandate a priority challenge would be recognizing migrants with disabilities as double vulnerable and providing appropriate support within the system in line with the new Migration Policy of the Republic of North Macedonia and CRPD.</p> | <ul style="list-style-type: none"> • Improving accessibility and availability of rights (healthcare, social conditions, education, employment) • Non-discrimination and visibility of persons with disabilities • Access to justice |

| USAID | UNDP | UNICEF |
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| <p>Clear and indubitable setting of the issue of disability as an issue of (non)respecting fundamental human rights on the agenda of the political parties; legal clarification of the status of and strengthening the capacities of organizations of persons with disabilities to more effectively lobby/advocate for the rights of persons with disabilities; conducting media campaigns on the (non) accessibility of public spaces as a fundamental obstacle to increased independence and free movement of persons with disabilities.</p> | <ul style="list-style-type: none"> • Accessibility and availability to rights and service on equal basis with all other citizens. • Access to justice. • Advocacy and self-advocacy. | <ul style="list-style-type: none"> • Implementing the Law on Primary Education regarding the transformation of special schools into primary schools with a resource centre. Strengthening their capacities to support regular schools in providing fully inclusive environments to learn, starting from access, active participation, and achievements. • Putting into operation of the nine regional centres for assessment and regular provision of the service, including the strengthening of their capacities, as well as the awareness of the institutions providing the service, on the need for functional assessment and the manner in which it is requested and implemented. At the same time, it is necessary to finalize the procedure for amending the regulation to include functional assessment. Better information of the parents on the manner in which they can ask and receive the service, and how the assessment is made and what is its role. • Identification and development of additional services to support children with disabilities in the field of healthcare and social protection and education. Gradual closing of small group homes for children with disabilities, in parallel with developing the support for families and specialized accommodation. Providing full accessibility of the infrastructure on all levels. |

Annex 6. Critical Gaps, Conclusions and Recommendations

Critical gap 1 - Stakeholder and Coordination Analysis

Conclusions:

- The Government has established the broader three-tier framework for CRPD implementation (NCB for CRPD implementation) within the Government, the focal point is appointed within the Government and the Monitoring body established in 2020 within the frame of the Ombudsman. Despite this effort this postulated infrastructure is not in line with the CRPD
- There is no effective participation of diverse PwDs OPDs in the process of creation of policies
- Low awareness of persons with disabilities on CRPD and the institutional framework and poor organizational and financial capacity of the OPDs
- The Government has established the broader three-tier framework for CRPD implementation (NCB for CRPD implementation) within the Government, the focal point is appointed within the Government and the Monitoring body established in 2020 within the frame of the Ombudsman. Despite this effort this postulated infrastructure is not in line with the CRPD.
- There is no effective participation of diverse PwDs OPDs in the process of creation of policies.
- Low awareness of persons with disabilities on CRPD and the institutional framework and poor organizational and financial capacity of the OPDs

Things that need to change/happen:

- In line with Articles 4 (general obligations), 31 (data) and 33 (national monitoring and implementation) of the UNCRPD, and in order to avoid contradictory policies that would undermine effectiveness of spending and enhance complementarity and synergies of policies and public spending, the Government of R.N. Macedonia, and the NCB on CRPD in consultation and participation of OPDs has to ensure effective coordination between its ministries. There is need to strengthen coordination through:
 - ⦿ (Re)Appointment of disability focal points to all ministries, public agencies, and local authorities by 2022
 - ⦿ Developing an effective national coordination mechanism by 2022.
 - ⦿ Ensuring availability and accessibility of quality data across sectors and levels of government by 2023
 - ⦿ Ensuring adequate disability related budget expenditures and expenses across budget documents by 2023
- Supporting the establishment of an informal disability platform for all relevant actors. The UN agencies will initiate and coordinate the platform through regular coordinative meetings. The platform will work on uniting the voice of the disability organizations on the national level, through capacity building and joint advocacy initiatives
- Supporting the development of capacities of OPDs leaders in corporate governance issues, CRPD provisions and initiatives for the inclusion of children, women and girls with disabilities and other underrepresented groups of PwDs
- Support the advocacy on the engagement of OPDs in SDG, CRPD platforms as well as undertaking measures to increase the capacities of the OPDs for advocacy, influence, networking and cooperation, UN CRPD, and institutional infrastructure in the country
- Supporting effective preparation and presentation of the shadow report of OPDs and other relevant CSOs in front of the UN Committee (2023 -2024)

- Supporting preparation of written material, in accessible format, focused on different rights provided by the CRPD (right to education, work and employment, equal recognition before the law, equality and non-discrimination, accessibility, independent living and inclusion in the community).

Critical gap 2 - Equality and non-discrimination

Conclusions:

- The Constitution and the existing legal framework regulating human rights is rather rigid, restrictive, and discriminating, as perceived through the prism of the UN CRPD
- Further integration of the UN CRPD within the national legislative framework is a priority, as is the substantial alignment of different laws with the human rights approach to disability
- Poor promotion of the UN CRPD in the country. The centers of power, as well as the general public, including the community of PwDs are not familiar with the provisions and obligations arising from CRPD
- Reasonable accommodation is still not understood as a part of equality
- Duty bearers need building of capacities in understanding disability as part of human diversity, and, consequently, a question of rights and equality
- All persons with disabilities face challenges regarding access to justice and the capacity of the judges considering CRPD
- Legal capacity is still a critical point in the process of creating an environment for independent living of people with disabilities. Persons with disabilities are still deprived of legal capacity

Recommendations:

- The NCB on CRPD and the Ministry of Justice with the participation and consultation with DPOs should be supported financially and technically to develop a New Law for the rights and dignity of people with disabilities (lex specials) by 2025
- The NCB on implementation of CRPD with the participation and consultation with OPDs in cooperation with the Ministry of Justice and MoLSP should be supported financially and technically to develop a National disability strategy based on CRPD provision 3 to 5 years with action and costed plan on the implementation with clear indicators, based on a comprehensive and participatory gap analysis. National disability strategy would contribute both to overall national coordination as well as laying on the basis of results-based budgeting on annual basis by 2023
- UN should support and coordinate the capacity building of the NCB on CRPD, Monitoring Body on CRPD and CPPD on CRPD and its implementation.
- Develop a plan for conducting awareness raising of persons with disabilities for promotion of the existing protection mechanisms, in particular of the persons with disabilities living outside of the capital city, in rural environments.
- Monitoring Body on CRPD and CPPD with the OPDs should develop general guidelines in accessible formats regarding the concept of equality and non-discrimination, including reasonable accommodation under the CRPD up to 2020
- Monitoring Body on CRPD and CPPD should be supported to ensure up to 2022 to cover:
 - ⦿ within their teams to be included and persons with disabilities
 - ⦿ Disability, equality and CRPD training for staff

- ⦿ Developing and providing reasonable accommodation to and further specific support for users with disabilities depending on the services of the entity
- ⦿ develop plan for conducting awareness raising of persons with disabilities of the existing protection mechanisms, in particular of the persons with disabilities living outside of the capital city, in rural environments.
- The Government and the NCB on CRPD should be supported in launching and undertaking Campaign for 10 years of CRPD 2022 –2025
- Diverse OPDs should be supported for increasing awareness and undertaking camping for CRPD and its importance on national and local level 2022 – 2024.
- Undertaking targeted campaigns to portray persons with disabilities in a way that is consistent with the purpose of the CRPD and to change the harmful positions regarding the persons with disabilities, such as those which unrealistically portray them as dangerous to themselves and to others or as people who suffer and are dependent on the facilities of care without autonomy, an unproductive political, economic, and social burden of society.
- The Government, the NCB on CRPD in coordination with the OPDS should be supported in launching and undertaking targeted campaign with different stakeholders in different areas, like the employment, education, participation etc.
- The Monitoring Body on CRPD and CPPD in cooperation with the NCB on CRPD with cooperation of MoLSP with participation with diverse OPDs should be supported in the process of development of standard operating procedures for the implementation of reasonable accommodation at various levels.
- Monitoring Body on CRPD and CPPD with the OPDs should develop general guidelines in accessible formats regarding the concept of equality and non-discrimination, including reasonable accommodation under the CRPD up to 2022
- The Government with the NCB on CRPD, Monitoring Body, and CPPD with the OPDs should define obligations and related enforcement mechanisms of ministries, public agencies, courts, local authorities and CSOs to provide reasonable accommodation to Persons with disabilities up to 2023
- Ensuring systematic and progressive increase of resource allocation to all ministries, public agencies, courts, public prosecutors, CSOs and local authorities up to 2023 to cover:
 - ⦿ Disability, equality and CRPD training for staff annually
 - ⦿ Putting accessibility requirements for all new investments
 - ⦿ Gradual implementation of accessibility requirements for all existing services and facilities
 - ⦿ Developing and providing reasonable accommodation to and further specific support for users with disabilities depending on the services of the entity.
- Capacity building of IPPG on the rights of persons with disabilities and advocating IPPG on the rights of PwDs to become formal commission within the Parliament up to 2024
- Capacity building of judges and public prosecutors on the rights of PwDs pursuant with the CRPD. Disability inclusion and mainstreaming should be enabled through compulsory trainings in the work programme of the Academy for Judges and Public Prosecutors in 2023 - 2024
- Capacity building of the providers of free legal assistance of the institutions and organizations for communication with persons with disabilities from 2022 - 2024
- The Court and the Public Prosecutors should be supported for creating proper evidence and recording of cases on the basis of disability, as well as of the violation of the rights of PwDs by the courts

- UN should support financially and technically to open a debate considering the legal capacity in the country 2022 in coordination with the relevant institutions (MoLSP, MoJ) and OPDs and CSOs platform
- The NCB on implementation of CRPD with the participation and consultation with PwDs and OPDs in cooperation with the Ministry of Justice, MoLSP, Academy for Judges and The Monitoring Body on CRPD and CPPD should be supported to observe the countries where the system for supporting decision making has been put in practice 2022 – 2024
- Supporting conduction of an analyses on supported decision-making systems, meaning and relevant implementation
- MoLSP in cooperation and participation of OPDs, stakeholders from the Court, MoJ should develop mechanisms to restore the legal capacity of PwDs, PwDs housed in group homes, institutions, and in the community
- The NCB on implementation of CRPD with the participation and consultation with PwDs and OPDs in cooperation with the Ministry of Justice, MoLSP should be supported in the process of repeal all discriminatory provisions that permit deprivation of legal capacity based on impairment and replace them with supported decision-making mechanisms that respect the autonomy, will and preferences of the person concerned as well as conduct capacity-building activities for public officials on the right to equal recognition before the law of persons with disabilities and supported decision-making arrangements

Critical gap 3 – Accessibility

Conclusions:

- The majority of duty bearers are not physically accessible, nor are their new buildings being built to be accessible. The public agencies are not familiar with the CRPD and accessibility
- The universal standards are not recognized within the legislations, and the equality and non-discrimination and accessibility are not part of the procurement act
- The sign language is not recognized as a language and there is small number of sign language translators. The braille alphabet is not regulated within the system

Recommendations:

- To support the Government and the OPDs, within the public administration on national and local level to create a cross technical monitoring mechanism model of public officials and OPDs, up to 2025, which would:
 - ⊕ Develop training material and guidelines for public agencies and services
 - ⊕ Organize trainings of public agencies and services and local authorities
 - ⊕ Conduct accessibility and non-discrimination access audits at all levels across all sectors
 - ⊕ Monitor respect for accessibility and non-discrimination requirement in public procurements
 - ⊕ Evaluate and report annual progress at the national and local level
- OPDs, NCB on CRPD, and Ministry of Finance, Public procurement biro, should be supported in advocate for including accessibility and non-discrimination requirement in public procurement regulations as well as the support the involvement of OPDs in public procurement committees with regards to infrastructure (built environment, transport, and ICT) and services for which accessibility is critical as well as with regards to services on national and local level from 2023 –2025
- OPDs, NCB on CRPD, and Ministry of Transport and the regulatory bodies and other relevant actors should be supported in advocating for defining and enacting the universal standards as a standard for all from 2022 –2023

- Supporting the development of common technical and operational capacities of the regulatory bodies and other relevant actors connected with the procurement, buildings, housing and hotels and restaurants on national and local level considering implementation and understanding of accessibility according to the CRPD provisions.
- It is necessary to support advocacy initiatives for further regulation of the sign language and its recognition in the country as a language; introduction of measures that would promote the learning of sign language by 2025.
- It is necessary to support advocacy for further regulation of Braille alphabet and to support MoES and MoLSP to create a mechanism to increase the literacy of blind people by 2025

Critical gap 4 – Inclusive Services

Disability assessment as a gate for services and benefits and the legal framework governing services

Conclusions:

- The current disability assessment is based on medical model. A comprehensive system of new model of disability assessment is needed. The assessment system is fragmented and heavily bureaucratized. There is Lack of knowledge and understanding of CRPD provisions and human right model by the staff involved in the disability assessment commissions
- The legal framework governing services for the disability community is largely based on the medical model of disability and does not cover all PwDs in accordance with CRPD

Recommendations:

- The Government, MoLSP and other stakeholders with a participation of OPDs should be supported in the process of strengthening the capacity of existing and emerging new and all other commissions for disability assessment. It should also finalize functional assessment tools to support the human rights approach by and strengthen disability referral systems until 2024. This system needs to promote:
 - ⦿ New approach from focus on impairment and diagnosis to the support needs and barriers faced by PwDs
 - ⦿ Generate data about the support that people really require and not solely on eligibility to existing benefit and services
 - ⦿ Data from individual disability assessment should be aggregated to get a sense of need for different services across the country. (2022 -2025)
- It's necessary to develop the capacity of staff involved in the Commission for disability assessment with the CRPD provisions. (2022 -2025)
- The new commission for disability assessment needs to be supported to ensure the involvement and participation of OPDs and children with disability in the design of disability assessment
- The Government, MoLSP and other stakeholders with a participation of OPDs should be supported in the process of enhancement of the existing legislations considering services for support with the CRPD, until 2023
- The Government, MoLSP and other stakeholders with a participation of OPDs should be supported in the process of enhancement of the existing legislations considering services for support with the CRPD, until 2023
- It's necessary to develop guidelines in accessible formats for the ways for access and realization of services for children and adults with disabilities until 2024

Inclusive social services for social security and reducing the poverty

Conclusions:

- The existing legislation in the social services considering the children, families and adults with disability is medical based. Existing community-based services are fragmented, uncoordinated, incomplete, and underdeveloped and non-inclusive. There are many misunderstandings among stakeholders, including PwDs, regarding the services. Different types of community support need to be developed. Across the country, local authorities may not have the skills and resources to enhance impact of national program and mobilize resources to create new required services.
- The process of deinstitutionalization is not in line with the article 19 of CRPD. The process is aimed at reallocating of the persons accommodated in the institutions to group homes or homes with organized living with support. There is a lack of services for working with people with disabilities before leaving the institution.

Recommendations:

- It is necessary to support MoLSP to revise the Law on Social Protection, Law on Justice for Children, Family Law by expanding the scope of persons with disabilities in accordance with UN CRPD (2023)
- It is necessary to support MoLSP, MoES, MoH with active participation of PwDs, and OPDs for further development of regulatory systems of services for support of persons with disabilities, including the system of licensing and monitoring as well as to develop the capacities of the CSW for implementation of the case management system
- It is necessary to support MoLSP, Local communities with active participation of PwDs and OPDs for mapping the existing services and making them disability inclusive and designing inclusive community-based programmes targeting persons with disabilities
- Supporting the development of integrated services for support of people with disabilities in their local communities. Such a services like Peer support or peer counselling, Individual self -advocacy can assist people with disabilities, young people leaving care or who have started living independently, families at risk or families reunited with their children, to become empowered and self-confident in finding their own way through the cultural or environment. For this it is necessary to support MoLSP, MoH, Local communities with active participation of PwDs and OPDs 2022-2025
- Supporting the local municipalities to create a disability local strategy and plan with indicators and budget allocations, and they also need to be support in development of common technical and operational capacities (2022-2025)
- It is necessary to support MoLSP with active participation of PwDs who has been deinstitutionalized, PwDs, and OPDs in the process of preparation of an action plan for 2022 for implementation of the National Deinstitutionalization Strategy.
- It is necessary to support MoLSP with active participation of PwDs who has been deinstitutionalized, PwDs, and OPDs to create a mechanism where each project considering the process of deinstitutionalization, all involved parties including CSOs need to involve PwDs in their teams and all of them need to pass training considering the CRPD provisions and concept of independent living (2022)
- Supporting MoLSP with active participation of PwDs who has been deinstitutionalized, PwDs, and OPDs to create a training program for advocacy and self-advocacy, concept of independent living for people who are still living in institutions and group homes, as well as providing mechanism and services for their employment.
- It is necessary to support MoLSP, MoH with active participation of PwDs who has been deinstitutionalized, PwDs, and OPDs to create a mechanism for starting the deinstitutionalization process for the persons with psychosocial disabilities accommodated in psychiatric hospitals with an appropriate transition system and community support services.

Inclusive services for inclusive education

Conclusions:

- Despite the efforts made to establish inclusive primary education, the capacity and knowledge of stakeholders in the process itself are still lacking. People with disabilities are not sufficiently informed and most of the PwDs still has not finished schools. Secondary education is segregated and special. The programmes and qualifications they acquire in the special secondary education do not correspond to the market demands. Teachers are not trained to support inclusion. Training often focuses on different disabilities instead on the Universal Learning Design and pedagogical strategies that will improve quality for all. There is no participation of children and youth with disability in the education design, processes, and policies.

Recommendations:

- To support MoES, Education Development Bureau, Academia with participation of PwDs and OPDs to develop a transition plan for inclusive education for PwDs at all levels of the education system, including the higher education institutions, as well as reviewing the curricula in higher education, faculties for special education and rehabilitation, pedagogy, legal sciences, architecture, social work until 2024.
- To support the development of capacities of the education administration, teaching and non-teaching staff with skills for efficiency working in inclusive educational environments, qualified in sign language and / or Braille. (2022 -2025)
- To support MoES, Biro for education, Academia, VET centers, MoLSP with participation of PwDs and OPDs for revision of special secondary educational programs and qualification based on the market demands. (2022 -2025)
- To support MoES, Education Development Bureau, Academia with participation of PwDs and OPDs to create a mechanism that will guarantee the active participation of children with disabilities in the design of the individual educational plans, in the teaching process, in the school councils, in drafting school policies and systems, and in the development of the broader educational policy. (2022 -2025)
- Policy should be formulated, and technical and vocational education system based on the principles of equal opportunity and non-discrimination, and equality between men and women 2022 -2024. In this process its need to be supported MoES, MoLSP, VAT centers, Local Communities

Supported employment

Conclusions:

- Employment of persons with disabilities is relatively rare in the open labor market and is mainly organized in designated ('sheltered') companies. The Law doesn't promote or regulate any form of supported employment of people with disabilities. The Financial benefits regulated through the Special fund doesn't have effective mechanism for transparency. The vocational rehabilitation is not in line with access to human rights and do not provide adequate access for PwDs to existing systems of training, retraining or internships.

Recommendations:

- It is necessary to support MoLSP, EA in wide participation of OPDs and PwDs to made review of the Law on Employment of Persons with Disabilities with clear strategy to move to open market employment, introduction of quota system and developed mechanisms to expand sheltered employment by including components of training and transition to supported employment followed by conversion to mainstream employment in open labor market. (2022 -2023)
- 4.4.1.2 It is necessary to support MoLSP, EA in wide participation of OPDs and PwDs, VAT Centers for establishment of the vocational rehabilitation centers or center (depending on the State) should provide staff training and the regular upgrading of skills, including adequate training for trainers, instructors, and teaching

assistants to enable them to effectively train PwDs alongside non-disabled persons. PwDs in this process should not be just beneficiaries but should also be included in the process of establishing systems. (2022 -2023)

- 4.4.1.3 Reworking the funding structure to improve the flexibility of current financial supports and increase the availability and quality of supported employment through increased funding capacity for long-term supports. (2022 -2023)
- 4.4.1.4 Supporting the shelters companies' (as a pilot) transformation into centers that would provide employment with support. This should be done by MoLSP, Vat Center, EA, MoES, and Shelter Company Chambers

Services for enjoyment of the health right including rehabilitation and right to personal mobility

Conclusions:

- The legal framework and policies governing access to health services are not in line with the CRPD. The procedures for access the primary, secondary, and tertiary health care are not accessible and available to PwDs. Access to orthopedic devices and equipment is quite limited. There is a lack of services, and programs for prevention, early detection, diagnosis, early treatment and rehabilitation
- Women and Girls with disability cannot access to the existing services for GBV and SRH as a result of the inaccessible infrastructure and information's. The relevant stakeholders in the field of SRH and GBV are not familiar with the provision for SRH and GBV from CRPD

Recommendations:

- It is necessary to support MoH with active participation of PwDs and OPDs to revise and to enhance the legislation frame in the health with the CRPD provisions (2023)
- It is necessary to support MoH with active participation of PwDs and OPDs to revise and to enhance the legislation considering the medical rehabilitation and personal mobility equipment for diverse PwDs by ensuring that they are based on the human rights approach and CRPD 2023 – 2025)
- Supporting MoH, with active participation of PwDs and OPDs, to include in the health curriculums mandatory training for health professionals on the rights of persons with disabilities while respecting the human rights-based approach to disability
- Supporting MoH, with active participation of PwDs and OPDs, to start creating, centers with programs and services for prevention, early detection, diagnosis, early treatment and rehabilitation of children and adults with disabilities
- Supporting MoLSP, MoJ, Shelter Centers, local communities, MoH, CSOs with active participation of PwDs, and OPDs in the process of development of common technical and operational capacities, including training curriculums, for providing accessible and available services for GBV and SRH for women and girls with disabilities,
- It's necessary to support MoLSP, Shelter Centers, local communities MoH, CSOs with active participation of PwDs, and OPDs for development of training curriculums for GBV and SRH ((family planning, care during pregnancy, motherhood, cervical cancer prevention) in line with the CRPD provisions (2022 – 2025)
- It's necessary to support MoLSP, Shelter Centers, local communities MoH, CSOs with active participation of PwDs, and OPDs for determination of the specific costs for menstrual health services, services for SRH for girls and women with disabilities, and for services for prevention and early detection of breast, ovary, uterus, testicles and colon cancers and services for prevention and early detection of testicular cancer for man with disabilities. (2022 – 2025)

Women and girls with disability within the gender policies

Conclusions:

- Gender policies as well as policies for children, adults, HIV, do not have provisions for PwDs following the intersectional approach and the provisions of the UN CRPD

Recommendations:

- It's necessary to support MoLSP, Shelter Centers, local communities MoH, CSOs with active participation of PwDs, and OPDs in the process of revision of all gender policies and other vulnerable groups, like elderly, HIV, ethnicity to be incorporated provisions for PwDs following the intersectional approach and the provisions of the UN CRPD. (2022 – 2025)

Critical gap 5 – Participation of persons with disabilities

Conclusions:

- The existing legal framework for political participation is not in line with the CRPD. There is general lack of awareness among the communities and stakeholders about political engagement of PwDs. Persons with disabilities lack adequate political representation at the national level and representation at the local levels
- The legal framework and the distribution of state funds for traditional OPDs is regulated with a special lex special Law "Law for Invalid organizations"
- There is a lack of mechanisms to ensure the participation of persons and children with disabilities in decision-making processes. The representation and participation of PwDs in, CSOs, service providers and international organizations is at a very low level and almost invisible in the society

Recommendations:

- There is a need to support MoJ, Government, NCB on CRPD, Parliament, to initiate and to review electoral legislation in order to enhance with CRPD, identify and mitigate barriers to political participation for PwDs, including and the provisions that restricts or prohibits political participation for PwD who have a court-appointed legal guardian or support person. (2022 – 2023). The revised legislation in this area also need to:
 - ⦿ promote a quota system for political participation of persons with disabilities
 - ⦿ have affirmative measures for women with disability
 - ⦿ mainstreaming disability through the principle of equitable and adequate representation in public administration
 - ⦿ ensuring availability and accessibility of quality data across all process
 - ⦿ ensuring adequate disability related budget expenditures and expenses including and cost for reasonable accommodation
- There is a need of development of the capacities of Political Parties, MoJ for CRPD provisions as well as on supporting and interacting with voters and candidates with disabilities. Part of the training could involve a conversation about bias and attitudes towards persons with disabilities. This process can be provided by OPDs
- There is a need of continues development of the capacities of PwDs, youth, women with disabilities for basics of democratic decision-making structures, policies, branches of power and mechanisms for creating legislation (2022 – 2023) This process can be provided by OPDs

- Supporting awareness-raising campaigns on the benefits of active political participation in issues directly related to persons with disabilities, but also for other public issues, in order to contribute to greater inclusion and introduction in the mainstreams of the rights of persons with disabilities
- The MoJ, NCB on CRPD in cooperation with the PwDs and OPDs need to initiate and revise legal framework on the right of association and action of CSOs in which the status of OPDs will also be regulated. The programme for financial means supporting the programmes and projects of OPDs and CSOs and other actors shall include the criterion that the funds that will be used will exclusively promote the human rights model for the community with disabilities according to the UN CRPD
- Supporting targeted measures and actions for networking and cooperation of CSOs, OPDs and service providers in various areas of social action, as well as to motivate and encourage CSOs to include persons with disabilities in their teams.
- UN agencies should include persons with disabilities in their management teams and shall strive to engage persons with disabilities as part of the teams in the implementation of their activities.
- International organizations shall include persons with disabilities in their management teams and shall strive to engage persons with disabilities as part of the teams in the implementation of their activities.

Critical gap 6 - CRPD compliant budgeting

Conclusions:

- The existing legally enforceable regulations across ministries and Public Financial Management does not incorporate disability issue which implies that every year public funds are spent for services that are not accessible to PwDs. There are very limited technical capacities and knowhow within the public sector and among the donors including UN agencies to budget for inclusion. There is low knowledge of persons with disabilities in the budget, formulation, implementation and monitoring and evaluation processes

Recommendations:

- It is necessary to advocate and initiate MoF to make revision of Law for Budget where disability issue will be incorporated, and all ministries and local authorities will have an obligation to prepared budgets where disability dimension will be incorporated and the same one will be prepared in accessible format 2022 – 2023
- Building on current efforts on implementation of gender responsive budgeting (by UN Women), supporting a pilot initiative on implementation of disability-responsive budgeting in several local communities 2022 - 2024. This process can be done with support of the OPDs in cooperation with other CSOs and local municipalities
- It's necessary to developed capacities of Government, MoF, ministries, CSOs and OPDs about CRPD compliant budgeting as well as developed training for PwDs for budget formulation, implementation and monitoring and evaluation processes 2022 - 2024

Critical gap 7 - Governance and Accountability

Conclusions:

- Severe lack of disability-specific and disability-disaggregated data within all duty bearers, alongside a lack of will to mainstream disability in existing data collection methodologies, makes it impossible for disability neither to be addressed nor prioritized in politics. The 2021 national population, households and dwellings census will not provide necessary data for creation of sustainable disability policies.
- Persons with disabilities, OPDs and rights based CSOs were not included in the drafting of the initial country report on the implementation of the UN CRPD.
- There are very limited technical capacities and knowhow among the donors to disability and CRPD including and the disability budget allocations. Monitoring and evaluation systems for development programmes in donor community spheres often lack indicators with disaggregation focusing on inputs, outputs, outcomes and impacts on persons with disabilities

Recommendations:

- Supporting the State Statistical Office in the process of mainstreaming of disability within their ongoing statistical operations, such as the monthly, annual, and topical undertakings, through capacity building activities
- The State Statistical Office should start the process of mainstreaming disability within their ongoing statistical operations, such as the monthly, annual, and topical undertakings
- The SSO through the Government in cooperation and participation of PwDs and OPDs should initiate the process of amending the Law on the Census of Population, Households and Dwellings, in order to properly include the disability questions. International organizations should strategically support the SSO throughout the process of needs assessment and designing the Programme for Statistical Research 2023-2027, in order to properly mainstream disability throughout the existing questionnaires and other statistical tools. This strategic support should be broadened to all duty bearers that collect data, in order to properly mainstream disability within their methodologies
- The Government should prioritize establishing focal points within multiple duty bearers and provide sustainability to this system, possibly by following the example of established units/departments for EU accession within most duty bearers. This process should be started and finalized within one year, starting in late 2021 or early 2022
- With the state budget 2022, the Government should allocate funds for establishing a Secretariat of the National Coordination Body, for continuous building of staff and member capacities, and amend the current decision establishing the NCB accordingly
- Supporting the establishment of the independent monitoring mechanism as a stand-alone entity within the Ombudsman, through financial and human resources allocation
- The Ministry of Foreign Affairs should start the process of strengthening the technical capacities of the Intergovernmental Body on Human Rights, by requesting more budget funds for employment of permanent and dedicated technical staff for its Secretariat where PwDs will be included
- The UN agencies in the country and other international organizations and donors active in the disability rights field, should continue to support OPDs and rights based CSOs in strengthening their watchdog and reporting roles, and in acting as a counterweight to duty bearers
- In line with CRPD article 32, the UN Agencies should mainstream disability in line with the CRPD provisions to all their programs and activities
- The UN Agency need to ensure that all aid-funded programmes are accessible to and inclusive of persons with disabilities. Through dialogue with OPDs the donor community, including the UN Agency should plan how aid

and their technical and financial support can best contribute to the implementation of CRPD and inclusion of PwDs

- The Donors and UN agency should create a mechanism for monitoring and to take actions to be revoke all their activities if they are not in line with the CRPD provisions

Critical gap 8 – COVID – 19

Conclusions:

- The existing legal framework for humanitarian crises and state of emergency is not harmonized with the UN CRPD and does not provide and guarantee the participation and consultation of actors with persons with disabilities and the representative OPDs

Recommendations:

- The Government, NCB on CRPD in cooperation with the PwDs and OPDs need to initiate and revise the emergency laws, whereby states and the international community need to reform their policies and practices in accordance with Articles 11 of the CRPD
- The Government, NCB on CRPD in cooperation with the PwDs and OPDs need prepared and enact legal and policy requirements in place to ensure the participation of PwDs in preparedness activities, humanitarian needs assessments, related monitoring processes, and in programmes and projects related to situations of risk and humanitarian emergencies, climate related hazards and DRR.

Annex 7. Bibliography

“Patients’ Rights with Focus on Persons with Intellectual Disability” ESE, 2011, page 6. <http://www.esem.org.mk/pdf/Publikaciji/ESE%20Intelektualna%20poprecenost.pdf>.

“Sexual and Reproductive Health and Persons with Disabilities – Needs and Services Assessment Report – Hera, page 20, 2012, <http://hera.org.mk/wp-content/uploads/2014/02/izvestaj_poprecenost_rz.pdf>. Accessed on: 21.10.2014,

<http://www.nacionalnakomisija.gov.mk/sites/default/files/prikachyvanja/studija_mehanizmi_za_obebeduvanje_na_socijalni_uslugi_vo_makedonija.pdf>

Action Plan for 2021 of the NCB for implementation of CRPD, available at: https://vlada.mk/sites/default/files/dokumenti/akciski_plan_za_2021_godina_za_implementacija_na_konvencijata.pdf

Analysis of the Influences of COVID-SARS-19 on Gender and Differences Policy Study no. 40, OSCE, 2021, available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>

Analysis of the Influences of COVID-SARS-19 on Gender and Differences Policy Study no. 40, OSCE, 2021, available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>

Analysis of the Situation of People with Physical Disabilities in the Republic of Macedonia, 2017, p. 63, 64

Application of assistive information technology in regular primary schools in Macedonia, current conditions and needs, Open the windows, 2011

Author Marija Risteska, Researchers Ana Avramovska-Nuskova, Gordana Micova-Nestorovska, Sashko Jovanov, Liljana Jonoska, Elena Kochoska, Publication, Analysis of the COVID-SARS-19 impact on the gender and differences, Study of politics No 40, page 47, 2021 OSCE, Available at: <https://www.osce.org/files/f/documents/1/9/480413.pdf>

Biljana Kotevska, Nesime Salioska, Magdalena Lembovska, Gordana Lažetić, Aleksandra Bogdanovska, Simonida Kacarska, Maja Balsha, Vigjilenc Abazi, Elena Kochoska, Publication Report on the fundamental human rights for 2021, Institute of European Policies and Agency of Human Rights of EU, Available at: https://fra.europa.eu/sites/default/files/fra_uploads/frr2021_north_macedonia-frr2021_en.pdf

Committee on the Rights of Persons with Disabilities. (2018). Concluding observations on the initial report of the former Yugoslav Republic of Macedonia.

Concept for inclusive education, Available at: <https://mon.gov.mk/stored/document/Koncepcija%20za%20inkluzivno.pdf>

Concept for primary education, Available at: <https://mon.gov.mk/stored/document/Koncepcija%20MK.pdf>

Concluding remarks on the Republic of Macedonia’s Initial Report by the UN Committee, 2018. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MKD/CO/1&Lang=En

Consolidated text of the Law Road Traffic Safety of the Ministry of Interior, <<http://www.mvr.gov.mk>>

Constitution of the Republic of Macedonia. Decreed with decision number 08-4642/1.

Council of Europe. (2021). *Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 10 December 2019*.

Current situation of children with special educational needs in primary education in the Republic of North Macedonia, 2018, BDE Available at: <https://www.bro.gov.mk/wp-content/uploads/2020/02/Aktuelna-sostojba-na-inkluzija-na-deca-so-posebni-obrazovni-MK.pdf>

Decision on Establishing an Intergovernmental Body on Human Rights (Official Gazette 55/2012, 55/2015)

Decision on Formation of a National Coordinative Body for the Implementation of the Convention on the Rights of Persons with Disabilities of the United Nations (Official Gazette 144/2012 – repealed; Official Gazette 69/2018, 75/2019)

E. Kochoska, Z. Shavreski, Publication Analysis of policies and situation in the Northeast and Polog region, Hendikep Plus, 2020

European Commission. (2020). Report of the European Commission on North Macedonia for 2020.

European Commission. (2020). Report of the European Commission on North Macedonia for 2020.

For example, in July 2021 the Government transferred 100,000,000 MKD from the Special Fund for Furthering the Employment of Persons with Disability to a different programme (Official Gazette 166/2021); 30,000,000 MKD in September 2020 (Official Gazette 218/2020); 100,000,000 MKD in June 2020 (Official Gazette 156/2020)

Government’s decisions No. 45-5503/1 of August 20, 2019, and No. 45-8738/1 of November 26, 2019.

Handicap – the missing puzzle, Report on the status of persons with handicaps, Polio Plus, 2012, p.77, <www.polioplus.org.mk>

<http://www.mobilnost.mk/index.php/2011-10-26-09-10-24/396-sednica-na-nacionalnoto-koordinativno-telo-za-implementacija-na-konvencijata-na-oon-za-pravata-na-licata-so-invalidnost>, accessed 24.07.2021

<http://www.nsiom.org.mk/konvencija/category/16-izveshtai-za-konvencijata>

https://eacea.ec.europa.eu/national-policies/eurydice/republic-north-macedonia/early-childhood-and-school-education-funding_en

<https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>, accessed 22.07.21

INCLUSION of children with disabilities in preschool education: a research report. – Skopje: Ombudsman, 2018, UNICEF Available: https://www.unicef.org/northmacedonia/media/4386/file/MK_CWDInKindergarten_Report_MK.pdf

Jovanovska, B. (2020). *Legal Strengthening of the Community in the Process of Deinstitutionalization: Report*. Helsinki Committee for Human Rights.

Jovanovska, B. and Petkovska, N. (2021). *The Influence of the crisis caused by COVID-19 on persons with disabilities in North Macedonia*. Westminster Foundation for Democracy.

K. Panayotova, E. Kochoska, Analysis: Work Assistance And Support For Employment of People With Disabilities Leaving Institutional Care, 2020

Kochoska E., Klimoska J. Publication "Analysis of political programmes of the early parliamentary elections 2020 against the Convention on the Rights of Persons with Disabilities", Westminster Foundation and Polio Plus, 2020, available at: < <https://polioplus.org.mk/wp-content/uploads/2021/05/izgubenata-vrednost-niz-politichkoto-uchestvo.pdf> >

Law for child protection, MoLSP Available at: <https://www.mtsp.gov.mk/content/pdf/zakoni/2018/198%202018%20ZAKON%20ZA%20ZASTITA%20NA%20DECATA%20%20%D0%BA%D0%BE%D0%BD%D1%81%D0%BE%D0%BB%D0%B8%D0%B4%D0%B8%D1%80%D0%B0%D0%BD%20%D1%82%D0%B5%D0%BA%D1%81%D1%82-converted.pdf>

Law for higher education Available at http://www.mon.gov.mk/images/documents/zakoni/ZAKON_VISOKOTO_OBRAZOVANIE-final.pdf

Law for Secondary education, Available at: <http://www.mon.gov.mk/images/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B7%D0%B0%D1%81%D1%80%D0%B5%D0%B4%D0%BD%D0%BE%D1%82%D0%BE%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B507.pdf>

Law on Amending the Law on the Ombudsman (Official Gazette no. 181/2016)

Law on Amending the Law on the Ombudsman (Official Gazette no. 35/2018)

Law on Audio and Audiovisual Media Services, Official Gazette no. 184/13, 13/14, 44/14.

Law on Civilian Invalids from the War, MoLSP, Достапно на: < https://mtsp.gov.mk/WBStorage/Files/civilniinvalidi_konsolidiran.pdf >

Law on Construction, Official Gazette no. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13.

Law on Data in Electronic Form and Electronic Signature, Official Gazette no. 34/01, 6/02, 98/08.

Law on Disability Organizations, MoLSP, Available at: https://mtsp.gov.mk/WBStorage/Files/invorganizacii_konsolidiran.pdf

Law on Free Access to Public Information, Official Gazette no. 6/10.

Law on Games of Chance and Entertainment Games, Available at: <http://www.ujp.gov.mk/mk/regulativa/opis/25>

Law on Health Insurance (integrated consolidated text Official Gazette no. 65/2012, 16/2013 and 91/2013), Health Insurance Fund. Available at: <[http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisguruvanje%20\(Interen%20precisten%20tekst\).pdf](http://www.fzo.org.mk/WBStorage/Files/Zakon%20za%20zdravstveno%20oisguruvanje%20(Interen%20precisten%20tekst).pdf)>

Law on Health Protection. Official Gazette of RM no. 43/2012, 145/2012, 87/2013, 164/2013, MoH. Available at: < http://mz.gov.mk/wp-content/uploads/2012/12/zakon-za-zdravstvena-zastita-2_12_2012.pdf >

Law on Local Self-government, Official Gazette no. 5/02.

Law on Medicinal Products and Medical Devices, 11/2012 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-lekovi-i-medicinski-pomagala.pdf>

Law on the Prevention of and Protection from Discrimination. "Official Gazette of MK" no. 258/2020 from 30.10.2020.

Law on the Prevention of and Protection from Violence against Women and Domestic Violence. "Official Gazette of the Republic of North Macedonia" no. 24 from 29.1.2021. Article 5.

Law on Protection of Children, Official Gazette no. 23/13, 12/14, 44/14, 144/14.

Law on Public Health, no. 136/2011 <http://zdravstvo.gov.mk/wp-content/uploads/2012/12/zakon-za-javno-zdravje-precisten.pdf>

Law on Public Roads, Official Gazette no. 84/08, 52/09, 114/09, 124/10, 23/11, 53/11, Constitutional Court decision: 10.03.2010.

Law on Record Keeping in the Field of Healthcare, Official Gazette of RM, no. 20/09. Available at: <http://www.fzo.org.mk/WBStorage/Files/Zakon_za_evidencii_vo_oblasta_na_zdravstvoto_Sl_Vesnik_na_RM_br_20_od_16.02.2009_godina.pdf>

Law on Road Transport, Official Gazette no. 68/04, 127/06, 114/09, 83/10, 140/10, 17/11, 53/11, Constitutional Court decision: 01.02.2006; 14.05.2008; 10.11.2010.

Law on Social Protection. "Official Gazette of the Republic of North Macedonia" no. 104/19, 146/19, 275/19, 302/20 and 311/20.

Law on Termination of Pregnancy <http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-PREKINUVANE-NA-BREMENOSTA-zakluchno-so-br.-149-od-2015.pdf>

Law on textbooks for primary and secondary education

Law on the Employment of Persons with Disabilities, "Official Gazette of the Republic of Macedonia", No.87/2005 (consolidated text), 113/2005, 29/2007,

Law on the Use of Sign Language, Official Gazette no. 105/09.

Laws and Policies in the Republic of Macedonia in the Disability Field – Report of the Systematic Monitoring of Laws and Policies, 2015, p. 14-17; Analysis

MAPP, Report on Poverty and Social Exclusion in the Republic of Macedonia, 2010, <http://bim.lbg.ac.at/de/socijalna-inkluzija-i-covekovite-prava-vo-makedonija/izveshta-za-siromashti-i-sotsi-alna-iskluchenost-vo-republika-makedoni-2010>

Mechanisms for Provision of Social Services in Macedonia, Ministry of Labor and Social Policy and GiZ, 2011, p. 24,

National Association of Deaf of R. Macedonia, <http://www.deafmkd.org.mk/index.php?option=com_content&view=article&id=55&Itemid=80>

National Strategy for Deinstitutionalization 2018 – 2027 “Timjanik”, MoLSP, available at: <https://www.mtsp.gov.mk/content/pdf/strategii/Strategii%202018/Strategija_deinstitucionalizacija_Timjanik_2018-2027.pdf>

Office of the Prime Minister, Ministry of Education and Science, Ministry of Labor and Social Policy, Ministry of Health, Ministry of Finance, Ministry of Transport and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Culture, Ministry of Local Self-Government, Secretariat for European Affairs, as well as the National Council of “Invalid” Organizations, and the Resource Center for Parents of Children with “Special Needs”

Ombudsman of the Republic of North Macedonia. (2020). *Special Report on the conducted research on the state of realization of the right to education of children with special educational needs in primary schools in the Republic of North Macedonia.*

Ombudsman of the Republic of North Macedonia. (2021). Annual Report for 2020.

Paula Federica Hant, Publication Research “Educational and Personal Assistants. Now and Here – Open perspectives” UNDP, available at: https://www1.undp.org/content/dam/the_former_yugoslav_republic_of_macedonia/docs/Educational%20and%20personal%20assistants%20-%20MKD.pdf

Petrovska, N. and Avramovski, D. (2021) *Legal, Financial and Physical Access to Justice in Basic Courts in the Republic of North Macedonia*. Coalition “All For Fair Trials”.

Program of the City of Skopje for 2018 < <http://ipserver1.skopje.gov.mk/e-skopje/sluzben%20glasnik%20so%20konverzija.nsf/82aa49069edfbbb780256a22004ba9e0/030cd9927ac366ecc1258370004336ce?OpenDocument>>

Public Advertisement for Nomination of a Member to the NCB, <https://vlada.mk/node/14502>, accessed on 24.07.2021

Publication “WHERE IS THIS SHIP SAILING” – demystification of the rights of persons with handicap in the Republic of Macedonia with an overview of health protection law, 2018, available at: <http://polioplus.org.mk/margina/dokumenti/kade-plovi-ovoj-brod-en.pdf>

Publication Lost Agenda: Demystification of the disability issue in the field of equality and non-discrimination, Polio Plus – 2018 Available at: <<http://polioplus.org.mk/margina/dokumenti/izgubenata-agenda-mk.pdf>>

Report about human rights for 2021, FRA, EPI Available at: <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>

Report of Ability of Countries to Disaggregate SDG Indicators by Disability, 2020, https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Documents/WG_Implementation_Document_10_-_SDG.pdf

Report on Human Rights for 2021, Fra, EPI, available at: <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021>

Rosemary Righter, *Utopia Lost: The United Nations and World Order*, 1995, p. 281

Rulebook on Amending the Rulebook on the Conditions for Categorization of Catering Facilities. Available at: <https://dejure.mk/zakon/pravilnik-za-uslovi-za-kategorizacija-na-objektite-za-vrshenje-na-ugostitelska-dejnost> .

Rulebook on Standards and Norms for Urban Planning, <http://mtc.gov.mk/new_site/images/storija_doc/1353/Pravilnik%20za%20standardi%20i%20normativi%20za%20urb.planiranje%5B1%5D.pdf>

Rulebook on the Indications for Realization of the Right to Orthopedic and Other Devices, HIF MK, available at: <http://www.fzo.org.mk/default.asp?ItemID=D42C5C3FA5A79548A0408B9FB59A9874>

Rulebook on the Manner of Providing Unobstructed Access, Movement, Stay and Work of Persons with Disability to and in the Buildings, <http://www.mtc.gov.mk/new_site/images/storija_doc/115/pravilnici/25-2010.pdf>

Summary Report of the state responses to the questions related to the initial report of the republic of macedonia on the implementation of the convention on the rights of persons with disabilities, 2018, available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fCSS%2fMKD%2f31979&Lang=en

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMKD%2f1&Lang=en

the Law on the Special Rights of Members of Security Forces of RM and Members of their Families, MoLSP, available at: https://mtsp.gov.mk/WBStorage/Files/braniteli_precisten.pdf>

The mandate of the previous members of the Commission ended on 22.08.2019.

The MLSP listed the planned legal changes in this area in the Stakeholder Engagement Plan, published on www.mtsk.gov.mk under SIAP banner.

The World Bank. Former Yugoslav Republic of Macedonia Early Childhood Development: SABER Country Report 2015

UN Committee, General Comment No. 1 about Article 12 of the UN CRPD, 2014. Available at: <https://undocs.org/en/CRPD/C/GC/1>

UN CRPD, Article 35 Para 4 in line with Article 4 Para 3

Z. Shavreski, E. Kochoska, V. Lazovski, V. Jovanovska. Analysis of the situation of persons with physical disability, Helsinki Committee, 2017. Available at: <https://mhc.org.mk/wp-content/uploads/2019/05/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%BD%D0%BD%D0%B0-%D1%81%D0%BE%D1%81%D1%82%D0%BE%D1%98%D0%B1%D0%B0%D1%82%D0%BD%D0%BD%D0%BB%D0%B8%D1%86%D0%B0%D1%82%D0%B0-%D1%81%D0%BE-%D1%84%D0%B8%D0%B7%D0%B8%D1%87%D0%BA%D0%B0-%D0%BF%D0%BE%D0%BF%D1%80%D0%B5%D1%87%D0%B5%D0%BD%D0%BE%D1%81%D1%82-%D0%B2%D0%BE-%D0%A0%D0%B5%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B0-%D0%9C%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D0%B8%D1%98%D0%B0.pdf>

Z. Shavreski, N. Amdiu, E. Kochoska, T. Ortakovski, the team od Juridica, Publication The missing link “- Demystification of the rights of persons with disabilities in the Republic of Macedonia with a review of the right to education, 2018 Polio Plus. Available at <http://polioplus.org.mk/margina/dokumenti/Alkata-sto-nedostasuva-B5-mk.pdf>

Zh. Poposka, Analysis, ANALYSIS OF THE EXTENT TO WHICH PERSONS WITH DISABILITIES KNOW THEIR RIGHTS, UNICEF, Polio Plus, 2018

Zh. Poposka, analytical publication “Travel far – demistifying the issue of disability in the area of employment and labor relations”, 2018, Polio Plus, available at: <http://polioplus.org.mk/margina/dokumenti/patuvaj-daleku-mk.pdf>

Zh. Poposka, E. Kochoska, Z. Shavreski. Holistic Report on Persons with Disabilities in the Republic of Macedonia, 2015. Open the Windows, available at: https://civicamobilitas.mk/wp-content/uploads/2018/02/0_holisticki_izvestaj_za_licata_so_poprecenost_vo_makedonija-mk.pdf



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