
STATEMENT

UPR Info Pre-sessions 46 North Macedonia

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Delivered by: European Policy institute (EPI)- Skopje

Excellencies,

Distinguished participants and colleagues,

My name is Angela Delevska and I represent the European Policy Institute (EPI)- Skopje - a research and advocacy CSO with a mission to provide a sound base for debate and solutions, targeting decision-makers and the wider public, through high-quality research and policy proposals. This is the first UPR cycle in which we participate through a joint contribution with seven other CSOs (Center for European Citizen Initiative, Double Hope, Legis, Multikultura, National Network to end violence against women and domestic violence, Romaversitas, and Queer Center).

In addition to research and monitoring, our joint contribution benefited from two informal consultations on the national report with MPs and CSOs, one organized by the UN Resident Coordinator and Human Rights Adviser/OHCHR in North Macedonia, and the other by EPI, in which the Head of the Human Rights Unit at the Ministry of Foreign Affairs participated.

This statement addresses two pressing issues from our contribution:

- 1) **The challenges and obstacles to independence and pluralism of the national equality body, i.e., the Commission for Prevention and Protection against Discrimination;**
- 2) **The challenges and infringement of the ESC rights of persons with disabilities, respectively the right to inclusive education; (change to slide 2)**

On point one, in the previous cycle, a number of countries recommended the adoption of the then draft-Law on Prevention and Protection against Discrimination (Belgium, Buthan, Canada, Netherlands, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland). This law was, indeed, adopted in October 2020, and it is largely in line with the UPR recommendations received. Based on this law, in January 2021, a professionalised national equality body was established – a Commission for Prevention and Protection against Discrimination (CPPD). Despite minimal state funding and financial and administrative dependency from the Executive, the commissioners successfully established the body as a legal entity, gaining international recognition and trust from citizens. This is based on a recent public poll showing that 47% of citizens recognize the work of the Commission and on the surge of complaints which in 2021 estimated to a total of 90 complaints, while in 2023 the citizens filed a total of 521 complaints to the Commission. However, the lack of funding and of independence in human resources recruitment limits the potential of the body to thrive further. Moreover, in December 2023, during the election of four new members in the Parliament, we noted a number of legal violations and political parties' pressure resulting in an election which undermines the body's independence, the merit-based foundation for electing members, and the fundamental principles of pluralism and gender equality.

More specifically:

- The legally prescribed criteria for a minimal number of years of specific work experience and for the composition to reflect the diversity in the society, including on grounds of gender, were not observed by the Parliament;
- The duration of the term of office for which the positions were filled is contestable;
- The budget allocated to the equality body does not match what the body has been asking for and what it needs to cover its very vast mandate, nor the growth in number of complaints to the body;
- The equality body lacks human resources independence. (change to slide 3)

Thus we propose the following recommendations:

- 1) The Government should draft and adopt an action plan to full and effective independence for the CPPD based on an in-depth review of the obstacles in the current legal and policy frameworks, and their implementation, focusing specifically on financial and human resources independence and on the commissioners' election process;
- 2) Based on this action plan, the Government should propose, and the Parliament should adopt necessary legislative changes to enable full and effective independence for the CPPD in line with the Paris Principles. (change to slide 4)

As to the second point, in the previous, cycle North Macedonia received 14 recommendations on disability rights, of which 3 are specific to the right to inclusive education. Portugal recommended "Take all necessary measures to promote inclusive education, making sure [...] persons from vulnerable groups are fully integrated in the educational system"; Singapore recommended "Take further steps to build a more inclusive society by ensuring that sufficient special educators are employed to support the integration of children with disabilities in primary and secondary schools in all municipalities"; Australia recommended "Provide adequate and affordable support to ensure that people with disabilities are able to access [...] education [...] and participate fully in society".

The recommendations are partially fulfilled. Main progress has been made in adopting the Law on Primary Education in 2019, the Concept for Primary Education, and the Concept for Inclusive Education in 2020, providing personal assistants and special educators for children over six. The provisions of the Law and Concepts are not fully in line with the CRPD, implementation is lagging as not all municipalities have sufficient numbers of personal assistants and special educators.

The Law on Primary education does not distinguish between reasonable accommodation and accessibility and does not define "reasonable accommodation". The Law regulates the engagement of educational assistants and personal assistants, however in reality personal assistants lack the knowledge on their obligations and responsibilities, whereas for educational assistant it is not defined what education and qualifications are needed. Furthermore, the Law does not include provisions for studying Braille and spatial orientation or sign language. In addition, the schools lack assistive technology and adequate educational staff, and most are not accessible to people using a wheelchair.

Moreover, the concept for inclusive education is not in line with the CRPD provisions by dividing children and pupils with disabilities in different categories and fails to regulate services for support in the educational setting needed by children and pupils with disability. Recent developments in 2022 include transformation of five specialised schools into primary schools with resource centres, and provided funds from the government annual budget for the employment of 725 educational assistants to support teachers in their work. Yet, the number is insufficient to meet the needs in implementing inclusive education.

Further attention is required also in secondary and higher education. Students with disabilities are faced with legal barriers as the Law on Higher Education and the Law on Secondary Education do not include

inclusive education in its provisions and accessibility barriers in facilities, faculty buildings, literature, and administrative services among others. (change to slide 5)

Thus we propose the following recommendations:

- 1) The State must undertake measures for greater accessibility of school facilities; introduce specialised subjects for learning Braille and Sign language for children with visual and hearing impairments, and spatial orientation, and expand the employment of special educators and educational assistants in all municipalities, as well as define their qualifications;
- 2) The State must effectively engage with Organizations of Persons with disabilities (OPDs) and other relevant institutions and experts in regular consultations in the processes of development, planning and implementation of legislation and strategies regarding inclusive education.
- 3) The State must adopt the Law on Secondary Education and Law on Higher Education with amended provisions which are in line with the CRPD and ensure their practical implementation through measurable action plans. (change to slide 6)

Thank you!