

**Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO**

The former Yugoslav Republic of Macedonia

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (30/04/1997)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	30/04/1997 Notification of succession			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	13/06/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	22/05/2007 Ratification			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of the former Yugoslav Republic of Macedonia of 1991**¹ (last amended in 2011), enshrines the right to education in Article 44, which grants that everyone has a right to education and that education is accessible to everyone under equal conditions. According to the same article, primary education is compulsory and free. Article 54 provides that the restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status.
The **Law on Primary Education** (adopted on 20 September 2004), states that primary education is compulsory for all children in the age group of 6–15 years, including one preparatory pre-primary year, and two four-year cycles (classroom teaching and subject teaching). In accordance with the amendments introduced on 29 May 2007, compulsory primary education lasts nine years. According to the Article 3 of the **Law on Secondary Education** (adopted on 18 April 2007) secondary education is compulsory and free of charge in public educational institutions.²
2. Regarding the reporting to UNESCO, the former Yugoslav Republic of Macedonia did not participate in the **8th Consultation** (2011-2013) of Member States on the measures taken to implement the UNESCO 1960 Convention against Discrimination in Education, and yet it did submit a report during the **9th Consultation** (2016-2017). Meanwhile, the former Yugoslav Republic of Macedonia did not submit a report during the **5th Consultation** (2012-2013) on the measures taken to implement UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, and yet it did submit a report during the **6th Consultation** (2016-2017).

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. Article 16 of the Constitution guarantees freedom of speech, the establishment of institutions for public information, the right to a correction and reply in the mass media and the right to protect a source of information. It also prohibits censorship.³
4. A freedom of information law exists in the former Yugoslav Republic of Macedonia since 2006.
5. The former Yugoslav Republic of Macedonia repealed criminal defamation laws and adopted the Law on Civil Liability for Insult and Defamation in 2012.⁴

¹ <http://www.unesco.org/education/edurights/media/docs/cc41a30cc1dc503901ac4ef028805ee325cafabc.pdf>

² IBE, World Data on Education, 7th ed., 2010-2011, former Yugoslav Republic of Macedonia, p.2-3.

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/The_Former_Yugoslav_Rep_of_Macedonia.pdf,

³ <http://www.wipo.int/wipolex/en/>

⁴ <https://www.osce.org/fom/303181?download=true>

➤ Implementation of legislation:

6. The Agency for Audio and Audiovisual Media Services regulates the broadcasting sector of the country, including the issuance of the broadcast licenses. It is accountable to the Parliament, which appoints the governing body of the Agency, the seven member Council, upon proposals from authorized civil society and professional organizations.⁵

➤ Safety of journalists

7. UNESCO recorded no killings of journalists and media workers in the former Yugoslav Republic of Macedonia since 2008.

III. UPR Recommendations

Right to education

8. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)⁶:**

101.9 *Further review and strengthen measures in place towards full implementation of the Ohrid Framework Agreement aiming at integration without assimilation, especially on issues of use of the Albanian language and in providing the necessary conditions for education in minority languages*

101.27 *Launch a campaign for the birth registration of children and adults living on the streets and for those belonging to ethnic minorities to facilitate the obtaining of identification documents; Strengthen efforts to ensure retroactive birth registrations and issuance of documents for children lacking such documentation as well as to ensure that children lacking identity documents are not refused access to health, education and other public services, including child allowances; Ensure full birth registration, including by retroactive registration, and access to public services, including to education for children lacking documentation*

101.31 *Follow up on cases of discriminatory treatment of the Roma population in the area of employment and provide equal chances and treatment to Roma children with regard to education*

101.49 *Continue efforts to ameliorate prison conditions, including steps to address overcrowding and violence, as well as improving access to health care, education and recreational activities*

101.87 *Develop policies and measures to ensure equal access to services, particularly access to mainstream education, and participation of persons with disabilities in the elaboration and evaluation of programmes which concern them*

101.91 *Continue the implementation of national educational programmes and strategies in order to ensure that every child has equal access to education*

⁵ http://avmu.mk/wp-content/uploads/2017/05/Law_on_Audio_and_Audiovisual_Media_Services_as_published_in_Official_Journal.pdf

⁶ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MKIndex.aspx>

- 101.92** *Prioritize the education of its citizens*
- 101.93** *Adopt further appropriate measures in order to improve the quality of education for the pupils belonging to national minorities, especially for those learning in lesser used languages*
- 101.94** *Continue efforts to integrate Roma children into the education system*
- 101.95** *Pay particular attention to the access to education for all children, especially children from ethnic or religious minorities and children with disabilities*
- 101.96** *Continue its efforts in ensuring that the education system will benefit all groups in the society regardless of their backgrounds*
- 101.97** *Address barriers to the education of women and girls and reduce their dropout rates, especially among girls from ethnic minorities*
- 101.98** *Take further measures for the implementation of the Strategy on Integrated Education and to provide adequate State funding to be allocated for the implementation of this Strategy; Further implement integrated education and address the negative impact of ethnic segregation in schools, including through implementing common activities and policies to promote interaction between children of all linguistic and ethnic backgrounds*
- 101.101** *Increase efforts to improve the protection of the rights of children with disabilities and their social inclusion in the education system, also by modernizing centres for social work and providing them with adequate human and financial resources*
- 101.103** *Continue to improve the condition of all migrants, particularly with regard to access to health, education and other social services, and accelerate efforts towards accession to ICRMW*

IV. Review and specific recommendations

9. In the previous UPR cycle, a number of recommendations was addressed to the former Yugoslav Republic of Macedonia, mainly on the issues of inclusive education, education quality, and gender equality. The working group specifically emphasized on the education inequality faced by the minority groups, including teaching languages, lacking of access to mainstream schools, difficulty of obtaining identity documentation, and other discriminatory treatments.
10. Regarding **inclusive education**, and more specifically the inclusion of **students from minority groups**, the former Yugoslav Republic of Macedonia has adopted some positive measures, which should be welcomed. Firstly, the **National Strategy on Decreasing Poverty and Improving the Social Exclusion in the Republic of Macedonia (2010-2020)**⁷ was developed, aiming notably at motivating schools to accept children from social marginalized groups living in other regions; stimulating bigger school enrolment rate in the kindergarten; motivating the regular school attendance.⁸ Moreover, the former Yugoslav Republic of Macedonia also implemented the **National Strategy for the Development of Education (2005-2015)**⁹ which focused on the improvement of multi-ethnic cooperation and the **National Strategy for**

⁷ <http://mtsp.gov.mk/WBStorage/Files/strategy.pdf>

⁸ former Yugoslav Republic of Macedonia Report submitted for the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2012-2015), 2016, p.5.
http://www.unesco.org/education/edurights/media/resources/file/MACEDONIA_.pdf

⁹ <http://pso.mon.gov.mk/wp-content/uploads/2017/01/National-Strategy-for-the-Development-of-Education-2005-2015-2004-EN.pdf>

Equality and Non-discrimination (2012-2015)¹⁰ which emphasized rising the awareness for compulsory education.

11. In terms of **teaching languages** in secondary education, according to the Article 4 of the Law on Secondary Education, students from ethnic groups (i.e. Albanians, Turks, and Serbs) are taught in their **mother tongue and alphabet**, while students who are Bosniaks, Vlahs, and Romas have the right to learn their mother tongue from the 3rd to the 9th grade, through elective subjects and courses on the language and culture of their ethnic group.¹¹ However, the decreasing of the school enrolment and retention rate of children from minority groups remains an important issue of concern. Besides, there is a disproportionately high number of Roma children who continue to be classified as persons with psychological disabilities, resulting in an overrepresentation of Roma children in special schools and special classes in mainstream schools.¹² Roma children amounted to 5% of the students enrolled in mainstream primary schools and to 3% of those in mainstream secondary schools, whereas they represented 18% of students in special primary schools and 38% of students in special secondary schools from 2013 to 2014.¹³
12. Meanwhile, according to UN human rights treaty bodies' observations, the progress of identifying and issuing birth registration upon birth for **children without identity documentation** seems to be still slow. For children without identity documentation, their access to education seems thus to be restricted, especially in rural area.¹⁴ The former Yugoslav Republic of Macedonia should be encouraged to intensify its effort to promote inclusive education and to improve school enrolment and retention rates of students from minority groups, and Roma students in particular. The former Yugoslav Republic of Macedonia should also be encouraged to ensure an access to education for all children, specifically children without identity documentation, as well as to provide birth registration birth certificates for all children, particularly Roma children from rural area.
13. Regarding inclusive education, the provision of equal educational opportunities for all children, regardless of their economic and social background, is still an important issue to address. For instance, during the period from 2010 and 2016, the difference between **urban and rural areas** in the attendance rate at early childhood education level was around 33 percentage points. Similarly, between the **richest and the poorest**, the difference in the attendance rate at the same level was almost 55 percentage points.¹⁵ This trend also concerns other educational levels than early childhood education: for instance, from 2010 to 2015, the difference between the richest and poorest in **post-secondary education** attendance rate was near 60%.¹⁶ More broadly, these inequalities

¹⁰ former Yugoslav Republic of Macedonia Report submitted for the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2012-2015), 2016, p.5.

¹¹ Ibid, p.6, 15.

¹² Committee on Economic, Social and Cultural Rights, Concluding observations, 27 Jun 2016 E/C.12/MKD/CO/2-4, para.53.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=en

¹³ European Committee of Social Rights Conclusions 2016, January 2017, p.19.

http://hudoc.esc.coe.int/app/conversion/pdf?library=ESC&id=CR_2016_MKD_ENG&filename=CR_2016_MKD_ENG.pdf.

¹⁴ Human Rights Committee, Concluding observations, 23 Jul 2015, CCPR/C/MKD/CO/3, para.20.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMKD%2fCO%2f3&Lang=en

¹⁵ UNESCO, Global education monitoring report, 2017, p.144

<http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

¹⁶ Ibid, p.162.

- are also reflected in the school environment – to illustrate this, in 2015, the percentage of computers connected to the Internet in rural area was 20% lower than in urban area.¹⁷
14. In relation to the provision of equal access to education and opportunities to all, it should be noted the trends of **school enrolment and completion** could be improved. Between 2000 and 2015, the participation rate in organized learning one year before official primary entry age decreased by almost 30%.¹⁸ Similarly, from 2010 to 2015, the completion rates in primary, lower secondary and upper secondary level were respectively 100%, 80% and less than 50%.¹⁹ The of Macedonia should then be encouraged to take further efforts to improve school enrolment and completion rate, and consequently to allow all children to enrol, attend and complete primary and secondary education.
 15. Regarding **education curriculum and materials**, the former Yugoslav Republic of Macedonia made some revision in order to better integrate the concepts of tolerance, intercultural communication, and understanding, especially in the subjects of history, geography, and language. Textbooks were also revised to integrate some content related to the prevention of violence and discrimination, as well as respect for differences.²⁰ However, sexual and reproductive education programs in schools seems to be inadequate and outdated according to the CDESCR.²¹ The former Yugoslav Republic of Macedonia should be encouraged to update these programmes with age-appropriate education curriculum on sexual and reproductive health.
 16. Finally, it seems that **education quality** could be improved in the former Yugoslav Republic of Macedonia. In 2015, only 30% of 15-year-old students (lower secondary level) were achieving the minimum proficiency level in mathematics and reading.²² The former Yugoslav Republic of Macedonia should be encouraged to strengthen its efforts to ensure education quality through legislative or administrative measures.

➤ **Specific recommendations:**

1. The former Yugoslav Republic of Macedonia should be encouraged to intensify further its effort to promote inclusive education, notably by improving the enrolment and the retention of students from minority groups and Roma students in particular, and by ensuring access to education for all children, specifically children without identity documentation.
2. The former Yugoslav Republic of Macedonia should be encouraged to eliminate social inequality through legislative and administrative measures in order to guarantee equal opportunities in the field of education.
3. The former Yugoslav Republic of Macedonia could be encouraged to update its curriculum with age-appropriate education content on sexual and reproductive health.
4. Macedonia should be encouraged to strengthen its efforts to ensure education quality through legislative or administrative measures.
5. The former Yugoslav Republic of Macedonia could be encouraged to deploy further efforts to improve school enrolment, attendance and completion for all children at both primary and secondary levels, through special programme or strategic plan.

¹⁷ Ibid, p. 226.

¹⁸ Ibid, p. 141.

¹⁹ Ibid, p. 130.

²⁰ former Yugoslav Republic of Macedonia Report submitted for the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2012-2015), 2016, p.5.

²¹ Committee on Economic, Social and Cultural Rights, Concluding observations, 27 Jun 2016 E/C.12/MKD/CO/2-4, para.49.

²² Ibid, p. 122,123.

6. The former Yugoslav Republic of Macedonia should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
7. The former Yugoslav Republic of Macedonia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²³

Freedom of opinion and expression

17. The former Yugoslav Republic of Macedonia is recommended to continue with its current dispensation on freedom of expression and opinion.

Right to culture

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁴, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁵ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁶, the former Yugoslav Republic of Macedonia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the former Yugoslav Republic of Macedonia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

19. The former Yugoslav Republic of Macedonia has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore the former Yugoslav Republic of Macedonia is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled

²³ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²⁴ Periodic Report available at: <http://whc.unesco.org/en/activities/862>

²⁵ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=44059>

²⁶ Periodic Report not available

Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.