

# Ohrid Framework Agreement Review on Social Cohesion

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## Executive Summary

The Government of the Republic of Macedonia is committed to the Ohrid Framework Agreement. It recognizes the Agreement's full implementation as an important factor for intercommunity peace and as a crucial step in achieving an inclusive multiethnic society. Intercommunity peace and an inclusive multiethnic society are prerequisites for social cohesion and the sustainable prosperity of the country. The strengthening of social cohesion gains special urgency in times of political and economic crisis.

The Ohrid Framework Agreement was signed in 2001, almost 15 years ago. Important achievements have been made in its implementation. However, the quantitative and qualitative implementation of the Ohrid Framework Agreement is a long term process. The promotion of social cohesion needs continuous effort and has to be adapted to changing realities and citizens' expectations, sometimes going beyond the requirements explicitly provided for in the Ohrid Framework Agreement.

Social cohesion and the implementation of the Ohrid Framework Agreement need continuous monitoring. In 2012, the Government adopted a report on the status of the implementation of the Ohrid Framework Agreement, which included the suggestion to continue the review process and to define clear policy recommendations. Intercommunity relations and the Ohrid Framework Agreement are an aspect of the 2015 Prizno agreements. The continuation of the review is an element of the 2015 Government's Action Plan on Reform Priorities. The review process takes up 'Urgent Reform Priorities' as identified by the European Commission and is coordinated with the High Level Accession Dialogue with the European Commission. In addition, the review process is contributing to fulfilling conditions and recommendations of the 2015 European Commission Progress Report.

The Government of the Republic of Macedonia invited OSCE and the European Institute of Peace (EIP) to support it in the review. The review process was participatory in nature. Data collection and analysis and initial policy recommendations were provided by six thematic working groups. These working groups prepared reports. The main findings of these reports were then presented and discussed in a round of consultations with civil society organizations, academia and political parties in October and November 2015.

This review report was prepared by the Secretariat for the Implementation of the Ohrid Framework Agreement SIOFA for submission to the Council of Ministers. The review report is the outcome of the review process and incorporates input received during all stages of the process. It is based on data collected by the working groups and puts a special focus on qualitative assessments. The report analyses the actual and potential contribution of the Ohrid Framework Agreement to the overall goal of social cohesion. It identifies achievements as well as room for improvement in the implementation of the Ohrid Framework Agreement in particular and for promoting social cohesion in general.

The major findings and recommendations are the following:

On decentralization: The Republic of Macedonia made significant strides towards decentralized governance as one aspect of a vibrant democracy and as a contributing factor for social cohesion. However, in particular fiscal decentralization remains critical, i.e. the decision-making space of local self-governments on spending priorities remains limited and the transparent and equitable allocation of funds to the units of local self-government is challenging. The current practices do not seem sufficient for promoting balanced development and promoting comparable service-delivery among municipalities. Whenever such misbalances among and within municipalities coincide with settlement patterns of communities this can have negative impact on social cohesion. Potential mechanisms for dialogue and participation on the attribution of funds are not fully utilized.

### Main recommendations:

Improve transparency as basis for accountability and as a pre-requisite for monitoring the equitable distribution of public funds

- ⇒ Ensure the availability of data disaggregated by sector and unit of local self-government for all grants and capital investments provided from central budget.

Improve transparency and support the central Parliament as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament in line with comments in the 2015 Progress Report (p. 7, 8, 11).

- ⇒ Consider introducing the adoption of central budget allocations to municipalities by double majority voting (the Badinter mechanism) and to ensure meaningful consultations of units of local self-governments.

Promote the equitable and balanced attribution of funds to units of local self-government.

- ⇒ Ensure the full commitment of the Government of the Republic of Macedonia to realize the legally foreseen 1% of GDP for regional development through the municipalities.
- ⇒ Allocate capital grants from central to Units of Local Self-Government via objective formulas that encompass for instance the Index of Regional Development among other factors. Consider foreseeing the involvement of the Council for Regional Development in decision-making for capital investments and ensure representation of the SIOFA in the Council.
- ⇒ Introduce financial equalization mechanisms for units of local self-government that take the units' fiscal capacity and specific needs into account, including the needs of rural and multilingual units of local self-government.

Allow units of local self-government to set their own policy priorities in line with effective decentralization, and address the relatively low level of non-committed funds of units of local self-government

- ⇒ Increase the total municipal expenditures to 14% of GDP (the average regional standard) while ensuring the increase of capacities of Units of Local Self-Government to collect local taxes.
- ⇒ Increase the amount of financial resources available to units of local self-government that are unconditional and non-earmarked so as to increase their space of discretionary decision-making, for instance by increasing the share of VAT and/or Personal Income Tax allocated to units of local self-government
- ⇒ Starting in the area of culture, sports, and social protection of boys and girls of pre-school age, move from financing of institutions and facilities to financing of competencies/policy areas.

Ensure that units of local self-government in their allocation of funds within the municipality are transparent and apply participatory approaches.

- ⇒ Consider strengthening the local Committees for Intercommunity Relations by adapting and clarifying their mandate, composition, organization and financing.
- ⇒ Consider the application of double majorities (Badinter requirement) for the allocation of resources within the municipality.
- ⇒ Restore the status of legal person to the neighborhood committees and ensure their inclusive composition in order to strengthen them as arenas for direct citizens' participation.

On equitable representation: Over the years there have been achievements in respect to equitable representation. However all non-majority communities, including the ethnic Albanian community, remain underrepresented. There are decisive variations among public bodies, a more serious underrepresentation of numerically smaller non-majority communities as well as significant underrepresentation of all non-majority communities in managerial positions. The new legal framework for the employment of civil and public servants might bring some improvements in methodologies in respect to equitable representation but these methodologies

do not apply to all institutions. Language competencies in non-majority languages are still not valorized in the employment process and there is limited effort to increase the language competence of the administration in view of social cohesion at the work place and the communication with citizens. A significant number of employed members from non-majority communities have not yet been integrated into the workforce but are part of a pool within the SIOFA waiting for transfers to different state institutions. So far there are no policies for encouraging enterprises of national importance to adopt policies of equitable representation.

#### Main recommendations:

Use the merit principle for improving the representativeness of the administration and its actual language capacities as basis of improved understanding and communication and element of social cohesion. This recommendation is in accordance with the emphasis of the 2015 Progress Reports on safe-guarding the merit principle in employment (p. 5, 10)

- ⇒ Within the testing, selection, employment and promotion procedures prominently include the knowledge of other languages of non-majority communities, at central and local level, (next to the Macedonian language) as valuable merit (at least on par with foreign languages), in particular for managerial positions. Promote language capacities of man and women.
- ⇒ In a longer-term perspective, make the basic knowledge of a second language spoken in Macedonia mandatory for managerial positions as well as for positions with frequent direct contact with citizens.
- ⇒ Have MISA monitor the impact of the consideration of the Shanghai List on the Ranking of Universities on the employability of members from underrepresented communities, male and female, and change the application of the list if needed.

Increase the effectiveness of equitable representation and cost-effectiveness of the whole administration by ensuring that those employed, male and female, are actually integrated into the workforce and have meaningful positions. This recommendation takes up a concern of the 2015 Progress Report: reduction of the number of public employees not required to turn up to work (p. 10).

- ⇒ Phase out the employment pool within SIOFA by transferring persons to all state institutions.
- ⇒ Implement the methodology for equitable representation as foreseen in the Law on Administration and provide for the application of equivalent methodologies for all state institutions.
- ⇒ Develop methods for integration in the workplace and diversity management.
- ⇒ Develop special measures for members (male and female) of those communities that are highly under-represented.

Ensure equitable representation, access to justice, and a judiciary that is perceived as representative and non-biased by all communities.

- ⇒ Improve trust in the judiciary by addressing the strong under-representation of non-majority communities, male and female, ensuring equitable representation without jeopardizing the merit principle, e.g. by additionally valorizing knowledge of languages spoken by non-majority communities, by introducing courses on the Macedonian legal language, to work towards enlarging the pool of qualified candidates from non-majority communities, and targeted affirmative action.
- ⇒ Maintain an empty-chair policy for the judiciary if there are not enough qualified candidates from non-majority communities, as long as this does not negatively impact on the effectiveness of the judiciary.
- ⇒ Improve the quality of legal education in Albanian, to enable a stronger basis for members of the ethnic Albanian community to compete successfully in entrance exams and professional competitions, on par with the ethnic Macedonian applicants.

Broaden the application of the principle of equitable representation to the whole public sphere, as foreseen in the Ohrid Framework Agreement, including to companies with national licenses that provide services to the citizens.

- ⇒ Extend the legal obligation to establish equitable representation of all communities (and affirmative action thereto) to large companies of national significance and public utilities (like water, electricity and telecommunication) as part of the conditions for licensing, certification and government tenders.

On the use of languages: The current legislative framework and the implementation practice of certain authorities does not fully realize the language rights of non-majority community members guaranteed in the constitution, in particular the legislation introduces a requirement of territoriality for addressing central institutions, and certain authorities demand a request for the issuance of bilingual documents instead of automatically issuing them. In addition, the legislative framework adopts a relatively restrictive interpretation of linguistic rights and does not stipulate for the translation of secondary legislation and chairing the parliamentary sessions in a language spoken by at least 20% of the citizens. The application of the law on the use of languages at the central level is more consistent than at the local level. In different words, there are more variations in the application of the use of official languages among municipalities than among different central institutions. Nevertheless, at the central level, in many cases the constitution and the laws are interpreted in a narrow sense. In contrast, at least some units of local self-government demonstrate the willingness to broaden the use of languages at the local level as the voluntary introduction of additional official languages show. The current system of using other official languages only next to the Macedonian language generates the need for qualified translators, which puts financial burdens, in particular on multilingual units of local self-government.

Main recommendations:

Fully implement the Ohrid Framework Agreement and the constitution and acknowledge language as an important element of identity and as a tool for strengthening the identification with the state and fostering inter-community understanding

- ⇒ Adopt a new comprehensive law on languages and with it clarify the meaning of Amendment V to Art 7 of the Constitution.
- ⇒ Allow all citizens to address central institutions in the Macedonian language and the language spoken by at least 20% of citizens in the country irrespective of their place of residence, provide for the translation of secondary legislation into Albanian, ensure the automatic issuance of personal documents in the official languages for citizens of the Albanian community, allow for the chairing of parliamentary sessions in Albanian, clarify language provisions in the law of local self-government to include the City of Skopje, standardize the use of official languages for all public signs, ensure the full implementation and promotion of language rights in the judicial sector.
- ⇒ Ratify the European Charter for Regional and Minority Languages.
- ⇒ Proactively inform citizens on their language rights and promote a culture of multilingualism.
- ⇒ Work towards the development of a comprehensive language policy, including monitoring and oversight mechanisms for its implementation, for instance by re-establishing an inter-ministerial working group.

Increase the attractiveness of a career as a translator and interpreter for women and men and ensure the quality of translation and interpretation

- ⇒ Establish specialized certification for interpreters and translators as well as career opportunities within the administration.
- ⇒ Introduce vocational training for translators on the secondary level, embedded within existing local educational structures (like the Economy profile) in order to create a wide, cost-effective, functional pool of generalist translators, in particular for use at the local level

- ⇒ Integrally incorporate specialized translation / interpretation within the existing regular curriculum of the faculty of philology, presently offering only a choice of becoming either a “language teacher” or “translator” without further specialization.
- ⇒ Activate and/or more clearly promote high quality and easily accessible post-graduate specializations within this faculty of philology, and consider extension to also the SEE and Tetovo University.

Provide a cost-effective and efficient support to local governments in fulfilling their citizens’ language rights and support them financially

- ⇒ Establish regional centers of translators and interpreters to support local authorities remotely (through e-government).
- ⇒ Support municipalities with more than one official language for instance by introducing separate budget lines in the national budget, or a portion of the VAT collected in the units of local self-government, to enable the full implementation of the law on the use of languages.

On education: Education in the mother tongue at primary and secondary level for the Albanian and Turkish community is by and large realized; for other communities additional efforts are needed. Preschool education opportunities are limited and children of non-majority communities are underrepresented. Education remains highly divided (little to no interaction between children from different language communities) and is at times considered divisive, e.g. in respect to curricula and textbooks. In general, pupils have little knowledge of the history, culture and customs of other communities and there continues to be reluctance to learn languages of other communities. In particular rural municipalities are facing challenges of assuming the costs for primary and secondary education. The allocation of block grants for primary and secondary education to municipalities and within municipalities is perceived as of limited transparency.

#### Main recommendations:

Strengthen equal opportunities to quality education for girls and boys from all communities, including for preschool education in line with comments of the 2015 Progress Report (p. 66, 67)

- ⇒ Improve access to preschool education for girls and boys in line with EC Report levels; ensure equal opportunities for enrolment of all communities throughout the country. Transfer responsibilities for pre-schooling from the Ministry of Labor and Social Policy to the Ministry of Education.
- ⇒ Address the relatively high student/teacher ratio at the University of Tetovo by creating job opportunities for persons with a PhD.

Use education as a means towards social cohesion and ensure sustainable funding, in line with comments in the 2015 Progress Report (p. 60, 61, 66)

- ⇒ Take further concrete steps towards integrated education by introducing considerable, earmarked budget lines thereto, focusing on structural government funding for curricular and extra-curricular activities fostering interaction and understanding among communities, as well for quality textbooks promoting the same.
- ⇒ Prevent stereotyping and divisive content in textbooks by fully implementing procedures for developing textbooks and consider including these procedures in amendments to the law instead of in secondary legislation. Ensure transparent selection of textbook authors. Review the quality of translations of textbooks. Ensure the printing of textbooks for numerically smaller communities, for instance by obliging publishing houses to also print small editions of textbooks.
- ⇒ Strengthening interpersonal, intercultural, social and civil abilities of teachers in a multiethnic environment through trainings on inter-ethnic integration, promote modern and interactive teaching methods
- ⇒ In the determination of block grants for education, consider the particular needs of units of local self-government so that all units of local self-government have adequate resources for primary and secondary education.

- ⇒ Remove administrative and other challenges (availability of teachers, lack of transport) to ensure that non-majority communities are able to fully exercise their right to mother-tongue instruction and culture.

Promote understanding and communication among communities for better social cohesion

- ⇒ Introduce for all children, in addition to their mother tongue, language instruction in at least one other language in official use somewhere in the country. Consider giving preference to those languages within the municipality in which the school is located that are spoken by at least 20% of the local population. Adapt the training of teachers accordingly. Support the measure with sufficient information to parents and schools.
- ⇒ Promote joint degrees and mobility of university students within the Republic of Macedonia and encourage them to do parts of their studies in another language of Macedonia.

Improve transparency and support local and central parliaments as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament, in line with comments in the 2015 Progress Report (p. 7, 8, 11).

- ⇒ Assess the implications and practicalities of introducing all issues that are submitted to the Badinter procedure at the central level also to Badinter at the local level, including education and local budget allocations therein.
- ⇒ Seek to enhance the transparent allocation of block grants for education from central to local level by establishing an expert group to assess the implications of introducing the central budget in Badinter in Parliament.

On non-discrimination: In the perception of citizens there is discrimination based on ethnicity. Non-harmonization of Macedonian legislation, the lack of capacities in judicial and quasi-judicial institutions, the limited willingness to implement provisions on hate speech and hate crime, the lack of targeted programs to eradicate inequalities in the employment market, including gender inequality, but also the delay in adopting a law regulating the rights of victims of the 2001 conflict impede effective action against discrimination or public perceptions thereof.

#### Main recommendations:

Increase transparency, raise awareness and create the basis for non-discriminatory application of the principle of equitable representation

- ⇒ provide for gender disaggregated data on equitable representation and in other fields related to the implementation of the Ohrid Framework Agreement and on social cohesion.

Work towards removing inequalities in the access to the labor market

- ⇒ Review current employment programs and special measures and target them so as to include particular, vulnerable groups, including ethnic Roma, women from non-majority communities and men and women from rural areas.

Prevent and adequately prosecute hate speech and hate crime

- ⇒ Seriously address hate speech and hate crime by promoting implementation of existing provisions. Further consider amending the Criminal Code's definitions and sanctioning, as well as the Law on audio and audio-visual services, to explicitly provide for authorization of the agency for these services to determine hate speech and impose an initial reprimand (and / or a fine) as well as to suspend broadcasting licenses after repeated reprimands/fines.

Strengthen institutions that help ensure the non-discrimination of citizens, in line with comments in the 2015 Progress Report (p. 56).

- ⇒ Strengthen the office of the Ombudsperson as well as the CPD, by increasing their resources and competences and by adopting legislation in line with the Paris principles, including the creation of secretariat services of the CPD.
- ⇒ Strengthen the capacity of the police, the prosecution and the judiciary to address discrimination and hate speech/hate crimes.



Overcome the effects of the 2001 conflict

- ⇒ Promote projects of social cohesion, reconciliation and confidence-building measures in different fields including all segments of society
- ⇒ Regulate the status of all persons disabled and families of victims from the 2001 conflict as proposed in the first 2012 OFA Review report that was adopted by Government and subsequently mentioned in the 2012 EC Progress Report.

On communities forming less than 20% of the population: In deviation of the text proposed for the preamble of the constitution in the Ohrid Framework Agreement, the present Constitution includes a preamble that enumerates 7 different communities instead of promoting a more general, civic concept of the State. Numerically smaller communities are represented in political institutions through the ordinary election process. The Committees for Inter-Community Relations at both central and local level provide for some representation but are of limited effectiveness. There have been attempts to create special institutions for the concerns of numerically smaller communities. The Agency for Community Rights Realization (ACRR, mainly focused on the protection of minorities representing less than 20 % of the population) still struggles with an inadequate mandate, insufficient budget and a lack of support from relevant institutions. The Directorate for education in communities' languages and the Directorate for the promotion of culture of the communities also continue to be inadequately funded and staffed. They are not regularly included in relevant consultations. In addition, separate funding mechanisms for CSOs of numerically smaller communities have been introduced but lack resources.

Main recommendations:

Fully implement the Ohrid Framework Agreement and strengthen the civic identity of the country and its citizens.

- ⇒ Revert the Constitution's Preamble to the originally foreseen one in the OFA that emphasized civic instead of ethnic identity and refrain from mentioning only 7 communities by name.
- ⇒ Consider a comprehensive and all inclusive debate about the national symbols.

Strengthen parliament as a forum for constructive political dialogue and representation in line with comments of the 2015 Progress Report (p. 7)

- ⇒ Amend articles 41 and 55 in the Law on Local Self Government in order to address legal gaps in the framework regulating local CICRs and to finally enable relevance to these potentially very effective conflict prevention and resolution tools on the ground.
- ⇒ In this process, capitalize on the existence of a Parliamentary CICR for the purpose of developing more constructive interethnic relations and foster a continual debate and consensus on interethnic relations and the integration of society, not just by the way of emergency interventions during tensions.
- ⇒ Consider broadening the composition of the Parliamentary Committee on Inter-community Relations (P CICR) in order to also provide room to the numerically smallest communities (category of "others" in the preamble).

Ensure that the public has access to objective and accurate reporting and a variety of viewpoints through the mainstream media, particularly the public sector broadcasters in line with comments of the 2015 Progress Report (p. 21). Promote multiculturalism and social cohesion through the media.

- ⇒ Provide for equitable broadcasting of programs in the languages and interest of all non-majority communities as agreed in the working groups
- ⇒ Consider in particular providing for equitable broadcasting of programs in the languages and interest of smaller non-majority communities at both MRT 1 and 2 both vertically (in overall programming time allotted) and horizontally (in overall programming time at all timeslots, including prime time).

- ⇒ MRT to put a focus on the promotion of social cohesion among communities, including gender aspects in its program concept, to regularly broadcast multicultural media programs, which aim at promoting social cohesion, mutual respect and understanding as well as intercultural dialogue, and to make emissions accessible to audiences from other language communities – through translation and/or subtitling.
- ⇒ Strengthen the human, financial, and technical capacity of the editorial desks in the public information service for multilingual and programs in non-majority languages.
- ⇒ Provide training opportunities for active media personnel engaged with the editorial desks, especially on issues related to intercultural communications, cultural and democratic pluralism, standards of professional reporting, gender mainstreaming, which among other, should involve ethical values related to respect for diversity and inclusion, human rights, and non-discrimination.

On further aspects: Responsibilities for the implementation of the Ohrid Framework Agreement are dispersed and overlapping. Institutions, including SIOFA and ACRR face recurrent challenges in accessing data necessary for targeted policy making and monitoring. SIOFA and ACRR have no effective means for providing incentives or imposing sanctions to foster the implementation of the Ohrid Framework Agreement. SIOFA and ACRR are perceived and/or mandated to cater mainly to specific communities. The ACRR is considered as relatively isolated and is for instance not regularly consulted on relevant government decision, as is the SIOFA. The SIOFA has a strong overrepresentation of ethnic Albanian staff and at times is perceived as representing predominately interests of the Albanian community while the other bodies by law focus on communities with less than 20% share of the overall population. In addition, currently there is no body in charge of developing an overall policy of social cohesion. Mechanisms for inter-community relations provided for in the Ohrid Framework Agreement (double majorities (Badinter requirement) and Committees for Inter-Community Relations can be further strengthened in view of consistency and accountability.

#### Main recommendations:

Strengthen the institutional set-up for the implementation of the Ohrid Framework Agreement and for the development and implementation of policies of social cohesion.

- ⇒ Merge SIOFA and the ACRR into a single new Ministry on Political System and Inter-Community Relations (Министерство за политички систем и односи меѓу заедниците) that is composed based on the principle of equitable representation and proactively includes all communities. Provide the new Ministry with direct and automatic access to all disaggregated data relevant for the monitoring of implementation of the Ohrid Framework Agreement. Provide it with the powers to develop a comprehensive policy of social integration as well as powers to monitor, inspect and enforce.

As an alternative:

- ⇒ Clearly designate institution(s) for centralized and unified data collection to ensure continuous collection of disaggregated data, including gender disaggregated, as well as ensure the automatic/immediate availability of such data to relevant bodies (SIOFA, ACRR) in charge of policy-making and monitoring as well as to the public, for instance by establishing a separate Ohrid Framework Agreement Sector within the State Statistical Office (SSO) with separate departments for Education, Languages, Equitable Representation, Decentralization, Anti-Discrimination and Smaller Communities. The SSO has mandatory authority to collect data from state institutions.
- ⇒ Formalize a coordination mechanism / cooperation between SIOFA, ACRR, the General Secretariat and MISA.
- ⇒ Provide clear tasking, mandates and deliverables to inspectorates of Ministries in order to inspect the implementation of all measures related to the Ohrid Framework Agreement and social cohesion in a non-politicized way.
- ⇒ Enlarge the mandate, increase resource allocation, staffing and support to the ACRR

- ⇒ Establish a central governmental unit (e.g. at the PM Office) to develop comprehensive policies promoting social cohesion and societal integration with clear definitions of roles and tasks, coordination and monitoring mechanisms, costing of measures, as well as targets and indicators for implementation.

Strengthen the inter-community related mechanisms provided for the Ohrid Framework agreement in order to safe-guard the interests of all citizens and communities and improve accountability and consistency.

- ⇒ Form an expert/working group to further explore possibilities to strengthen inter-community related mechanisms (Badinter requirement and CICRs).
- Consider applying the Badinter requirement to budget allocations in those areas where it is applied to policies or to the whole budget.
  - Assess the implications and practicalities of introducing all issues submitted to Badinter centrally also to Badinter locally, including education.
  - Assess harmonizing the mandate of the CICRs with the applicability of the Badinter requirement.

## Introduction

The Ohrid Framework Agreement was signed in 2001. It provides “an agreed framework for securing the future of Macedonia's democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community. This Framework will promote the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens”<sup>1</sup>. Its major aim is to provide an avenue to and basis for sustainable peace based on democratic good governance, including local self-government, while preserving the multi-ethnic character of Macedonia's society and reflecting it in public life<sup>2</sup>. Respect for Macedonia's diversity and an endorsement of the common ownership of and loyalty towards the Macedonian state is at the core of the agreement.

Key elements of the Ohrid Framework Agreement include:

- Cessation of Hostilities
- Non-discrimination and equitable representation envisaging amongst others measures to correct imbalances in public employment, to achieve better representation in the security forces, to achieve equal access to public financing, and to ensure an equitable composition of important bodies and institutions
- Development of decentralized government with redesigned boundaries and substantial powers and own resources of the units of local self-government
- Special parliamentary procedures with qualified majorities for certain important issues as well as the creation of a Committee for Inter-Community Relations within Parliament
- Guarantees in the fields of education, use of languages as well as for the expression of identity.

In its Annexes the Ohrid Framework Agreement provides for constitutional amendments, legislative modifications as well as implementation and confidence-building measures.

The current review of the implementation of the Ohrid Framework Agreement is based on previous review efforts. In 2012, the Government of the Republic of Macedonia adopted the report of the first comprehensive review of the implementation of the Ohrid Framework Agreement, entitled 2012 Report on the Implementation Status of all Policies deriving from the Ohrid Framework Agreement (in the following: “2012 Review”). The 2012 Review mainly focused on a quantitative assessment and documented the different constitutional and legislative amendments as well as other steps that were undertaken with the aim of implementing the Ohrid Framework Agreement. The 2012 Review recommended continuing the review process with additional data and with a focus on a qualitative assessment. All subsequent EC Progress Reports took up this recommendation, including the Progress Report 2015, stating: “The review of the Ohrid Framework Agreement, which ended the 2001 conflict and provides the framework for the inter-ethnic relations, needs to be completed”<sup>3</sup>. The continuation and finalization of the Review has become part of the dialogue between the European Commission and the Republic of Macedonia on steps leading to the possible opening of EU accession talks.

In recent years, there have been some substantial achievements in moving closer towards meeting quantitative targets, for instance in respect to adopting required legislation or improving equitable representation– though targets are not fully achieved yet.

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<sup>1</sup> Ohrid Framework Agreement, preamble.

<sup>2</sup> Ohrid Framework Agreement, 1.

<sup>3</sup> Progress Report 2015, p.4, see also at p. 8: The long-promised review of the implementation of the Ohrid Framework Agreement, including policy recommendations, needs to be urgently completed and followed up.”

However, as also the Progress Report 2015 points out, the inter-ethnic situation remains fragile<sup>4</sup> and there remains a lack of trust between communities<sup>5</sup>. Further initiatives are needed to promote good inter-community relations and an inclusive multi-ethnic society<sup>6</sup>. Multiethnic societies have to pay continuous attention to social cohesion. Political and economic crises can have negative impacts on social cohesion in particular when there is a lack of good governance and the crises can be interpreted as having an ‘interethnic’ component or a stronger impact on one or some communities. Limited social cohesion will further complicate overcoming the crisis.

Limited inter-community and trust inter- ethnic tensions underline the need to review the qualitative impact of implementation efforts and to take further concrete steps towards the full implementation of the Ohrid Framework Agreement with the aim of strengthening social cohesion in the framework of democratic good governance<sup>7</sup>.

The Government of the Republic of Macedonia established the procedure and methodology for the review with Government Decisions 42-17/81 of 24 June 2015 and 42-17/85 of 7 July 2015. For the review, a participatory methodology was used. The Government invited the OSCE and the European Institute of Peace (EIP) to support it in the review and the delegations of the US, EU and the Netherlands to observe it. It formed an Ohrid Framework Agreement Strategic Group including Deputy Prime Minister Musa Xhaferri, the OSCE Head of Mission and the EIP senior Mediator. In addition, the review process was supported by the Ohrid Framework Review Steering Group composed of the Secretary of State of the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA), the OSCE Mission Senior Coordinator Inter-Ethnic Relations, the EIP Project Officer and the president of the CSO “ADI”.

Data collection, analysis and initial policy recommendations were provided by six thematic working groups composed of close to 70 representatives from the SIOFA, different ministries and state institutions, civil society, representative from all communities, academia as well as representatives from the OSCE and EIP. These working groups started their work in September 2015 and prepared reports on the following six topics, covering the major aspects of the Ohrid Framework Agreement: (1) decentralization, (2) equitable representation, (3) use of languages, (4) education, (5) non-discrimination and (6) communities with less than 20% share of population. The working group reports are included as annexes. The main findings of these reports were then presented and discussed in a round of 7 thematic consultations with civil society organizations, academia and political parties in October and November 2015, involving over 200 stakeholders and experts.

The Secretariat for the Implementation of the Ohrid Framework Agreement SIOFA prepared this review report for consideration by the Council of Ministers. This review report is the outcome of the review process and incorporates input received during all stages of the process. It is based on data collected by the working groups. It analyses the actual and potential contribution of the Ohrid Framework Agreement to the overall goal of social cohesion. It identifies achievements as well as room for improvement in the implementation of the Ohrid Framework Agreement in view of social cohesion.

The review is action-oriented. It invited participants to identify challenges – based on sound data – and submit concrete recommendations how challenges can be addressed. The review report includes the main findings and recommendations as well as some indications on conducive implementation steps. It furthermore includes several annexes: the thematic reports emanating from the working groups, some selected recommendations that have been submitted to the working groups as well as a list with preliminary key recommendations that had been prepared for further discussion.

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<sup>4</sup> Progress Report 2015, p. 4.

<sup>5</sup> Progress Report 2015, p. 8.

<sup>6</sup> Progress Report 2015, p. 8.

<sup>7</sup> As a member of the OSCE, the Republic of Macedonia orients itself at The Ljubljana Guidelines on Integration of Diverse Societies, November 2012.

## Major Review Findings

The review findings are structured along six themes, covering the major aspects of the Ohrid Framework Agreement: (1) decentralization, (2) equitable representation, (3) use of languages, (4) education, (5) non-discrimination and (6) communities with less than 20% share of population. With this the structure of the report reflects the structure of the working groups. In addition, a section is added on (7) further aspects in order to reflect on challenges and cross-cutting issues that concern several of the thematic fields.

### 1. Decentralization

The Ohrid Framework Agreement states in section 1.5. that “the development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.” In more concrete terms, the Ohrid Framework Agreement, in section 3, provides for increased powers and resources for units of local self-government, the revision of municipal boundaries, (as well as provisions on the selection of the local heads of police). Decentralization, in accordance with the European Charter of Local Self-Government is supposed to provide units of local self-government powers so that, within their sphere of competence, they can shape local policies and related spending in line with their citizens’ priorities. Participation in and satisfaction with local decision-making shall strengthen satisfaction with and loyalty to the state as such.

This review puts the focus on issues with relevance for social cohesion including on aspect of fiscal decentralization, in particular the transparent and equitable allocation of resources as well as on some related institutional aspects of participation in decision-making of members of non-majority communities. Differences in development and misbalances in the allocation of grants and other resources that coincide with settlement areas of different communities can have negative impact on social cohesion. Already the lack of transparency in the allocation of funds can erode trust between communities. Equitable allocation of funds is a pre-requisite for social cohesion and also emanates from the non-discrimination provision included in the Ohrid Framework Agreement. Furthermore the Ohrid Framework Agreement explicitly mentions the participation of citizens in democratic life. For instance, participatory budgeting in general and in particular in the fields relevant for identity and the realization of rights of communities can further contribute to social cohesion.

As a start of the decentralization process, four major laws were adopted in 2002 and 2004: the Law on Local Self-Government in 2002, Law on Territorial Organization of Local Self-Government, Law on the City of Skopje and the Law on Financing Units of Local Self-Government in 2004, all with later amendments. Three additional laws, that were not explicitly required in the Ohrid Framework Agreement further contributed to the framework of decentralization: the Law on Inter-Municipal Cooperation of 2009, the Law on Balanced Regional Development of 2007 as well as the Law on the State Inspectorate for Local Self-Government of 2010, all with further amendments.

In 2004, the number of units of local self-government was reduced from 124 to 84 plus the City of Skopje, in order to improve the financial capacity of units of local self-government<sup>550</sup>. In 2014 the number of units of local self-government was further reduced when Zajas, Oslomej, Drugovo, and Vraneshtica became part of the Municipality of Kichevo. The current number of units of local self-government is 80, plus the City of Skopje. The transfer of competencies, personnel, real estate, moveable property and registries as well as fiscal decentralization officially started in 2005. Fiscal decentralization was continued in phases, providing units of local self-government with funds for assuming their powers depending on certain specified criteria, regulating the budgeting (2007) and the borrowing (2009) process. By 2012, all but one unit of local self-government (Municipality of Plasnica) had progressed to the second stage of fiscal decentralization. The Municipality of Plasnica has still not progressed to the second stage.

Between 2005 and 2011, the total revenues of units of local self-government increased from 1.9% of GDP to 5.8%. The European average is around 14% of GDP. The difference is even more considerable than the comparative numbers suggest because Macedonian units of local self-government are not only in charge of primary education (as most units of local government in the European Union) but also of secondary education. The amount of capital grants to units of local self-government decreased between 2013 and 2015 from MKD 870'444'000.-- to 683'643'000.-- while overall capital expenditure went up (from MKD 20'154'000'000.-- to 22'234'000'000.--). In different words, the local share of capital grants decreased from 4.3% to 3.1% between 2013 and 2015. VAT is the most stable source of income for units of local self-government<sup>8</sup>. The allocation of VAT for 2016 will be 4.5% of the VAT collected in 2015.

About half of the municipalities' resources are from conditional government grants. The remaining half stems from non-conditional grants, their share of Value Added Tax (VAT) and Personal Income Tax (PIT), local taxes and fees, as well as non-tax and non-capital revenue. Considering the tasks municipalities are obliged to fulfill, the majority of resources at the hand of units of local self-government are either ear-marked or otherwise committed.

The thematic working group faced challenges in obtaining relevant data, in particular data on financial transfers and capital grants and connected with it on the formula/methodology used for the allocation of such transfers and grants as well as data disaggregated by municipality and/or ethnic affiliation. The lack of available data or the reluctance of institutions to inform on allocation of transfers and grants (though most formula are regulated in legislation) points already to a lack of transparency in grant allocation. Based on the findings of the thematic working group, for instance the strategic goals, priorities, and criteria for the selection of projects that are financed from capital grants are not always clear.

Available data points to significant differences in the financial capacity of municipalities.

- For instance, there is a gap in the capacity of units of local self-government to generate and collect own revenues. In 2012, rural municipalities only generated 13.1% of local revenues. All other local revenue was generated in urban municipalities. There are no indications that the situations changed substantially. Differences are further accentuated how capital grants for communal infrastructure are allocated.
- Capital grants are allocated based on submissions by the units of local self-government. Differences in capacity among units of local self-government for making submissions can have a negative impact on the equitable distribution of funds and with it on the equitable distribution on infrastructure. Furthermore, there is limited transparency of how projects are selected based on the submissions. When re-calculating available data on capital grants in the area of education on a per capita basis, huge differences in spending are apparent. In the period of 2006 – 2015, some municipalities, including Saraj, did not receive any funds for building, upgrading or reconstructing primary schools while for instance Vevchani received MKD26'436.—per capita. Similar examples can be found in other policy fields. The working group report notes for instance the distribution of funds for sports infrastructure. The largest percentage of gyms has been built in the Skopje and Eastern regions and the smallest percentage in the Pelgonija and Southwest regions. The relative discretion of central institutions in the allocation of grants, the limited involvement of the concerned municipalities in the actual decision-making process, and the lack of transparency can create perceptions that grants are not allocated based on infrastructure needs and local priorities but that other non-pertinent considerations including political influence have an impact. Also the 2015 Progress Report demands improved transparency and coordination for the allocation of capital funds to municipalities (p. 8).

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<sup>8</sup> VAT amounts remain relatively stable and predictable though there have been incidents that not the whole VAT share of the municipalities was actually transferred to the municipalities.

- Differences in communal infrastructure also translate into differences in block and earmarked transfers. Block and earmarked transfers from the centre mainly finance the already existing infrastructure in the units of local self-government. Put differently, municipalities with a high level of infrastructure tend to receive more funds from block and earmarked transfers than municipalities with lower levels of infrastructure. As the working group report notes: In a large number of rural and small units of local self-government there are no facilities in the field of culture, child protection, homes for the elderly, or firefighting, and these units do also not receive related transfers. Because of the lack of infrastructure, some municipalities do not receive funds for providing services they would be in charge of based on Article 22 of the Law on Local Self-Government. When available data is again recalculated on a per capita basis, the municipality with the lowest allocation receives MKD 4014.—per capita while the municipality with the highest allocation receives MKD 9926.—per capita. For instance, in the field of primary education, some municipalities receive three times more allocations per pupil than other municipalities. Currently several municipalities are not able to pay for their schools and approximately 50 schools have their accounts blocked due to accumulated debts. To provide a further example, in the area of fire protection, the municipality of Struga with a predominately ethnic Albanian population of 63'376 and a territory of 469km<sup>2</sup> received MKD 6'040'000.—while the predominately ethnic Macedonian municipality of Ohrid with a population of 55'749 and a territory of 392km<sup>2</sup> received the amount of MKD 9'415'000.—for firefighting purposes.

The calculation per capita or per beneficiary of course does not adequately show whether there is an equitable distribution of funds, because such equitable distribution would have to consider a broader set of factors and needs, including for instance the tax collection capacity and efforts, development potential, specific demographic or territorial challenge. Depending on the policy area, formulas take some of the above into account, in general however, the allocation remains of limited transparency. Based on the current procedures, equitable distribution of funds in line with local needs cannot be guaranteed.

The Ministry of Local Self-Government noted at the end of 2013 that a part of the municipalities do not deliver all the public services as required by law. The discrepancy between urban and rural units of local self-government in this respect is obvious. In particular rural units of local self-government need further support. Along this line, the 2015 Progress Report points to the need for measures to ensure that especially rural municipalities have the financial sustainability to carry out responsibilities transferred to them (p. 8). The data on sports facilities as well as for instance on kindergartens and pre-schools (see the section on education) or the above cited data on funds for firefighting additionally suggest that at least in certain areas there is an overlap between settlement patterns of communities and patterns of resource allocation which can lead to different levels of service-delivery and can have detrimental effects for social cohesion. The lack of disaggregated data in many policy fields creates challenges for an effective monitoring and assessment as well as for targeted policy development.

Ensuring transparency on grants and transfer has to be at the center of efforts. The pro-active information and the availability of disaggregated data is a necessary minimum step. Because of the sensitivity of the allocation of funds for social cohesion, it could also be considered to use mechanisms provided for in the Ohrid Framework Agreement and apply them to respective parliamentary decisions, for instance by having the Committee on Inter-community Relations advice on the respective budget lines and to adopt them with double majorities (Badinter Requirement) (see also below in the section on further aspects).

The different financial capacities of units of local self-government and their varying capacity to deliver services to their citizens suggest that more transparency alone is not sufficient and that additional measures are needed. Forms of cooperation between units of local government are increasing and can probably address some of the challenges. Members of the working group therefore explored possibilities to mandate or incentivize cooperation. In particular however stronger equalization is needed. There are some mechanisms that have the aim to contribute to the balancing of financial capacities and improving development opportunities of disfavored



regions. The Republic of Macedonia committed to balanced regional development. The respective law foresees the allocation of 1% of GDP for regional development. 70% of funds are meant for developing the planning regions, 20% for financing projects of areas with specific development needs, and 10% for financing projects for the development of villages. The actually allocated budget for balanced regional development increased over time, however remains below the statutory 1% of GDP. Furthermore, equalization could also be more emphasized in transfers and grant allocations. So far transfers and grants have only limited equalizing effect and there is no specific mechanism of financial equalization between units of local self-government.

The purpose of any decentralization is foremost to provide local governments with discretion in decision-making and in spending so that they can shape local policies in line with their needs and priorities. The current system provides for limited discretion as primarily the centre decides on local infrastructure and provides funds to maintain the existing infrastructure. The centre does not allocate predictable unconditional block grants for the whole policy field so that units of local self-governments can decide on their infrastructure needs and manage running costs, e.g. through cooperation with other units of local self-government<sup>9</sup>. Furthermore, central government can relatively easily withdraw competencies of units of local self-government – at least for limited time periods, which creates further insecurities for units of local self-government. An increase in predictable non-earmarked funds and a review of the possibility to revoke competencies, paired with transparent oversight mechanisms, could have positive impact on the effectiveness of decentralization.

However, also at the local level, transparency and accountability are not high. Thus, in particular when their financial autonomy is strengthened, also transparency and accountability mechanisms at the local need to be improved, including by enhancing participation. Equitable representation is an important component of inclusiveness also at the local level and can lead to enhanced participation. Though not explicitly required in the Ohrid Framework Agreement, the Law on Local Self-Government provides for Committees for Inter-Community Relations at the local level as permanent advisory bodies to the municipal councils on issues of relevance to interethnic relations. These Committees however tend to be weak and have insufficient powers and resources (see also below, the section on further aspects). Therefore the potential for participation, dialogue and accountability cannot be fully utilized. In addition there are further consultative bodies that in particular have a role in planning. Furthermore, there are urban and rural neighborhood committees. All these bodies are not very effective and the 2015-2020 Program for Sustainable Development and Decentralization and the related action plan foresee special measures and activities for improving the effectiveness, with a particular focus on enhancing the participation of members of the different communities.

Currently the Government of Macedonia is implementing the 2015-2020 Program on the Sustainable Development and Decentralization with the aim of improving the quality of life, the protection and utilization of natural and cultural heritage as well as the strengthening of economic, social, and territorial cohesion. The 2015-2020 Program shall contribute towards increasing transparency and coordination. The necessary reforms are however still pending and effects are not visible yet.

To conclude: The Republic of Macedonia made significant strides towards decentralized governance as one aspect of a vibrant democracy and as a contributing factor for social cohesion. However, in particular fiscal decentralization remains critical, i.e. the decision-making space of local self-governments on spending priorities remains limited and the transparent and equitable allocation of funds to the units of local self-government is challenging. The current practices do not seem sufficient for promoting balanced development and promoting comparable service-

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<sup>9</sup> Inter-municipal cooperation requires an agreement between two or more local authorities for realization of common goals, delivery of services or dealing with common problems in order to ensure an economy of scale in delivery of local services. 62 municipalities have established inter-municipal cooperation, but in most cases they are project-based and they cease when projects end.

delivery among municipalities. Whenever such misbalances among and within municipalities coincide with settlement patterns of communities this can have negative impact on social cohesion. Potential mechanisms for dialogue and participation on the attribution of funds are not fully utilized.

It is recommended to:

Improve transparency as basis for accountability and as a pre-requisite for monitoring the equitable distribution of public funds

⇒ Ensure the availability of data disaggregated by sector and unit of local self-government for all grants and capital investments provided from central budget.

Improve transparency and support the central Parliament as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament in line with comments in the 2015 Progress Report (p. 7, 8, 11).

⇒ Consider introducing the adoption of central budget allocations to municipalities by double majority voting (the Badinter mechanism) and to ensure meaningful consultations of units of local self-governments.

Promote the equitable and balanced attribution of funds to units of local self-government.

⇒ Ensure the full commitment of the Government of the Republic of Macedonia to realize the legally foreseen 1% of GDP for regional development through the municipalities.

⇒ Allocate capital grants from central to units of local self-government via objective formulas that encompass for instance the Index of Regional Development among other factors. Consider foreseeing the involvement of the Council for Regional Development in decision-making on capital investments and ensure representation of the SIOFA in the Council.

⇒ Introduce financial equalization mechanisms for units of local self-government that take the units' fiscal capacity and specific needs into account, including the needs of rural and multilingual units of local self-government.

Allow units of local self-government to set their own policy priorities in line with effective decentralization, and address the relatively low level of non-committed funds of units of local self-government

⇒ Increase the total municipal expenditures to 14% of GDP (the average regional standard) while ensuring the increase of capacities of units of local self-government to collect local taxes.

⇒ Increase the amount of financial resources available to units of local self-government that are unconditional and non-earmarked so as to increase their space of discretionary decision-making, for instance by increasing the share of VAT and/or Personal Income Tax allocated to units of local self-government

⇒ Starting in the area of culture, sports, and social protection of boys and girls of pre-school age, move from financing of institutions and facilities to financing of competencies/policy areas.

Ensure that units of local self-government in their allocation of funds within the municipality are transparent and apply participatory approaches.

⇒ Consider strengthening the local Committees for Intercommunity Relations by adapting and clarifying their mandate, composition, organization and financing.

⇒ Consider the application of double majorities (Badinter requirement) for the allocation of resources within the municipality.

⇒ Restore the status of legal person to the neighborhood committees and ensure their inclusive composition in order to strengthen them as arenas for direct citizens' participation.

## 2. Equitable Representation

The Ohrid Framework Agreement establishes the principle of equitable representation in section 4.2. It ensures equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life. Equitable representation shall create equal employment and economic opportunities and enhance the voice of all communities in decision-making. Furthermore it shall contribute to building representative public bodies that citizens can identify and communicate with. The principle of equitable representation applies to the whole public sector at all levels. In all spheres, the principle of equitable representation has to be harmonized with the rules ensuring competence and integrity. Thus education and capacity-building become important measures for facilitating equitable representation (see also the section on education).

There is no single definition of 'equitable' representation but a long-standing agreement, reflected in government documents, that representation should be based on proportionality. As envisaged in the Ohrid Framework Agreement, a census was conducted in 2002. As 2002 census data remain the latest available data, they are still used as basis for assessing representation and as a target for equitable representation.

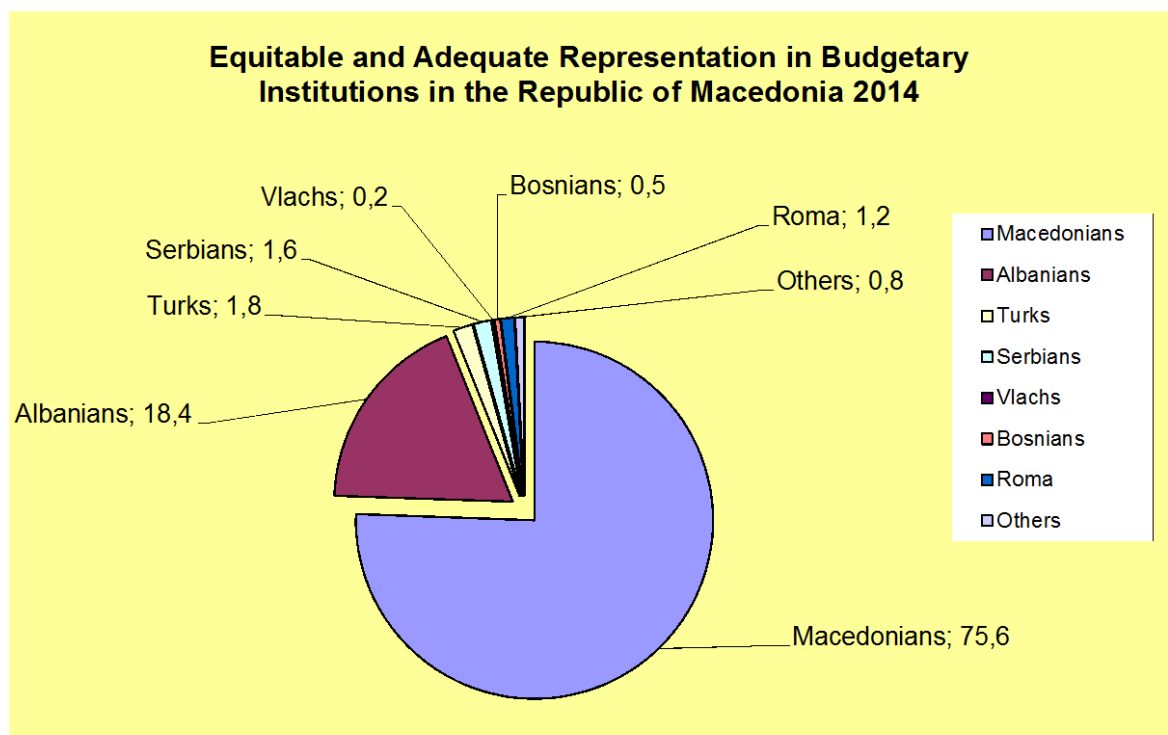
Ethnic Macedonians (eM)	Ethnic Albanians (eA)	Ethnic Turks (eT)	Ethnic Roma (eR)	Ethnic Serbs (eS)	Ethnic Bosniaks (eB)	Ethnic Vlachs (eV)	others
64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%

The data on equitable representation used in this review mainly derives from the 2012 Review Report, from the Report on adequate and equitable representation of the SIOFA in 2014 (which provides a considerable amount of data) and the Monitoring Report on Implementation of the principle of equitable representation for 2014 of the Ombudsman as well as data from 2015 collected during the review process. Of 1280 institutions, 1192 institutions provided data to SIOFA. Nevertheless, the availability of data remains critical, as noted in the 2012 Review Report as well as in EC Progress Reports. There is a lack of reliable, systematic and disaggregated data collection and data processing. Many institutions demonstrate reluctance to make data public. Further challenges stem from the different categorizations of civil servants (for instance, in the area of education and healthcare the distinction of managerial and non-managerial is not used) and from changes to the categories due to the new legal framework for civil servants implemented from 2015 onwards. Despite of the challenges, data in this report can be deemed reliable enough for drawing general conclusions.

Data show a continuous, though lately very slow improvement of equitable representation, at least in respect to the ethnic Albanian, Turkish, and Bosniak communities. The representation of ethnic Romas and Vlachs decreased while the representation of ethnic Serbs stagnated. In particular, ethnic Roma, ethnic Turks, and ethnic Bosniaks are decisively underrepresented. In 2014 the Progress Report noted that "Insignificant improvements had been made in the representation of communities, and the members of the communities maintain to be underrepresented. Further actions are needed in order to meet the goals of equitable representation."

All non-majority communities are underrepresented. The overall composition of the public administration is as follows (data from 2010, 2011 and 2014):

	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others	overall
Target	64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%	
2010 overall	77.2%	16.9%	1.6%	0.7%	1.6%	0.3%	0.7%	0.9%	
2011 overall	76.3%	17.2%	1.7%	1.3%	1.6%	0.4%	0.7%	0.9%	
2014 overall	75.6%	18.4%	1.8%	1.2%	1.6%	0.5%	0.2%	0.8%	
2014 in absolute numbers	98440	23946	2285	1574	2088	641	267	1054	130295



There are some differences when comparing the composition at the central and at the local level. In particular, ethnic Roma and Turks are better represented at the local than at the central level. Ethnic Albanians are quite significantly better represented at the central than at the local level but are still underrepresented at both levels.

	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%
2014 central	73%	21.8%	1.5%	0.9%	1.5%	0.6%	0.4%	0.3%
2014 local	71.3%	17.9%	2.3%	4.4%	1.6%	0.4%	0.5%	1.5%

There are significant differences for the adherence to the principle of equitable representation in different units of local self-government. Here numbers on equitable representation in the administration of selected units of local self-government as examples.

City of Skopje	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	66.75%	20.5%	1.7%	4.6%	2.8%	1.5%	0.5%	1.6%
Effective	90.2%	5.9%	1.4%	0.9%	0.6%	0.3%	0.3%	0.5%

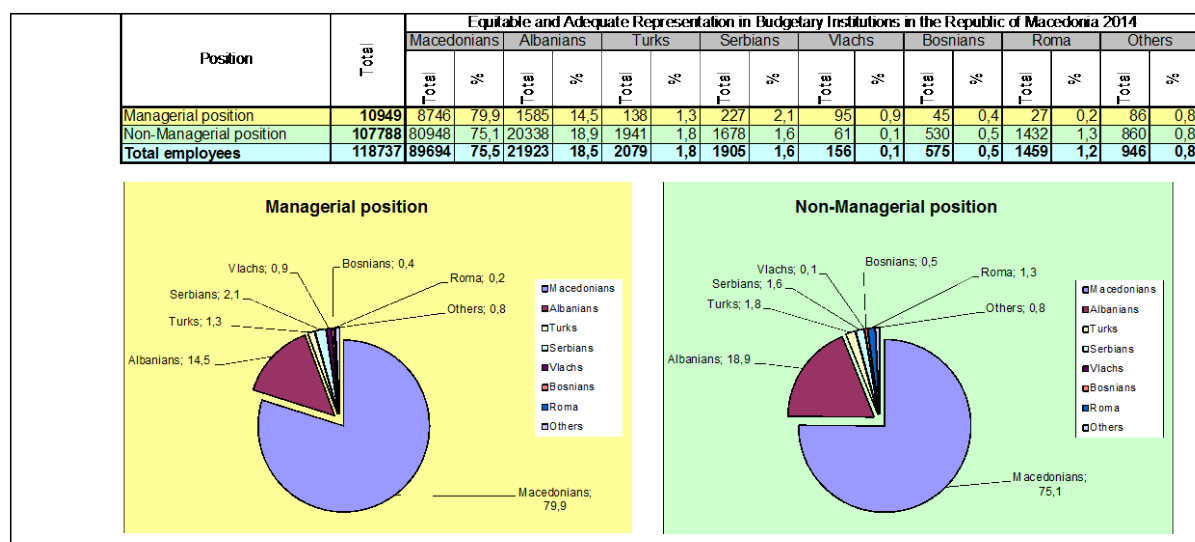
Gazi Baba	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	73.7%	17.2%	0.8%	2.9%	2.9%	1%	0.3%	1.2%
Effective	92.5%	4.7%	0.9%	0%	1.9%	0%	0%	0%

Cair	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	24.1%	57%	7%	4.8%	1%	4.6%	0.1%	1.5%
Effective	16.9%	77.9%	5.2%	0%	0%	0%	0%	0%

Mavrovo and Rostusa	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	50.46%	17.21%	31.1%	0.1%	0.1%	0.4%	0%	0.7%
Effective	41.9%	3.2%	12.9%	0%	0%	0%	0%	41.9%

Tetovo	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	23.16%	70.3%	2.1%	2.7%	0.7%	0.2%	0.0%	0.7%
Effective	22.61%	75.9%	0%	1%	0.3%	0%	0%	0.3%

There are also decisive differences in relation to managerial and non-managerial positions (data from 2014). In particular at the central level ethnic Macedonians are still significantly overrepresented in managerial position (see the following table). The situation is slightly more balanced at the local level.



Equitable and Adequate Representation in Budgetary Institutions in the Republic of Macedonia 2014																		
	Position	Total	Macedonians		Albanians		Turks		Serbians		Vlachs		Bosnians		Roma		Others	
			Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Statistics for institutions that are statistically processed separately because of the special structure of employees.																		
Ministry of Defence and ARM	Ministry of Defence (CS)	576	439	76.2	102	17.7	7	1.2	8	1.4	7	1.2	6	1.0	1	0.2	6	1.0
	Ministry of Defence and ARM	7832	5747	73.4	1505	19.2	160	2.0	143	1.8	65	0.8	50	0.6	88	1.1	74	0.9
Judiciary	Judges	669	528	78.9	100	14.9	6	0.9	10	1.5	10	1.5	4	0.6	0	0.0	11	1.6
	Other employees in the court	2369	1941	81.9	300	12.7	32	1.4	20	0.8	29	1.2	4	0.2	26	1.1	17	0.7
State Attorney	State Attorneys	34	32	94.1	2	5.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
	Managerial positions	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
	Non - managerial position	67	48	71.6	14	20.9	1	1.5	2	3.0	0	0.0	2	3.0	0	0.0	0	0.0
	Others employees	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

There are huge variations in the composition of institutions. As illustration, there is a considerable difference from one ministry to another. For instance, the percentage of ethnic Albanians is only 6.2% in the Ministry of Information Society and Administration, and 11% in the Ministry of Finance. However 57.8% of civil servants within the Ministry of Local Self-Government are ethnic Albanians. Employment of ethnic Turks is highest in the Ministry of Economy (3.2%) and lowest in the Ministry of Agriculture, Forests and Water Energy (0.5%), Ministry of Finance (0,7%), and Ministry of Interior (0,8%). Ethnic Roma are mostly represented in the Ministry of Transport and Communications (13%) and are not at all represented in the Ministry of Culture , Ministry of Local Self-Government and the Ministry of Environment and Spatial Planning. Ethnic Serbs are mostly represented in the Ministry of Education and Science (4.3%) and are not represented in the Ministry of Local Self-Government. Ethnic Vlachs are mostly prevalent in the Ministry of Labor and Social Policy (2.5%) and least in the Ministry of Interior (0.1%). Ethnic Bosniaks are least represented in the Ministry of Foreign Affairs (0.2%) and most represented in the Ministry of Local Self-Government (4.4%).

The principle of equitable representation applies to the whole public sector at all levels, including to the judicial sector – with particular guarantees introduced through Amendments XXIX and XXX to the constitution, including for instance the consideration of the principle for electing judges, lay judges, presidents of courts and public attorneys. In the judiciary, all non-majority communities tend to be underrepresented. The following provides a selection of judicial institutions pointing to significant under-representation of most non-majority communities, in particular in the highest courts but also in the Office of the Ombudsperson (data of 2014):

	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%
Basic Courts	80.5%	13.4%	1.4%	1.0%	1.3%	1.6%	0.3%	0.3%
Constitutional Court	80%	12%	4%	0	4%	0	0	0
Supreme Court	85.7%	9.1%	0	0	3.9%	0	1.3%	0
Administrative Court	75%	19.3%	4.4%	0	0	1.1%	=	0
Public Ombudsman	79.3%	16.4%	0.9%	0	1.7%	1.7%	0	0

The principle of equitable representation also applies to public enterprises, which show in particular a drastic underrepresentation of ethnic Albanians.

	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%
Public enterprises	77.5%	13.4%	2.0%	4.0%	2.0%	0.5%	0.5%	1.3%

So far the law does not provide any obligations of equitable representation on privatized former public enterprises or on major companies of national significance, though the Ohrid Framework Agreement in Article 8 establishes as a “fundamental value of the constitutional order of the Republic of Macedonia: equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life”. There is also no data available on equitable representation in such enterprises.

Available data allow the following conclusions: despite some improvements since the adoption of the Ohrid Framework Agreement, equitable representation is still not fully achieved. In particular in respect to managerial positions but also in certain sensitive institutions, including the judiciary, underrepresentation of non-majority communities remains significant.

In addition, there are indications that also the existing representation is not fully effective in providing voice in decision-making and creating public institutions citizens can identify and communicate with:

- The persisting under-representation of non-majority communities in particular in respect to managerial positions allows to raise questions in how far equitable representation managed to provide members from non-majority communities voice in decision-making.
- Furthermore, as also the 2015 Progress Report notes, a non-negligible number of employed non-majority community members are not assigned to a working place and receive salary without work, which further minimizes the effectiveness of equitable representation. Currently, many of the employments for equitable representation are done through the SIOFA. SIOFA includes a pool of civil servants who have been selected in a competitive process but without precise job descriptions or already assigned job positions. The budget of the SIOFA includes the salaries of around 1700 civil servants from the pool who have not yet been assigned to the bodies of state administration. In parallel, ordinary recruitments

continue and there have been attempts to transform temporary employments into permanent ones, circumventing the ordinary employment process<sup>10</sup>.

- The employment process so far does not adequately consider the merit of a multilingual workforce and the benefits of an administration composed of civil servants who can directly communicate with citizens in the official languages. More bilingual staff could potentially have a positive impact on the integration of the workforce and the efficiency of the administration in serving Macedonia's citizens. In the selection and promotion process, the knowledge of another official language of Macedonia is given less weight than for instance the knowledge of a foreign language, thus neglecting an important opportunity to promote and valorize the linguistic diversity in Macedonia.

In citizens' perceptions, the reason for under-representation is not so much lack of qualification of members of non-majority communities but politicized employment processes and prejudices. Confidence in state institutions is low<sup>11</sup>. There is a right to appeal to the Administration Agency against the selection by evoking the principle of equitable representation. The number of documented cases is low and the Agency does also not keep records on equitable representation. The report of the thematic working group concluded amongst others that it largely depends on the leadership of the respective institution, whether members of non-majority communities are employed and promoted. Both the Progress Report 2014 and the Urgent Reform Priorities deplore the politicized and non-transparent employment processes. The 2014 Progress Report identified challenges in relation to availability of data, procedures for dismissal, staff mobility and methodology for testing within the selection process. As one factor of intransparency, the Ministry of Finance maintains a large influence on the employment process, as the Ministry has large discretion whether to give employment approval.

A new legal framework for employment of civil and public servants, which was adopted in February 2014, shall help address some of the challenges. The legal framework aims at providing a unified, transparent and accountable public administration by creating a common regulatory framework. It puts emphasis on merit as well as on equitable representation, equal opportunities and working conditions and foresees employment procedures that mandate institutions to establish annual employment plans in line with equitable representation. The envisaged methodology involves both MISA and SIOFA. The legislation framework requires detailed data on public sector employees to be publicly available, which should contribute to improving the transparency. For this purpose the law establishes a Register of State and Public Administration Employees, which will include all employees regardless if they are employed by the Law on Work Relations, the Law on Administration or any of the applicable laws of the institution. The Register of Employees is under the responsibility of Ministry of Information Society and Administration (MISA). There are certain exceptions, which allow employment in certain institutions to be partly or entirely regulated either by special laws or the General Labour Law and the Collective Agreements.

Implementation of the law just started, so that its effect on employment and equitable representation, in particular also in respect to managerial positions, as well as on the availability of data cannot yet be fully assessed. Implementing legislation has been adopted, including the methodology on equitable representation, regulating merit-based recruitment, promotion and dismissal of public servants at lower positions, but they fall short in relation to senior public servants. Concerns continue over the transparency of staff mobility and possible misuse of dismissal procedures (Progress Report 2015, p. 10).

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<sup>10</sup> The Law on Transformation of Temporary Positions into Permanent Contracts was adopted in February by a fast-track procedure and without prior public consultation nationally or with the EU partners only a few days before the entry into force of the framework laws. This law circumvents the principles of merit-based recruitment by converting thousands of temporary contract staff into permanent civil servants or public employees without open competition (2015 Progress Report p. 10).

<sup>11</sup> See Velickovska, as cited in the Thematic Working Group Report on equitable representation.



The new legislative framework does not bring a valorisation of language knowledge and there is no government policy on an integrated workforce or diversity management.

The consideration of the “Shanghai-List of University Ranking” in the employment process, as currently foreseen, might even have negative impact on the employability of non-majority community applicants. The Ministry of Finance maintains a strong position in the employment process. Furthermore, there remain exceptions for some of the most sensitive institutions, including the Army, the Ministry of Defence, the Ministry of Interior and the Intelligence Agency. It is not regulated what shall happen to the existing pool at SIOFA.

To conclude: Over the years there have been achievements in respect to equitable representation. However all non-majority communities, including the ethnic Albanian community, remain underrepresented. There are decisive variations among public bodies, a more serious underrepresentation of numerically smaller non-majority communities as well as significant underrepresentation of all non-majority communities in managerial positions. The new legal framework for the employment of civil and public servants might bring some improvements in methodologies in respect to equitable representation but these methodologies still do not apply to all institutions. Language competencies in non-majority languages are not valorized in the employment process and there is limited effort to increase the language competence of the administration in view of social cohesion at the work place and the communication with citizens. A significant number of employed members from non-majority communities have not yet been integrated into the workforce but are part of a pool within the SIOFA waiting for transfers to different state institutions. So far there are no policies for encouraging enterprises of national importance to adopt policies of equitable representation.

It is recommended to:

Use the merit principle for improving the representativeness of the administration and its actual language capacities as basis of improved understanding and communication and element of social cohesion. This recommendation is in accordance with the emphasis of the 2015 Progress Reports on safe-guarding the merit principle in employment (p. 5, 10)

- ⇒ Within the testing, selection, employment and promotion procedures prominently include the knowledge of other languages of non-majority communities, at central and local level, (next to the Macedonian language) as valuable merit (at least on par with foreign languages), in particular for managerial positions. Promote language capacities of man and women.
- ⇒ In a longer-term perspective, make the basic knowledge of a second language spoken in Macedonia mandatory for managerial positions as well as for positions with frequent direct contact with citizens.
- ⇒ Have MISA monitor the impact of the consideration of the Shanghai List of University Rankings on the employability of members from underrepresented communities, male and female, and change the application of the list if needed.

Increase the effectiveness of equitable representation and cost-effectiveness of the whole administration by ensuring that those employed, male and female, are actually integrated into the workforce and have meaningful positions. This recommendation takes up a concern of the 2015 Progress Report: reduction of the number of public employees not required to turn up to work (p. 10)

- ⇒ Phase out the employment pool within SIOFA by transferring persons to all state institutions.
- ⇒ Implement the methodology for equitable representation as foreseen in the Law on Administration and provide for the application of equivalent methodologies for all state institutions.
- ⇒ Develop methods for integration in the workplace and diversity management.
- ⇒ Develop special measures for members (male and female) of those communities that are highly under-represented.

Ensure equitable representation, access to justice, and a judiciary that is perceived as representative and non-biased by all communities.

- ⇒ Improve trust in the judiciary by addressing the strong under-representation of non-majority communities, male and female, ensuring equitable representation without jeopardizing the merit principle, e.g. by additionally valorizing knowledge of languages spoken by non-majority communities, by introducing courses on the Macedonian legal language, to work towards enlarging the pool of qualified candidates from non-majority communities, and targeted affirmative action.
- ⇒ Maintain an empty-chair policy for the judiciary if there are not enough qualified candidates from non-majority communities, as long as this does not negatively impact on the effectiveness of the judiciary.
- ⇒ Improve the quality of legal education in Albanian, to enable a stronger basis for members of the ethnic Albanian community to compete successfully in entrance exams and professional competitions, on par with the e-Macedonian applicants.

Broaden the application of the principle of equitable representation to the whole public sphere, as foreseen in the Ohrid Framework Agreement, including to companies with national licenses that provide services to the citizens.

- ⇒ Extend the legal obligation to establish equitable representation of all communities (and affirmative action thereto) to large companies of national significance and public utilities (like water, electricity and telecommunication) as part of the conditions for licensing, certification and government tenders.

### 3. Use of Languages

Language is an important element of identity. The state has an interest in communicating with all its citizens in order to enhance loyalty and feelings of ownership and belonging to the State. For a citizen, to be addressed in their mother tongue, to be able to communicate with authorities and to participate in political decision-making in the mother tongue is key for identifying with the state. Having to communicate in another language than your mother tongue, however, can alienate and can hamper the effective access to services as well as the participation in public life. Language proficiency, including of the official State language (-s), can contribute to a more effective state, to competitiveness in the economic field and to understanding among communities. Language policies have an important impact on social cohesion.

The Ohrid Framework Agreement and the Constitution guarantee that next to the Macedonian language, in writing using its Cyrillic alphabet, any other language spoken by at least 20 percent of the population and its alphabet is also an official language, with certain specifications and qualification. Currently the Albanian language meets this criterion.

Furthermore, in the units of local self-government where at least 20 percent of the population speak a language other than the Macedonian language and its alphabet their language shall also be used as an official language. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies. Furthermore, any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language.

The constitution does not establish full equality between the languages that are official at the national level but maintains a preferential status for the Macedonian language. The constitutional provision as it derives from the Ohrid Framework Agreement is to some extent ambiguous. Opinions range from some seeing the Constitution providing an upper limit for the use of other official languages while others argue that it establishes a minimum standard.

The use of languages is further regulated in the Law on the Use of a Language Spoken by at least 20% of the Citizens of the Republic of Macedonia and in the Units of Local Self-Government (henceforth: law on languages). The law on languages more specifically defines the use of language in several areas: in the assembly, in citizen communication with the ministries, in legal proceedings, in the judicial institutions, in the general administrative procedure, in execution of sanctions, by the ombudsman, in the electoral process and the forms of direct democracy, personal documents, personal registries, police authorities, broadcasting services, infrastructural objects, local self-government, financial and economic activities, in education and science, culture, in the process of free access to public information, and in the publishing of legal acts.

The law provides a narrow interpretation of the constitutional text and in one instance could be seen as unconstitutionally limiting the right of citizens to use another official language. Contrary to the Constitution it foresees that only citizens living in municipalities that also have Albanian as an official language can use Albanian in their communication with offices of the central administration. In addition, it can be argued, that the law is more restrictive than the Constitution or the Ohrid Framework Agreement mandates, for instance in respect to the chairing of plenary parliament sessions in Albanian or in respect to the translation of secondary legislation. The practice of certain institutions to issue bilingual personal documents only based on a specific request can also be deemed a restrictive interpretation of the constitution.

The Republic of Macedonia signed the European Charter for Regional and Minority Languages in 1996 but has still not ratified it. The non-ratification of the Charter shows limits in the commitment to fully ensure language rights.

During this review of the implementation of language provisions a focus was put on sensitive areas: the use of languages in the assembly, citizen's communication with ministries and the administration, language use in judicial proceedings and institutions, in the electoral process, in broadcasting, and in local self-government. The critical issue of languages and education is addressed in the section on education.

In accordance with the law, the Macedonian and Albanian languages are regularly used in the Assembly. Members of Parliament (and since 2011 also elected and appointed officials) can address the Assembly as well as its committees in either Macedonian or Albanian. Committees can be chaired in Albanian, however, so far Parliamentary sessions can only be chaired in Macedonian. Simultaneous interpretation is provided and many documents are translated into Albanian, respectively Macedonian. There is a parliamentary TV channel that transmits in Macedonian and Albanian. The law on languages does not specify which documents have to be translated, thus creating an inconsistent practice of written translation. All translation work is done by the sector for translation established in 2008. Over the years the number of assembly documents translated from Macedonian into Albanian and vice versa has been increasing: in 2009 the assembly translators worked on a total of 4.134 pages of documents, whereas in 2013 that number reached 13.953 pages. A similar increase is noted in the simultaneous interpretation during plenary and committee meetings: in 2011 interpreters had 1.383 hours of interpretation, whereas in 2013 they did 3.717 hours. The sector does not have all the staff envisaged in the last systematization rulebook.

In respect to the communication of citizens with Ministries and the administration, as mentioned above, the law adopts a restrictive approach vis-à-vis the Constitution. While the constitution guarantees the communication with all central authorities in Macedonian or Albanian, the law limits the right to address offices of central institutions in Albanian to citizens living in municipalities in which Albanian is an official language. In addition, so far it is not possible to address branch offices of the central administration in official languages other than Albanian and Macedonian (i.e. languages of numerically smaller communities). One-way information and communication of central administration with citizens is not regulated and practices vary – depending on the leadership of the respective institution. Furthermore, citizens are not adequately informed about their language rights, as already the 2012 review pointed out.

According to the legislation, the communication with persons in all phases of the police procedure has to be conducted in a language they understand. There are no data on the violation of these rights in police investigation. In respect to judicial proceedings, the criminal and misdemeanor procedures are conducted in Macedonian, and the parties must be provided interpretation in a language they understand. A total of nine basic courts in the country are located in municipalities with an official language other than Macedonian and spoken by at least 20% of citizens in the country: the basic courts Skopje 1 and 2, Debar, Gostivar, Kicevo, Krushevo, Kumanovo, Struga, and Tetovo. In addition, at least the appeals court in Gostivar as well as the Supreme Court provide translation of proceedings in Albanian. In the civil contentious, the civil non-contentious, and the administrative procedure, the court should provide oral and written translation for the parties, even though the proceedings are conducted exclusively in Macedonian. The data available on the number of translations and engaged translators indicate that there is a practice of translating proceedings when requested, however they do not indicate the consistencies in the use of other official languages. The court web pages are to a large extent available only in Macedonian, and in a small number of cases in Albanian.

Both Macedonian and Albanian can be used in the procedure before the Ombudsman. Online, petitions to the Ombudsman can also be submitted in English. The entire web page of the institution is tri-lingual. The annual report of the Ombudsman does not contain data on the number of petitions filed in languages different from Macedonian, or on the number permanent or temporary translators.

In respect to elections, the lists of candidates for the parliamentary and the local elections can be submitted in Macedonian and another language spoken by at least 20% of the citizens in the election unit (for the national elections) and in the unit of local self-government (for the local elections). The candidate lists in the municipalities where at least 20% of the citizens speak a language different from Macedonian are published in Macedonian language and its Cyrillic alphabet as well as in the other official language and its alphabet. The lists for the national elections are published in at least one Albanian print medium. The ballot forms are printed in Macedonian, whereas in the municipalities where at least 20% of the citizens speak another language, they are also printed in that language and alphabet. The names on the candidate lists are written in Macedonian and in the language and alphabet of the candidate's community. The voting instruction is published in Macedonian and in the languages of all the communities noted in the preamble to the constitution: Albanian, Turkish, Serbian, Roma, Bosniak, and Vlach. During the elections, the municipal election commissions and the election boards in addition to Macedonian use the language of the community that makes up 20% of the population in the unit of local self-government. Despite not being prescribed by the law, the election results are published in Macedonian and Albanian. The law on languages does not contain provisions on the presidential elections, even though in practice the same or equivalent rules as for parliamentary elections are applied. As regards the forms of direct democracy (referenda and citizen initiative), the rules are similar to those for the election process. The ballot forms for the referenda at national and local level are printed in Macedonian, as well as the official languages in the municipalities. The template form for the citizen initiative can be submitted in Macedonian and in the official language and alphabet of the municipality.

According to the law on languages, the personal documents (identity cards and passports) can be issued in two languages, Macedonian and Albanian, and the personal names in the document application form can, at a personal request, be written in any language and alphabet other than the official one. The Ministry of interior issues bilingual personal documents automatically while others demand a special request. The legislation does not expand the scope to other personal documents than identity cards and passports. For example, drivers' licenses and car registrations are issued only in Macedonian. The personal registries and certificates are run in Macedonian written in its alphabet, but also in the language and the alphabet of the community, which makes up 20% of the population in the municipality. The personal registries in the branch offices of the Ministry of Justice are kept in two languages, and the certificates are issued in two languages. The application forms for a certificate of birth, marriage, and death, are available in Macedonian and in a bilingual format.

Laws are published in the Official Gazette in both Macedonian and Albanian; secondary legislation is published only in Macedonian.

The use of languages in broadcasting is based on quotas set by the law on languages. The public broadcasting service does not have programs that simultaneously use the two languages of the largest communities on its TV and radio channels. The first TV channel and the first and second radio channel broadcast completely in Macedonian and in the world languages, with subtitles in Macedonian; whereas the second TV and the third radio channel broadcast completely in the community languages among which the Albanian is predominant. In addition, private TV and radio channels broadcasting simultaneously in several languages are rare. Only one private national TV channel is bilingual (Macedonian and Albanian), and only two local channels broadcast program in three languages (Macedonian, Albanian, and Turkish). In addition, there is dissatisfaction about the allocation of time slots, in particular during primetime.

31 units of local self-government use more than one official language. Of these 30 local self-government units in the country (including the City of Skopje as a special unit) are legally required to allow official use of more than one language (two of them are required to allow the official use of three languages, including Macedonian). Several units of local self-government introduced additional official languages on a voluntary basis. No unit of local government voluntarily introduced Albanian as an official language. Based on population numbers from the 2002 census, 832.184 citizens (41.14%) live in a municipality with more than one official language.

Official languages different from Macedonian in the units of local self-government (as of April 2014)					
ULSG	Official languages	ULSG	Official languages	ULSG	Official languages
<b>City of Skopje</b>	Albanian	<b>Jegunovce</b>	Albanian	<b>Staro Nagorichane</b>	Serbian*
<b>Arachinovo</b>	Albanian	<b>Kichevo</b>	Albanian	<b>Struga</b>	Albanian
<b>Bogovinje</b>	Albanian	<b>Krushevo</b>	Albanian and Vlach*	<b>Studenichani</b>	Albanian and Turkish*
<b>Brvenica</b>	Albanian	<b>Kumanovo</b>	Albanian, Serbian* and Roma*	<b>Tearce</b>	Albanian
<b>Butel</b>	Albanian	<b>Lipkovo</b>	Albanian	<b>Tetovo</b>	Albanian
<b>Vrapchishte</b>	Albanian and Turkish*	<b>Mavrovo i Rostushe</b>	Turkish	<b>Centar Zhupa</b>	Turkish
<b>Gostivar</b>	Albanian and Turkish*	<b>Petrovec</b>	Albanian	<b>Chair</b>	Albanian and Turkish*
<b>Debar</b>	Albanian	<b>Plasnica</b>	Turkish	<b>Cashka</b>	Albanian
<b>Dolneni</b>	Albanian, Turkish* and Bosniak*	<b>Saraj</b>	Albanian	<b>Chucher Sandevo</b>	Serbian and Albanian
<b>Zhelino</b>	Albanian	<b>Sopishte</b>	Albanian	<b>Shuto Orizari</b>	Roma and Albanian
<b>Zelenikovo</b>	Albanian	(*) = languages introduced with a decision of the municipal council (communities smaller than 20%)			

Despite the embracement of additional official languages (8 units of local self-government voluntarily introduced additional official languages) there are differences in the consistency of using official languages. The least developed area is the communication of citizens with municipal bodies. In particular, in respect to direct interaction between staff and citizens, the language of communication often depends on the language capacities of the respective staff member. Some of the units of local self-government that voluntarily adopted additional languages in practice confer them a lower status, for instance by only using them in council meetings. The Municipality of Gostivar on the other hand mandated the equality of its three official languages: Macedonian, Albanian and Turkish.

Also the use of languages in the official gazette of the municipality, the web pages, and the information boards, of signs varies across municipalities, and across languages in the municipality. The same applies to the use of languages in respect to public information. The communication between the citizens and the municipal public enterprises rarely takes place in the languages of the non-majority communities, even though there are exceptions. For example, most of the public enterprises in the Municipality of Gostivar deliver the bills to the citizens in the three official languages. Citizens are not always aware of their language rights.

The Ohrid Framework Agreement, the Constitution and the laws provide for a parallel system of multilingualism. All other official languages can only be used parallel or in addition to the Macedonian language. This increases the need for translation (and the costs), compared to systems in which mainly the language of the respective citizen is used. Thus, the availability of translators or of bilingual staff is of importance for the implementation of language rights. Most central institutions as well as some units of local self-government employ own translators. However some institutions, in particular some units of local self-government face challenges in providing translation, either because of financial constraints or due to the limited number of requests in other official languages. Currently there are no career prospects for translators in the administration and also no specialized degrees to prepare them for their specialized work. Already the 2012 review pointed to the challenges in respect to translation and recommended the employment of an adequate number of translators as well as the introduction of specialized trainings and courses.

To conclude: The current legislative framework and the implementation practice of certain authorities does not fully realize the language rights of non-majority community members guaranteed in the constitution, in particular the legislation introduces a requirement of territoriality for addressing central institutions, and certain authorities demand a request for the issuance of bilingual documents instead of automatically issuing them. In addition, the legislative framework can be regarded as based on a restrictive interpretation of linguistic rights and does not stipulate for the translation of secondary legislation and chairing the parliamentary sessions in a language spoken by at least 20% of the citizens, seen by some as not making full use of the space provided for in the constitution. The application of the law on the use of languages at the central level is more consistent than at the local level. In different words, there are more variations in the application of the use of official languages among municipalities than among different central institutions. Nevertheless, at the central level, in many cases the constitution and the laws are interpreted in a narrow sense. In contrast, at least some units of local self-government demonstrate the willingness to broaden the use of languages at the local level as the voluntary introduction of additional official languages show. The current system of using other official languages only next to the Macedonian language generates the need for qualified translators, which puts financial burdens, in particular on multilingual units of local self-government.

It is recommended to:

Fully implement the OFA and the constitution and acknowledge language as an important element of identity and as a tool for strengthening the identification with the state and fostering inter-community understanding

- ⇒ Adopt a new comprehensive law on languages and with it clarify the meaning of Amendment V to Art 7 of the Constitution.
- ⇒ Allow all citizens to address central institutions in the Macedonian language and the language spoken by at least 20 % of citizens in the country irrespective of their place of residence, provide for the translation of secondary legislation into Albanian, ensure the automatic issuance of personal documents in the official languages for citizens of the Albanian community, allow for the chairing of parliamentary sessions in Albanian, clarify language provisions in the law of local self-government to include the City of Skopje, standardize the use of official languages for all public signs, ensure the full implementation and promotion of language rights in the judicial sector.
- ⇒ Ratify the European Charter for Regional and Minority Languages.
- ⇒ Proactively inform citizens on their language rights and promote a culture of multilingualism.
- ⇒ Work towards the development of a comprehensive language policy, including monitoring and oversight mechanisms for its implementation, for instance by re-establishing an inter-ministerial working group.

Increase the attractiveness of a career as a translator and interpreter for women and men and ensure the quality of translation and interpretation

- ⇒ Establish specialized certification for interpreters and translators as well as career opportunities within the administration.
- ⇒ Introduce vocational training for translators on the secondary level, embedded within existing local educational structures (like the Economy profile) in order to create a wide, cost-effective, functional pool of generic translators, in particular for use at the local level
- ⇒ Integrally incorporate specialized translation / interpretation within the existing regular curriculum of the faculty of philology, presently offering only a generic choice of becoming either a “language teacher” or “translator” without further specialization.
- ⇒ Activate and/or more clearly profile high quality and easily accessible post-graduate specializations within the faculty of philology, and consider extension to also the SEE and Tetovo University.

Provide a cost-effective and efficient support to local governments in fulfilling their citizens' language rights and support them financially

- ⇒ Establish regional centers of translators and interpreters to support local authorities remotely (through e-government).
- ⇒ Support municipalities with more than one official language for instance by introducing separate budget lines in the national budget, or a portion of the VAT collected in the units of local self-government, to enable the full implementation of the law on the use of languages.

#### 4. Education

Equal access to quality education is crucial for providing equal opportunities and a pre-requisite for other policies including the policy of equitable representation. Integrated education will contribute to social cohesion.

The Ohrid Framework Agreement guarantees primary and secondary education in the students' native languages, while at the same time uniform standards for academic programs shall be applied throughout Macedonia. Furthermore, according to the Ohrid Framework Agreement, state funding shall be provided for university level education in Albanian and the principle of positive discrimination shall be applied in the enrolment in State universities of candidates belonging to communities not in the majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.

The law extended the use of community languages also to preschool education. Studies show the importance of preschool education for the development of children, in particular from disfavored backgrounds. Enrolment in preschool education remains low. When looking at the age group of 4 and 5 year olds<sup>12</sup>, only 19% of children attend public preschools. An additional 2% is enrolled in private preschools. Furthermore data suggests unequal access to preschool education. Of the overall number of children enrolled in preschools only 5.11% are ethnic Albanian and 0.2% are Turks. The enrolment of Roma is negligible. In addition, the focus in preschool is on guarding children, not on educating them. Therefore preschools are regulated in the law on Protection of Children and are under the Ministry of Labor and Social Policy and not under the Ministry of Education. Centers for early childhood development, which have been introduced with the support of UNICEF, try to compensate for the lack of preschool opportunities and have an important role in stimulating development of children from marginalized areas and socially vulnerable families. Further initiatives are needed to invest in the development of children already at an early age.

In primary and secondary education, the pupils from the ethnic Macedonian and the ethnic Albanian community predominantly learn in their mother tongue. More than half of the members of the ethnic Turkish community study in their mother tongue in primary education. A relatively small number of pupils from the ethnic Serb community have Serbian as language of instruction. 64,51% of the pupils in regular primary education attend classes in Macedonian language of instruction, 32,17% in Albanian language of instruction, 3,05% in Turkish language of instruction, and 0,26% in Serbian language of instruction. So far there is only experimental teaching in the languages of the other communities but curricula for the Roma, Vlach and Bosnian languages in elementary schools have been developed, coming into effect from 2016/17. In addition, there are elective classes in the language and culture of the different communities. These three communities mainly face challenges because of a lack of students and a department in some of the institutions for higher education, which would produce the required teaching staff. The communities can exercise the entitlement to education in the mother tongue only if the legal condition requiring 24-34 pupils per class is met. A class can be formed with fewer than 24 pupils following consent by the founder (municipality or the government), but if the number of pupils is not sufficient, than they learn in combined groups, that is, with pupils from different classes and ages. At least 15 pupils are required for having an elective class; if the number is not sufficient, then teaching is organized in combined groups.

In secondary education, 66,89% of pupils have Macedonian as language of instruction, 29,26% in Albanian and 2,01% in Turkish. In primary and secondary education, pedagogical student records are issued in Macedonian and the language of instruction.

Over the past years a key dispute in the field of education was the issue at which time to start the classes in Macedonian for the pupils in primary education. At present the study of Macedonian language for community members starts in fourth grade. In general, reluctance remains to learn the languages of other communities.

In 2010 the Government of the Republic of Macedonia adopted a strategy for integrated education. However, education is still by and large separate. Even in schools that are attended by pupils from different communities, pupils have limited possibilities to meet and interact with pupils from other communities, amongst others because many schools conduct the teaching in separate shifts for the different language communities or have mono-lingual satellites. Data suggests that a maximum of 13% but more likely less than 10% of ethnic Macedonian pupils and ethnic Albanian pupils in primary education and a maximum of 37% in secondary education have the at least the theoretical chance to interact with each other because they attend school at the same time in the same building<sup>13</sup>.

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<sup>12</sup> The EC Progress Report (p. 67) mentions a figure of 34%. "The proportion of three to six-year olds in early childhood education has steadily increased (34% in 2014)"

<sup>13</sup> In secondary education, 55% of pupils are in multilingual schools, of which 29% are separated by language shift or building, effectively opening up a possibility for any interaction in the school environment for



Interactions between students belonging to different communities are mainly funded by donors and focus on extra-curricular activity. Curricula include content for increasing knowledge on and understanding for other communities, however, in practice, this content receives limited attention and students have low levels of knowledge of the customs, history and language of other communities. Also the 2015 Progress Report notes that limited use was made of the new policy measures to promote interethnic relations under the integrated education strategy. Measures against separation along ethnic lines in schools are insufficient (p. 60). The strategy also envisages enhanced teachers' training for social cohesion.

According to the Textbook-making and Textbook Evaluation Methodology Concept, the promotion of the civic and national identity, respect for diversity and gender equality are criteria for evaluating the content of textbooks. The analysis of textbooks however suggests that textbook authors do not consistently follow the set of textbook-making criteria and that some textbooks are not necessarily conducive to fostering social cohesion. In addition, there are concerns in respect to the quality of translation of textbooks.

In the Republic of Macedonia textbooks for primary and secondary education are free of charge. The Law on Textbooks for primary and secondary education establishes the obligation to publish textbooks in the language and script of instruction. Publishing Houses in general are obliged to print textbooks, however, by means of statement they can evoke exemption to print small edition textbooks. This impacts in particular the printing of textbooks for numerically smaller communities. In 2013/2014, 42 out of 74 titles that were not printed, were in Turkish.

In accordance with the Law on Primary Education and the Law on Secondary Education, since 2005, education is decentralized. Though decisions on education require double majorities at the central level (Badinter requirement), education was not included as requiring double majorities at the local level. Education is funded through earmarked respectively block grants from the central authority based on legally determined formula. Some units of local self-government face an evident lack of funds questioning the regularity of the educational process and the quality of the education. Amongst others, expenses for transportation and heating put constraints on certain municipalities. The formula for the allocation of grants does not adequately reflect the actual needs of units of local self-government. Furthermore, the process through which municipalities allocate funds to different schools within their territory is not transparent. There is limited debate on budget allocations for education in central as well as in local parliament.

Higher education is available in Macedonian and Albanian. In addition, state universities provide university degrees for teachers of the Albanian, Turkish and Serbian language. Ethnic Albanians predominantly study in Albanian, at the Tetovo State University, and the public/private South East European University in Tetovo. The largest university in the country, St. Cyril and Methodius does not have courses in Albanian (except in the Faculties of Pedagogy and Philology), and likewise the Tetovo University does not have courses in Macedonian. There is limited student mobility between universities in Macedonia.

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secondary school kids to only 40% of the student population, or 37% when only considering Albanian/Macedonian language combinations. In primary education, 33% of pupils are in multilingual schools, or 26% when considering only Macedonian-Albanian language combinations. In reality this number is likely to be much lower, a USAID study suggests that the number is actually only half, meaning 13% because of the large number of "multilingual" schools operating monolingual satellites. The number of 13% might still be too high, considering the practice of teaching pupils in different shifts. When projecting separate shift numbers from secondary education (29%), the number of children of the ethnic Albanian and Macedonian communities who actually attend school at the same time in the same place might be closer to 9%. This means that maximally 13% (but more likely, under 10%) of e/A and e/M kids in primary education and maximally 37% in secondary education have a potential, often theoretical, chance to interact in the school environment by at all being in the same building at the same time. see Bridges and Divisions in Education, OSCE Mission to Skopje, Co-ordination Unit Inter-Ethnic Relations.

In respect to enrolment, there is some positive discrimination, including for ethnic Albanian students for subjects that are not taught at Tetovo University. Nevertheless, students from non-majority communities remain underrepresented in the student body.

	(eM)	(eA)	(eT)	(eR)	(eS)	(eB)	(eV)	others
Target	64.2%	25.2%	3.9%	2.7%	1.8%	0.8%	0.5%	1%
Enrolment of students	75.31%	18.65%	2.3%	0.41%	1.19%	0.65%	0.76%	0.1%

The student/professor ratio varies between 19 students per professor (phd) at the University “St. Paul the Apostle” in Ohrid and 40 students per professor (phd) at the Tetovo State University.

To conclude: Education in the mother tongue at primary and secondary level for the Albanian and Turkish community is by and large realized; for other communities additional efforts are needed. Preschool education opportunities are limited and children of non-majority communities are underrepresented. Education remains highly divided (little to no interaction between children from different language communities) and is at times considered divisive, e.g. in respect to curricula and textbooks. In general, pupils have little knowledge of the history, culture and customs of other communities and there continues to be reluctance to learn languages of other communities. In particular rural municipalities are facing challenges of assuming the costs for primary and secondary education. The allocation of block grants for primary and secondary education to municipalities and within municipalities is perceived as of limited transparency.

It is recommended to:

Strengthen equal opportunities to quality education for girls and boys from all communities, including for preschool education in line with comments of the 2015 Progress Report (p. 66, 67)

- ⇒ Improve access to preschool education for girls and boys in line with EC Report levels; ensure equal opportunities for enrolment of all communities throughout the country. Transfer responsibilities for pre-schooling from the Ministry of Labor and Social Policy to the Ministry of Education.
- ⇒ Address the relatively high student/teacher ratio at the University of Tetovo by creating job opportunities for persons with a PhD.

Use education as a means towards social cohesion and ensure sustainable funding, in line with comments in the 2015 Progress Report (p. 60, 61, 66)

- ⇒ Take further concrete steps towards integrated education by introducing considerable, earmarked budget lines thereto, focusing on structural government funding for curricular and extra-curricular activities fostering interaction and understanding among communities, as well for quality textbooks promoting the same.
- ⇒ Prevent stereotyping and divisive content in textbooks by fully implementing procedures for developing textbooks and consider including these procedures in amendments to the law instead of in secondary legislation. Ensure transparent selection of textbook authors. Review the quality of translations of textbooks. Ensure the printing of textbooks for numerically smaller communities, for instance by obliging publishing houses to also print small editions of textbooks.
- ⇒ Strengthening interpersonal, intercultural, social and civil abilities of teachers in a multiethnic environment through trainings on inter-ethnic integration, promote modern and interactive teaching methods

- ⇒ In the determination of block grants for education, consider the particular needs of units of local self-government so that all units of local self-government have adequate resources for primary and secondary education.
- ⇒ Remove administrative and other challenges (availability of teachers, lack of transport) to ensure that non-majority communities are able to fully exercise their right to mother-tongue instruction and culture.

Promote understanding and communication among communities for better social cohesion

- ⇒ Introduce for all children, in addition to their mother tongue, language instruction in at least one other language in official use somewhere in the country. Consider giving preference to those languages within the municipality in which the school is located that are spoken by at least 20% of the local population. Adapt the training of teachers accordingly. Support the measure with sufficient information to parents and schools.
- ⇒ Promote joint degrees and mobility of university students within the Republic of Macedonia and encourage them to do parts of their studies in another language of Macedonia.

Improve transparency and support local and central parliaments as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament, in line with comments in the 2015 Progress Report (p. 7, 8, 11).

- ⇒ Assess the implications and practicalities of introducing all issues that are submitted to the Badinter procedure at the central level also to Badinter at the local level, including education and local budget allocations therein.
- ⇒ Seek to enhance the transparent allocation of block grants for education from central to local level by establishing an expert group to assess the implications of introducing the central budget in Badinter in Parliament.

## 5. Non-discrimination

Feelings of marginalization and discrimination are destructive for social cohesion. The Ohrid Framework Agreement in its section 4.1 stipulates the complete respect of the principle of non-discrimination and equal treatment. Several laws have been amended and new laws adopted, including the Law on the Prevention of and Protection from Discrimination (LPPD) in 2010. The Law on equal opportunities for women and men of 2012 further completes the legal framework in line with the European *acquis communautaire*.

A Gender equality strategy (2013-2020) and an action plan (2013-2016) are in place and some ministers have earmarked budgetlines for implementation. The different acts include differing definitions of discrimination, and require harmonization. The Law on Combating Domestic Violence fails to recognize all forms of violence. In addition, the Ohrid Framework Agreement envisages equal treatment of the victims of the 2001 conflict.

Perceptions of inequality and discrimination are prevalent in Macedonia. Based on a public perception survey (Equal Opportunity Barometer), particularly elevated are feelings of being discriminated based on political party affiliation. In addition 51% perceive discrimination based on ethnicity<sup>14</sup>. Multiple forms of discrimination against the non-majority communities persist, and action to combat stereotyping, including in the media, remain ineffective.

In order to remedy discrimination, the LPPD establishes a Commission for the Protection against Discrimination (CPD), which is an independent and autonomous body from which protection can be sought in case of violations committed within the private and the public sector. In contrast, the Ombudsman's mandate in the field of discrimination only extends to discrimination committed in the public sector. Despite its broader mandate in respect to discrimination the CPD has very limited resources.

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<sup>14</sup> Equal Opportunities Barometer, MCIC, 2014

For instance the Ombudsman has a staff of 75 and different regional offices while the CPD currently has three (hired from other institutions). For increasing the CPD's effectiveness it will need highly qualified staff with permanent contracts, performing expert and administrative-technical affairs and ensuring the institutional memory.

Furthermore, CPD's access to disaggregated data has to be increased. In general, citizens tend to approach the Ombudsman more frequently than the CPD with their complaints, however in the field of discrimination related complaints CPD gained prominence. In 2014, the CPD received 107 complaints compared to the Ombudsperson who received 4995 citizens' complaints during the same time period, however of these 4995 complaints only 66 concerned allegations of discrimination<sup>15</sup>.

Here only some issues shall be looked at, discrimination in the employment market, the reaction to hate speech and hate crime as well as the equal treatment of victims from the 2001 conflict. Other aspects of potential discrimination are included in other parts of the report, in particular the sections on equitable representation and decentralization.

Discrimination in the employment market is particularly critical. In its third report on the Revised European Social Charter, Macedonia acknowledges inequalities in employment in particular in respect of ethnic Roma, women from non-majority communities, and persons from rural areas. Women from non-majority communities are decisively under-represented in the group of unemployed as well as among employees in the public sector, suggesting a high degree of women who do not participate in the labor market. The high level of inactive women and the low level of employment in the public sector are amongst others due to the traditional role of women in society as well as low levels of education. The working group report establishes that the number of women from non-majority communities in managerial positions is particularly low. Nevertheless, there are only very few programs that target members of non-majority communities, in particular Roma, women or persons from rural areas.

The 2015 Operational Plan for services in the labor market and active employment programs is not specifically targeted at persons from non-majority communities, and no disaggregated data is available on the beneficiaries of these programs. Only the special measure "Services for the activation of individuals at risk of social exclusion" explicitly targets members of the Roma community, in addition to members from other communities. A joint program of the British Embassy and the Employment Agency promotes the establishment of businesses in a multiethnic environment in the Polog and Northeastern Region with 55 beneficiaries. In addition, there is one program targeting women.

Hate speech and hate crimes form another critical issue. The Criminal Code, the Law on Media as well as the Law on Audio and Audiovisual Services include provisions against hate speech and hate crimes, including the prohibition of spreading hate and intolerance as well as racist propaganda. However, the relevant provisions are not enforced or not consistently enforced. Such an approach enables undeterred attacks based on ethnic grounds. Non enforcement can give the perception that the institutions do not protect the citizens from discriminatory attacks and can be detrimental to the relations between communities.

The Ohrid Framework Agreement led to a cessation of hostilities. The NLA ceased to exist in 2001 and its members were disbanded. Also about 7000 reserve police and army forces were demobilized in stages, including the special unit – Lions (Lavovi) in 2006. Several disarmament actions were conducted. The last one of them took place in 2010 and led to the collection of almost 11'500 weapons and 500'000 pieces of ammunition. An estimated 140'000 persons were temporarily displaced during the conflict. By 2004, about 90% of all reconstruction work related to houses<sup>16</sup> as well as other infrastructure reconstruction work was completed (all data from the 2012 review).

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<sup>15</sup> Numbers are of course not fully comparable as the mandate of the Ombudsman is both narrower (only discrimination in the public sphere) as well as broader, encompassing also other issues than discrimination.

<sup>16</sup> In the remaining cases, there have been legal challenges, for instance in relation to ownership disputes.

The Government had envisaged the drafting of a Law regulating the rights of persons disabled and of families of persons killed during the 2001 conflict. The 2012 Review, as well as the EC Progress Report of the same year, reiterated the need for such a law, however despite for the commitment reflected in the Ohrid Framework Agreement on the equal treatment of the victims of the 2001 conflict, the law was not adopted so far.

To conclude: In the perception of citizens there is discrimination based on ethnicity. Non-harmonization of Macedonian legislation, the lack of capacities in judicial and quasi-judicial institutions, the limited willingness to implement provisions on hate speech and hate crime, the lack of targeted programs to eradicate inequalities in the employment market, including gender inequality, but also the delay in adopting a law regulating the rights of victims of the 2001 conflict impede effective action against discrimination or public perceptions thereof.

It is recommended to:

Increase transparency, raise awareness and create the basis for non-discriminatory application of the principle of equitable representation

⇒ provide for gender disaggregated data on equitable representation and in other fields related to the implementation of the Ohrid Framework Agreement and on social cohesion.

Work towards removing inequalities in the access to the labor market

⇒ Review current employment programs and special measures and target them so as to include particular, vulnerable groups, including ethnic Roma, women from non-majority communities and men and women from rural areas.

Prevent and adequately prosecute hate speech and hate crime

⇒ Seriously address hate speech and hate crime by promoting implementation of existing provisions. Further consider amending the Criminal Code's definitions and sanctioning, as well as the Law on audio and audio-visual services, to explicitly provide for authorization of the agency for these services to determine hate speech and impose an initial reprimand (and / or a fine) as well as to suspend broadcasting licenses after repeated reprimands/fines.

Strengthen institutions that help ensure the non-discrimination of citizens, in line with comments in the 2015 Progress Report (p. 56).

⇒ Strengthen the office of the Ombudsperson as well as the CPD, by increasing their resources and competences and by adopting legislation in line with the Paris principles, including the creation of secretariat services of the CPD.

⇒ Strengthen the capacity of the police, the prosecution and the judiciary to address discrimination and hate speech/hate crimes.

Overcome the effects of the 2001 conflict

⇒ Promote projects of social cohesion, reconciliation and confidence-building measures in different fields including all segments of society

⇒ Regulate the status of all persons disabled and families of victims from the 2001 conflict as proposed in the first 2012 Review report that was adopted by Government.

## **6. Communities with less than 20% share of population**

In this section only selected issues of special concern of numerically smaller communities will be addressed. Additional issues are included in the sections on equitable representation, language and education.

The Ohrid Framework Agreement aims at strengthening social cohesion and development of a multicultural society, respecting the ethnic identity and the interests of all citizens. The preamble of the constitution originally foreseen in the Ohrid Framework Agreement emphasized the civic understanding of the nation. The preamble finally adopted enumerates the different

communities living in Macedonia: “the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others”. Past implementation led to perceptions that implementation efforts are mainly directed at uplifting the biggest non-majority community, leaving behind numerically smaller communities, in particular also those who are included in the category of ‘others’.

Therefore, the Law on Promotion and Protection of Rights of Communities which are less than 20% of the Population (LPPCR) was adopted in 2008, setting up a special institutional mechanism for monitoring, promoting, and realization of the constitutionally guaranteed rights of numerically smaller communities: The Agency for Community Rights Realization (ACRR) started working towards the end of 2009. The effective realization of community rights depends directly on the work of ACRR, as well as on the Directorate for Affirmation and Promotion of Communities Cultures (DAPCC), and the Directorate for Development and Promotion of Education in Community Languages (DDPECL). The 2014 assessment of the LPPCR implementation concluded that the administrative capacity and the visibility of the agency has been improving and that it has achieved results in the field of monitoring. However, capacity building and clarification of the legal framework concerning competences related to protection and oversight of the realization of community rights is needed. The need to strengthen the DAPCC and the DDPECL for the purpose of realizing and promoting the educational and cultural rights of community members was also identified.

For social cohesion it is of importance to enable the effective participation of numerically smaller communities in building integrative policies and decision-making at central and local level, especially in respect to issues of direct concern to their interests and the realization of their rights in all areas of public life.

- At national level the numerically smaller communities participate in the policy creation process and in decision making through their representatives in the Assembly and the Government of the Republic of Macedonia, as well as through the institutions responsible for promoting and protecting their rights. The Committees for inter-community relations (CICR) provides a platform to discuss issues that are of concern for communities. However, the numerically smallest communities are not represented in the Committee. The assessment of the LLPCR has indicated that the ACRR remains isolated and it is not consulted in decisions in all areas of relevance to the Ohrid Framework Agreement. On the other hand the DAPCC and the DDPECL are not included in the development of policies for integrated education or implementation of the cultural program.
- At local level, the Law on Local Self-Government foresees the creation of committees for inter-community relations (CICRs) in municipalities where 20% of the citizens have non-majority ethnic affiliation. The CICRs should enable the participation of communities in the policy process and the decision-making at local level. According to the law the committees are permanent advisory bodies to the municipal councils on issues of concern to interethnic relations. However, research has shown that these committees are non-functional. There is a lack of mechanisms to support the sustained work of the committees at local level; there is lack of transparency in the selection of members and the informing of citizens about their work, as well as insufficient involvement of the citizens (especially from the smaller communities) in their activity (see also the section on decentralization and on further aspects).

The Macedonian Radio Television (MRT) broadcasts programs in community languages on one TV and one radio channel. The programs in the languages of non-majority communities are broadcast on the second channel of the Macedonian Television: there are 98 hours of program per week in Albanian, 16.5 hours of program per week in Turkish, and 2 hours of program per week in each of Roma, Serbian, Vlach, and Bosnian. On the Macedonian Radio there are 119 hours of program per week in Albanian, 35 hours in Turkish, and 3.5 hours in each of Vlach, Roma, Bosnian and Serbian. A major issue is the timing of the programs for the smaller

communities; they are broadcast in the morning hours when the ratings are lowest. Editorial capacity is weak. Each editorial desk has but few staff and almost no technical equipment or vehicles needed for field reporting. The perception is that there is too large a segregation in the news services and lack of multicultural content in the media.

In the period since the independence of the Republic of Macedonia to date, the government has continuously provided financial support to citizens' associations and foundations. One of the priorities of the government strategies (2007-2011) and (2012-2017) for cooperation with civil society is a developed and sustainable civil sector. In the period 2008-2014 the government has provided financial support to a total of 362 projects of citizen associations and foundations, 27 of which were projects of associations of the numerically smaller (less than 20%) communities. These included activities aimed at preservation of cultural heritage and tradition, education and use of community languages, as well as activities in the field of human rights, development of multicultural society, as well as European perspectives of the country. Since 2010 the Government has been, at the recommendation from the SIOFA committee, allocating budget resources for financing the activities of CSOs and foundations aimed at promoting interethnic relations, through grants for confidence building between the various ethnic communities; promotion of effective cohabitation between the ethnic communities; promotion of interethnic cooperation in the field of culture, sports, and education; promotion of interethnic tolerance; promoting the implementation of the Ohrid Framework Agreement; and analysis and monitoring of the implementation of the Ohrid Framework Agreement. A total of 140 projects of citizen associations and foundations were financially supported from the SIOFA budget in the period 2011-2014, 9 of which were projects of associations from the smaller communities (less than 20%) for activities aimed at preservation of community culture and traditions, and building of equitable relations and cohabitation.

For specifically targeting CSOs of numerically smaller communities the LPPCR set forth the creation of a Fund for Implementation of Projects for Promotion of Multiculturalism and Financing of Activities of Associations of Smaller Communities. This Fund, which has been established by law, does not operate because the required financial resources from the budget have not been provided.

550 persons have been identified as unregistered with the birth register since 2011, as part of the action for identification of unregistered persons. Most of them are Roma, however persons of Bosniak, Montenegrin, and Turkish ancestry have also registered with the ACRR. Since then, 120 of them have been registered with the birth register as part of the regular activities of the Ministry of Labour and Social Policy (MLSP) and other responsible bodies.

To conclude: In deviation of the text proposed for the preamble of the constitution in the Ohrid Framework Agreement, the present Constitution includes a preamble that enumerates 7 different communities instead of promoting a more general, civic concept of the State. Numerically smaller communities are represented in political institutions through the general electoral process. The Committees for Inter-Community Relations at both central and local level provide for some representation but are of limited effectiveness. There have been attempts to create special institutions for the concerns of numerically smaller communities. The Agency for Community Rights Realization (ACRR, mainly focused on the protection of minorities representing less than 20 % of the population) still struggles with an inadequate mandate, insufficient budget and a lack of support from relevant institutions. The Directorate for education in communities' languages and the Directorate for the promotion of culture of the communities also continue to be inadequately funded and staffed. They are not regularly included in relevant consultations. In addition, separate funding mechanisms for CSOs of numerically smaller communities have been introduced but lack resources.

It is recommended:

Fully implement the Ohrid Framework Agreement and strengthen the civic identity of the country and its citizens.

- ⇒ Revert the Constitution's Preamble to the originally foreseen one in the OFA that emphasized civic instead of ethnic identity and refrain from mentioning only 7 communities by name.
- ⇒ Consider a comprehensive and all inclusive debate about the national symbols.

Strengthen parliament as a forum for constructive political dialogue and representation in line with comments of the 2015 Progress Report (p. 7)

- ⇒ Amend articles 41 and 55 in the Law on Local Self Government in order to address legal gaps in the framework regulating local CICRs and to finally enable relevance to these potentially very effective conflict prevention and resolution tools on the ground.
- ⇒ In this process, capitalize on the existence of a Parliamentary CICR with the objective of developing more constructive interethnic relations and foster a continual debate and consensus on interethnic relations and the integration of society, not just by the way of emergency interventions during tensions.
- ⇒ Consider broadening the composition of the Parliamentary Committee on Inter-community Relations (P CICR) in order to also provide room to the numerically smallest communities (category of "others" in the preamble).

Ensure that the public has access to objective and accurate reporting and a variety of viewpoints through the mainstream media, particularly the public sector broadcasters in line with comments of the 2015 Progress Report (p. 21). Promote multiculturalism and social cohesion through the media.

- ⇒ Provide for equitable broadcasting of programs in the languages and interest of all non-majority communities as agreed in the working groups
- ⇒ Consider in particular providing for equitable broadcasting of programs in the languages and interest of smaller non-majority communities at both MRT 1 and 2 both vertically (in overall programming time allotted) and horizontally (in overall programming time at all timeslots, including prime time).
- ⇒ MRT to put a focus on the promotion of social cohesion among communities, including gender aspects in its program concept, to regularly broadcast multicultural media programs, which aim at promoting social cohesion, mutual respect and understanding as well as intercultural dialogue, and to make emissions accessible to audiences from other language communities – through translation and/or subtitling.
- ⇒ Strengthen the human, financial, and technical capacity of the editorial desks in the public information service for multilingual and programs in non-majority languages.
- ⇒ Provide training opportunities for active media personnel engaged with the editorial desks, especially on issues related to intercultural communications, cultural and democratic pluralism, standards of professional reporting, gender mainstreaming, which among other, should involve ethical values related to respect for diversity and inclusion, human rights, and non-discrimination.

## 7. Further aspects

Informed policy-making with clear targets and indicators, as well as effective coordination and implementation mechanisms are key to any reform process. The main body in charge of coordinating, promoting and monitoring the implementation of the Ohrid Framework Agreement is the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA) under the political leadership of the Deputy Prime Minister for the Political System.

In addition, the Agency for Community Rights Realization (ACRR), the Directorate for Affirmation and Promotion of Communities Cultures (DAPCC), and the Directorate for Development and Promotion of Education in Community Languages (DDPECL) have also tasks in respect to coordinating and monitoring the implementation of the Ohrid Framework Agreement with a particular focus on communities with less than 20% share of the overall population.



Also the Ombudsman and the Committee of Inter-community Relations as well as most line-Ministries have important functions for the implementation of the Ohrid Framework Agreement.

Responsibilities for the implementation of the Ohrid Framework Agreement are dispersed and overlapping. There is little coordination and communication between the bodies with particular tasks in respect to the Ohrid Framework Agreement implementation. The SIOFA as well as the ACRR are facing recurrent challenges in accessing relevant disaggregated data for monitoring the implementation of the Ohrid Framework Agreement thus creating challenges for developing targeted policies as well as providing transparency on implementation. Also the working groups in the review process faced difficulty in accessing data despite of government decisions for that purpose. The different bodies have no effective means for providing incentives or imposing sanctions to foster the implementation of the Ohrid Framework Agreement. The ACRR is considered as relatively isolated and is for instance not regularly consulted on relevant government decision, as is the SIOFA. The SIOFA has a strong overrepresentation of ethnic Albanian staff and at times is perceived as representing predominately interests of the Albanian community while the other bodies by law focus on communities with less than 20% share of the overall population. Currently there is no body in charge of promoting social cohesion and there is no comprehensive policy on social cohesion.

The Ohrid Framework Agreement provides for a number of mechanisms that shall ensure that the interests of all citizens and communities are taken into account in the political decision-making process, in particular the requirement of double majorities (Badinter requirement) for decisions that are deemed as sensitive for inter-community relations, and the provision of a Committee for Inter-community Relations (CICR) as advisory bodies. The Law on Local Self-Government has also introduced committees for inter-community relations at the local level. These two mechanisms, Badinter requirements and CICR at central and local level, have been discussed in several parts of the report, in particular in the sections on decentralization, education, and on communities with a share lower than 20% of the population, suggesting that these mechanisms can be further used to strengthen inter-community relations. In particular, three avenues for strengthening these mechanisms merit further consideration:

- Harmonizing the application of the Badinter requirement at the central and at the local level: Currently there is no complete consistency which decisions require double majorities. For instance, education is included in the list of policy areas requiring double majorities at the central level, however, despite of the decentralization of powers in respect to education to the units of local self-government, education is not included in the list of policy areas requiring decision-making based on double majorities at the local level. A harmonization of policy areas in which double majority requirements are applied centrally and locally would be beneficial for consistency.
- Harmonization of the application of the Badinter requirement for policy and funding decisions: Principles of accountability strongly suggest that decision-making on policies and related funds should go hand in hand. Furthermore, in particular the section on decentralization in this report demonstrates the sensitivity of the allocation of funds for social cohesion. The application of the Badinter requirement on budget allocation (in particular capital investments but also other areas), at least in respect to policies that are also submitted to the Badinter requirement could increase accountability and is likely to have positive effect on social cohesion.
- Linking the mandate of the CICRs to the Badinter requirement: The Committees for Inter-community Relations are advisory bodies in respect to issues that affect inter-community relations. The Badinter requirement is applied in particular to issues that are seen as critical for inter-community understanding. From this perspective, it seems as a logical step to require the involvement of CICRs (as advisory bodies) for all decisions that require double majorities (Badinter requirement).

The proposed avenues for strengthening existing mechanisms for inter-community relations will have a number of practical implications that might differ at central and at local level and which require further exploration.

To conclude: Responsibilities for the implementation of the Ohrid Framework Agreement are dispersed and overlapping. Institutions, including SIOFA and ACRR face recurrent challenges in accessing data necessary for targeted policy making and monitoring. SIOFA and ACRR have no effective means for providing incentives or imposing sanctions to foster the implementation of the Ohrid Framework Agreement. SIOFA and ACRR are perceived and/or mandated to cater mainly to specific communities. In addition, currently there is no body in charge of developing an overall policy of social cohesion. Mechanisms for inter-community relations provided for in the Ohrid Framework Agreement (double majorities (Badinter requirement) and Committees for Inter-Community Relations can be further strengthened in view of consistency and accountability.

It is recommended:

Strengthen the institutional set-up for the implementation of the Ohrid Framework Agreement and for the development and implementation of policies of social cohesion.

⇒ Merge SIOFA and the ACRR into a single new Ministry on Political System and Inter-Community Relations (Министерство за политички систем и односи меѓу заедниците) that is composed based on the principle of equitable representation and proactively includes all communities. Provide the new Ministry with direct and automatic access to all disaggregated data relevant for the monitoring of implementation of the Ohrid Framework Agreement. Provide it with the powers to develop a comprehensive policy of social integration as well as powers to monitor, inspect and enforce.

As an alternative:

- ⇒ Clearly designate institution(s) for centralized and unified data collection to ensure continuous collection of disaggregated data, including gender disaggregated, as well as ensure the automatic/immediate availability of such data to relevant bodies (SIOFA, ACRR) in charge of policy-making and monitoring as well as to the public, for instance by establishing a separate Ohrid Framework Agreement Sector within the State Statistical Office (SSO) with separate departments for Education, Languages, Equitable Representation, Decentralization, Anti-Discrimination and Smaller Communities. The SSO has mandatory authority to collect data from state institutions.
- ⇒ Formalize a coordination mechanism / cooperation between SIOFA, ACRR, the General Secretariat and MISA.
- ⇒ Provide clear tasking, mandates and deliverables to inspectorates of Ministries in order to inspect the implementation of all measures related to the Ohrid Framework Agreement and social cohesion in a non-politicized way.
- ⇒ Enlarge the mandate, increase resource allocation, staffing and support to the ACRR  
Establish a central governmental unit (e.g. at the PM Office) to develop comprehensive policies promoting social cohesion and societal integration with clear definitions of roles and tasks, coordination and monitoring mechanisms, costing of measures, as well as targets and indicators for implementation.

Strengthen the inter-community related mechanisms provided for the Ohrid Framework agreement in order to safe-guard the interests of all citizens and communities and improve accountability and consistency.

- ⇒ Form an expert/working group to further explore possibilities to strengthen inter-community related mechanisms (Badinter requirement and CICRs).
  - > Consider applying the Badinter requirement to budget allocations in those areas where it is applied to policies or to the whole budget.

- > Assess the implications and practicalities of introducing all issues submitted to Badinter centrally also to Badinter locally, including education
- > Assess harmonizing the mandate of the CICRs with the applicability of the Badinter requirement.

## **Next steps towards implementation of recommendations**

The Ohrid Framework Agreement impacts on many of Macedonia's policies. This review report highlights a number of policy recommendations. Additional recommendations are included in the various annexes to this report. Policy recommendations concern the implementation of already existing laws and strategies but also certain adaptations of laws and strategies – and in one case a potential amendment to the constitution. The implementation of the recommendations will have to involve several state institutions, including the government and many of its line ministries as well as parliament for potential legislative changes. Decisions will have implications for even a bigger number of stakeholders, including units of local self-government and last but not least citizens from all communities. It is therefore proposed to clearly designate a steering and monitoring mechanism that can conduct further consultations where needed, can guide and coordinate the development of concrete action plans as well as oversees their implementation.

## Annexes

## **Annex 1: Diagram of the OFA Review on Social Cohesion process**

# OFA Review on Social Cohesion

## Strategic Group

Government (Deputy Prime Minister, Musa Xhaferri)  
OSCE Mission (Head of Mission, Nina Suomalainen)  
EIP (Ambassador Pieter Feith)

This group strategically oversees the OFA Implementation Review Process and provides guidance and assistance.



## Core Group

Representatives from Government, SIOFA, the Cabinet of the DPM, OSCE Mission to Skopje, EIP, SEA, MoF, MFA and ADI  
Observer Status: US Embassy, EU Delegation (as OFA guarantors), NL Embassy (as OFA-R donor)

This group practically coordinates the OFA Implementation Review Process, including the facilitation of the provision of necessary data from relevant ministries and institutions, participation of relevant ministries and institutions, working arrangements and methodology, cross-cutting thematic issues, a.s.o.



## Steering Group (SG)

Ejup Alimi, Arno van der Pas, Ivan Shalev, Albert Musliu (SIOFA, OSCE, EIP, ADI)  
(Coordinating & Steering the Thematic WGs, their team leaders and rapporteurs)

## Thematic Working Groups

Equitable Representation	Anti-Discrimination	Decentralization	Use of Languages	Education	Smaller Communities
11 people from the MISA, EPI, SIOFA, OSCE, State Statistical Office, MoF and SG	11 people from the MLSP, EDA, SIOFA, OSCE, ADC and SG	12 people from the MLSG, SEEU, OSCE, SIOFA, ZELS, MoF and SG	12 people from the UKIM, IDSCS, OSCE, SIOFA, SEP, MoJ, ACRR and SG	13 people from the SUT, MCGO, MoES, SIOFA, OSCE, MoC and SG	13 people from the ACRR, CRPM, MoES, OSCE, SIOFA, GS, MoC, MLSP and SG

*(15 September – 16 October, 5 weeks)*

These groups assess available data relevant to their thematic area and collect more where necessary; prepare preliminary qualitative analyses and compile policy recommendations/discussion points to be disseminated to participants in the thematic consultations; organize the thematic consultations and contribute to a brief summary report with qualitative analyses and policy recommendations after them.



## Thematic Consultations

Equitable Representation	Anti-Discrimination	Use of Languages	Education	Smaller Communities	Decentralisation
<i>3 November</i> 50 invitees	<i>9 November</i> 50 invitees	<i>10 November</i> 50 invitees	<i>11 November</i> 50 invitees	<i>12 November</i> 50 invitees	<i>17 – 18 November</i> 50 invitees

These thematic consultations invite people to reflect with concrete comments and proposals on preliminary analyses, discussion points and collected recommendations submitted by the working groups and others, to adopt viable consolidated recommendations to be discussed at the international conference. Participants come from civil society, non-governmental organizations, academia and political parties.



## 4-Party Political Working Group on Reform Priorities



## High Level International Conference on “The Spirit of the OFA”

10/11 December to discuss and endorse the policy recommendations to be annexed to the Final Report submitted by *18 December* for review and endorsement by the Government before *15 January*

## **Annex 2: Working Group Report on Decentralization**

# OFA Review on Social Cohesion

## *Decentralization*

### **Disclaimer**

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Decentralization as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на не-дискриминација од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиноот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të decentralizimit si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.



## EXECUTIVE SUMMARY

The main objective of this report is to assess the available data on the decentralization process in the country in order to improve social cohesion.

For the preparation of this report, working group from relevant institutions consisting from institutions from the central level, municipality association, academia and NGO's was formed.

In preparing the report, planning documents, legal framework related to the decentralization process were analyzed, in parallel it strived to gather relevant information from the competent authorities in the following areas: data on fiscal decentralization, regional development, inter-municipal cooperation, capital investments, the number of employees in the municipalities and public enterprises founded by municipalities by ethnicity. Limitation of the analysis is due the fact that it is covering only certain areas as a result of the time frame, the complexity of the decentralization process and the lack of access to official data in certain areas relevant for the decentralization and social cohesion<sup>17</sup>.

The successful implementation of the decentralization process is one of the most important political criteria for advancement of the Republic of Macedonia in the European integration process. It is evident that majority of trends related to the decentralization process in Macedonia are positive. However, ten years after the transfer of responsibilities and resources from central to local level, capacities of local government units to perform the decentralized authority are one of the key challenges of the reform of the system of local governance and decentralization in Republic Macedonia and consequently a barrier to social cohesion in our society.

Insufficient capacity of the LGU is a result of its systematic framework for the implementation of the decentralization process in the country which is characterized by symmetrical decentralization of powers in all the units of the local self-government and asymmetric decentralization of resources to certain number of the local self-government units. This model of decentralization causes problems in a number of LGU to absorb powers stipulated in the Article 22 of the Law on Local Self-Government. Systemic mechanisms of fiscal adjustments are inadequately solving the problem of asymmetry of resources in LGU<sup>18</sup>.

There is need for greater focus on intergovernmental transfers in order to reduce the disparity between LGU. In order to increase the financial capacity of LGU it is necessary to consider increase of the shares of unconditional grants in the form of VAT and PIT.

Capital grants from sectorial ministries are not prioritized on objective criteria's (except regional development), but are subject to discretionary decision, which undermines the faith of fairness and objectivity in the allocation of capital grants.

The existing model of block grants generates disparities between LGU. Financing the infrastructure and not the competence results with the exclusion from the services of the most vulnerable groups of the society who are mostly settled in rural municipalities<sup>19</sup>.

Inadequacy of funds in education leads to difficulties in the implementation of the educational process in schools<sup>20</sup>.

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<sup>17</sup> COMMENT BY A MEMBER OF THE WORKING GROUP - THIS CONCLUSION IS INCORRECT. THE INSTITUTIONS HAVE OFFICIAL DATA COLLECTED BASED ON SPECIFIC METHODOLOGIES, TO SERVE THEIR NEEDS. IT IS A DIFFERENT MATTER WHETHER THESE DATA CORRESPOND WITH THE NEEDS OF THE WRITER OF THE ANALYSIS.

<sup>18</sup> COMMENT BY A MEMBER OF THE WORKING GROUP – Do not agree with this argument.

<sup>19</sup> COMMENT BY A MEMBER OF THE WORKING GROUP – Do not agree with this argument.

In terms of childcare facilities there is disproportional access of children from non-majority communities compared with the majority community.

Existing mechanisms of citizen participation at individual and collective basis are under-utilized in solving the problems of the local community. There is a need for measures and interventions to eliminate bottlenecks for citizen participation in decision making at the local level.

Proposed recommendations/opinions ought to be seen as a basis for public debate between variety of stakeholders in order to achieve consensus on future policies in the area of decentralization and social cohesion<sup>21</sup>.

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<sup>20</sup> COMMENT BY A MEMBER OF THE WORKING GROUP – Do not agree with this argument.

<sup>21</sup> Comments BY A MEMBER OF THE WORKING GROUP - THE PROCESS OF DECENTRALIZATION WAS NOT PART OF THE WORKING GROUP'S MANDATE. ACCORDING TO MLSG DATA, THE MANDATE OF THE WORKING GROUP WAS: „these groups will assess the availability of data relevant to their thematic area and collect more data where necessary; prepare preliminary qualitative analyses and policy recommendations/opinions to be disseminated to participants in the thematic consultations; organize the thematic consultations and contribute to a brief summary report with qualitative analyses and policy recommendations/opinions after the consultations“) for the purpose of strengthening social cohesion. WE PROPOSE THAT A CLARIFICATION BE PROVIDED ON WHICH ARE THESE DATA, BECAUSE THE “CATEGORY OF DATA ON THE PROCESS OF DECENTRALIZATION FOR THE PURPOSE OF ACHIEVING SOCIAL COHESION” DOES NOT EXIST; TO EXPLAIN THE CORRELATION BETWEEN THE PROCESS OF DECENTRALIZATION AND SOCIAL COHESION BECAUSE THE FRAMEWORK AGREEMENT DOES NOT CONTAIN A REFERENCE TO THE CONNECTION BETWEEN THE ACTIVITIES FOR DEVELOPMENT OF DECENTRALIZED GOVERNMENT AND SOCIAL COHESION. IF THIS CONNECTION IS INSISTED ON, A DEFINITION OF SOCIAL COHESION WHICH WOULD BE SUITABLE FOR THIS REPORT SHOULD BE PROVIDED.

## 1. INTRODUCTION

One of the most important objectives of the local self-government reform and the process of decentralization is the participation of the local community in the resolving of local problems (through forms of direct and indirect participation), for the purpose of improving the quality of life in the local community. Decentralization is a process which is primarily focused on the citizens and their aspirations for improved well-being. It strengthens the democratization of society through active participation of citizens in the making of the decisions which are important for bettering their lives and securing their well-being. To this end the process of decentralization is closely related to the concept of social cohesion. Most studies on social cohesion are based on the concept of quality of life, that is, they find it important to analyze how the political and economic problems influence the transformation of society, the processes and the structure of a society.

Quality of life is measured through social indicators which are primarily focused on individuals and households. There are three approaches which serve as basis for the various philosophic traditions in the assessment of quality of life. They are utilitarianism, social justice, and the economy of well-being. Utilitarianism focuses on the subjective well-being and is related to the assessment of the individual's satisfaction (satisfaction surveys). The second approach – social justice, focuses on the ability of citizens, within their capacity, to live the lives they deem worth living. In other words, citizens have equal opportunities in a society which respects differences. And the third approach – economy of well-being, focuses on the equitable distribution of financial resources, i.e. – does the government intervene through redistribution based on the principle of equal access for all in society<sup>22</sup>. As much as improving the quality of life is an individual issue, it is also an instrument for creating a society based on equal opportunities, regardless of differences based on cultural, ethnic, or economic attributes. This report is based on the available data on the process of decentralization collected from the relevant institutions, and it keeps into account the three approaches to social cohesion: citizen perceptions, the allocation of financial resources for reducing disparities between the ULSG, good governance with particular focus on the institutional mechanisms for respect of diversity and inclusion in the process of creation local public policies.

### A. Legal Framework

The Government of RM adopted a Strategy for the Reform of the Local Self-Government in November 1999, but there was no significant progress in its implementation until 2001. The Ohrid Framework Agreement which was signed in August 2011 and the amendments to the constitution which were adopted in November of the same year, gave a new impetus to the reform of the local self-government. The framework agreement foresees special measures and activities for development of local self-government, including the revision of the system of local self-government with the aim of enhancing and effectively broadening the competencies of municipalities based on the principle of subsidiarity and in accordance with the European Charter for Local Self-Government.

The Assembly of the RM adopted the Law on Local Self-Government in January 2002 (Official Gazette of RM, No. 5/2002). The law constitutes the legal framework for establishing the new system of local self-government in the RM. As per the Ohrid

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<sup>22</sup> p.15,22 Stiglitz, J., A. Sen and J-P Fitoussi (2009) Report by the Commission on the Measurement of Economic Performance and Social Progress. [http://www.stiglitz-senfitoussi.fr/documents/rapport\\_anglais.pdf](http://www.stiglitz-senfitoussi.fr/documents/rapport_anglais.pdf)

Framework Agreement, the revision of municipal boundaries was done with the Law on the Territorial Organization of the Local Self-Government (Official Gazette of the RM, No. 55/2004) and with the Law on the City of Skopje (Official Gazette of the RM, No. 55/2004), which were adopted by the Assembly of the Republic of Macedonia in August 2004. With the Law on the Territorial Organization of the Local Self-Government, the number of units of local self-government was reduced from 124 to 84, plus the City of Skopje as a special unit of local self-government. The reduction of the number of municipalities was considered a necessity so that the new municipalities would have the capacity to realize the transferred competencies. According to the last changes to the Law on Territorial Organization of the Local Self-Government (Official Gazette of the RM, No. 55/2004, 12/2005, and 10/2014) there are 80 municipalities (units of local self-government) in the Republic of Macedonia, with the municipalities of Zajas, Oslomej, Drugovo, and Vraneshtica becoming part of the Municipality of Kichevo. With the aim of ensuring a proper financing system which would allow local authorities to realize their competencies, the Law on the Financing of the Units of Local Self-Government was adopted in September 2004 (Official Gazette of the RM, 61/2004, 96/2004, 67/2007, 156/2009, and 44/2011). With the aim of completing the system of local self-government, the following laws were also adopted: Law on Inter-Municipal Cooperation (Official Gazette of RM, No. 79/20009), Law on Balanced Regional Development (Official Gazette of RM, No. 63/2007, 187/2013, 43/2014), Law on the State Inspectorate for Local Self-Government (Official Gazette of RM, No. 58/2010, 187/2013, 43/2014).

Decentralization is a particularly complex process; in the preceding period around 100 thematic laws and secondary acts were amended to reflect the new competencies of the ULSG in accordance with article 22 of the Law on Local Self-Government. The process of decentralization was based on the following planning documents which served as guidelines for the reforms over the past 10 years:

- Operational Program for Decentralization 2003-2004 (OPD 20003-2004);
- Program for Implementation of the Process of Decentralization 2004-2007 (PIPD 2004-2007);
- Program for Implementation of the Process of Decentralization 2008-2010 (PIPD 2008-2010), which was based on the strategic goals of the reform of local self-government and the process of decentralization;
- Program for Implementation of the Process of Decentralization and Development of the Local Self-Government 2011-2014, which set as its key objective the overall and sustainable local development;
- And the new Program for the period 2015-2020 on the sustainable development of local self-government, which focuses on solving of the challenges created by local influences on the policies for improving the quality of life, protection and utilization of the natural and cultural heritage, and the strengthening of economic, social, and territorial cohesion;

The transfer of competencies, personnel, real estate property, movable property, and documentation, officially started on 1 July 2005.

## **B. Relevant Data**

Official data by relevant institutions were a crucial tool for the preparation of this report, in addition to the expertise of the TWG members, and the secondary sources including reports, analyses, and planning documents. It should be noted that part of the institutions which were contacted did not provide the data which the TWG assessed to be relevant for the preparation of the analysis. The following tables presents the requested official data and the received response by institution<sup>23</sup>:

Institution	Requested Data	Note
<b>Ministry of Finance</b>	Total capital grants for ULSG (Realized 2005-2015) Remaining VAT tranches due by the central government to the municipalities Collected property tax by municipality and per capita Most current data on municipal debt?	Requested data were not provided.
<b>Ministry of Local Self-Government</b>	Capital grants- Balanced regional development by municipality and/or by region (realized 2006-2015) and inter-municipal cooperation	Provided.
<b>Ministry for the Environment</b>	1. Capital grants to ULSG - for environment (realized 2005-2015) 2. Formula/methodology for decisions/process of monitoring	Data on item 2 were not provided.
<b>Ministry of Transport and Communications</b>	1. Allocated capital grants for all programs, by municipality (realized 2005-2015) 2. Formula/methodology for decisions/process of monitoring	Data on item 2 were not provided.
<b>Ministry of Labor and Social Policy</b>	1. Information on the realized capital investment by municipality in 2005-2015 2. Formula/methodology for decisions/process of monitoring 3. The amount of block grants by municipality in 2008-2015 4. Transfer of facilities in the field of social protection, by municipality	Data on item 1 and 2 were not provided.
<b>Ministry of Education and Science</b>	1. Information on the realized capital investment by municipality in 2005-2015 2. Formula/methodology for decisions/process of monitoring 3. The amount of block grants by municipality in 2008-2015 4. Number of pupils and teachers (by ethnicity)	Data on item 2 were not provided.
<b>Ministry of Culture</b>	1. Information on the realized capital investment by municipality in 2005-2015 2. Formula/methodology for decisions/process of monitoring	Requested data were not provided.

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<sup>23</sup> COMMENT BY A MEMBER OF THE WORKING GROUP - The table should be deleted.

	3. The amount of block grants by municipality in 2008-2015	
	4. Transfer of facilities in the field of culture, by municipality	
<b>Agency of Sports and Youth</b>	1. Information on the realized capital investment by municipality in 2005-2015, 2. Formula/methodology for decisions/process of monitoring	Requested data were not provided.
<b>Agency for National Roads</b>	Capital grants by municipality 2005-2015 (realized) Formula/methodology for decisions/process of monitoring	Requested data were not provided.
<b>Ministry for Information Society and Administration</b>	Number of civil servants and public servants at local level, by municipality – by ethnicity in each work position category, training of municipal administration	Requested data were not provided.
<b>ZELS</b>	Systematized positions, information o training	Provided.

## 2. REVIEW OF THE STATUS OF IMPLEMENTATION OF THE OHRID FRAMEWORK AGREEMENT IN THE FIELD OF DECENTRALIZATION

In the process of collecting data from various sources, overall, the TWG faced a lack of official data, especially of statistical data on areas of relevance to decentralization and social cohesion. The lack of data is evident in the analysis of the allocation of public financial resources across sectors, as well as in the lack of data disaggregated by municipalities and ethnic affiliation, on the principle of subsidiarity, and on vertical coordination. The general position of the TWG is that a more in-depth analysis is needed for such a complex issue as decentralization, with the aim of obtaining relevant data to serve as basis for recommendations/opinions.

Based on the data received and the time period they were obtained on, the data which was received and analyzed can be divided into two areas of particular importance to social cohesion: fiscal decentralization with particular focus on the inter-governmental transfers and the objectivity and equitability of these transfers as a postulate of social cohesion, and second, good governance with particular focus on the rule of law, participation, voice, efficiency and effectiveness, with the aim of identifying possible bottlenecks related to the participation of various population segments in the process of decision making at local level.

### I. FISCAL DECENTRALIZATION – TRANSFERS FROM THE CENTRAL GOVERNMENT

In view of the fact that the equitable distribution of financial resources, i.e. whether the government intervenes through a redistribution based on the principle of equal access for all in society, is one of the most important postulates of social cohesion, part of this report will focus on fiscal decentralization. Fiscal decentralization is an important segment of the reform and a tool for realization of the competencies defined by the legal framework. The objective of fiscal decentralization is the development of an objective, equitable,

transparent, stable, and sustainable system of local public finance, whose aim is to secure financial resources for the ULSG which are sufficient for effective exercise of the legal competencies transferred in the process of decentralization, and delivery of efficient and effective services to the citizens, and improving of the quality of life in the ULSG.

It can be concluded that despite the provision of general grants (VAT) with equalization elements, and the block-grants for financing the basic services, inter-government transfers do not fully adhere to the principle of sustainability and equitability. On the other hand, the existing system of local taxes and fees is such that rural municipalities have a weak tax-collection capacity which creates a permanent dependence on the central government grants for financing the provision of services.<sup>24</sup>

There is an evident difference between the ULSG in terms of generated revenue. In 2012, 15% of the revenue was generated by the City of Skopje, 23% of the municipalities in the City of Skopje, 43% in the urban municipalities, and only 13.1% in the rural municipalities.

#### Revenue and expenditure per capita in 2012

Municipalities	Revenue per capita in 2012 (in denars)	Expenditure per capita in 2012 (in denars) (во денари)
<b>Urban municipalities</b>	12,649	12,552
<b>Rural municipalities</b>	9,418	17,143
<b>City of Skopje and municipalities in the City of Skopje</b>	21,006	21,158
<b>R. Macedonia</b>	12,624	14,141

The large difference between urban and rural municipalities on the revenue and expenditure side will have long term consequences over the medium to the long term, which could, in view of the demographic and migration trends in certain regions and ULSG, result with dysfunctional ULSG. The inter-government transfers are especially important in view of the fact that the income from government grants (49%) and donations (1%) is on average almost identical to the revenue from the own municipal sources (general non-conditioned grants, that is shares of VAT and PIT which are around 10%; local taxes and fees which are around 24%, non-tax and non-capital revenue are at estimated 14%, and loans at estimated 2%) in the Republic of Macedonia in the past two years. This ratio is an indicator of the so-called fiscal autonomy which in our country is close to the European average. However, the fact that almost ¾ of the ULSG budget is from grants, non-tax capital grants, and non-conditioned grants from VAT and PIT, indicates to the need for continued analysis

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<sup>24</sup> An Assessment of Fiscal Decentralization, July 2007 and Financing Equitable Service Delivery For all Citizens, December 2008 – Member of the Working Group does not agree with this.

of these grants and their effect on reducing the disparities among ULSG. This argument is supported by the EC progress reports on RM, which indicate the need of further efforts to secure the financial sustainability of municipalities so that they can exercise the transferred competencies.<sup>25</sup>

### **1. General non-conditioned grants value added tax (VAT) and personal income tax (PIT)**

With the aim of strengthening fiscal autonomy and improving the ULSG development component, relevant stakeholders have been requesting an increased share of VAT and PIT for the municipalities, already for several years<sup>26</sup>.

The EC progress report on RM notes that the share of VAT transferred to municipalities remains insufficient for full realization of the new competencies<sup>27</sup>. The adequacy of this request needs to be analyzed bearing in mind the problems municipalities have to deliver the services as per article 22 of the Law on Local Self-Government. At the same time, it is important to condition such changes with the improvement of the financial management of the ULSG, primarily by improving the percentage of collected local taxes and the spending discipline, by stimulating municipalities to increase the development component in their local budgets, but also through the regional development index.

### **2. Capital grants**

Capital grants are an exceptionally important mechanism for reducing the evident disparities between ULSG in infrastructure. The model of mono-type municipalities where all ULSG have the same competencies yet they are different in terms of size, territory, and number of citizens, and most importantly, inherited infrastructure, make the capital grants likely the most important fiscal mechanism for reducing the disparities between the ULSG. As an illustration only, the Municipality of Vevchani is the smallest municipality in terms of number of citizens, with only 2.433 citizens, and it has the same competencies as the Municipality of Kumanovo which is the largest municipality in terms of number of citizens with 105.484 citizens. In this sense, the differences, that is the different capabilities of the municipalities with respect to the tax base, investment promotion, concessions, etc., are evident. However, the difference in the level of development of the communal infrastructure in the city-based ULSG, and between towns and rural areas, is a bottleneck in the process of decentralization. Therefore capital grants are important in the field of education, culture, child and social protection, sport, road infrastructure, water supply, waste water management, waste management, and other areas. Numbers indicate to a trend of reduction of the share of capital grants in the total capital expenditure of the budget in the period 2006-2015. With the revision of the 2015 budget, only 3.1% of the capital expenditures of the capital account are capital expenditures of the ULSG. The following table illustrates the relations between the budget of RM, the capital expenditures from the budget of RM, and the capital grants to the ULSG.

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<sup>25</sup> European Commission 2013 Progress Report on RM, page 3

<sup>26</sup> ZELS has been systematically requesting an increase of the share of VAT for the municipalities (despite the law in force which foresees gradual increase up to 4.5% by 2013) and increase of the share of the personal income tax from the current 3% to 30%.

<sup>27</sup> European Commission 2013 Progress Report on Macedonia, page 3



	2006	2007	2008	2013	2014	2015
<b>Total revenue from the RM budget</b>	104.044.000.000	119.608.000.000	144.706.000.000	149.291.000.000	155.554.000.000	166.842.000.000
<b>Total expenditure from the RM budget</b>	105.744.000.000	117.455.000.000	150.371.000.000	168.541.000.000	175.157.000.000	186.981.000.000
<b>Capital expenditure from the RM budget</b>	8.816.273.82	12.909.274.772	25.582.000.000	20.154.000.000	21.084.000.000	22.234.000.000
<b>Capital grants to ULSG</b>	941.029.852	1.037.713.791	1.170.300.000	870.444.000	783.438.000	684.643.000
<b>Share of the capital grants to ULSG in the capital expenditure in the budget</b>	<b>10,7%</b>	<b>8%</b>	<b>4,5%</b>	<b>4,3 %</b>	<b>3,7%</b>	<b>3,1%</b>

Source: Ministry of Finance, Budgets for 2006, 2007, 2008, 2013, 2014, 2015<sup>28</sup>

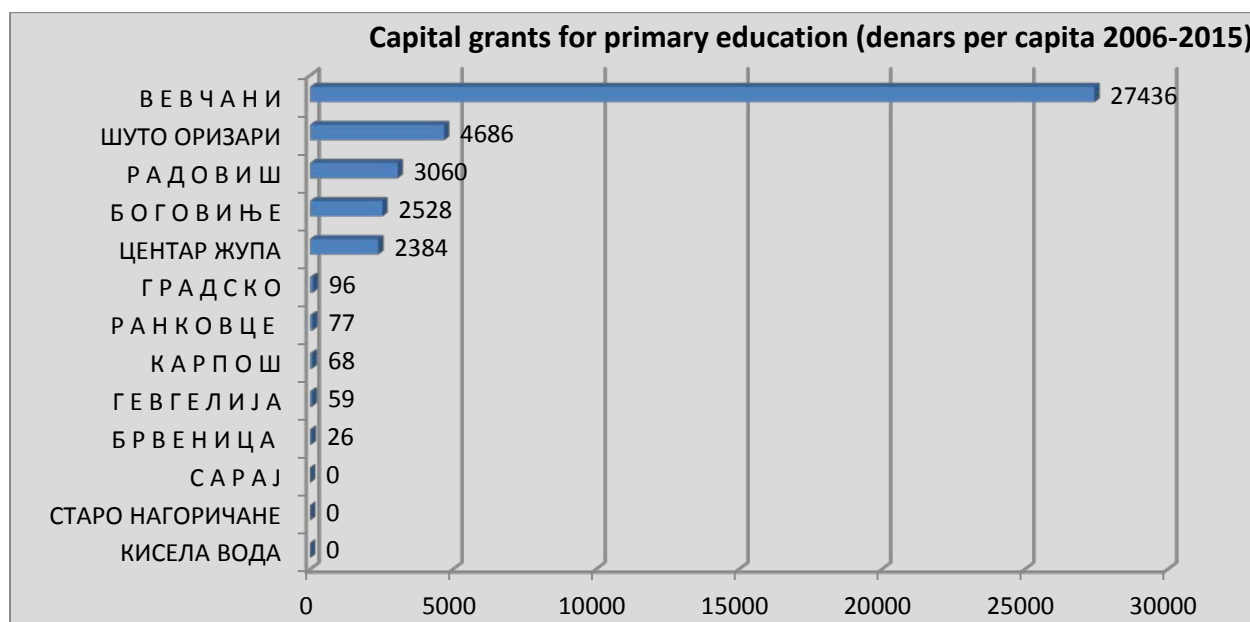
- **Capital grants by areas – education**

Education is a key component of socio-economic development therefore the capacity of the ULSG in which primary and secondary education is organized, is the basis for producing qualified labor force capable of facing the ever more complex challenges on the labour market. It is evident that there are differences in terms of school facility infrastructure; that there are differences in the amount of teaching staff; as well as in the pupil-teacher ratio, which influences the quality of the education process. In some ULSG there is a decrease in the number of pupils and underutilization of the teaching staff and the facilities, whereas in others the process of education is organized in several shifts due to the lack of infrastructure required for the real needs of the process of teaching. The report analyzes data from the Ministry of Education and Science on capital grants in the period 2006-2015. Data indicate that there are municipalities which have not received a single denar for building, upgrading, reconstructing, or repairing a primary school. Such municipalities are Saraj, Kisela Voda, and Staro Nagorichane; Brvenica has received 26 denars per capita, whereas Vevchani has received the most from this program, with 27.436 denars per capita,

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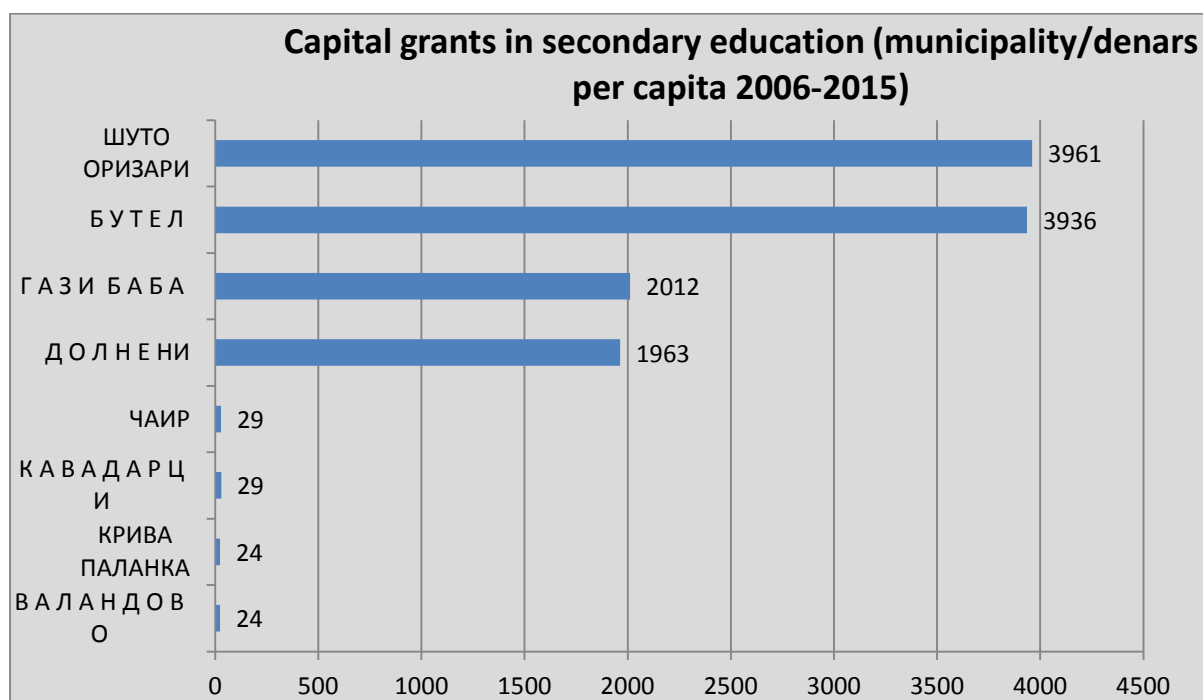
<sup>28</sup> According to a member of the Working Group the executed budgets should be analyzed.

followed by Shuto Orizari with 4.686 per capita, and Radovich with 3.060 denars per capita (see chart on capital grants for primary education).



Source: Calculated based on data from the Ministry of Education and Science

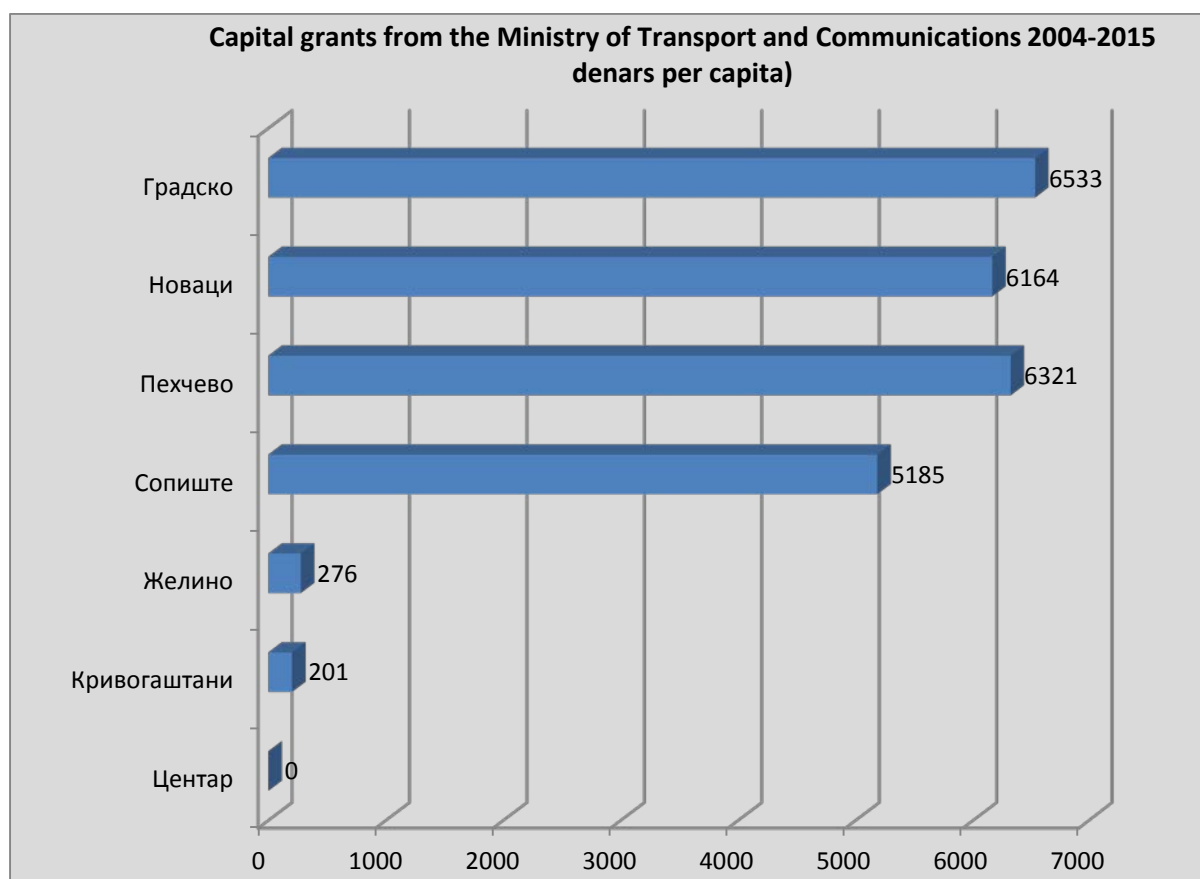
There are evident differences between ULSG also with respect to capital grants for secondary education. MES data indicate that in the past ten years of decentralization the largest recipients were Shuto Orizari with 3.961 per capita, Butel with 3.936 denars, whereas the smallest recipients were the municipalities of Valandovo and Kriva Palanka with 24 denars per capita, and Chair and Kriva Palanka with 29 denars per capita (see chart on capital grants in secondary education).



Source: Calculated based on data from the Ministry of Education and Science

- **Capital grants from the Ministry of Transport and Communications<sup>29</sup>**

In the 2005-2014 period, the Ministry of Transport and Communications realized capital projects worth 1.906.009.077 denars. This ministry provided data on the resources spent by municipality in the period 2005-2014. We requested from the Ministry of Transport and Communications information on the rulebook with the criteria for allocating these resources, but we did not receive a response. Based on the received data, there are differences between the municipalities in this respect. For example, municipalities such as Krivogashtani and Zhelino have received 201 and 276 denars respectively in the period 2004-2015, whereas the largest recipients were the Municipality of Gradsko with 6.533 denars per capita, and Novaci with 6.164 denars per capita (see chart on capital grants from the MTC 2004-2015). There are no rules, i.e. criteria for prioritizing the capital grants in this area<sup>30</sup>.



Source: Based on data from the Ministry of Transport and Communications

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<sup>29</sup> Comment by a Member of the Working Group does not agree with the analysis; according to them the capital grants should not be calculated on per capita basis.

<sup>30</sup> Comment by a Member of the Working Group - Subjective conclusion not based on data; if there is no information it does not mean that the level of investment is low and also the investment need across municipalities should be analyzed.

- **Social Protection - institutions for protection and education**

It is evident that the coverage of the institutions for protection and education is very important in building the social capital in local communities, through improvement of the perspectives and employment of women from the non-majority communities and rural areas, which is a vulnerable group in our society. The Strategy for Balanced Regional Development (2009-2019) notes that the low economic activity of women is a particular problem in 18 municipalities, and one of the most important barriers to economic development. One of the measures for increasing the share of women is the creation of institutions for child protection - kindergartens in the rural areas. In addition, access to these institutions is basis for better education results in the education process of future generations. Experience has shown that children who have been enrolled in these institutions demonstrate better results than children who have not. This was noted in the European Commission's 2014 progress report on the Republic of Macedonia, which underscored that there are still differences between the different ethnic groups and between the urban and rural areas<sup>31</sup> with respect to early child development and pre-school education. Municipalities such as Arachinovo (11.597 inhabitants), Bogovinje (28.997 inhabitants), Brvenica (15.855 inhabitants), Vrapchishte (25.399 inhabitants), Tearce (22.454 inhabitants), do not have institutions for shelter and education – kindergartens<sup>32</sup>. On the other hand municipalities such as Rosoman, Pehchevo, Cheshinovo and Obleshevo with significantly smaller numbers of potential beneficiaries (for example Tearce) do have such institutions<sup>33</sup>.

- **Balanced regional development**

One of the key mechanisms the RM uses to reduce the disparities in the development of the planning regions is the allocation of resources for stronger support to the less developed regions. The resources for balanced regional development are allocated in the following way: 70% for financing projects for the development of the planning regions, 20% for financing projects for development of the areas with specific developmental needs, and 10% for the financing projects for the development of villages. The resources for the planning regions are allocated across the regions according to the index of economic development and the demographic index which are adopted by the Government of RM<sup>34</sup>. The resources for financing projects for development of areas with specific developmental needs are allocated to units of local self-government which are in these areas. In addition, the resources for financing projects for the development of villages are allocated by regions, whereby each planning region receives an equal share<sup>35</sup>. These resources are allocated

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<sup>31</sup> European Commission 2014 progress report on RM, page 50

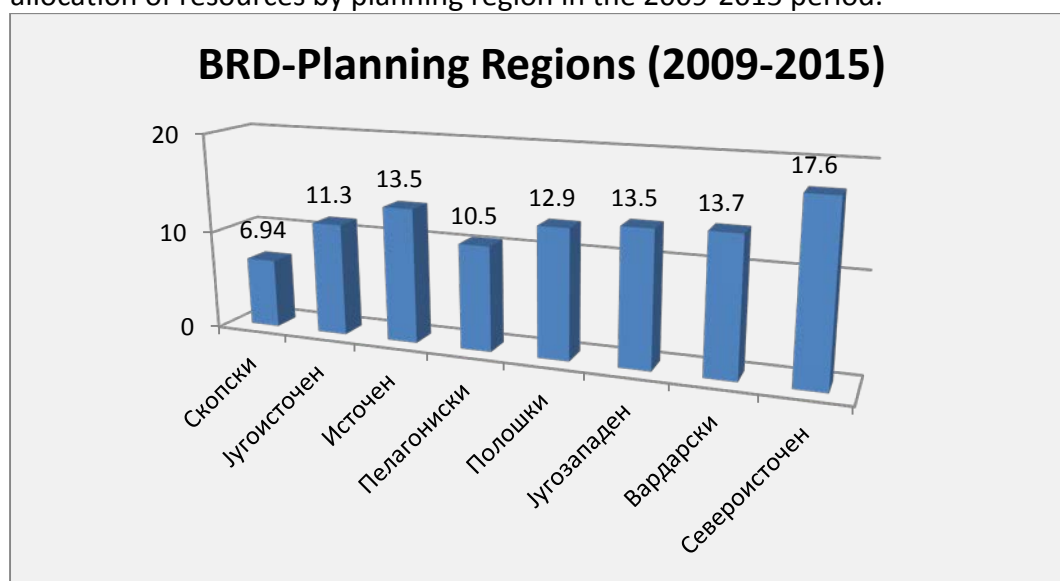
<sup>32</sup> Child protection institutions – kindergartens, State Statistical Office, 2014, <http://www.stat.gov.mk/Publikacii/2.4.15.03.pdf>, page 20,21

<sup>33</sup> Comment by a Member of the Working Group - New kindergartens were opened in rural areas in recent years; analysis is needed on whether there was interest in opening a kindergarten in the indicated municipalities.

<sup>34</sup> Decision on the Categorization of the Planning Regions Based on their Level of Development for the Period 2013 – 2017 (Official Gazette of RM, No. 88/2013).

<sup>35</sup> Law on Balanced Regional Development (Official Gazette of RM, No. 63/2007, 187/2013, 43/2014) articles 31,32,33

through the Department for Regional Development. The following chart presents the allocation of resources by planning region in the 2009-2015 period.



Source: Ministry of Local Self-Government

The allocation of 1% of GDP for support to balanced regional development is a responsibility set by law. In the past few years the budget resources allocated through the MLSG and the Department for RD have been increasing but they were nonetheless below the level of 1% of GDP. Despite the fact that the government has decided that the index of regional development for the period 2013-2017 should be taken into account in the planning and realization of capital grants (roads) and investment programs (everything else), there are no data based on which we could assess how much of these resources have been allocated to undeveloped regions/municipalities. This situation has been noted in the EC progress report on RM, which suggests that channeling of the provisions of the central budget is needed, as required by the Law on Balanced Regional Development, which has to date not been fully implemented<sup>36</sup>. In-depth analysis on whether and how this conclusion has been implemented in 2014 and 2015 is required, in order to more specifically identify the total amount of resources allocated for support to BRD.

- **Sport infrastructure**

A request was submitted to the Agency for Youth and Sport for information on capital grants by municipality in the area of sport, as well as information on the criteria for building such facilities in the municipalities. Unfortunately we did not receive a response from this institution on this question. The analysis of the public data on the web page of the agency indicates that 35 gyms, 50 support football fields, and over 100 sportsgrounds have been built in the municipalities in the Republic of Macedonia. The lack of criteria and the lack of ULSG involvement lead to situations whereby the constructed facilities are not an ULSG priority and need. The largest percent of gyms have been built in the Skopje and the East

<sup>36</sup> European Commission 2014 progress report on RM, page 38

region, whereas the smallest in the Pelagonija and the Polog regions (see table on gyms by region).

Table: Gyms by region

Regions	Vardar	East	Southwest	Southeast	Pelagonija	Polog	Northeast	Skopje	Total
Population	153659	178814	220840	173187	232959	317003	175442	609140	2061044
Gyms	1	5	2	3	2	5	3	14	35

Source: Web portal of the Agency for Youth and Sports, <http://www.ams.gov.mk/proekti/35-sportski-sali> (accessed on 11.10.2015)

An inclusive approach is needed so these facilities which are important for the well-being and the health of local communities are built with the involvement of the ULSG and the local communities.

- **Culture**

A request for information was submitted to the Ministry of Culture on capital grants and the methodology for these investments in this area. We did not receive a response from this institution on this issue. From the registry of institutions available from the publications of the State Statistical Office, it can be concluded that there is an evident difference between the municipalities in Macedonia with respect to culture and cultural activity, and cultural institutions between the urban and the rural ULSG, as well as between the City of Skopje and the ULSG from the hinterland.

- **Capital grants from the Agency for National Roads**

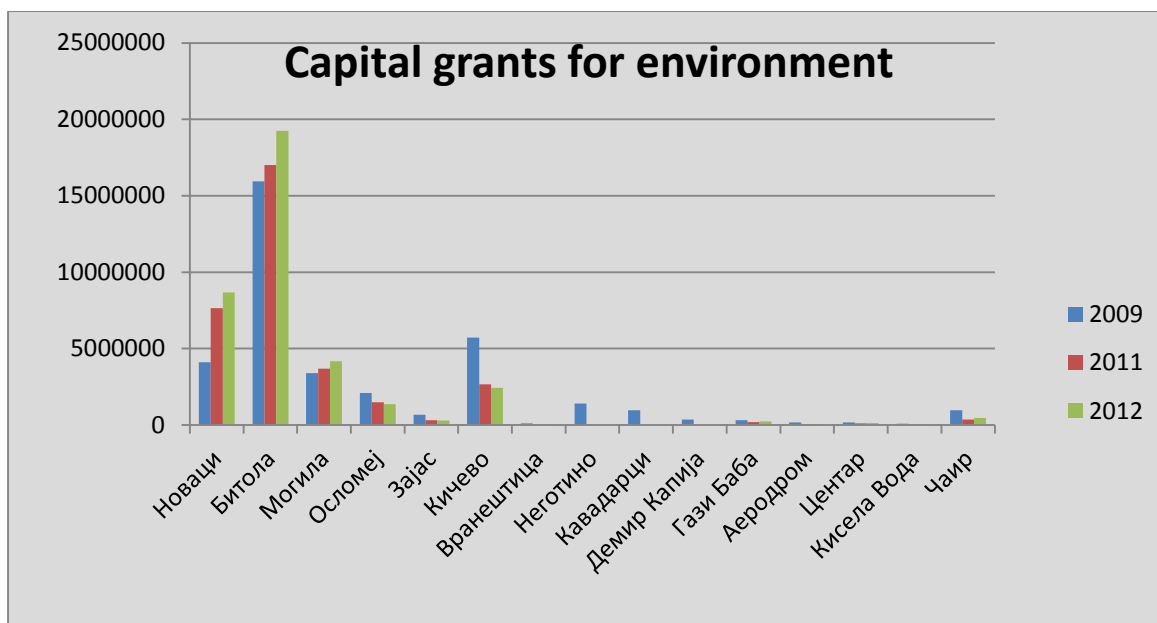
Each annual RM budget allocates financial resources for construction, reconstruction, maintenance, and protection of national and regional roads. In accordance with the Law on Public Roads, the government adopts an annual program for construction, reconstruction, maintenance, and protection of national and regional roads. Even though we requested it, we did not receive information from the Agency on grants to ULSG in the period 20005-2015 and on the methodology for allocating these grants.

- **Environment**

The Ministry of Environment supplied data on capital grants to ULSG allocated based on the decisions for allocation of resources on grounds of compensation for production of fossil fuel, in the form of block grants to municipalities in 2009, 2011, and 2012. A total of 107.259.870.00 denars were allocated from this program for projects in 15 municipalities, most of which were in the Pelagonija region, Kichevo, in the municipalities in the City of Skopje, as well as in the Vardar region. The projects included sewerages, water supply, improving water quality, cleaning of riverbeds and illegal dumpsites, building of parks, etc. The largest amount of 52.217.805.00 denars, according to data from the MESP was granted to the Municipality of Bitola<sup>37</sup>.

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<sup>37</sup> Review of capital grants from the MESP no. 02-7505/2 from 01.10.2015



Source: Ministry of Environment and Spatial Planning

- **Capital grants - concluding views**

Based on the data received, and on the lack of data in the area of capital grants, it can be concluded that the strategic goals, priorities, and criteria for selection of projects which are financed from capital grants are not clear. In addition, there is no data on how the relevant stakeholders such as the ULSG and ZELS are involved in the procedures for selection and allocation of the resources by the respective ministries and agencies. A confirmation of this argument is the EC progress report on RM which indicates that the capital investment projects realized by the ministries should be more transparent<sup>38</sup>.

The Program for Sustainable Development and Decentralization 2015-2020 focuses on this issue, in view of the priority of increased coordination in the financing of local grants for infrastructure. The lack of criteria and rules in the process of making decisions on capital grants has for several years been noted in the final reports of the authorized stated auditors on the bodies of government administration<sup>3940</sup>.

The lack of clear and precise procedures creates the image and the perception that the allocation of resources is not done based on specific and objective criteria and that the discretionary power of central level institutions can result with transfer of resources based on political or other influence, and not the real ULSG needs and priorities.

<sup>38</sup> European Commission 2014 progress report on RM, page 38

<sup>39</sup> Project on reconstruction and upgrade of JZU- financed through the Development Bank of the Council of Europe (23.000 Euros) and 2.5000 Euros from the budget of the Ministry of Health. Conclusion from the auditor's report: "there is no written procedure on the project realization which would define and coordinate the activities between the project unit and the ministry (Final report of the Authorized State Auditor, no. 27-204/12).

<sup>40</sup> The Government of RM and the Ministry of Health have been implementing the project for procurement of the most advanced medical equipment for the needs of public health institutions since 2008, with the aim of providing modern health care and improving the quality of health services. Conclusion: "The Ministry of Health should prepare a procedure for regulating the process of procurement and distribution of medical equipment for the public health institutions (Final Report of the ASA, no. 27-204/9)".

In addition, the principle of active approach of ULSGs through submission of project applications, disfavors the citizens of ULGs who do not have the capacity, or where the local political elites do not have the will and the interest in such projects.

The capital grants and the investment programs need to be transformed into capital grants based on objective distribution formula, which should include as a criterion the average municipal capacity for local revenue collection (average tax base). The municipalities which have below-average capacity (lower tax base – smaller population and less economic activity) yet invest a fiscal effort into getting more resources or investment, should have priority to those municipalities with above-average capacity for own revenue collection (stronger tax base). The normative basis for this approach is part of the policies for balanced regional development and in this phase it is necessary to define the mechanism for coordination between institutions, so that the coefficient of development of the planning documents is taken into account in the process of financing of capital grants. ZELS, as ULSG representative, has been requesting in its systematized positions that the capital investment be transferred to municipalities and that they autonomously decide which projects to realize with the available funding<sup>41</sup>.

### 3. Conditioned grants (block and earmarked grants)

The report also analyzed the block and the earmarked grants by municipality, with the aim of noting the differences in resources allocated to municipalities in 2015. The block-transfers finance the already existing institutions in the ULSGs. To this end, the block grants were analyzed overall, as well as specifically in the fields of education (block grants for primary and secondary education), culture, social protection (child protection and home for the elderly), as well as the earmarked grants for fire protection. There are large differences across municipalities with respect to block and earmarked grants per capita. An analysis of the RM budget for 2015 shows evident differences in the block and earmarked grant transfers to ULSGs.

Subsequently, municipalities such as Berovo (4.014 denars per capita), Brvenica (4.430 denars per capita), Tearce (4.408 denars per capita) are at the bottom of the list of grant recipients, whereas some ULSG receive grant amounts more than two times larger. This difference indicates to two moments. First, it is the disparity of services; in a large number of rural and small units of local self-government there are no facilities in the field of culture, child protection, homes for the elderly, or a firefighting unit, and consequently, these units do not receive resources for these purposes. This financing model which is based on the currently existing institutions and not on the competence/service places in an unequal position the municipalities which do not have inherited infrastructure. On the other hand it is interesting that there is an evident difference between municipalities such as Karbinci and Dolneni on one hand and Brvenica and Bosilovo on other, which get grants for the same purpose and based on the same methodology for primary education.

Municipalities	Denars per capita
Minimum	4014
Average	6680
Maximum	9926

<sup>41</sup> Systematized ZELS positions, 2014, page 3

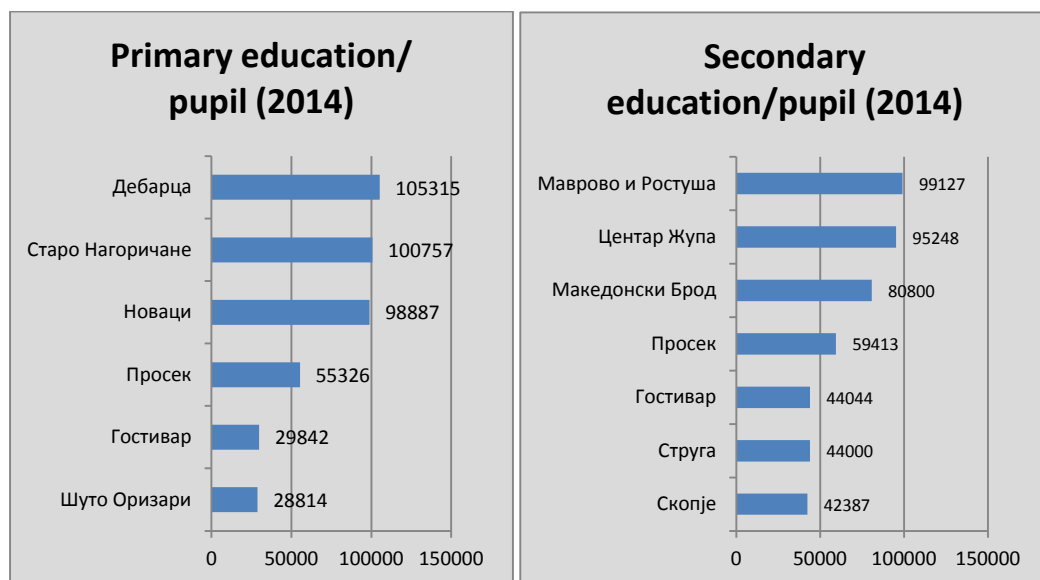


Source: Calculated from data from the Revision of the Budget of RM for 2015

Even though this calculation is not the most relevant because the block grants in many areas are based on the numbers of beneficiaries and not citizens, the data nonetheless reflects the unequal position of a certain number of ULSGs which due to the lack of infrastructure in a certain area do not receive resources for competencies which according to article 22 of the Law on Local Self-Government they should exercise<sup>42</sup>.

- **Education**

The competence in education is financed through block grants which are allocated to municipalities to which the right to found primary and secondary schools have been transferred, and which have met the conditions for being financed through block grants. The criteria for allocation of block-grants for primary education to municipalities include: basic amount per municipality, number of pupils in the municipality, number of pupils in school programs, number of pupils with special needs, and population density in the municipality. The criteria use the mechanism of thresholds (upper and lower threshold). The criteria for allocation of block-grants for secondary education by municipality and to the City of Skopje are: basic amount per municipality and the City of Skopje, number of pupils in secondary education and in the City of Skopje, and the number of pupils in vocational education in the municipality and in the City of Skopje<sup>43</sup>. According to MES data on 2014, there are evident difference between municipalities in terms of resources received per pupil. For realizing their competence in primary education some municipalities receive even three times more resources per pupil than other municipalities, whereas the ratio in secondary education is 1: 2.5 (see chart o primary and secondary education per pupil).



<sup>42</sup> Comment by a member of the Working Group - Not relevant such calculation.

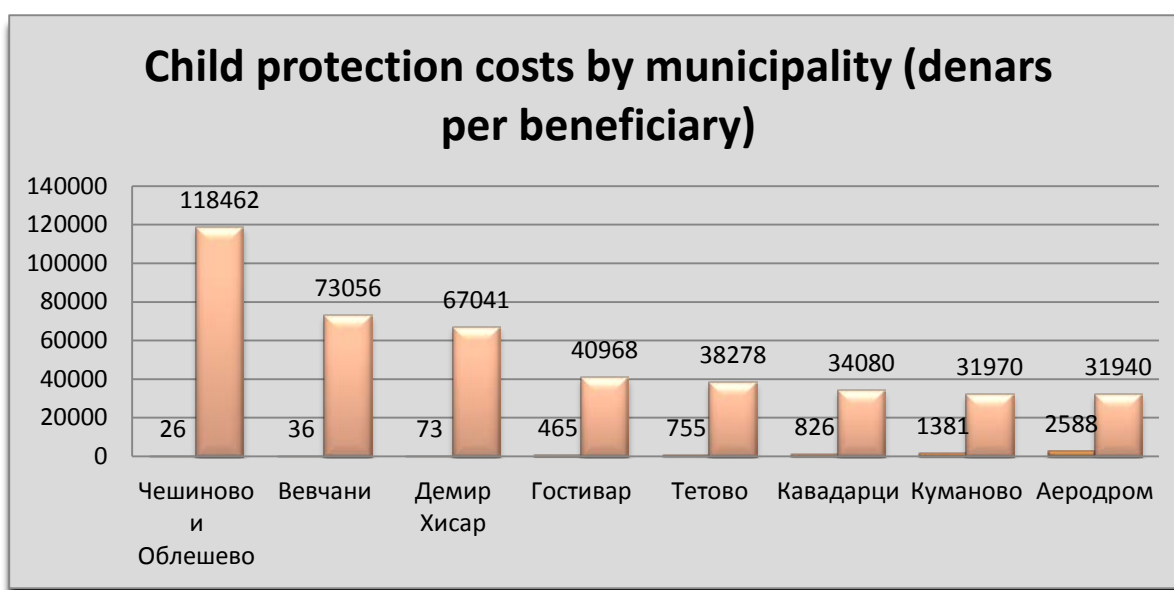
<sup>43</sup> Decree on the Methodology for Determining the Criteria for Allocation of Block grants for Primary Education to Municipalities in 2013, and Decree on the Methodology for Determining the Criteria for Allocation of Block Grants for Secondary Education to Municipalities and the City of Skopje in 2013, Official Gazette of RM, No 116, 19 September 2012.

Source: Calculation based on MES data

If on this data we add the fact that new debt keeps accumulating in this area, and that old debt is also not repaid and interest keeps accruing, due to which a large number of schools have their accounts blocked (around 50 schools at the time of writing this report), the need of additional analysis of the adequacy of the methodology and on the setting of additional criteria which would take into account the specificities of certain municipalities, is more than evident<sup>44</sup>. The lack of resources is noted in ZELS's systematized positions for 2014. The municipal debt for pupil travel and school heating alone, was over one billion denars in 2014<sup>45</sup>.

- **Child Protection**

The section on capital grants included an analysis of the infrastructure of child protection institutions, hence this section will only review a number of indicators related to institution costs and coverage disaggregated by ethnic affiliation. There is a large difference in the grant amounts per beneficiary in this area; due to economies of scale the costs are lowest in the ULSGs which provide services to larger numbers of children. In this sense, the highest expenses are in Cheshinovo and Obleshevo with up to 118.462 denars per beneficiary, and the lowest in Aerodrom with 31.940 denars (chart on child protection costs by municipality).



Source: Calculated based on data from the Budget of RM for 2015 and the State Statistical Office

There is an evident disparity in the geographic distribution of institutions of this type. According to the State Statistical Office a total of 30.107 children were enrolled in

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<sup>44</sup> Comment by a member of the Working Group - The allocation of the block grants is done based on criteria defined by MES and it does suffice to calculate only the total amount per pupil.

<sup>45</sup> Systematized positions of ZELS 2014, page 4

kindergartens in 2014, of whom 26.664 children were of ethnic Macedonian (e/M) affiliation, and 1.976 children were of ethnic Albanian (e/M) affiliation<sup>46</sup>. According to the same source, in 1.230 groups in these institutions activity is in Macedonian language, in 74 groups it is in Albanian language, in 6 groups it is in Turkish, in 2 groups it is in Bosnian, and in 1 group it is in Serbian language (see chart on kindergartens- language of activity per group)<sup>47</sup>. For illustration, in the municipalities of Aerodrom, Gazi Baba, Gjorce Petrov, Karposh, Centar, and Kiselva Voda in the City of Skopje, there are no Albanian language groups in the cradle section, the kindergarten, and the groups involved in extra-institutional forms of activity<sup>48</sup>. There are total of 4.087 employees in the child protection institutions, of whom 3.598 are e/Ms and 324 are e/As<sup>49</sup>.



Source: State Statistical Office

- **Earmarked grants – fire protection**

There is an evident difference with respect to earmarked grants between ULSG which are similar in terms of territory and population. For illustration, 6.040.000 denars of earmarked grant for fire protection was transferred from the 2015 budget to the Municipality of Struga which has 63.376 population and a territory of 469km<sup>2</sup>, whereas a grant of 9.415.000 denars was transferred to the Municipality of Ohrid which has 55.749 population and a territory of 392km<sup>2</sup><sup>50</sup>. Bearing in mind that we did not get a clarification on the methodology, the parameters based on which a municipality which has smaller territory and has 8.000 population less, receives almost 3.400.000 denars more in earmarked grant money for fire protection, are not clear.

- **Concluding remarks**

By financing infrastructure rather than competence across areas (social protection, culture) the most vulnerable social categories which are predominantly from rural areas, are excluded from access to services. This data is corroborated by the integral report on fiscal decentralization prepared by the Ministry of Finance, which notes that some municipalities receive higher grants per capita regardless of the population benefiting from these

<sup>46</sup> Child protection institutions – kindergartens, 2014, State Statistical Office, <http://www.stat.gov.mk/Publikacii/2.4.15.03.pdf>, page 12

<sup>47</sup> Ibid, page 22

<sup>48</sup> Ibid, page 26

<sup>49</sup> Ibid, page 15

<sup>50</sup> Ministry of Finance, <http://www.finance.gov.mk/mk/node/575> (accessed on 10.10.2015).

services<sup>51</sup>. Subsequently, some municipalities are in a disadvantageous positions, whereas others receive two time more resources for services than the average for the same service, which indicates to inefficient management of public finance<sup>52</sup>.

The conclusion deriving from this is that more in-depth analysis is needed of the methodologies for the allocation of block and the earmarked grants, in order to improve the objectivity, efficiency, and effectiveness of existing criteria. In addition ULSG specificities should be taken into account in order to respond effectively to beneficiary needs. There are studies and analyses which use simulation models and which represent a sound basis for reforming the current system of grants and financing of local services<sup>53</sup>.

## **II. GOOD GOVERNANCE**

The principles of good governance including transparency, participation, rule of law, accountability, effectiveness and efficiency, are a precondition for social cohesion at the local level. The mechanisms for improving the quality of services as well as the instruments for participation of individuals and collectives are the subject of the analysis in this section of the report.

### **• Inter-municipal cooperation for effectiveness and efficiency of local services**

The reduction of the number of municipalities and the enhancement of their capacity for service delivery and planning of local economic development was a key aspect of the local self-government reform in the Republic of Macedonia. According to the survey on local governance and delivery of local services, conducted by the Ministry of Local Self-Government at the end of 2013, part of the municipalities do not provide all the public services required by law<sup>54</sup>. The law on territorial organization and the Law on Local Self-Government broaden the capacities and the competencies of municipalities, however municipalities do not yet have equalized capacity for autonomous delivery of all the services, with equal effectiveness and efficiency. To this end the Law on Inter-Municipal Cooperation (adopted on 17 June 2009) defined the procedure for establishing this mechanism, even though it was initially foreseen with the Law on Local Self-Government. Inter-municipal cooperation requires an agreement between two or more local authorities for realization of common goals, delivery of services, or dealing with common problems, in order to ensure an economy of scale in the delivery of local services. Of the total of 80 municipalities in the Republic of Macedonia, 62 (77.5%) have established inter-municipal cooperation (IMC). Of the total of 62 municipalities which have established an IMC, 18 have established one inter-municipal cooperation, 22 municipalities have established two instances of inter-municipal cooperation, and 14 municipalities have established 3 instances of inter-municipal cooperation, whereas 8 municipalities have established 4 or more IMCs. In terms of numbers of municipalities per established IMCs, 24 IMVs involve 3

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<sup>51</sup> Fiscal Decentralization for Local Development integral study, Integral Report, Ministry of Finance, 2012, page 2.0

<sup>52</sup> Comment by a member of the Working Group – Does not agree with this argument.

<sup>53</sup> Financing Equitable Service Delivery for All Citizens“, Feasibility Study, Musharraf R. Cyan, Jorge Martinez-Vasquez, Ph., Andrey Timofeev, Ph.D., 2009, and Fiscal Decentralization for Local Development, Integral Study, Integral Report of the Ministry of Finance, 2012.

<sup>54</sup> Program for Sustainable Development and Decentralization 2015-2020, page 3

municipalities, whereas 20 IMCs involve 4 or more municipalities<sup>55</sup>. It is interesting that there is no example of establishing a joint public communal enterprise or an institution. Most of the cases of cooperation are project-based and they cease when the project ends. In view of the differences in municipal capacity, the possibility for introducing mandatory cooperation in certain local self-government competencies, such as environment, communal work, public transport, etc., is necessitated<sup>56</sup>. The possibility of financial incentives and support to inter-municipal cooperation in certain areas from the line ministries should also be considered, with a particular emphasis on promoting this instrument for encouraging cooperation between ULSG with different ethnic composition.

- **Equitable representation in the ULSG**

According to legislation, the principle of proportionate and equitable representation of community members who are not in a majority in the municipality, is applied in the process of hiring in the municipal administration, public enterprises, and other municipal public services, without prejudice to the criteria of skills and qualifications.

The mayor, who runs the municipal administration, makes an annual plan for proportionate and equitable representation of the members of non-majority communities in the municipality and submits it to the Agency for Civil Servants which checks the consistency of the plan with the agency guidelines. Equitable representation is an important component of inclusiveness and social cohesion in local communities. With the aim of obtaining a clear picture of the equitable representation at local level, we addressed the Ministry of Information Society and Administration with a request for information on the number of civil and public servants at local level, disaggregated by ethnic affiliation for each work position category. By the time of writing of this report, we did not receive a response.

- **Promotion of interethnic relations**

The legislative framework of the Republic of Macedonia (in accordance with the Ohrid Framework Agreement and the amendments to the constitution) foresees a central and local level body responsible for interethnic relations. At the local level the responsible bodies are the Committees for Inter-Community Relations which have demonstrated certain weaknesses in the preceding period. In view of the importance of this dimension of our social relations, they have been the subject of all international reports (Council of Europe, EC progress reports on the need to strengthen the capacity of the committees as requirement for timely harmonization of the problems in this area at the level of local self-government). The committees should have the expertise and the human resources required for submitting end-of-the-year reports to the municipal council on the state of inter-community relations, based on indicators such as structure and dynamics of hiring in the bodies of public administration, local public enterprises, activities financed by the municipality for affirmation of community rights, level of implementation of legal responsibilities related to use of language, symbols, as well as other issues of relevance to the preservation and strengthening of social cohesion at local level. The EC progress report

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<sup>55</sup> Existing Practices and Current Policies of Inter-Municipal Cooperation in the Republic of Macedonia, with Recommendation for Further Improvement, MLSG, 2014, page 3

<sup>56</sup> Comment by a member of the Working Group – Does not agree with this argument.

on RM notes that the potential for dialogue between communities at local level is not fully explored and that the local committees for inter-community relations do not have sufficient resources, that their role and competencies in relation to the municipal council are incorrectly defined, which leads to their underutilization<sup>57</sup>.

- **Use of languages in the ULSG**

The OFA lays the basis for use of the language of non-majority communities in addition to Macedonian. The language spoken by at least 20% of the population at central and local level is also an official language in addition to Macedonian. The OFA gives the right to any person whose language is spoken by at least 20% of the population to communicate with the both the central government institutions and municipalities (20% refers to the municipalities) in their mother tongue<sup>58</sup>. In 30 municipalities, in addition to Macedonian, a de jure official language is the language, written in its alphabet, of the ethnic community which makes up more than 20% of the population in the municipality. In 26 of these municipalities, the official language in addition to Macedonian, is Albanian, in 4 it is Turkish, and in one it is Serbian and Roma. In 18 of these 30 municipalities, the non-majority communities make up more than 50% of the population at national level. There is an evident need for institutional mechanisms for effective use of community languages in the areas defined by law but not implemented in reality. There is a general view that there are differences in the implementation of this OFA principle on use of other languages in addition to Macedonian, on account of lack of political will and lack of ULSG capacity. The EC progress report on RM notes that there is no clear mechanism of implementing the law on languages as well as that some institutions lack qualified and experienced translators<sup>59</sup>. Hence, an analysis of the causes (financial capacity, human resources, etc.) for the obstacles to the realization of this legally required municipal competence is needed.

The multilingualism in ULSGs is particularly important for strengthening transparency, with the aim of overcoming the possible language barrier for part of the citizens, in the timely and accurate provision of information on local problems. At the same time it should be understood and promoted as comparative advantage at national and regional level, related to the promotion of the local economic potential.

- **Participative bodies**

It is evident that the participative bodies foreseen by the legislative framework do not have the capacity and the support to realize their responsibilities prescribed by law. These bodies are of special importance for involving the various community segments in the process of planning and thereby they are exceptionally important for the process of social cohesion. To this end, encouragement and support to the work of the consultative bodies of the municipal council (consumer councils, committees for equal opportunities) is needed, but also to the work of the participative bodies in the various areas (education, urbanism, environmental protection, etc.). This argument is confirmed by the Program for Sustainable Development and Decentralization 2015-2020 and the action plan which defines special measures and activities for improving the effect of these participative bodies in the local

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<sup>57</sup> EC 2012, 2013 progress report on RM.

<sup>58</sup> Constitution of the Republic of Macedonia, amendment 5

<sup>59</sup> EC 2012 progress report on RM

communities, with particular focus on the participation of ethnic groups in the process of decision making.

- **Neighborhood communities**

A society without dialogue, without initiatives by citizens and associations, stops being a society and becomes a group of forcibly connected individuals, coexisting in a given space. The question of neighborhood communities is perhaps one of the most important and most complex issues, which is directly related to the problem of participation of citizens in the process of public policy, and it is a basic link in the democratization of the local community. The neighborhood communities can also be the basic platform for discussion of the urban plans, the need of communal infrastructure, the budget and the participatory budget, as well as the care for vulnerable categories in the local community. But most importantly, they can serve as a platform for communication between the members of different ethnic communities. In addition, there are many arguments about the self-sustainability and rationalization of certain municipal services which could be delivered to the citizens through the neighborhood communities. In some municipalities there are functioning neighborhood communities, whereas in others their role is insignificant. A consistent solution is needed to the problem of the urban neighborhood and the rural neighborhood communities in the Republic of Macedonia. The Action Plan for Implementation of the Program for Sustainable Development and Decentralization 2015-2020 includes measures and activities for harmonization of NC capacities at the level of ULSG.

- **Concluding remarks**

There is the need of analysis of the legal framework on inter-municipal cooperation in order to improve the delivery of local services.

The committees for inter-community relations continue to lack resources, and have an incorrectly defined role and competencies in relation to the municipal council, which leads to their underutilization. There is no clear mechanism for implementing the law on languages; in addition, some ULSGs face a lack of qualified and experienced interpreters.

In-depth analysis is needed of the bottlenecks in the functioning of the participative bodies set forth by the Law on Local Self-Government, of the participative bodies by areas, and of the local neighborhood communities, as a traditional nucleus of civic activism in the resolution of local level problems.

## PROPOSALS FROM A MEMBER OF THE WORKING GROUP

### Fiscal decentralization

#### **Identified problem/challenge**<sup>60</sup>:

Fiscal decentralization officially started on 1 July 2005. The process was implemented in phases and it was envisaged as a mechanism for financing municipalities based on objective criteria. Article 3 from the Ohrid Framework Agreement - on development of decentralized government, foresees the adoption of a specific legal framework which would enhance ULSG competencies, and would also ensure an appropriate system of financing in order to enable local authorities to exercise their competencies. The Law on Financing of ULSGs (Official Gazette 61/2004, 96/2004, 67/2007, 156/2009, and 47/2011) was adopted in September 2004 and amended in December 2004. Its implementation commenced after the local elections, on 1 July 2005. In 2009 the process of taking on debt was regulated, primarily in order to harmonize it with the Law on Public Debt. The same revision increased the share of VAT, with the following dynamics: 3.4% in 2010, 3.7% in 2011, and 4% in 2012, up to a total of 4.5% of the total collected VAT in the previous year, in 2013.

Additional amendments and revisions, as well as new laws related to the financing of municipalities ensued, but the results indicate to a large difference from the EU average, as well as the OECD and countries in the region. The OECD countries spend 13.73% of GDP at local level on average (data from 2012). Denmark has the lead with 36.66% of GDP, followed by Sweden with 22.8%, and Finland with 22.85%. As regards the ratio of local expenditure to the consolidated national level expenditure, the OECD countries spend up to 28.38% at the local level on average. Denmark again has the lead with entire 61.66%, whereas the last is Greece with 5.98%; Croatia spends 10.2%. At a regional level the total revenue of the municipalities in R. Macedonia are 5.6% of GDP which is less than in Serbia, Kosovo, Montenegro, Romania, and Bulgaria, and far below the EU27 average of 14% (data from 2010, NALAS).

#### **Proposed solution/strategy/intervention:**

In order to improve the situation and to enable municipalities to exercise their competencies effectively and to promote development, the total municipal expenditure should reach 14% of GDP, or around 27% of the total national level expenditure, over the next 5 years. This is the average of the OECD countries and European average for the lowest level of government. In order to reach this level, a strategy should be adopted for strengthening municipal capacity, improving of transparency, and development of control mechanisms. This level should be reached by both enhancing and improving the own

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<sup>60</sup> Comment by a member of the Working Group - The data is generally old and the methodology for calculating the share of GDP is not presented. In addition, municipalities receive earmarked, block, and capital grants from the RM budget, as well as 3% of the personal income tax of individuals.



sources of revenue, as well as through transfers, donations, access to financial markets, and other forms of financing.

**Specific activity to be implemented, by implementer:**

Government of RM, MLSG, MF, ZELS -Assembly of RM

**Fiscal Equalization**

**Identified problem/challenge**<sup>61</sup>:

Due to the difference in size of the units of local self-government, and other geographic circumstances, there are always municipalities which can provide the services required by law, such as primary and secondary education, and similar. The current fiscal decentralization which includes a permanent scheme of inter-government grants does not ensure an equal level of public service delivery to all citizens in the country. The current system and structure of local taxes and fees is such that rural municipalities have low tax capacity. The favoring of urban municipalities to rural ones resulted with growing disparities in the revenue from own sources between them, as well as between the municipalities in the City of Skopje and the remaining municipalities. The formula for allocation of the resources from VAT does not take into account the differences related to the capacity for increasing municipal revenue; none of the used criteria (population size, territory number of settlements) contains information on the fiscal capacity (tax base) of municipalities. The second problem with the system is that, paradoxically, the poorer municipalities get less money from the VAT fund than their well-off colleagues. This situation has worsened with the adoption of an “institutional” as opposed to “functional” decentralization, whereby some municipalities historically lack the required institutions and do not qualify for the inter-government grants. The block grants have been designed to finance the existing facilities (institutions); this approach practically excludes the remote and the rural areas where most of the poorest population in the country lives. On the other hand, some municipalities receive large grants per capita. The capital grants disbursed through the capital investment programs (education, culture, social protection, sports, and others) do not correspond with the real needs of the municipalities. The pro-active approach (an application by the ULSG is a condition) leads to inequitable allocation of capital investment

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<sup>61</sup> Comment by a member of the Working Group - The allocation of resources to municipalities is based on the criteria defined with the Decree on the Allocation of Resources for Earmarked and Block Grants, as well as with the decree on VAT grants, that is, the allocation is based on a formula with the defined criteria, whereby the allocation of resources to municipalities is transparent and non-discriminatory on any grounds. In view of this, we deem unfounded the argument that some municipalities are discriminated on ethnic or political grounds. In addition, we indicate that there are no permanent equalization grants, and we indicate that one of the criteria for allocation of resources to municipalities in the decree on VAT is the fixed amount of 3.000.000 denars for each municipality, which serves as an opportunity for the smaller municipalities to get more resources. The creation of a solidarity fund through the proposed revisions to the legal framework and the sources of financing, is unacceptable.

because certain municipalities do not apply and hence leave in an unfavorable position the citizens who do not receive the amount and quality of local service as in other ULSG. In addition, the lack of criteria and methodology for allocation of capital grants, which allows a total discretion to the central government body, without objective criteria, leaves room for suspicion and to the criticism expressed by discontent ULSGs, that some municipalities are discriminated on grounds of ethnic composition and political orientation. The current equalization grants do not take into account the differences in the capacity of the own sources of financing; this leads to differences in the level of service and the available resources at municipal level, especially between the urban and rural municipalities. Over the mid to the long term this will have serious consequences and it will result with dysfunctional municipalities, as well as with breaching of the constitutional order (the principle of equal access to services for all RM citizens).

**Proposed solution/strategy/intervention:**

The fiscal inequalities between rural and urban municipalities imply the need of fiscal mechanisms for addressing the disparities between municipalities, i.e. for fiscal equalization which would neutralize the economic disruptions which have resulted from the differences in municipal fiscal capacity, and would enable them to have the resources required for effective delivery of services to the citizens. To create two mechanisms; one solidary fund for the municipalities and one for the central government. The municipal solidary fund would be created by allocating 100% of PIT to municipalities, but the urban and the other well-off municipalities would transfer 70% of these resources in the equalization fund which would then be allocated to the municipalities which need it based on criterion. The central government would allocate 2% of the VAT for horizontal and vertical equalization between municipalities.

With regard to capital grants and investment programs, the existing investment programs should be transformed into capital grants based on an objective distribution formula; one of the criteria would be the average municipal capacity for local revenue collection (average tax base) and the municipalities with below-average capacity (weaker tax base – smaller population and less economic activity, which nonetheless make fiscal efforts for obtaining more resources of investment should have priority to municipalities with above-average capacity for own revenue collection (stronger tax base). Transformation of the capital investments into unconditional capital grants with an equalization factor for the ULSG, so that each ULSG has at disposal resources for reconstruction or upgrading of the existing facilities in the respective areas, or for construction of new facilities in accordance with their specific and priority needs.

**Specific activity to be implemented, by implementer:**

Revision of the legal framework, MF, Assembly of RM?

## **Increasing the share of VAT**

### **Identified problem/challenge**<sup>62</sup>:

Increasing of the amount of VAT, in addition to the conditioned increase of the share of VAT allocated to municipalities (4.75% for the municipalities which will generate own revenue of over 80% in 2016; 5.25% for the municipalities which will generate own revenue of over 85% in 2017; 6% for the municipalities which will generate own revenue of over 90% in 2018).

The share of VAT allocated to local units in RM remains insufficient for exercising all the municipality competencies (cited in the European Commission 2013 progress report on RM). Bearing in mind that certain municipalities face financial difficulties in the exercise of their competencies, whereas the part received from the VAT is one of the most stable and most important municipal incomes, increasing the share of VAT should be considered.

### **Proposed solution/strategy/intervention**:

Increasing the share of VAT with the aim of improving the fiscal autonomy of municipalities, which will also allow effective functioning of the municipalities and exercise of their competencies in accordance with the process of decentralization. It will also contribute to the creation of a municipal equalization fund which would reduce the disparities in the per capita revenue between municipalities.

### **Specific activity to be implemented, by implementer**:

Revision of the Law on the Financing of the Units of Local Self-Government

## **Increasing the share of the personal income tax**

### **Identified problem/challenge**<sup>63</sup>:

In comparison to other countries, the Republic of Macedonia is a country which allocates the smallest % of PIT to the units of local self-government, in Europe. The region, and the EU countries in particular, distribute at least 30% of PIT as an autonomous revenue for the municipalities (for example: Denmark allocates 22.2% to the municipalities, and 11.9% to the districts; Finland – municipalities have the autonomy to set the % but on average it reaches 18.3%, Germany: the federation – 42.5%, the regions, districts – 42.5%, and the municipalities – 15%; Sweden – 31.16% for the municipalities and the districts). Bearing in mind that certain municipalities face financial difficulties in the exercise of their competencies, the increasing of the share of PIT should be considered.

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<sup>62</sup> Comment by a member of the Working Group - As per the Decree for Allocation of VAT, the amount for 2016 is 4.5 of the VAT collected in the previous year. According to the Decree for Allocation of VAT, the basic criteria for the grant in 2016 are: 3.000.000 denars to each municipality, the number of inhabitants, the territory of the municipality, and the number of settlements in the municipality.

<sup>63</sup> Comment by a member of the Working Group - The current legislative provision of 3% of the personal income tax on individuals, should remain in force.

**Proposed solution/strategy/intervention:**

Increasing the share of PIT with the aim of improving the fiscal autonomy of municipalities, which will also allow effective functioning of the municipalities and exercise of their competencies in accordance with the process of decentralization. It will also contribute to the creation of a municipal equalization fund which would reduce the disparities in the per capita revenue between municipalities.

**Specific activity to be implemented, by implementer:**

Revision of the Law on Financing of the Local Self-Government Units

**ULSG revenue structure****Identified problem/challenge<sup>64</sup>:**

Although it is difficult to determine the municipal sources of revenue, the research conducted by NALAS and the WB indicates that in the case of the Republic of Macedonia there is a large disparity between the own sources of revenue and those received as conditional transfers. According to data by NALAS, up to 57% of the municipal revenue in the R. Macedonia is conditioned grants. According to this data, they are better compared only to Moldova, which uses 61% of such grants, in the entire SEE. For comparison, the own revenue is only 31% which is completely opposite to the situation with the municipalities in Montenegro which have 79% of own revenue and only 12% from conditional grants. This makes the municipalities highly dependent, which to a large extent suspends their autonomy. By being financially dependent, municipalities completely lose their role of fourth independent branch of government. In per capita terms, lead receivers of earmarked grants are the municipalities with e/M population, compared to the e/A, e/R, and e/T population. Although there is a mild improvement in recent years, this situation still persists (MCIC, 2011).

**Proposed solution/strategy/intervention:**

The structure of municipal financing should be changed in accordance with article 9.7 of the European Charter for Local Self-Government (1985), whereby the general grants will be given advantage compared to the earmarked grants. In the case of R. Macedonia the earmarked grants differ drastically across the ethnicity of the population (which is the majority in a municipality). A reasonable ratio between general and earmarked grants should be reached, which should enable autonomous decision making of the municipalities. The earmarked grants should be reduced to not more than 15% of the average total revenue of the municipalities at national level over a 5 year period. This measure will not be linear for all municipalities. Municipalities will need to be skilled in collection and creation of own sources of revenue, management and transparent handling of the money. The ratio of earmarked grants to municipalities with majority e/M population as opposed to municipalities of non-majority communities should be improved.

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<sup>64</sup> Comment by a member of the Working Group - Contradictory positions, given that an increase of the revenue from the central government is proposed through change of legislation, whereas this section proposes a greater autonomy for the municipalities and their independence from central government financing.

**Specific activity to be implemented, by implementer:**

The Government of RM, MLSG, MF, ZELS – Assembly of the RM

**Transfer of competencies by area****Identified problem/challenge**<sup>65</sup>:

Sub-point 3.1 to point 3 of the OFA, “Development of Decentralized Government” defines the principles of decentralization as well as the enhanced competencies of the local self-government:

“A revised Law on Local Self-Government will be adopted which will strengthen the authority of the local elected officials, and their competencies in accordance with the constitution (such as are the revisions in accordance to annex A) and the European Charter for Local Self-Government, which will reflect the principle of subsidiarity which is at present in force in the European Union. The enhanced competencies primarily relate to the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finance, education, social protection, and health protection. A Law on Financing of the Local Self-Government will be adopted to put in place an appropriate system of financing which will allow local authorities to exercise their competencies...”

The analyses conducted by various institutions, nongovernmental organizations, and internationally reputed institutions indicate that all the competencies were not equally transferred from the central to the local level. The smallest transfer of competencies was noted in the area of finance, security, sport and recreation, shelter, and health protection (see MCIC). Approximately the same results derive from the comparative analyses conducted by NALAS and the World Bank (WB), compared to the countries of SEE and the region (see WB, NALAS). A high level of competence transfer is observed in local economic development and education, while transferred competencies with favor towards the central government are found in the areas of environment, culture, and social and child protection (see MCIC). In the areas of culture and sports the transfer mainly involved institutions and facilities but not competencies and financial support.

**Proposed solution/strategy/intervention:**

To implement the principle of subsidiarity as per point 3.1 from the OFA and the European Charter for Local Self-Government (Council of Europe 985, article 4, page 3) in all areas where the local self-government according to this charter is the more appropriate provider

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<sup>65</sup> Comment by a member of the Working Group - The recommendation/opinion should not be accepted. Justification: The recommendation/opinion is not clear. It is also unfounded and improperly elaborated. Namely, it is not clear which analysis the proposal is based on, which is the areas, in which sense and to what extent “has the principle of subsidiarity not been implemented”, what should be corrected, and which are the expected effects. At one point it refers to a government conclusion from 2005 which is in the least unserious, since the situation with the transfer of competencies and resources since 2005 to date has changed significantly and it cannot be determined what the intention of the nominator was.

of these services. In the section on security, to harmonize the Law on the Police, and the Law on Internal Affairs, with the Law on Local Self-Government.

In the area of culture, sports, and social protection of children of pre-school age, to move from financing of institutions and facilities to financing of competencies. In these two areas to start implementing the government conclusion from 2005 when the detailed plan for transfer of competencies and resources was adopted.

**Specific activity to be implemented, by implementer:**

Government of RM, MLSG, MF, AMS, MLSP, ZELS- Assembly of RM

### **Spatial planning**

**Identified problem/challenge**<sup>66</sup>:

The long procedure for obtaining the consent from the central government in the adoption of urban plans. The ULSGs have a problem with the long and complicated procedure for adopting urban plans. The procedures for the “environmental impact assessment of specific strategies, plans, and programs” and the “environmental impact assessment of specific projects”, prescribed by the Law on Environment, are long and expensive for the municipal budget, because of the multiple charges (for preparation of a study, for submitting the study to the MESP, for issuing of B-licenses, feasibility study approvals), which requires the easing of the legislation in order to encourage investment in the country. As regards the adoption of urban plans, the problem with lack of resources for developing the plans is highlighted, especially in the rural areas, which is most often in relation to the mandatory requirement for new plans for the legalization of illegal dwellings.

**Proposed solution/strategy/intervention:**

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<sup>66</sup> Comment by a member of the Working Group Proposal: The recommendation/opinion should not be accepted.

**JUSTIFICATION:**

1. The problem with the lack of resources for development of urban plans, especially in the rural areas, has already been detected by the Government of RM, and it has already been overcome in that instead of an urban plan for a village, the municipality can adopt a general settlement act and the updated platform for the preparation of the act is prepared by the AREC free of charge.
2. The long procedure for preparing and adopting the urban plans is already being simplified as part of the revisions to the Law on Spatial and Urban Planning, prepared by the MTC.
3. The procedures for “Environmental impact assessment of specific strategies, plans, and programs, and environmental impact assessment of specific projects” have been defined as part of the process of approximation with the European legislation, which is a condition for EU membership, and thus they cannot be changed.
4. The adoption of urban plans as per the current legislation is a LSG competence and the Ministry has only been controlling the procedures for the adoption of these plans from the perspective of their compliance with the norms and standards or urban planning, and the mandatory directions from the higher-level plans (GUPs), and issuing its consent. If the control were to be conducted after the adoption of the plan, any inconsistency would cause additional costs to the ULSG and it would delay the implementation of the plan, which would be detrimental to the citizens living on that part of the territory of the municipality.

Revision of the legislation which is directly or indirectly related to spatial and urban planning, with the purpose of establishing effective practices of urban planning and organization, overcoming of the problem with the long procedures for obtaining consent from the central government in the adoption of urban plans, overcoming the problem of limited financial capacity and lack of human resources in the units of local self-government (lack of financial resources for adoption of urban plans), as well as creation of formal mechanisms for citizen participation in the procedures of urban planning (for example: SUP mandatory consultations with the citizens concerned by the SUP). In addition, the revision of the legal framework should also include the issue of simplification and shortening of the procedure for adoption of urban plans, decentralization of the planning, revision of the procedure for “Environmental impact assessment of specific strategies, plans, and programs and environmental impact assessment of specific projects”, in view of the length of the procedures and their cost; consolidation of the procedures and the municipal capacities for managing the unconstructed public land, resolving the challenges in the procedure for transformation of agricultural land in relation to urban planning, finalization of the procedures for determining the legal status of unregulated/illegal dwellings.

**Specific activity to be implemented, by implementer:**

Revision of the Law on Spatial and Urban Planning with the purpose of simplification and expediting the procedures for adoption of urban plans. Revision of the Law on Spatial and Urban Planning in order to transfer the adoption of urban plans to the ULSGs while the Ministry of Transport and Communications controls the procedures for adoption of plans.

### **Managing of agricultural land**

**Identified problem/challenge<sup>67</sup>:**

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<sup>67</sup> Comment by a member of the Working Group - The recommendation/opinion should not be accepted.

**JUSTIFICATION:**

1. As regards the request to determine legal grounds based on which municipalities will acquire the right to manage the agricultural land and pastures for the needs of rural development and promotion of agriculture, in accordance with the provisions of the Law on Agricultural Land (Official Gazette of the Republic of Macedonia, No. 135/07, 18/11, 148/11, 95/12, 79/13, 87/13, 106/13, 164/13, 39/14, 166/14, 72/15, 98/15 and 154/15) there is no legal basis for transferring the management rights to agricultural land in state ownership to the units of local self-government.
2. Changes to the Law on Agricultural Land have already been made, allocating part of the proceeds from the lease of state-owned agricultural land to municipalities. The proceeds are paid into a separate treasury account and are divided 50% for the Republic of Macedonia and 50% for the municipalities, the municipalities in the City of Skopje, and the City of Skopje, depending on the location of the leased agricultural land. The municipalities in the City of Skopje and the City off Skopje divide the 50% of the proceeds into 25% for the municipality in the City of Skopje, and 25% for the City of Skopje. The proceeds from the lease of state-owned agricultural land collected in the current year are allocated to the municipalities, the municipalities in the City of Skopje, and the City of Skopje, which have collected over 80% of the planned revenue from real estate property tax in the previous year, according to treasury data. These provisions will enter into force on 1 January 2018. Until they have entered into force, the allocation will be conducted:
  - from 1 January 2015 until 31 December 2015 with a ratio of 90% for the Republic of Macedonia, and 10% for the municipalities, the municipalities in the City of Skopje, and the City of Skopje;

To determine the legal grounds for the right of municipalities to manage agricultural land and pastures for the needs of rural development and the development of agriculture. Until this right is transferred, municipalities should be allowed to manage the agricultural land which is split up in parcels of up to two hectares and this right should belong to all the municipalities regardless if they are rural municipalities or rural areas of urban municipalities.

**Proposed solutions/strategy/intervention:**

The right to manage the agricultural land on behalf of the Republic will promote rural development, develop the municipalities, and stimulate local economic development. Until the adoption of this measure, the interim solution proposed is to give the small tracts which are predominantly in rural areas to the management of municipalities. These lots of land have in most of the cases been created by migration, in that they were left to the government in exchange for the right to a children's allowance. The number of these tracts is enormous, somewhere over 100.000, and at present they are either usurped or not cultivated.

**Specific activity to be implemented, by implementer:**

Changes to the legislation, MAF, ZELS, Assembly of RM

## **Forest Management**

**Identified problem/challenge<sup>68</sup>:**

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- from 1 January 2016 until 31 December 2016 with a ratio of 80% for the Republic of Macedonia, and 20% for the municipalities, the municipalities in the City of Skopje, and the City of Skopje; and
  - from 1 January 2017 until 31 December 2017 with a ratio of 70% for the Republic of Macedonia, and 30% for the municipalities, the municipalities in the City of Skopje, and the City of Skopje; and

Comment by a member of the Working Group - The proposal for transferring the management of state-owned agricultural land to municipalities will create larger disparities in view of the fact that the largest part of the state-owned agricultural land is in the urban municipalities.

<sup>68</sup> Comment by a member of the Working Group - The recommendation/opinion should not be accepted  
JUSTIFICATION:

1. As per the Law on Forests (Official Gazette No. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, forests enjoy special protection as natural assets of public interest to the Republic of Macedonia. The planning, management, and economic exploitation of the forests and the forest land are activities of public interest. The purpose of the adoption of the Law on Forests is to preserve permanently the territory under forests, which is also foreseen by the Constitution of the Republic of Macedonia, to increase the value of forests, and to ensure the strongest growth allowed by the natural conditions, as well as to ensure sustainable management, planning, commercialization, and maintenance of the forests and forest land in a way which permanently sustains their production capacity, biological diversity, regeneration ability, and vitality, in the interest of the present and future development of the economic, environmental, and social roles of the forests, without disrupting the ecosystem.
2. In terms of property type, forests are divided into forests in state and private ownership. The state-owned forests which have economic and protected character are managed by the public enterprise for management of state-owned forests, Macedonian Forests. The public enterprise meets the personnel, technical, and financial requirements for specialized and sustained conducting of the activity related



The current legal provision and the Law on Forests recognize only two types of forest ownership - state and private ownership. In reality around 90% of the forest is state-owned and the state forests with commercial value are managed by a public enterprise – Macedonian Forests. The protected state-owned forests are managed by the national parks (public enterprises) or the local self-government. The remaining 10% are in private or other types of ownership (for example, church land). There are over 200.000 tracts of forests which are owned by estimated 65.000 households, which on average comes to 0.6 hectares. With respect to importance, about 92% of the forest area has economic significance, and around 8% is protected. With the exception of some protected areas, municipalities have no competence in the management nor benefit from the management of forests despite the fact that they maintain the infrastructure for their economic exploitation. Municipalities do not have competencies over forestation and other structural measures for control, and protection from floods and other natural disasters. The Law on Forests does not have any provisions linking forestry to rural development and the diversification of economic activity, and there is no possibility for using the forests for tourism and agro-forestry, which closes the opportunities for accessing and utilization of funds for rural development.

### **Proposed solution/strategy/intervention:**

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- to growing, protection, planning, and use of forests, as well as work for organizing and maintaining of forest traffic lines.
3. The management of the forests in private ownership is done by the owners of private forests, while the service of commercialization of the forests in private ownership is provided to them by the public enterprise management of state-owned forests, Macedonian Forests. According to the same law, forests in the Republic of Macedonia are open to the public; citizens have free access to the forests for purposes of relaxation, rest, and leisure. As regards the proposed solutions, strategies, and interventions, in line with what was said above, in the Republic of Macedonia from a forestry point of view, there are two types of ownership, state and private ownership. There is no municipal ownership according to the Law on Forests.
  4. According to article 13 of the same law, and for the purpose of sustainable economic management of forests, it is prohibited to devastate, and clear the forests, as well as to permanently transform forest land, which means that there is no legal possibility for transforming forest into agricultural land.
  5. The management of forests for the purpose of protection from floods is also addressed in the Law on Forests, through a special Program for Expanded Reproduction of Forests, according to which resources for new forestation, forestation of bare and erosive land, melioration of degraded forests and thickets, and care for new forestation, are allocated each year.
  6. As regards the fire-protection of forests, the public enterprise for management of government-owned forests, Macedonian Forests, adopts an annual operational plan for fire-prevention which is approved by the Ministry of Agriculture, Forestry, and Water Economy. The operational plan consist of three sections, including preventive measures, preparation measures, and direct fighting of forest fires. The responsible institution for implementing this operational plan is the public enterprise for management of state-owned forests, Macedonian Forests, which has 30 branches and 2.500 employees. In addition to the public enterprise for management of state-owned forests, Macedonian Forests, a responsible institution for fighting of forest fires is also the Directorate for Protection and Rescue, which has four ER-tractors, airplanes for extinguishing of forest fires.
  7. The prevention of illegal tree cutting, as per the Law on Forests, is the competence of the forest police, which is operates under the Ministry of Agriculture, Forestry, and Water Economy, and of the area guarding by the forest guards of the public enterprise for management of government-owned forests, Macedonian Forests.

Comment by a member of the Working Group - The proposal will disrupt the current way of forest management, that is, the measures for forest protection, forestation, and prevention of illegal tree cutting, will not be realized uniformly.

Revision of the legal framework to give municipalities the right to manage forests (introduction of municipal forests, legal grounds for managing forests for the purpose of tourism and agro-forestry, special additional measures and the right to transform forest land into agricultural land, managing forests for the purpose of flood protection which is a municipal competence, forestation and re-forestation, measures for fire prevention, and prevention of illegal tree cutting and/or development of a standard procedure for involving the interested units of local self-government in the various consultative processes related to forest management) as well as to encourage municipalities to manage the lower categories of protected areas in accordance with the legislation on nature. Besides the protection of biodiversity on the territory of the local self-government, the aim is to promote local economic development, and especially rural development through the development of sustainable tourism in rural areas, creation of the basis for increased revenue through charging of the fees foreseen in the Law on Environmental Protection, promotion of local tourist locations, and to enable the usage of rural development funds, available through the EU funds, by the municipalities.

**Specific activity to be implemented, by implementer:**

Revision of the legal framework, MAF, ZELS, Assembly of the RM

### **Committees for Inter-Community Relations**

**Identified problem/challenge**<sup>69</sup>

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<sup>69</sup> Comment by a member of the Working Group - The recommendation/opinion should not be accepted. To implement the activity foreseen in the Action Plan of the Government of the Republic of Macedonia for Realization of the Program for Sustainable Local Development and Decentralization 2015-2020, for the Period 2015-2017, by the Secretariat for Implementation of the Ohrid Framework Agreement, for analyzing the situation and the legal framework for the CICRs based on which further steps would be planned.

**JUSTIFICATION:**

1. The proposal is based on the incorrect or the insufficiently elaborated arguments and assumptions presented in the chapter "History of the CICRs" where it is underscored that:
  - the committees for inter-community relations (CICRs) are created based on the Ohrid Framework Agreement (to indicate which part of the OFA leads to this conclusion),
  - CICRs are created to ensure equitable representation (the equitable representation is not part of the CICRs work according to the LLSG), and
  - CICRs are created to solve the issues of concern to ethnic communities (this body has an advisory role in the process of consultations on specific issues defined by law, which means that they do not have the mandate to decide but to provide an opinion)
  - There are no mechanisms for ensuring continuity in the work of the CICRs which resulted with interruption of their activity (it is not clear what mechanisms the nominator has in mind; based on what has been determined that the CICRs have stopped working; is this a suspension of CICR work in all or only in some municipalities, etc. In any case since the creation of the conditions for the work of these committees is a legal responsibility, not an entitlement, each municipality is responsible to respect it.).
2. As regards the proposed amendments to the Law on Local Self-Government, we consider them to be unfounded. Specifically, given that this is a systemic law which sets the basis for the establishment and the functioning of the overall system of local self-government, thereby respecting the independence of the units of local self-government, it does not regulate procedural issues, which are left to each local community to regulate in accordance with its conditions and needs. We emphasize that several years

The committees for inter-community relations are an important instrument for promotion of inter-community dialogue as well as for participation of citizens in the process of local public policy making. The enhancing of the role of the CICRs will allow citizens who are members of the non-majority communities in the Republic of Macedonia to fully realize their rights at the local level. While the Law on Local Self-Government defines the CICRs as permanent advisory bodies to the municipal councils on issues of relevance to interethnic relations, after the 2009 elections most of the committees have been nonfunctional and are facing a lack of capacity and support for effective exercise of their mandate. This model does not allow formal mechanisms of horizontal and vertical coordination with the relevant institutions: the SIOFA, the Committee on Prevention of Discrimination, the Ombudsman, and the Agency for Community Rights Realization.

**Proposed solution/strategy/intervention:**

Change of the legislative framework for the purpose of formal vertical coordination with the central-level Committee as well as the other institutions. The SIOFA should have the mandate to analyze the legal framework which regulates the position, competencies, organization, and financing of CICRs, the monitoring of the adherence to the legal framework in the area and the representation of the committees at the local level (this is the model of the committees for equal opportunities between women and men in the Republic of Macedonia, where the role belongs to the Ministry of Labor and Social Policy). The change of the legal frame for selection of committee members, their mandate, and the responsibility of the councils to request an opinion from the committee on inter-community relations, the resolving of the issue of committee financing (% of the local budgets and the central budget).

**Specific activity to be implemented, by implementer:**

Revision of the legal frame regulating the position of the CICRs – Assembly of RM

**PROPOSALS FROM A MEMBER OF THE WORKING GROUP<sup>70</sup>**

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ago this proposal was already reviewed and it was not accepted by the Committee for Inter-Community Relations of the Assembly of the Republic of Macedonia.

3. As regards the state of the CICRs, according to the Action Plan of the Government of the Republic of Macedonia for Implementation of the Program for Sustainable Local Development and Decentralization 2015-2020, for the Period 2015—2017, the Secretariat for the Implementation of the Ohrid Framework Agreement is responsible to conduct the following analyses in 2016, related to the future steps for improving the status and the functioning of the CICRs:
  - Analysis of the current situation: competencies, composition, election of members, scope and mode of decision making, financing and administration of the committees for inter-community relations (by municipalities)
  - Analysis of the legal frame determining the position, competencies, organization, and financing of the work of the committees for inter-community relations, with recommendations/opinions for its improvement.

Only on the basis of such a comprehensive analysis can a proper recommendation/opinion on the direction for improving the functioning of the CICRs be made.

<sup>70</sup> GENERAL CONCLUSIONS AND RECOMMENDATION/OPINION BY A MEMBER OF THE WORKING GROUP

1. In general we think that the recommendations/opinions exceed the mandate of the working group which was supposed to focus on the implementation of the Ohrid Framework Agreement,

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specifically on its part 3. Development of Decentralized Government, and on social cohesion, and its annexes A and B which focus on this area, and not on decentralization as a process, because this is not part of the agreement. From this point of view, the proposal submitted by the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA) exceeds the framework agreement and it gets involved with assessment of the implementation of specific sectorial policies which are developed based on the established system of governance and the directives of the European Union, and not on questions related to the system of local governance in the Republic of Macedonia.

2. It is obvious that the prepared material is based on various (most often) unidentified sources of information, and that the proposals are excerpts from various opinions, recommendation/opinion, and similar, prepared for the needs of various institutions, nongovernmental or other organizations, from an unidentified time period and based on unknown (if any) methodology. Part of the justifications for the proposed recommendations/opinions rest on general references to various material (some comparative analysis, reading, etc.) without specific identification of the material, the time it was prepared, and its purpose. There is even the example when one of the proposals, cites as a reason for the proposed activity under point 1. Transfer of competencies by area, in the section on proposed solution/strategy/intervention, an outdated conclusion of the government from 2005, without any specific explanation why we should go 10 years back, after having implemented intensive reform in this area. The proposals are general, such as for example “to implement the principle of subsidiarity in accordance with the European Charter for Local Self-Government”, without a specific indication as to in which area and scope it should be implemented, or explanation of the lack of respect for this principle. Or, we have conclusions such as “high level of transferred competencies .....(see MCIC)”, etc.

3. The lack of specific analysis for assessing the type and scope of implementation of the framework agreement, based on a consistent methodological approach, which would result with clear findings, and specific recommendations/opinions for making future policies, is a significant flaw of the material supplied by SIOFA, as well as the material supplied by the OSCE.

4. The analysis of ad-hoc recommendations/opinions or of material prepared by ministries and other institutions for their purposes in different time periods cannot provide an answer to the current state of the system of local self-government in the Republic of Macedonia.

5. It is beyond dispute the promotion of sustainable local development, good local governance, and the creation of conditions for more active, more effective, and more innovative role of local authorities has been a strategic objective of the Republic of Macedonia since 1999 (when the first Strategy for Reform of the System of Local Self-Government was adopted) to present day, and as a result, six short term program documents on this issue have been adopted in this period.

6. It is also undisputed that the framework agreement overall, and in this sense its part 3. Development of Decentralized Government has long been a completed process, and as such it has been assessed by the international community and the Council of Europe<sup>70</sup> as a process “which has achieved significant progress in its implementation”, which was also noted in the opinion of the European Commission provided in response to Republic of Macedonia’s EU membership request.

7. Undisputedly, the development of local self-government as a system was part of the framework agreement, due to the fact that it is “essential for encouraging the participation of citizens in democratic life, and for promotion of respect for the identity of communities”<sup>70</sup>, which is clearly related to the good governance at local level.

8. In view of the aforesaid, we propose that the Program for Sustainable Local Development and Decentralization in the Republic of Macedonia 2015-2020, as a basic planning document of the Government of the Republic of Macedonia for future development of the local self-government in the country, is taken as basis for the recommendation/opinion to result from the effort of the working group. This document has been prepared based on a sound methodology and an intensive consultative process which lasted for over a year.<sup>70</sup> In this sense, an effort should be made to use the recommendation/opinion on democracy and good local governance, related to the activities from the Action Plan for Implementation of the Program for Sustainable Local Development and Decentralization 2015-2020, for the period 2015-2017.

#### General remarks:

In view of the fact that the working group could not at any time achieve consensual views on the issue, the work methodology, and the possible objections, as well as in view of the discussions which took place in

## Capital grants

### **Identified problem/challenge:**

Lack of transparency in the process of allocation of capital grants by the line ministries and the need of centralized records of the transfers to the units of local self-government for financing of investment projects.

### **Proposed solution/strategy/intervention**

Regular systematized publishing of data on the allocated capital grants to the units of local self-government.

### **Specific activity to be implemented, by implementer:**

Ministry of Finance/line ministries/ZELS

## Block grants

### **Identified problem/challenge:**

Indication of lack of resources for financing of the competencies from art. 22 from the Law on Local Self-Government, which are to be financed through block grants.

### **Proposed solution/strategy/intervention:**

Revision of the criteria in the methodologies for allocation of grants and transfer to the units of local self-government.

### **Specific activity to be implemented, by implementer:**

Ministry of Finance/line ministries/ZELS

### **Local neighborhood communities**

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all of the working group sessions, we believe that the report should be re-written. Specifically, the report only notes but it does not take in consideration:

the positions, proposals, and guidance by most of the group members, expressed orally during the group sessions, as well as in writing, the general conclusions and recommendations/opinions submitted by the coordinator of the thematic working group, the Team Leader, expressed orally on several occasions during the group work, as well as in writing, the fact that no member of the group has either the mandate or the authority to analyze the data produced by the various institutions, bodies, or nongovernmental organizations and based on these data to produce recommendation/opinion related to the creation of national policies, which are beyond the mandate of the organizational structure and the institution they are employed with.

Based on this we propose that the new report be structured into three parts:

- Part one which will provide a summary of all the discussions, conclusions, and proposals by the members of the working group, in their capacity of experts in their respective fields.
- Part two which will include: The results of the analysis conducted by the various experts of the data delivered by various institutions. Each finding should include a reference with information on who are the experts who prepared it, based on which data and methodology, etc.
- Part three (annexes), which will include: the proposals, including the comments by the ministries, the review of analyzed documents.

This would provide a clear picture of the group's work and it will help avoid the perception which emerges while reading the draft text, that it represents the views of the thematic working group which are not consistent with the situation on the ground.

**Identified problem/challenge:**

Insufficient use of the local neighborhood communities as forms of direct citizen participation, due to their legal status.

**Proposed solution/strategy/intervention:**

To revise the Law on Local Self-Government to restore the status of legal persons to the local neighborhood communities and promotion of cooperation between the municipal bodies and the local rural/urban neighborhood communities.

**Specific activity to be implemented, by implementer:**

Ministry of Local Self-Government, ZELS

**List of sources and data consulted during the preparation of the report:****Data**

- Block grants by municipality, supplied by the MES
- Block grants by municipality, supplied by the MLSP
- Information on the number of pupils by municipalities, supplied by the MES
- Capital grants by municipality, supplied by the MESP
- Capital grants by municipality, supplied by the MES
- Capital grants by municipality, supplied by the MLSP
- Data on inter-municipal cooperation, supplied by the MLSG
- Data on balanced regional development, by MLSG
- Budget of RM, 2010, 2011, 2012, 2013, 2014, 2015, Ministry of Finance, <http://www.finance.gov.mk/mk/node/575>

**Reports, publications, planning documents**

- Report on citizen satisfaction, 2014, MLSG
- EU Progress Reports on RM, 2010, 2011, 2012, 2013, 2014
- Data from the State Statistical Office
- Systematized Positions of ZELS, 2014
- Program for Sustainable Local Development and Decentralization in the Republic of Macedonia 2015-2020
- Action Plan for the Implementation of the Program for Sustainable Local Development and Decentralization 2015-20120, for the period 2015-2017
- Existing Practices and Current Policies of Inter-Municipal Cooperation in the Republic of Macedonia, with Recommendations for Further Improvement, MLSG, 2014

- Fiscal Decentralization for Local Development, Integral Study. Integral Report, Ministry of Finance, 2011
- Financing Equitable Service Delivery for All Citizens“, Feasibility Study, Musharraf R. Cyan, Jorge Martinez-Vasquez, Ph., Andrey Timofeev, Ph.D., 2009
- Stiglitz, J., A. Sen and J-P Fitoussi (2009) Report by the Commission on the Measurement of Economic Performance and Social Progress. [http://www.stiglitz-senfitoussi.fr/documents/rapport\\_anglais.pdf](http://www.stiglitz-senfitoussi.fr/documents/rapport_anglais.pdf)
- Institutions for Child Protection-Kindergartens, 2014, State Statistical Office, <http://www.stat.gov.mk/Publikacii/2.4.15.03.pdf>
- Macedonia in Numbers, 2015, State Statistical Office
- Final Report, ASA number 27-204/9
- Final Report, Authorized State Auditor 29-205/10
- Operational Program for Decentralization 2003-2004 (OPD 2003-2004)
- Program for Implementation of the Process of Decentralization 2004-2007 (PIPD 2004-2007)
- Program for Implementation of the Process of Decentralization 2008-2010 (PIPD 2008-2010)
- Program for Implementation of the Process of Decentralization 2011-2014 (PIPD 2011-2014)
- Strategy for Balanced Regional Development 2009-2019

## Legal Framework

- Constitution of RM
- Ohrid Framework Agreement
- Law on Local Self-Government (Official Gazette of RM, No. 5/2002)
- Law on Territorial Organization of the Local Self-Government (Official Gazette of RM, No. 55/2004)
- Law on the City of Skopje (Official Gazette of RM, No 55/04)
- Law on Territorial Organization of the Local Self-Government in the Republic of Macedonia (Official Gazette of RM, No. 55/2004, 12/2005, and 10/2014)
- Law on Financing of the Units of Local Self-Government (Official Gazette of RM, No. 61/2004, 67/2007, 156/2009, 47/2011)
- Law on Inter-Municipal Cooperation (Official Gazette of RM, No. 79/2009)
- Law on Balanced Regional Development (Official Gazette of RM, No. 63/2007, 187/2013, 43/2014)
- Law on the State Inspectorate for Local Self-Government (Official Gazette of RM, No. 58/2010, 187/2013, 43/2014)
- Law on the State Inspectorate for Local Self-Government
- Decree on the Methodology for Determining the Criteria for Allocation of Block Grants for Primary Education by Municipality for 2013 and Decree on the

Methodology for Determining the Criteria for Allocation of Block Grants for Secondary Education by Municipality and for the City of Skopje for 2013 (Official Gazette of RM, No. 116//2012)

- Decision on the Categorization of the Planning Regions Based on their Level of Development for the Period 2013-2017 (Official Gazette of RM, No. 88/2013)



### **Annex 3: Working Group Report on Equitable Representation**

# OFA Review on Social Cohesion

## *Equitable Representation*

### **Disclaimer**

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Equitable Representation as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на соодветна и правична застапеност од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиноот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të përfaqësimi i drejt dhe adekuat si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.

## Executive Summary

As an aspirant country for membership in the EU and NATO, Macedonia faces the challenge of implementation of the undertaken international obligations in the field of the rights of communities and establishment of a balance between the requirements of members of the communities and the capacities of local institutions for their application and enabling social cohesion.

Cohesive society means a society where all groups have a sense of belonging, participation, inclusion, recognition and legitimacy. Key pillars of equitable representation<sup>71</sup> towards social cohesion are participation of members of communities in political and public life, participation in economic and social life and education. It is important that equitable representation of communities is ensured in the state bodies and other public institutions at all levels.

As for establishing equitable representation in the public sphere, the lack of unified, centralised and reliable data collection in this area remains a major challenge. Presently available data allows for a partial assessment at best, thus merely offering an indication or trend, taking into account the lack of new Census data and the unavailability of exact data on the actual overall amount of employees in the public sphere. As such, we can assess only on the partial basis of numbers collected by the Ombudsman (accounting for about 108.848 employees)<sup>72</sup> and SIOFA (aggregating data for about 130.329 people employed)<sup>73</sup>. These numbers indicate a communal representation of 18.4% ethnic Albanians (e/A), 1.8% ethnic Turks (e/T), 1.6% ethnic Serbs (e/S), 0.2% ethnic Vlachs (e/V), 0.5% ethnic Bosniaks (e/B), 1.2% ethnic Roma (e/R) and 0.8% “others” as compared to the ethnic Macedonian (e/M) community represented with 75,6%. This indicates an imbalance in the ratio to the total population in the country, as starting and measuring point of the implementation and compliance with equitable representation.

Compared with the previous years, there has been some progress regarding the application equitable representation. In order to maintain social stability in the country, the party in power of the majority community respects the quota system for employment of members of non-majority communities, but simultaneously employs as much, if not more members of the majority community. This makes the policy for equitable representation unsustainable.

The application of the principle of equitable has stalled at both central and local level. If we compare the data on the representation of central and local government, we can conclude that the situation is almost identical. In central level representation of ethnic Macedonians is 72.98%, while of ethnic Albanians 21.78% whereas on local level the representation of ethnic Macedonians is 71.34% and of the ethnic Albanians 17.9%.

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<sup>71</sup> The principle of fair representation is enshrined in point 4. of the Ohrid Framework Agreement and tends to create socially cohesive society which will enable equitable treatment of all persons in Macedonia

<sup>72</sup> The Ombudsman's report covers the state administration bodies, autonomous bodies and organizations, local government, health, cultural and educational institutions, courts and prosecutors' offices and other facilities and services under supervision authority of the Ombudsman. From 1077 institutions requested to submit data, this report presents the data submitted by 1062 institutions and 15 institutions have not submitted data on equitable representation of communities.

<sup>73</sup> The Report on equitable representation of the Secretariat for Implementation of the Ohrid Framework Agreement for 2014 builds on data requested from 1280 institutions of the public administration. Out of these institutions, 1192 institutions have submitted data and 88 institutions have not provided data on equitable representation of communities.

Data show that the statutory level of equitable representation has still not been achieved especially in the managerial structure of employees both at central level and at local level. The current situation in managerial positions counts 81.41% ethnic Macedonians and 14.4% ethnic Albanians at the central level, and at local level 78.41% ethnic Macedonians and 17.9% ethnic Albanians.

Especially worth noting is the fact that there are institutions where equitable representation is over 40% but there are as well institutions where equitable representation is below 10% . The same applies to the application of the principle on managerial positions. The representation on managerial positions varies also from institution to institution. For example, in the ministries there is a difference on the representation depending on the ministry. In managerial positions ethnic Albanians are mostly represented in the MLSG (38.5%) and ME (25.5%) and least in MAFWE (5.4%), MISA (5.9%) and MF (7.8%). Other ethnic communities mostly represented in managerial positions are in the following ministries: ethnic Turks in MC (2.4%) and ME (21%); ethnic Roma in MLSG (7%); ethnic Serbs in MISA (5.9%) and MSP (4.7%); ethnic Vlachs in MLSP (4.7%) and ethnic Bosnians in MP (2.5%). This largely depends on the governance structure of the institutions and points out to the selective application and compliance of the principle of equitable representation by institutions.

There are certain problems in the application of principle and expectations for their overcoming are placed largely in the implementation of the new legal framework for employment. Among the key problems that have arisen so far are politicization and partisanship (and creating new positions on social or political basis) on account of the merit system.

## **1. Introduction**

The social cohesion is a key framework that enables to examine the factors ensuring coexistence of the communities' members. Although there is no generally accepted definition, it can be concluded that a cohesive society means a society where all groups share the feeling of "belonging, participation, inclusion, recognition and legitimacy"<sup>74</sup> (Janson, 1998).

Hence, the members of ethnic communities should have a real opportunity to realize and articulate these aspects of the social cohesion in the country.

The principles of fair representation as stipulated in the Ohrid Framework Agreement, tends towards the creation of socially cohesive society through the realization of all dimensions in Macedonia. This principle is contained in section 4.1 Non-discrimination and equitable representation, stating that the principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises. The equitable representation is also addressed in section 4.2 where it is envisaged that laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning integrity and

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<sup>74</sup> The sense of belonging means to be part of a wider community, trust in other people, and mutual respect for both, the rule of law and the civil and human rights. Inclusion means equality of opportunities and outcomes, in terms of participation in the labor market, income, education, health and housing. Participation means taking part in social activities, in groups and organizations, as well as in the public and political life. Recognition implies respect of groups' diversity, protection from discrimination and harassment, and a sense of security. Legitimacy implies trust in public institutions that act to protect the rights and interests and mediate conflicts, and institutional responsibility (Holland, 2013).

competence that govern public administration. Further on, the authorities will take action to correct the present imbalance in the composition of the public administration, in particular through recruitment of members of under-represented communities. Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population in Macedonia (OFA, 2001).

Equitable representation had developed into a fundamental value of the constitutional order of the Republic of Macedonia through the VI Amendment of the Constitution. This amendment modified the principle of what initially was considered as "proportional and equitable representation" (Velickovska, Application of the principle of equitable representation, Citizens' presentations).

Just like social cohesion, there is no a single definition of "equitable representation". However, according to all documents (governmental and international) the long-term goal of equitable representation is "the proportionality". In this direction, the political elites in the state agreed, in future, the system of employment in the public administration to be edited by the "quota system" - based on the percentage of the ethnic communities in proportion to the total population. Just like social cohesion, there is no a single definition of "equitable representation".

However, according to all documents (governmental and international) the long-term goal of equitable representation is "the proportionality". In this direction, the political elites in the state agreed, in future, the system of employment in the public administration to be edited by the "quota system" - based on the percentage of the ethnic communities in proportion to the total population.

Key pillars of the equitable representation in order to achieve social cohesion are as follows: participation in the political and public life, participation in the economic and social life as well as participation in the education.

The equitable representation of the communities is important not only in the legislature, but also in the executive power, the judiciary and the public administration.

Amendments XXIX and XXX guarantee the implementation of this principle in the judicial system, whereas stated that the equitable representation of all community members shall be taken into account when electing judges, lay judges, presidents of courts and public attorneys. The equitable representation in the police and the judiciary is essential in order to avoid the perceptions of bias not in favor of the minority communities. In Macedonia, this principle applies in the election of judges, public attorneys and their expert services. The Academy for Judges and Public Attorneys applies the same principle in the process of election of both, the respective bodies and the candidates (Velickovska, Citizens perceptions, 2013).<sup>75</sup>

Political participation should be provided also at local level, not only at central. The Law on Local Self-Government (2002)<sup>76</sup> introduces the obligation for equitable representation at all levels of the members of the communities represented in the municipality, by respecting the principles of professionalism and competence.

Members claiming to belong to the communities not in majority in the population of Macedonia should benefit a good deal from the employment opportunities in the public and the private sector, where there is a support from the state. In Macedonia, in accordance with the Law on Civil Servants and the Law on Public Administration this principle is implemented when employing administrative

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<sup>75</sup> Law on the Courts; Law on the Public Attorney; Law on the Judicial Service

<sup>76</sup> Law on Local Self-Government

staff. As in the previously mentioned areas, employment of the administration is based on the OFA's fundamental values, that is, the principle of professionalism and competence.

In order to achieve social cohesion, the members of communities should also benefit from the other government policies such as the education and healthcare (Fonblanque, 2005). In the domain of education, this principle is applied in the election of assistants, tutors and the faculty members /teachers in the primary and secondary schools.<sup>77</sup>

According the census data (Central Bureau of Statistics, 2002) the ethnic structure in Macedonia is composed of 64.8% e/Macedonians, 25.17% ethnic Albanians, 3.85% ethnic Turks, 2.66% ethnic Roma, 1.78% ethnic Serbs, 0.84% ethnic Bosniaks, 1,04% ethnic Vlachs 0.48% other<sup>78</sup>. This population structure is the starting point for applying the principle of equitable representation at all levels and areas of public life.

Due to Macedonia's aspirations for EU membership, the European Union / EC services regularly monitor the OFA implementation in its entirety and the application of the principles, stipulated also in the Copenhagen Criteria. Remarks can be found in the EU Annual Progress Reports and In the Reports from other international organizations and bodies.

Although 14 years have passed since the signing of the Ohrid Framework Agreement yet unresolved 2001 conflict-related issues arise. The members of communities still do not feel involved in the decision-making process; do not share the sense of being constitutional people. Although the representation of ethnic communities in public administration has increased over the years<sup>79</sup>, the state is less representative of the diversity than the figures suggest. To maintain the social stability in the state, the party in power of the majority community adheres to the quota system for the employment of the members of the minority communities, but simultaneously employing as much, if not more members of the majority community. This makes the policy for equitable representation unsustainable (Pendarovski, 2013).

In the last Progress Report, the European Commission notes that "Insignificant improvements had been made in the representation of communities, and the members of the minority communities maintain to be underrepresented. Further actions are needed in order to meet the goals of equitable representation. Moreover, the factual staffing needs of the institutions have to be taken in account. The new legal framework on the civil servants and public administration was adopted in February 2014 and shall be fully implemented in 2015, as scheduled. This is a step towards providing a unified, transparent and accountable public administration, with the introduction of common principles to be respected by all employees and by creation of a common regulatory framework. The legal framework is oriented towards employment of all communities (majority and minority) members, with bigger emphasis on their merits. Under the new legislative framework, detailed data on employees in the public sector should be publicly available, thus contributing to enhanced transparency. Overall, despite progress achieved in the area of legislation, public administration

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<sup>77</sup> Law on Primary Education, Law on Secondary Education. Here it is important to note one of the exceptional achievements of the OFA, i.e. the University of South-Eastern Europe, part of Van der Stoep's heritage, who enable the establishment of the University and provided the opportunity to ethnic Albanian community to follow studies in Albanian Language.

<sup>78</sup> Based on the census 2002 data, ethnic Albanians consist 25.17% of the total population (e/Macedonians 64.17%) and as such, the sole community for which the OFA's privileges are applicable at central level. The initiative for conducting a census in 2011 was unsuccessful. The political parties (VMRO-DPMNE) abandoned the initiative in the middle of the process and had never initiated it in the years to follow. The census should have offered a realistic image of the composition of the population, taking into consideration the increasing migration and decreasing childbirth rate.

<sup>79</sup> Annual Report of the Public Attorney, 2014

remains fragmented and subject to political influence. Further efforts are required to ensure successful implementation of the principles of transparency and accountability, merits and equal representation (EC, COM (2014) 700 final)".

Consequently to the EC Annual Progress Reports, the implementation of the principle is being followed p and checked in chapter II - De-politicization of Public Administration (Urgent Reform Priorities) and in interethnic relations section (Accessible High-Level Dialogue).

The dominant opinion in Macedonia is that the equitable representation applies only to the figures. This is due to the possibility this principle to be quantified. Although data on employees in the public sector should be publicly available, there is a lack of reliable, systematic and divided data collection and data processing, which hampers the factual assessment, policy planning and progress in all recognized areas of focus of the Framework Agreement.<sup>80</sup>

From a methodological point of view, the main problems identified during the data collection and processing are as follows:

- Decision on the institutions that will be the target group for analysis, while making distinction between data pertaining to the central government and those applying to the local authority, as well as the differences among LGUs countrywide, particularly with regard to their ethnic composition (these data still refer to the 2002 Census). Subject of analysis are the state and local government bodies and other state entities established in accordance with the Constitution and the respective law on one hand, and institution acting in the area of education, science, healthcare, culture, labour, social protection and childcare, sports, and other activities of public interest determined by law and organized as agencies, funds, public institutions and public enterprises founded by Republic of Macedonia or by the municipalities, the City of Skopje and the Skopje Municipalities .<sup>81</sup> At this point, it was stated the need for systematic monitoring of representation in public institutions: 1) performing public interest 2) public institutions having public authorities. Both categories are obliged to apply the principle of equitable representation.
- Comparison of the data related to the "previous" Law on Civil Servants with the recent categories introduced by the new legal framework in February 2015. Certain distinctions were made between public servants and administrative officials for example in the police / army/ education / healthcare.

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<sup>80</sup> For the purposes of this report, requests were sent to all state and public institutions (budget beneficiaries) for submitting data on employment, equitable representation of communities and work placement. Most institutions submitted the required data and they were processed by the SIOFA. The list of institutions that did not submit data will be presented in the Annex to the Report. Also, this Report will take into account data from the Annual Report of the Ombudsman.

<sup>81</sup> Institutions covered by Article 2, paragraph 1 from the Law on employees in the public sector. Furthermore, paragraph 3 of the same article explains that public officials or persons who have received the mandate to carry out the function on presidential, parliamentary or local elections, those who obtain a mandate to perform functions in the executive or judicial power by election or appointment by the National Assembly of the Republic of Macedonia or by local self-government authorities, and other persons that, in accordance with the law, are elected or appointed as holders of the legislative, executive or judicial power, in terms of this law all these above-mentioned cases are not considered as public administration employees.

- There were concerns in particular about the data collection and processing in the area of the education and healthcare. It was due to the category: managerial / non-managerial, which does not apply to these fields. They are not analyzed in this report.
- The decision determining the job categories, targeted in the research (managerial or non-managerial positions, or both). The analysis applies to both job positions.
- The judiciary has been processed in general and each court has not been analyzed separately. These data were not processed by the working group, but data on judiciary, used in this report, were deducted from the Annual Report of the Ombudsman for 2014.
- The Secretariat for Implementation of Ohrid Framework Agreement processed the data concerning both, the central and local administration, and the entire public administration and these data are reflecting the situation in 1192 institutions. Out of total 1280 institutions, 88 institutions did not submit the requested data.
- Data regarding the budget allocation for employment within the institutions, as well as for budget allocated to SIOFA for employment in respect of the proportional and equitable representation compared to the total budget for employment were requested from the Ministry of Finance. The Ministry did not provide requested information.

## **2. Quantitative analysis (quantitative review of the status of Ohrid Framework Agreement implementation in the area of equitable representation)**

By concluding the Ohrid Agreement, the proportional and equitable representation developed into a constitutional category.

- Amendment VI- equitable and proportional representation of all citizens in state bodies and other public institutions at all levels.

It was introduced for the first time as one of the fundamental values of our constitutional order and became key priority in the process of public administration reform.

As stipulated in Annex C from the Ohrid Framework Agreement- implementation and measures for confidence building in the area of non-discrimination and equitable representation was introduced the obligation to undertake concrete actions to increase the percentage of members of communities not in the majority in Macedonia in the public administration, military service and public enterprises. Also, these measures aimed to improve the access to public financing for business development.

After signing the Framework Agreement, several laws included measures allowing equitable representation of communities in all central and local public authorities and at all levels of employment within those bodies.

Despite the existing legal framework, the implementation and recognition of the principle of equitable representation is not at the legally required level.

To achieve social cohesion, it is necessary to attain representation of communities in the judiciary system. This is especially important, in order to avoid perceptions of bias against minority communities. In Macedonia, this principle is applied in the election of judges, public attorneys and their expert services. The same procedures are applied by the Academy for Judges



and Public Prosecutors in the selection of both, the bodies and the candidates. The situation is as follows:

In the basic courts, realizing the total of the received data for 2014, can be found the following state representation of communities: ethnic Macedonians - 80.5%, ethnic Albanians - 13.4%, ethnic Turks - 1.4%, ethnic Roma - 1.0%, ethnic Serbians - 1.3%, ethnic Vlachs - 1.3%, ethnic Bosnians - 0.6% and others 0.3%. The Ombudsman notes that in the basic courts compared to last year, there have been a slight decrease in the number of members of the majority community, and indicates insufficient employment of members of minority communities, therefore recommends that these institutions should take measures to contribute to consistent implementation of the principle of adequate and equitable representation.

The following situation occurs in the other courts and judicial bodies:

- The Constitutional Court of the Republic of Macedonia: e/Macedonians (80%), e/Albanians (12%), e/Turks (4%), e/Serbs (4%);
- The Court Council of Macedonia: e/Macedonians (76.1%), e/Albanians (10.9%), e/Turks (2.2%), e/Serbs (4.3%), e/Vlachs (4.3%) and Other (2.2%);
- The Higher Administrative Court: e/Macedonians (87.5%), e/Albanians (12.5%);
- The Administrative Court of the Republic of Macedonia: e/Macedonians (75%), e/Albanians (19.3%), e/Turks (4.4%), e/Bosniaks (1.1%);
- The Supreme Court of the Republic of Macedonia: e/Macedonians (85.7%), e/Albanians (9.1%), e/Serbs (3.9%) and e/Vlachs (1.3%);
- Public Prosecution: e/Macedonians (75%), e/Albanians (17.5%), e/Roma (2.5%), e/Serbs (2.5%), e/Vlachs (2.5%);
- Public Ombudsman: e/Macedonians (79.3%), e/Albanians (16.4%), e/Turks (0.9%), e/Serbs (1.7%), e/Bosniaks (1.7%);
- Council of Public Prosecutors: e/Macedonians (75.5%), e/Albanians (12.5%), e/Serbs (12.5%).

These data indicate that the representation of minorities is not on satisfactory level, and moreover there are certain institutions, in which the members of the minority communities are not represented. According to the Ombudsman, the representation of members of all communities is approximately at the same level as the previous year (the Ombudsman, April 2015).

Data on equitable representation in the Ministry of Defense whereas 73.35% are members of the Macedonian community and the rest, members of the other communities inevitably demonstrates that it still remains necessary to undertake measures and activities aimed at improving the current state of equal representation.



Source: Report on adequate and equitable representation of the Secretariat for Implementation of the OhridFramework Agreement for 2014

As for equitable representation in the public sphere, the representation of 18.4% of e/Albanians, 1.8% e/Turks, 1.6% e/Serbs, 0.2% e/Vlachs, 0.5% e/Bosniaks and 1.2% e/Roma, compared to 75, 6% e/Macedonians indicates that the institutions uses selective application and respect of the principle of equitable representation. It also shows the imbalance in the ratio between the total population in the country, as a starting point and benchmark for implementation and recognition of equitable representation.

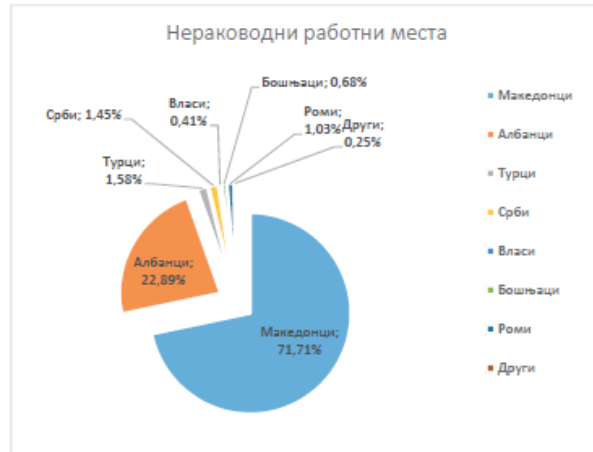
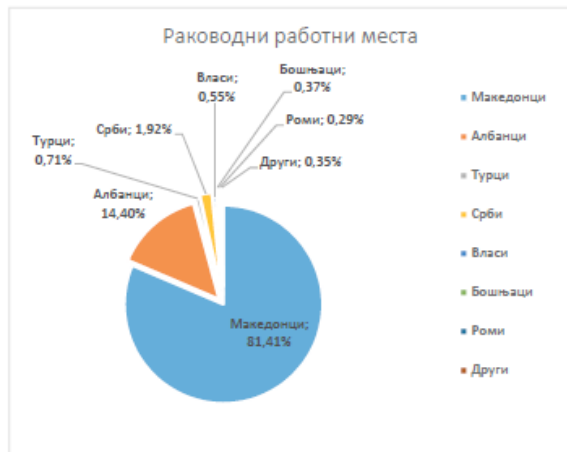
The total population in the state, according to the 2002 Census, is 2,022,547, of whom 64.2% are e/Macedonians, 25.2% e/Albanians, 3.8% e/Turks, 2.7% e/Roma, 1.8% e/Serbs, 0.5% e/Vlachs, 0.8% e/Bosniaks and 1% other.

The adequate and equitable representation is not only a synonym for "proportional representation " in arithmetic terms, i.e., it is not necessarily just representation of all communities in the public administration only according to their share in the total population. Furthermore, this principle implies the goal of achieving proportional equitable representation, based on personal expertise and competencies.

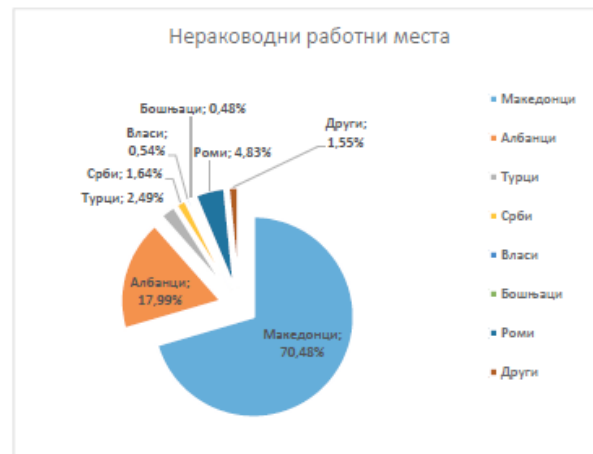
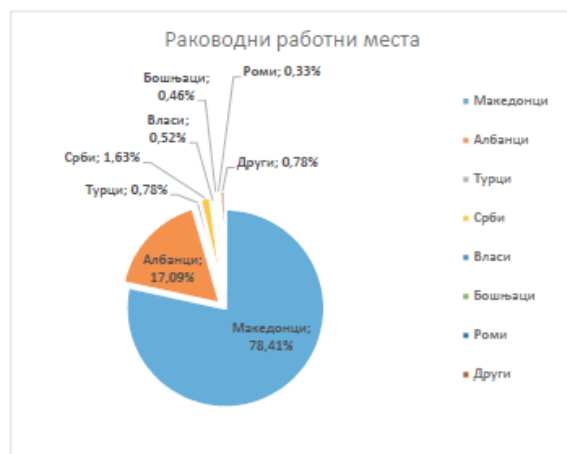
It seems that there is a progress on the equitable representation implementation, but the data shows that the statutory required level of equitable representation has not been achieved yet especially for employees obtaining management work positions.

The application of the principle of equitable representation is halted at both central and local levels. Especially important is the fact that there are institutions with equitable representation over 40%. On the contrary, there are some with equitable representation below 10%. In fact, if compared the situation is almost identical in the central and local government. In the central government, Macedonian community members comprise 72.98%, while the e/Albanians 21.78%. Almost identical, in the local government there are 71.34 % of e/Macedonians and 17.9% e/Albanians. In terms of the structure of managerial staff, at central level 81.41% are appointed from the Macedonian community and 14.4% from the Albanian community, while locally 78.41% are e/Macedonians and 17.9% e/Albanians.

Позиции	Вкупно	СООДВЕТНА И ПРАВИЧНА ЗАСТАПЕНОСТ - 2014 ГОДИНА (централна власт)															
		Македонци		Албанци		Турци		Срби		Власи		Бошњаци		Роми		Други	
		Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%
Раководни работни места	4534	3691	81,41%	653	14,40%	32	0,71%	87	1,92%	25	0,55%	17	0,37%	13	0,29%	16	0,35%
Нераководни работни места	30141	21614	71,71%	6899	22,89%	477	1,58%	436	1,45%	124	0,41%	204	0,68%	311	1,03%	76	0,25%
Вкупно вработени	34675	25305	72,98%	7552	21,78%	509	1,47%	523	1,51%	149	0,43%	221	0,64%	324	0,93%	92	0,27%



Позиции	Вкупно	СООДВЕТНА И ПРАВИЧНА ЗАСТАПЕНОСТ - 2014 ГОДИНА локална власт)															
		Македонци		Албанци		Турци		Срби		Власи		Бошњаци		Роми		Други	
		Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%	Вкупно	%
Раководни работни места	1533	1202	78,41%	262	17,09%	12	0,78%	25	1,63%	8	0,52%	7	0,46%	5	0,33%	12	0,78%
Нераководни работни места	12568	8858	70,48%	2261	17,99%	313	2,49%	206	1,64%	68	0,54%	60	0,48%	607	4,83%	195	1,55%
Вкупно вработени	14101	10060	71,34%	2523	17,89%	325	2,30%	231	1,64%	76	0,54%	67	0,48%	612	4,34%	207	1,47%



Source: Report on adequate and equitable representation of the Secretariat for Implementation of the OhridFramework Agreement for 2014

Statistics reveal that the trend of selective application of the principle of equitable representation continues and there is a lack of political willingness to improve it.

The lack of employment planning, control and the possibility of intervening as well as the lack of legal sanctions for those who do not respect the principle of equitable representation results even nowadays in generating employment divergence in the public administration, in terms of ethnic affiliation both, at horizontal and vertical level.

### **3. Narrative / Qualitative analysis (Narrative / Qualitative review of Ohrid Framework Agreement implementation in the area of equitable representation)**

Despite the affirmation of the interests of all ethnic communities, the implementation of the principle of equitable representation contributes to building a multi-ethnic trust and tolerance between members of all communities in the state. This principle demonstrates the ratio of exercising the rights of the members of the communities and their sense of belonging to institutions of the system (Ombudsman, April 2015). This means involvement and employment of members of minorities in the public sector. In compliance with Ljubljana guidelines (OSCE, 2012) particular attention should be paid to the employment of public sector of fundamental importance i.e. the judiciary, law enforcement, social welfare, health care and education. Employment in public administration is also aimed at meeting the needs of minority communities (Boskovski, 2012).

The main objectives of this principle continue to be the same as ones identified in the Strategy of Adequate and Equitable Representation<sup>82</sup>: gradually reaching the percentage of employees, the balance of interests, the rule of law in public service management, undertaking legal measures for further sustainable development of the principle, focusing on the quality and quantity of members of minority communities' employment and establishing work culture that will amplify the commitment in administration and awareness of problems at all levels (GoRM, 2007).

"Although this principle introduced the key reforms launched by the OFA, the goals and methods of achieving it are rarely differentiated. Apart from the initial purpose to address the representation of the members of minority communities countywide, this principle should provide to the citizens from minority communities possibility to cooperate with community civil servants at municipal level. However, the policy of equitable representation placed little emphasis on the interaction between the majority and minority communities. Due to the importance of the public sector in terms of employment, the high unemployment rate and strong control by political parties, the requirements to meet equitable representation do not always result in increased representation in the civil sector. This is due to the fact that party affiliation dictates new employments, rather than fulfilling some other aspects, such as the inclusion of a particular community "(Bieber, 2008).

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<sup>82</sup> Gradually competition the percentage of members of communities employed in state bodies and other public institutions at all levels, should be accomplished in compliance with the latest census in the Republic of Macedonia; Ensuring a balance of interests of all communities involved. The trust, considered as a main indicator for achieving equitable representation, should be built further on: all have to be convinced that the procedures are respected and properly implemented, and that all have the same opportunity to be employed in public administration if their knowledge and skills correspond to the respective job; Rule of law in civil service management (in particular, when making decisions about hiring and promotion), as well as in regards to the decisions on the public administration development based on merits, will be carried out in accordance with the legal provisions. Undertaking legislative and operational measures for further sustainable development of equitable representation. Focusing on quality and quantity of employment of members of non-majority communities. The future challenges of the public sector impose provision of equitable representation at all levels, including senior management level. The flexibility of the principle of equitable representation should be maintained as opposed to strict and harsh quota system. European standards do not justify such a strict system, but accept temporary positive discrimination implemented in a flexible way. As a long-term goal and in accordance with the census outcome, the total number of employees in ministries, regional offices of ministries and municipalities should be fulfilled. Introduction of classification degree of the data gathering, reporting and confirmation procedures. Development and enhancement of professional work ethics and code of conduct applicable in the public administration and public enterprises environment that encourages the respect of diversity and participation of non-majority communities. All the above-mentioned measures shall be considered as a qualitative indicator of enforcement of proportional and equitable representation.

After conclusion of the Framework Agreement, public institutions are constantly undergoing changes in their structures, in accordance with the principle of equitable representation of all communities in the Republic of Macedonia. At the same time, there is an upward trend in relative representation of minorities within their structure, tending to approach the relative representation of their community in the total state population.

Taking into account the data regarding the structure of the expert services of the Government of RM, ministries, public enterprises and other in terms of ethnicity, it can be notified that the data are dissimilar institutions wide.

For example, in the GoRM and its professional services there is disparity in the representation of communities, but also in terms of job positions and the expert service. In the General Secretariat there are 47.2% e/Macedonians, 2.7% e/Albanians, 22% e/Turks, 15.8% e/Romas, 6% e/Serbs, 2% e/Vlachs, and 3.6% e/Bosniaks. The Secretariat for Implementation of the Ohrid Framework Agreement is comprised 83.5% e/Albanians, 1.5% e/Macedonians, 7.8% e/Turks, 4.8% e/Roma, 0.6% e/Serbs, 0.3% e/Vlachs and 1.1% e/Bosniaks (Ombudsman, April 2015). Managerial position in the General Secretariat are distributed 85.5% to e/Macedonians, 7.3% to e/Albanians, 3.6% e/Turks, 1.8% e/Serbs, 1.8% e/Bosniaks whereas the Secretariat for Implementation the Framework Agreement employs 93.6% e/Albanians, 2.1% e/Turks and 4.3% e/Bosniaks. There is a great disparity in the total number of employees between the expert services in the GoRM and in particular, there are over employment in SIOFA that is due to employees who have not yet been disseminated to other institutions in the public administration.

The following situation of community representation is common for the vast majority of the ministries: e/Macedonians - 76.1%, e/Albanians - 18.8%, e/Turks - 1%, e/Roma - 0.7%, e/Serbs - 1.7%, e/ Vlachs - 0.3%, e/Bosniaks - 0.5% and other 0.9%.

The data comparison signifies big discrepancy among the equitable representation percentage within different institutions. This is largely due to the management structure of the ministries. Namely, in institution in which the management structure belongs to the non-majority community, there has been notified a higher percentage of ethnicity representation. For illustration, there are 6.2% of e/Albanians employed in the Ministry of Information Society and Administration and 57.8% in the Ministry of Local Self-Government.

Generally in all ministries, the e/Albanians are the least represented in the Ministry of Information Society and Administration (MISA) (6.2%), Ministry of Finance (MF)(11%), Ministry of Defense (MoD) (14.8%), Ministry of Transport and Communications (MoTV)(14.6), Ministry of Agriculture, Forests and Water Supply (MAFWS) (16.2%) and Ministry of Interior (Mol)(18%) and the most represented in the Ministry of Local Self-Government (MoLSG)(57.8 %) and Ministry of Health (MH) (44.5%); Ethnic Turks employees dominate in the Ministry of Economy (ME)(3.2%) and are least represented in Ministry of Agriculture, Forests and Water Energy MAFWS (0.5%), Ministry of Finance (MC) (0.7%), and Ministry of Interior (Mol)(0.8%); E/Roma are mostly represented in Ministry of Transport and Communications (MoTV)(13%) and are not at all represented in the Ministry of Culture (MC), Ministry of Local Self-Government (MoLSG) and the Ministry of Environment and Spatial Planning (MESp). E/Serbs are mostly represented in the Ministry of Education and Science(MoES)(4.3%) and are not represented in Ministry of Local Self-Government (MoLSG); E/Vlachs are mostly prevalent in the Ministry of Labor and Social Policy (MoLSP)(2.5%) and least in the Ministry of Interior

(MoI)(0.1%); E/Bosniaks are least represented in Ministry of Foreign Affairs (MoFA)(0.2%) and the most represented in the Ministry of Local Self-Government (MoLSG)(4.4%) (Ombudsman, April 2015).

Simultaneously, there is also a big difference of minorities' representation in terms of the job position. In managerial positions e/Albanians are mostly represented in the Ministry of Local Self-Government (MoLSG)(38.5%) and the Ministry of Economy (ME)(25.5%) and least in Ministry of Agriculture, Forests and Water Economy (MAFWE)(5.4%), Ministry of Information Society and Administration (MoISA)(5.9%) and Ministry of Finance (MF)(7.8%). Other ethnic communities represented in the most senior positions are: e/Turks in Ministry of Culture (MC) (2.4%) and Ministry of Economy (ME)(21%); E/Roma in the Ministry of Local Self-Government (MoLSG)(7%); E/Serbs in Ministry of Information Society and Administration (MoISA)(5.9%) and Ministry of Labor and Social Policy (MoLSP)(4.7%); E/Vlachs in MLSP (4.7%) and e/Bosniaks in the Ministry of Justice (MoJ)(2.5%). (Ombudsman, April 2015).

There are no data on the representation of communities in the Ministry of Internal Affairs in accordance with the categorization of jobs provided in the Law on Internal Affairs<sup>83</sup>. An aggravating circumstance is the Law on Public Administration Employees. Article 3, paragraph 3 of this Law stipulates that for military and civilian personnel in the service of the Army of Republic of Macedonia, authorized officials in the Ministry of Defense, Ministry of Interior and state administrative bodies within the Ministry of Interior as well as the Intelligence Agency, the provisions governing the employment planning for preparation of the annual plans for equitable representation did not apply.

The entirety of received data from 2014 in terms of the state representation of communities in the public enterprises, display the following situation: e/Macedonians - 77.5%, e/Albanians - 13.4%, e/Turks - 2.0%, e/Roma - 4.0%, e/Serbs - 2.0%, e/Vlachs - 0.5%, e/Bosniaks - 0.5% and others 1.3%. The implementation of the principle of equitable representation in public enterprises remains very low, especially concerning the members of minority communities. Therefore, the Ombudsman points out the necessity of seriousness in the implementation of this principle. Criticism is publically expressed towards the institutions for the insufficient number of employed from minority communities' members (Ombudsman, April 2015).

The assumption that the representation depends on the ethnicity of the governing structure of the institutions endangers the community members in RM to exercise the right to equal access to all jobs in the public institutions.

Citizens' perceptions on whether the equitable representation is applied at central and local government, for the managerial and non-managerial positions remain unchanged, i.e. this principles in not applicable neither by the local and central authorities, nor for the job categories. The key

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<sup>83</sup> Despite of the fact that Ombudsman Report contain data on the Ministry of Interior (total number and categorization of managerial and non-managerial job positions), these information do not contribute to get a realistic image of the equitable representation in the Ministry, the state administrative bodies within the Ministry of Interior and Intelligence Agency.

reasons for the non-application are: the wrong political affiliation (opinions of all ethnic communities are consistent) and political party membership (e/Turks and e/Bosniaks compared to other communities consider this as the most important reasons). Lack of qualifications is considered as least important reason for not applying the principle of equitable representation (the opinions of all ethnicities are consistent). Concerning the methods for improving the principle implementation cited on the first place is: enhanced legislation, stronger control of the central government, then better education, amplified monitoring by the NGOs and lobbying (Velickovska).

Urgent reform priorities indicate serious deficiencies in the application of the principle of equitable representation, especially in achieving of the proportion of employees. The same findings are notified in the EC Progress Report. Confidence in the state institutions autonomy is low and it is due to the politicized and non-transparent public administration. An emphasis of the reform priorities is placed on the application of the principle of merits, transparency and equitable representation in employment in public service. A moratorium on the implementation of the Law on alteration of temporary into permanent jobs should be introduced and the provision of relevant data on the total number of employees in public services in all government ministries, agencies and other bodies, by sectors (Commission, 2015).

Achieving the proportionality affected the increase in the number of employees in the public sector, especially in public enterprises. The daily practice of creating new positions on social or political grounds artificially enlarges the public service, which destroys the principle of merits and the overall goal of efficient public administration. Employment on the basis of equitable representation usually refers only to a certain profile of candidates and generates a surplus of certain job profiles and deficit of others. The budget of the Secretariat for Implementation of the Ohrid Framework Agreement is increased, mostly to take into account the salaries of around 1700 civil servants who have not yet been assigned to the bodies of state administration. The Secretariat and the General Secretariat continued to employ civil servants from minority communities without precise job description, often based on the principle of merits. In 2013, the total number of civil servants from minority communities increased slightly to reach 19%. The measures to address the representation of the minority communities, such as e/Roma, e/Turks and others, remain inadequate. Efforts are required in order to meet the goals of equitable representation, and real staffing needs of the institutions have to be taken into consideration (EC, COM (2014) 700 final).

The following problems are identified:

- Political party influence;
- Political party membership;
- Interference of the employment system based on merits;
- Temporary employment;
- Non-allocated job positions;
- Lack of data on total number of employees in public services.

The new legal framework for employment of civil and public servants was adopted in February 2014. It aims to provide unified, transparent and accountable public administration by creating a common regulatory framework. The legal employment framework is oriented towards the members belonging to the non-majority communities, and emphasis is put on the merits. The latest legislation framework requires detailed data on public sector employees to be publicly available, which should contribute to improving the transparency. There are certain exceptions which allow employment in



certain institutions to be partly or entirely regulated either by special laws or the General Labor Law and the Collective Agreements. The situation with transparency of procedures for dismissal, staff mobility and methodology for the testing phase in the selection process is perturbing (EC, COM (2014) 700 final).

The latest law governing administrative officials shall regulate the records of employees in state and public administration through introducing a Register of State and Public Administration Employees, regardless if they are employed by the Law on Work Relations, the Law on Administration or any of the applicable laws of the institution. The Register of Employees under the responsibility of Ministry of Information Society and Administration (MISA).

In order to strengthen the system of merits, besides politicization and membership to political party, it is necessary to address the issue related to lack of sufficiently educated, qualified and informed candidates belonging to minority communities in order to work in the administration. In this regard it is necessary to address the lack of supporting and inclusive environment that will ensure equitable representation, increasing the number of qualified candidates - members of minority communities to compete for positions in the administration and enabling future career development for civil officers, members of minority communities.

Since February 2015 the Law on Public Sector Employees was introduced and it regulates the status of all public sector employees. Article 5 of this Law regulates the principle of equal conditions, equal access to jobs, and adequate and equitable representation.

The Institutions, in accordance with the principle of equal conditions and equal access for all candidates interested in the job offer, are obliged to advertise electronically (via internet) or through public announcement the employment vacancies and the required criteria .

The most important novelty of the law in respect to the equitable representation is that in future the institutions will be obliged to plan the recruitment via Annual Plans and according to their needs and based on the Methodology Planning of Public Sector Employment, applying the principle of adequate and equitable representation.

This methodology should include the form, the content and the template of the Annual Plan and the Report on the implementation of the annual plan for recruitment. It has been adopted by the Minister of Information Society and Administration together with Member of the Government in charge of the FA implementation. Methodology allocation for newly hired personnel belonging to communities is based on the difference between the current state of the institution in terms of community belonging, expressed in percent, and the affiliation to be achieved determined by the last census data.

Employment in public sector institutions is carried out through annual employment plans prepared by the managerial officials in the institutions on the basis of the methodology, as stipulated in the Law.

However there are certain exceptions in the application of the new law, namely the provisions concerning the annual plans, that is, Section IV from the Law, does not apply for military and civilian personnel in the service of the Army of Republic of Macedonia, the authorized officials in the Ministry of Defense, Ministry of Interior, employees in the administrative bodies of the Mol, and the

Intelligence Agency. This is contrary to the VI Amendment of the Constitution of Republic of Macedonia, in which the adequate and equitable representation is determined as one of the fundamental values of the constitutional system to assure equitable representation of all communities in state bodies and public institutions at all levels.

There is a risk of disruption of the new framework provided for the implementation of equitable representation through the Methodology. In case if the Ministry of Finance applies selective approach in giving employment approval for institutions, depending on the institution in question. Additional measures need to be undertaken in order to address this risk.

Although more than six months passed from the application of the law, the methodology has not been adopted yet because there are no employments for indefinite period of time in public sector institutions.

Law on Employment in the public sector does not regulate the job application process for vacancies in the public sector. It is merely regulated by the Law on Civil Servants that provides the obligation of electronic publishing of the job announcements for administrative officers and electronic application of candidates. In order to avoid false representation of ethnic affiliation when applying to job advertisements in the public sector, it is necessary to follow the example of electronic publication and applying to civil servants' job announcements.

The candidates have to create a profile stipulating his/her ethnical affiliation. Further on, this profile shall be used for every following application, so the data regarding the ethnic belonging remain unchanged.

The new Law on Administrative Officers envisages during the hiring process the Shanghai List of University Ranking in Macedonia to be taken into account. Quite logically, the higher-ranked Universities attribute more points to the candidates. Due to this List, and despite the GPA that the candidates earned /achieved during their studies, the choice of University they graduated from shall be also taken into consideration when employing in public administration. The introduction of the Shanghai List is not in direction of providing qualified candidates for the administration needs. It is opposed to the right of equal access to job market and the principle of equitable representation. The ranking of universities by Shanghai list should be abolished as a way of determining the average score when applying for a job, which is an integral part of the Decree on Conducting the Employment Procedures for the administrative staff.

In order to gain the trust and confidence in both, the institutions and procedures, the Committees for Employment Selection have to be established that shall implement the principle of adequate and equitable representation. Nevertheless, the proposal for appointing the Committee members include only the basic information such as name / last name of the candidate and job position obtained, and on the basis of these data the ethnical affiliation remains unknown. In order to determine the composition of Selection Committees by applying the principle of equitable representation and to avoid the perception of bias to particular communities, it is important if the HR departments when submitting the proposals for committee members to be well informed and aware of the candidates' ethnical background. Ethnicity affiliation has not been mandatory when applying for the Selection Committee, but it could be resolved by submitting a Statement of feeling of belonging.

Although so far were undertaken certain affirmative actions for employment of minority ethnic communities in public administration, it resulted in an increase in the number and percentage of employees from minority communities in the country. There is no government policy on integration at the workplace and / or diversity management. Still, there is no feedback of what happens after these new employees start work in public administration, including the integration and diversity management. It is based only informal practices and unstandardized grounds. In order to achieve social cohesion it is necessary to arrange the integration and diversity management at the workplace, with a focus on ethnicity. Thus, this will contribute to the full implementation of the principle of equitable representation in the public administration state wide.

The right to implement the principle of adequate and equitable representation can be protected through: the right to appeal against the selection of administrative / civil servant and through supervising the application of the principle of equitable representation.

Against the decision of appointing a candidate for state and / or administrative officer, the unsatisfied candidate has the right to appeal to the Administration Agency. The appeal suspends the execution of the decision. The dissatisfied candidate has the right to appeal against the Agency decision to the respective court in charge.

Administration Agency, as a body which decides upon second degree appeals and complaints of administrative officers, does not keep records of the submitted appeals and complaints that among other contain allegations in terms of disregard of the implementation of the principle of equitable representation of communities. Existing data reveal that there was notified only one complaint where person complains that the selection has not been made in accordance with the principle of equitable representation. That is a reason why it is essential for the Agency to keep records of the equitable representation-related complaints.

The State Administrative Inspectorate, despite the regular supervision which is logged, the monitoring on the implementation of relevant laws and regulations, it has the authority to supervise the implementation of equitable representation of the communities at all levels. However, the monitoring, promotion and enforcement of the implementation of equitable representation is dispersed and poorly coordinated in public administration in various agencies, secretariats, departments, inspectorates and services and it is indeed challenging to perform comprehensive oversight of the implementation of the principle. This led to failure to comprehensively and systematically implement the principle, to overcome the trends of communities segregation and to enhance the social cohesion.

The most important institutions for strategic planning, implementation and supervision of the application of the principle of adequate and equitable representation on state level are as follows: the Ombudsman, the Secretariat for the Implementation of the Ohrid Framework Agreement, the Committee on Inter-Ethnic Relations, the Committee on Relations among the Communities and Agency for Accomplishment of Community Rights. Due to the new legal employment framework, a key role has been given to the Ministry of Information Society and Administration.

SIOFA is considered as a key institution for planning and implementation of the principle of equitable representation. Its main criticism refers to: functioning of the institution and implementation of the

principle of equitable representation. In regards to the implementation of the latter, certain inconsistencies have been notified. Namely, the Secretariat itself is mono-ethnic structure and it reflects a huge disparity in the communities' representation within the institution. SIOFA is mainly focused on the implementation of the OFA and therefore the implementation of the principle of equitable representation. Dominant perception is that the centralization of the application of the principle of equitable representation i.e. employment of community members is made on the basis of political party belonging and their distribution in the institution frames is conducted depending on the management structure. Employees do not have equal access to all institutions.

The Ombudsman is another institution that monitors the application of equitable representation principle. Any person may complain to the Ombudsman by filing an appeal, which must not be anonymous and should contain the circumstances, the facts and evidence underlying the complaint. This institution finds that there is a slight quantitative or apparent progress in the implementation of the principle of adequate and equitable representation. Conclusion is that the apparent progress is not realistic, and was also discovered that many institutions have not reached the satisfactory level of application of the principle. This statement, leads to the conclusion that in certain institutions did not sufficiently apply the principle of equitable representation. It is indeed distinctive when analyzing the data on the representation of community members on management level, as well as the representation of the minority communities, at the level of total employees as well as employees appointed on managerial positions.

The main goal of the Agency for Accomplishment of the Community Rights is to enable greater integration of the community members as equal citizens of RM in all spheres of social life, on preserving their ethnic and cultural peculiarities. It carries out the monitoring of the laws implementation regulating the rights of community members that represent less than 20% of the total population of RM. The establishment and operation of the Agency is dubious. Civil sector representatives from the public institutions describe the Agency as insufficiently visible in its activities and its effectiveness and efficiency had been also considered questionable. Nevertheless, the Agency budget tended to decline permanently, resulting into creation of body not capable to fully and effectively answer to the set obligations and goals. The limited mandate of the Agency at central and local level has been considered as a challenge (Studiorum, 2011)

In addition to the Agency for Accomplishment of the Community Rights, the role of the Committee as parliamentary body composed of elected representatives of all communities is significantly important. The Committee plays a crucial part in its power to make decision concerning the decision-making process of the Parliament in enacting laws in case of a dispute regarding the application of the voting/election procedure. At the local level, a special body named as Commission on Community Relations (CCR) shall be set up in each local self-government unit. In practice most of the Commissions on Community Relations are faced with financial and structural challenges.

Public administration prevailing opinion is that the overall monitoring, promotion and supervision of the implementation of equitable representation and the OFA has to be centralized, and a framework for integrating the policies into a single Department of Political System and Inter-Ethnic Relations has to be established and further developed (Studiorum, 2011).

#### **4. Conclusions**

- a. Cohesive society means a society where all groups share the feeling of belonging, participation, inclusion, recognition and legitimacy. Key pillars of equitable representation in terms of social cohesion are participation of communities members in both, the political and public life, participation in economic and social life and in the domain of education.
- b. Implementation of the adequate and equitable representation notifies a progress. Nevertheless, whereas the representation of ethnic communities in public administration has increased over the years, the state is less represented in terms of the diversity than the figures suggest. To maintain the social stability in the country, the party in power in the majority community supports the quota system for employment of members of minority communities, but simultaneously employing as many, if not more members of the majority community. This makes the policy for equitable representation unsustainable and it has to be re-addressed.
- c. In the public sector there is an imbalance in the ratio of total population in the Republic of Macedonia, considered as starting point and measure of the implementation and recognition of the equitable representation. The application of the principle of equitable representation in comparison with previous years has stalled both, at central and local levels.
- d. There are still institutions that have not reached the satisfactory level of representation. Significantly important is the fact that there are certain institutions with equitable representation higher than 40%. On contrary, there are institutions with fair representation below 10%. Data gathered demonstrate that the statutory required level of equitable representation still has not been achieved, especially in regards to the employees appointed on managerial positions.
- e. The current situation in terms of the managerial positions at central level notifies 81.41% represented by Macedonian community members and 14.4% of the Albanian community, while at local level 78.41% are e/ Macedonians and 17.9% e/Albanians. This largely depends on the governance structure of the institutions and points out that the institutions apply selective implementation and respect for the principle of equitable representation. Namely, whereas the management positions/structure are taken by non-majority community members, higher percentage of representation of respective ethnicity has been noted .
- f. The members of the minority communities should benefit a good deal from the employment opportunities in the public and private sector, supported by the state. The public institution performing activities of public interest and those possessing public authorizations shall be adhered to the obligation for implementation of adequate and equitable representation. Both categories are bound to implement measures to facilitate the participation of members of minority communities in their work and to report on it.
- g. Equitable representation in the police and judiciary is essential to avoid perceptions of bias against the minority communities. In Macedonia, this principle is applied upon election of judges, public prosecutors and their expert services. The Academy for Judges and Public Prosecutors is also obliged to respect this principle obligation upon the selection of the bodies

and services, as well as the candidates. Basic Courts, the Ombudsman indicate insufficient employment of members of minority communities, especially the smaller ones, and it is recommended that these institutions take relevant measures for consistent implementation of the principle of equitable representation.

- h. Although the implementation of principle of equitable representation can be quantified, there is no centralized system for data collecting on jobs categories. Data are dispersed in several institutions and have not been systematically followed-up. Not every institution provides the requested information and it is indeed challenging to obtain data, for instance from the Ministry of Finance and the Ministry of Interior.
- i. There is no planned or program planning of the employments. There is a lack of control and the possibility of intervening and there are no legal sanctions for those who do not respect the principle of equitable representation, which results in existence of imbalance in employment depending of the ethnic community, at horizontal as at vertical level. Monitoring, promotion and enforcement of the implementation of equitable representation, dispersed and poorly coordinated public administration in various agencies, secretariats, departments, inspectorates and services, creates difficulty in carrying out an comprehensive supervision of the principle implementation . This led to systemic failure to comprehensively implement the principle, to overcome the trends of communities segregation and to improve the social cohesion.
- j. The policy of equitable representation places an insignificant focus on the interaction between the majority and minority communities. Due to the importance of the public sector in terms of employment, the high unemployment rate and enhanced control of the political parties, the requirements to meet the equitable representation does not always result in increased representation of the civil sector. This is due to the fact that party affiliation dictates new employments, without fulfilling certain aspects, such as the inclusion of a certain community.
- k. There is a practice of creating new job positions on social or political basis (Ombudsman Monitoring Report on Implementation of the Principle of Equitable Representation for 2014. Macedonia, April 2015). On the other hand, there is also a recruitment of civil servants from minority communities, without precise job description. Employments on the basis of equitable representation often apply only to certain profile of candidates, as a result of which a surplus of certain profiles is generated on the account of deficit of others. Significant number of employees from minority communities is still not assigned to the bodies of state administration. Further efforts are required to assure the application of the principles of transparency and accountability, merits and equitable representation and to take into account of the real employment demand of the institutions. Also, it is necessary to liberalize the procedure for undertaking the not appointed civil servants from minority communities. In this direction, the Ministry of Information Society and Administration (MISA) in cooperation with SIOFA has to taking concrete measures and activities for deployment of employees from the Secretariat for the Implementation of the Framework Agreement into other institutions.
- l. It is necessary to address the lack of supportive and inclusive environment that will assure equitable representation, increasing the number of qualified candidates - members of minority

communities, in order to compete for administration positions as well as to enable future career development for the civil servants, belonging to minority communities.

- m. The most important novelty of the Law on Public Sector Employees (Law on Civil Servants) in terms of the equitable representation is the requirement for planning the employment by Annual Plans, in accordance to the needs of the institutions and on the basis of the Methodology for the planning of public sector employment respecting the principle of equitable representation . Allocation methodology for new employments shall be provided based on the difference between the current state of the respective institution concerning the community belonging , expressed in per cents and the ethnical affiliation to be achieved , according to data from last census. Several deficiencies were noted in the scope of the Methodology, that is, the planning of employment does not apply to the Ministry of Interior and administrative bodies within the Mol, the Intelligence Agency, the Army, and authorized officials of the Ministry of Defense. It does not regulate the application procedure to public announcements for employment in the public sector.
- n. There is a risk of disruption of the newly provided framework for implementation of equitable representation through the methodology, in case if the Ministry of Finance applies a selective approach in giving consent and approval for employment, depending on the public institution concerned. Additional measures are required to address this risk.
- o. In order to gain confidence in the institutions and procedures, it is of vital importance to respect the implementation of the principle of equitable representation when setting up of the Committees on Employment Selection. Introduction of Shanghai Ranking List of Universities in RM which evaluates the candidate in the recruitment procedure will detriment the principle of equitable representation.
- p. Although so far were undertaken affirmative actions for employment of minority ethnic communities in the public administration, there is no government policy on integration at the workplace and / or diversity management. There is lack of information and feedback of what happens to these new employees after employed in public administration and it is based on informal/unofficial practices. In order to achieve social cohesion is needed a formal arrangement of the integration and diversity management at the workplace, with a focus on ethnicity .
- q. Administration Agency, as a body which decides upon second-degree appeals and complains of administrative officers , does not keep records of the submitted appeals and complaints, among other containing allegations about disregard of the implementation of the principle of equitable representation of the communities. Existing data reveal that there was only one complaint where a person complained that the election was not made in accordance with the principle of equitable representation. Because of this, it is necessary the Agency to keep records of all equitable representation-related complaints.

## **2. Set of Recommendations, Proposals and/or Opinions for discussion:**

### **Identified problem / challenge 1:**

The monitoring, advancing and enforcing of OFA implementation in all its main focal areas is widely dispersed and weakly coordinated throughout the public administration at different agencies, secretariats, ministries, inspectorates and offices. As such, comprehensive monitoring and realistic policy enforcement and planning have become elusive, resulting in a systemic failure to comprehensively implement the OFA, develop integration policies, structurally counter communal separation trends and advance social cohesion.

Given this status of the Secretariat, it may not have jurisdiction to supervise the law enforcement due to the fact that Article 40, 41 and 43 of the respective clearly stipulate that inspection can be performed only by the state administration bodies and the Government's services, excluding the professional services of the GoRM or any other entity.

### **Proposed solution / strategy / intervention:**

Centralize the entire monitoring and advancing of OFA implementation in all its main focal areas, and the development of an integration policy framework, into a single new Ministry of Political System and Inter-Community Relations (Министерство за политички систем и односи меѓу заедниците).

This new Ministry would fuse the SIOFA and Agency for Community Rights Realization (ACRR) and absorb all dispersed State activities, interventions and obligations related to OFA implementation and its monitoring / enforcement, as well as to advancing social cohesion and developing comprehensive integration policies.

The Ministry should equip the political system with effectively centralized tools to structurally build an integration policy framework based on more equitable representation, the adequate use of languages, non-discrimination, effective and balanced decentralization, integrative education, and fair and equal treatment of all communities in order to promote constructive inter-community relations and social cohesion.

Among those tools, the Ministry would centralize the entire system of disaggregated data collection in the above areas (presently at MISA, SSO, MoF and other line Ministries); the entire system of monitoring and effectuating equitable community employments in public administration (presently dispersed at SIOFA, GS, MISA and more); the entire system of monitoring, inspection and enforcement in all the above areas (presently widely dispersed throughout the system) and the entire systemic need for developing viable integration policies in the spirit of the OFA. It is therefore crucial that it will fully and equitably represent and pro-actively include all communities; not limiting its scope or composition to non-majority communities only.

### **Concrete activities to be conducted and who should conduct them:**

- Systemic screening by an inter-Ministerial WG of all the dispersed State activities, interventions and obligations related to OFA implementation and its monitoring / enforcement, as well as the advancement of social cohesion and the development of comprehensive integration policies, to be centralized from what presently operative agencies, secretariats, ministries, inspectorates and offices.



- Deciding on an adequate structure for the new Ministry, capitalizing on available international examples, like e.g. the Ministry of Integration and Gender Equality in Sweden, The Ministry of Integration in Denmark, the Minister's Office for Reconciliation and Civic Equality in Georgia, the Ministry for Community Relations in Northern-Ireland or the Minister for Citizenship and Communities in Australia.
- A Government decision to establish the new Ministry that fuses all the dispersed activities identified by the WG and consequently amends all the necessary laws and regulations to enable for this fusion.
- Establishment of legal mechanism for monitoring and supervision of matters governed by the OFA by the new Ministry (currently, the Secretariat for Implementation of the OFA).
- Financial, expert and structural support by the EU / IPA to enable the initial establishment and operation of the new Ministry, as well as EUROSTAT support in effectuating effective and system-wide disaggregated data collection and the development of a unified data base.
- Decision on separate budget for SIOFA to reward the institutions or heads of the institution (budget beneficiaries) at the end of the year for successful implementation of the Framework Agreement.

**Comment 1 (from a member of the working group):**

At every working group meeting I indicated that I completely disagree with the creation of new public bodies and especially ministries like this, without any previous functional analysis. In view of the position of ministries, the SIOFA competencies cannot possibly be assigned to a separate ministry because we will automatically have an overlap of competencies (example. Both MISA and the new ministry will be in charge of the administration and we will have a total chaos over who is in charge of what and to what extent. Or, in education we will have an overlap of the competencies of MES and the new ministry. What will happen when the State Administrative Inspectorate and the inspectorate to be created in the ministry proposed will issue different decisions and order different measures on the same matter. What decision will the institutions have to follow because by implementing one, they will automatically disobey the decision of the other inspectorate and they will have to be sanctioned. Hence I think that it is more appropriate to establish a mechanism for monitoring of the framework agreement within the existing institutions and to strengthen their capacity, to create organizational units, and set up control mechanisms. This will also lead to greater integration, whereas the separation of these institutions leads to further disintegration of the members of these communities. This opinion refers to all the specific activities from point 3 of these recommendations.

**Comment 2 (from a membre of the working group)**

Unacceptable recommendation from the reason that there is neither analysis or argument why a new public administration body is needed when the Secretariat for the Implementation of the Framework Agreement has the sole objective of full implementation of the framework agreement, development of operational steps for its realization and monitoring. This ministry does not have a mandate; data collection, monitoring, and policy development are not administration matters but coordination activities which should be implemented by the secretariat as until now.

**Comment 3 (from a member of the working group)**

Activities cannot be proposed as if the ministry is already formed and all these suggestions should be omitted

**Comment 4 (from a member of the working group)**

It is not the job of the working group to propose whether a financial, expert, or structural support is needed

**Comment 5 (from a member of the working group)**

Disagree, from the reason that there are no resources for this purpose planned in the budget, the analysis of financial implications is lacking, and rewarding a public official for conducting a specific activity is also unacceptable

**Identified problem / challenge 2:**

All OFA-R Working Groups are confronted with the entrenched problem of a lack of reliable, systematic and disaggregated data collection and processing, hindering realistic assessment, policy planning and progress in all the recognized focal areas of the OFA.

**Proposed solution / strategy / intervention:**

In order to realistically assess and further plan OFA implementation and its modalities in all essential sectors there is an urgent need for a system of professional, objective, reliable and –most of all– disaggregated data collection and processing replacing the present ad hoc and incomplete collection by often relative amateurs.

Looking at the official state institution created with an eye to precisely that seems no more than logical, especially when it is working in close cooperation with EUROSTAT and has been tasked by the Law on State Statistics to implement its activities following the principles of neutrality, objectivity, professional independence, rationality and confidentiality.

Organizationally, the State Statistical Office (SSO) is upheld by various pillars, called sectors, within which further specialization is housed in departments. As such there is e.g. a National Accounts Sector, a Sector for Business Statistics or a Social Statistics Sector, within which you will find e.g. a Demography Department, a Labor Market Department, the Department for Living Standards, and so forth (see visual representation below).

The proposal here is to erect a separate OFA Pillar within this structure, housing e.g. the Departments for Education, Languages, Equitable Representation, Decentralization, Anti-Discrimination and Smaller Communities, tasked with disaggregated data collection and processing in their specific areas of concern.

Their effectiveness will be considerably enhanced by the fact that the data sources they will be addressing (the so-called “reporting units” that can be Ministries, institutions, municipalities etc.) are legally obliged to “submit complete and accurate data within terms specified”, while in the case of “the data obtained from a reporting unit being not complete or accurate, the same reporting unit is obliged to supplement the incomplete data or correct those that have been found inaccurate”.

Additionally the “reporting units” are obliged to “keep adequate records of data they shall provide for statistical research” and “apply relevant valid standards in the managing of their administrative

data sources”, assuring a certain trickle-down effect of quality standards guarded by EUROSTAT. This effect is additionally boosted by the fact of the SSO having regional departments in Bitola, Skopje, Tetovo, Ohrid, Veles, Kumanovo, Shtip and Strumica.

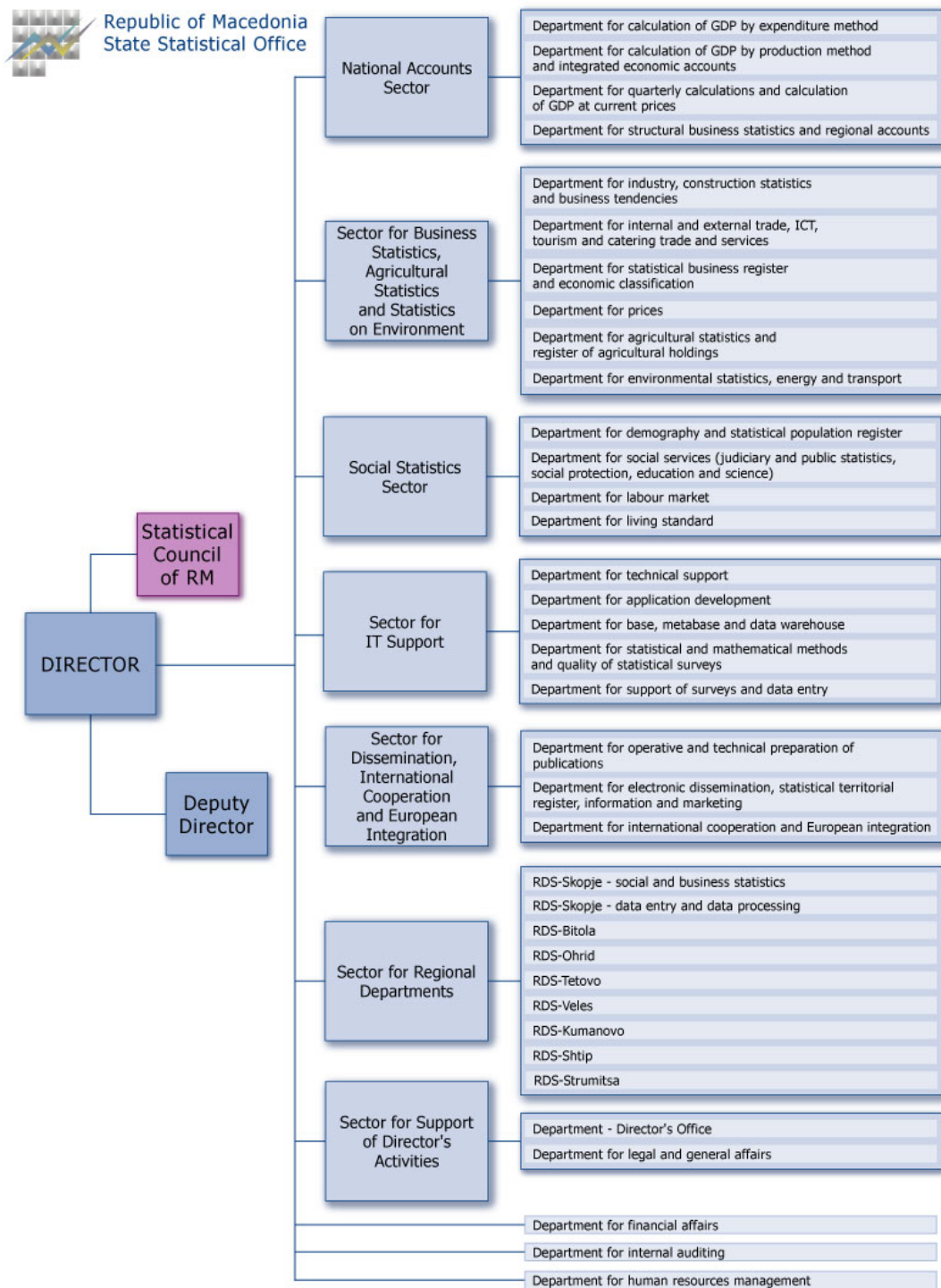
The establishment of an additional SIOFA Pillar within the State Statistical Office is considered to be able to structurally address the continual data collection problems encountered within all the focal areas of OFA implementation. Additionally, it opens up a possibility to address the ethnic balance within an institution that presently hardly can be considered a bastion of equitable representation.

With such a reputation being more than welcome for an institution in charge of highly sensitive operations touching on exactly that issue (like the 2011 Census that, in part, failed due to minorities’ distrust in this majority-dominated institution), erecting the SIOFA Pillar might serve many masters and should be seriously considered.

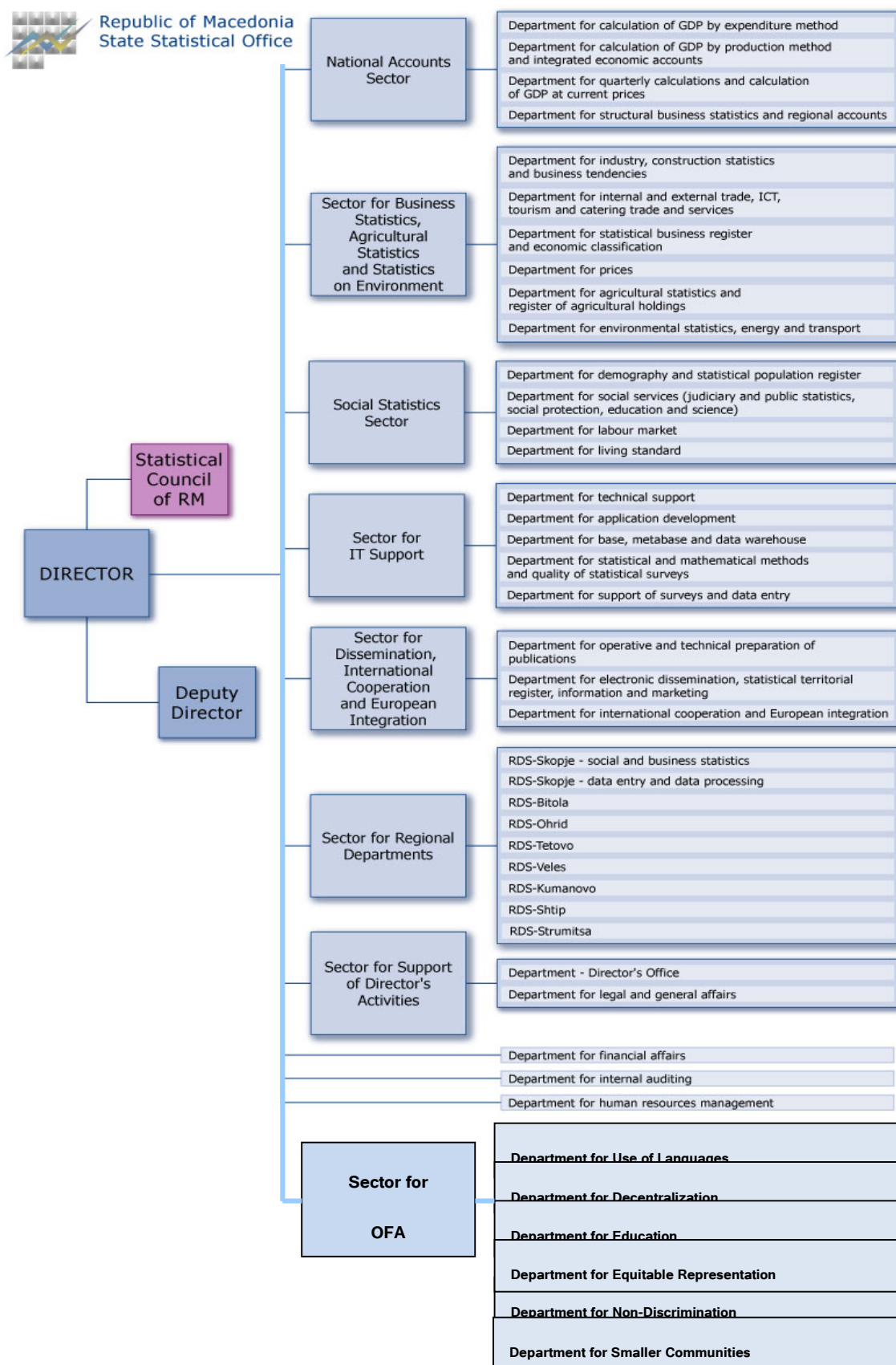
**Concrete activities to be conducted and who should conduct them:**

- A government decision establishing an OFA Sector within the SSO
- A parliamentary majority accepting the legal amendments required for both that and the enhanced collection of disaggregated data it would require and imply
- State budgetary allocations enabling the establishment, possibly with financial support through IPA funds
- Expert support by EUROSTAT

## The Present State Statistical Office



## The Proposed Future State Statistical Office with an OFA Sector



**Comment 1 (from a member of the working group)**

The State Statistical Office has no competence over the implementation of the Ohrid Framework Agreement, so why would it need an organizational unit for implementing the framework agreement. What is the needs analysis that this proposal is based on and with specific departments?

**Comment 2 (from a member of the working group)**

It is not a competence of the Government

**Comment 3 (from a member of the working group)**

The working group cannot propose the allocation of budget resources on any grounds, not it can request EU IPA funds. The IPA structural funds are for specific projects

**Identified problem / challenge 3:**

Obstacles in Equitable Representation, the functioning of SIOFA, Education, Anti-Discrimination, Languages, the depoliticization of employment and fighting clientelism continue to figure prominently in all country analyses and reports but remain stationary and often unaddressed.

**Proposed solution / strategy / intervention:**

Grasp the opportunity of the Ministry for Information Society and Administration (MISA) having partly incorporated the Civil Servants Agency and the new laws on Public Administration (PA), to structurally tackle the above obstacles by gathering political momentum behind the idea of structurally creating within MISA a virtual Labor Pool of qualified, stratified and tested candidates available for PA positions within all institutions at all levels, replacing the present split system involving SIOFA, MISA and the General Secretariat.

In this set up, people interested in employment within the PA (civil servants but also a large chunk of potential public servants) will partake in one of the quarterly “intake” sessions for a virtual Labor Pool that offers objective entrance exams and psychological / IQ / competences / language testing that results in an assessment of actual competence which, when established, is subsequently stratified / categorized in a personal Pool Profile and score.

This first phase can be centrally taken up fully by the Ministry, but might also be outsourced wholly, or in parts, to specialized independent private firms, which might prove conducive to further neutralizing possible political meddling as well as more cost-effective.

People passing the entrance procedure will only virtually proceed into the Pool and are not guaranteed employment or pay; they merely have become candidates for future positions opening up in PA and will be contacted in time to apply for vacancies requiring qualifications that match their Pool Profile. The second phase, of actual job application, candidate selection and employment procedures, is enacted by the PA institution seeking to fulfill positions, in which it is bound by the principle of Equitable Representation (ER).

Every PA institution will be realistically screened on ER (by preferably the SIOFA), both quantitatively and qualitatively, and be presented with a clear ER target figure to be accomplished by a certain

time (e.g. in 5 years' time). In congruence with the present figure, the target figure and the time available, a clear, yearly, and legally binding Employment Key for every institution will be established, with non-compliance with this key (to be established by SIOFA monitoring, aided by intervention 1) resulting in either stiff fines that hurt or certain incentive oriented budget lines not being opened.

The "intake" sessions of the Pool, and the Pool itself, will be widely published in promotional campaigns calling on all people, communities and ethnicities to actively partake, offering the goodies of potential life-long or relatively stable employment not only to the presently unemployed but also to those –potentially more qualified- presently in more uncertain work or underemployed.

With the Pool being a virtual one, their actual residency is of no importance, allowing for highly qualified people presently underemployed or unhappy in the Diaspora to consider a return; rendering this set-up helpful in potentially starting to stem and partly reverse the rather devastating "brain drain" sapping this country of its best.

The ER, or more than ER, of the various communities within the Pool can be fine-tuned by varying the relative weight assigned within the Pool Profile and score to multilingual skills or certain languages in particular, staying in line with an essential proposition in the SIOFA Strategic Plan foreseeing an incentives scheme for multilingual PA employees. Similar fine-tuning can be applied to achieve gender balance, inclusion of vulnerable groups, people with special needs etc.

People will be invited to "Pimp Up their Pool Profile" by voluntarily joining various induction and general knowledge trainings that might still be made available on the OSCE/SIOFA axis, and language acquisition courses for grown-ups available from the MoES within the IE Strategy or Project 45. Thus raising the value attached to multilingualism is additionally hoped to trickle down towards students and schools starting to see added value in "learning the languages of your neighbours", aligning this intervention closely with the one undertaken in Education.

In the proposed set up, the SIOFA will be returning to its original mandate of monitoring and coordinating the implementation of OFA and ER, not implementing it, releasing it of a considerable weight overburdening its present capacities while opening up a clear channel to enhance these capacities by also itself drawing well-tested and qualified personnel from the Pool.

The present weak coordination, politicized nature and reversed order of matching SIOFA-provided labour supply to PA demand will be a thing of the past and no longer be allowed to fortify image problems and existing stereotypes that undermine effective functioning while unnecessarily discrediting an affirmative action strategy in itself warranted. With also the SIOFA being bound by an ER Employment Key, slowly their problematic mono-ethnic structure will change, further enhancing its credibility and effectiveness in pursuing ER across the board.

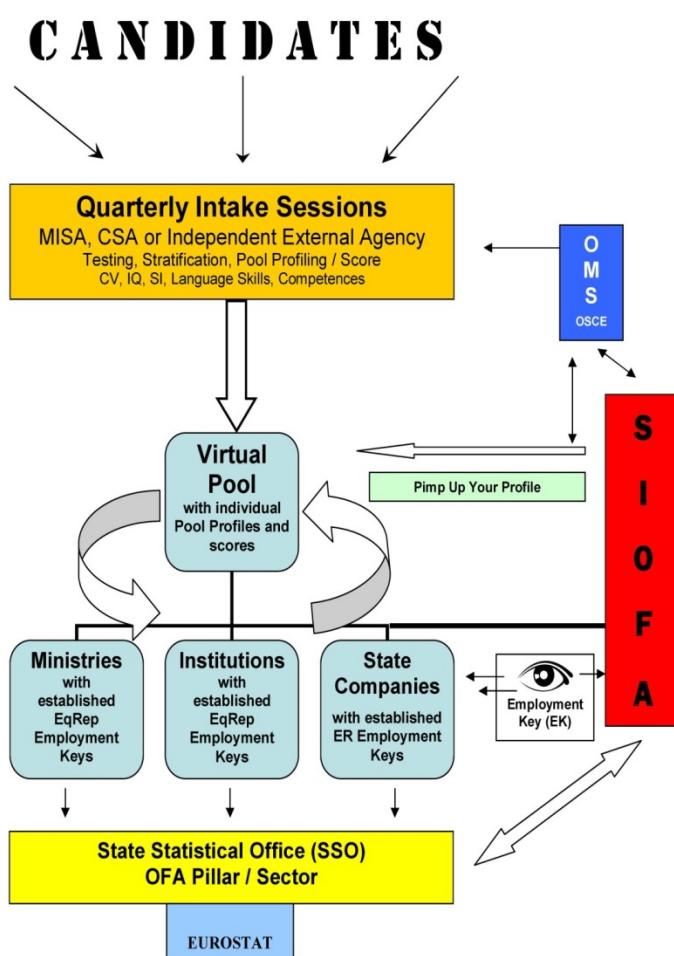
With regard to discrimination, the Pool set-up with its objective entry procedures and Pool Profile Scores, will allow for more clearly distinguishing illegal discrimination in employment on the basis of ethnicity from legal discrimination on the basis of competences and thus neutralize a bone of contention and continuous source of tension between the various communities.

Additionally it can more closely provide for screening cases of discrimination on the basis of age, gender, handicaps and the like, while offering an opportunity to address them by varying the relative weights assigned to certain categories within the Pool Profile.

A graphic representation of the basic set-up of this “Pool System” initiative can be found hereunder:

**Concrete activities to be conducted and who should conduct them:**

A Government decision to establish the above system



**Comment 1 (from a member of the working group)**

This suggestion is inconsistent with the new Law on Public Sector Employees and the mechanism for proportionate and equitable representation it foresees, and it represents several steps back in regard to the legal mechanisms for achieving proportionate and equitable representation. Namely, in accordance with article 5 of the new law which is in force since February 2015, the proportionate



and equitable representation is prescribed as one of the basic principles of new employment in the public sector, whereby it is basis for adopting a Methodology for Planning of New Employment in accordance to the principle of proportionate and equitable representation, at the level of each institution. In the future, each public section institution will be required to adopt an Annual Employment Plan which will have to receive the consent of the institution in charge of budget, MISA, and if it is a public body, from SIOFA. According to the new methodology which has already been prepared, the allocation of new jobs will be conducted based on the difference between the current situation in the institution and the level of representation to be achieved based on the last census, so each individual job position is allocated and it is known in advance which community it belongs to. The institutions will submit biannual reports to MISA on the realization of the annual plans. Not having an annual plan will block the institution which will not be able to hire, and the violation of the plan is grounds for an administrative procedure for misconduct for the official as well as for cancelation of the new job contract. Finally, I should mention that all these new mechanisms for implementing proportionate and equitable representation have been created in cooperation with SIIGMA and the Directorate for Enlargement and the Directorate for Human Resources which have supported all of these new solutions. In view of this, what is proposed is completely unacceptable and not serious because we have not yet given a chance to see how a certain legal solution will work and we are now proposing a new one which does not include any guarantee for equitable representation.

#### **Identified problem / challenge 4:**

The following deficiencies were detected in the Law on Public Employees:

- The public sector institutions are obliged to plan the further public employment according to the principle of adequate and equitable representation through the methodology on planning of public sector employment. However, Article 3, paragraph 3 of the Law provides that the section of the law governing the employment planning not apply to military and civilian personnel in the service of the Army of Republic of Macedonia. The same regulations apply to the authorized officials in the Ministry of Defense, Ministry of Interior and the state administration services within the MoI and the Intelligence Agency.
- The issue of applying to the public advertisement for employment in the public sector has to be solved and re-arranged.

#### **Proposed solution / strategy / intervention:**

- Article 3, paragraph 3 of the Law on Public Sector Employees is contrary to Amendment VI from the Constitution of RM, where the adequate and equitable representation is regarded as one of the fundamental principles of the Constitution of the Republic of Macedonia. It prescribes provision of proportional and equitable representation of the citizens belonging to all communities in the state bodies and other public institutions at all levels. The principle of equitable representation should include the institutions as stipulated in paragraph 3, Article 3.
- Application procedure to public employment announcements has been only provided in Article 36, from the Law on Civil Servants. It imposes the obligation to electronically publish those public

announcements referring to the administrative employees and the candidates in question will be required to electronically apply to the job vacancies. Article 4, paragraph 2 of the Decree on the implementation of the recruitment procedure for administrative officers provides that the applicant can fill out an electronic application, and further on has to create user profile. Each profile will be awarded with identification code, used to activate the test for administrative officers and for following-up the results from the selection process. User profile created by the potential candidate with all the attached documents continues to be used for any subsequent recruitment procedure, which means that the candidate will not be able to modify the ethnicity data. On the other hand, there may not be prescribed an obligation for electronic application for other recruitment procedures, which allows the candidate, depending on the announcement, change his/her ethnical belonging and thus to abuse the law and annual plans. For this reason, it is highly recommended to establish a centralized system for applications in other recruitment procedures. This system shall prevent the law abuse, shall simplify the application and shall contribute to saving funds allocated for both, the institutions and for applicants.

**Concrete activities to be conducted and who should conduct them:**

- The methodology for the planning of employment in the public sector should cover the MoI, the administrative bodies within the Ministry of Interior, the Ministry of Defense, the Intelligence Agency and the military and civilian personnel in the service of the Army of Republic of Macedonia;
- Centralized electronic system for submission of applications for public announcement for employment in the public sector institutions has to be introduced, identical to the Administration Agency system, which only covers the civil servants.

**Comment 1 (from a member of the working group)**

Given the specific nature of the work of these institutions and the level of confidentiality some work positions entail, the idea was not to plan only the authorized personnel.

**Identified problem / challenge 5:**

- There is a lack of sufficiently educated, qualified and informed candidates belonging to minority communities to work in administration and the lack of supportive and inclusive working environment that will ensure equitable representation;
- Apart from the success they have achieved during their studies, employment of administrative official affects the University where they graduated from. The new Law on Civil Servants stipulated that in employment the ranking of universities in Macedonia on the Shanghai list shall be taken into account. Reasonably, more points shall be attributed for universities that are higher ranked.

**Proposed solution / strategy / intervention:**

Increasing the number of qualified candidates - members of minority communities to compete for positions in the administration and enabling future career development for the civil servants, members of the minority communities;

Ranking of the Universities by Shanghai List should be abolished as a way of valuing the average score when applying for a job, if only it is an integral part of the Decree on employment of

administrative staff ("Official Gazette of the Republic of Macedonia" No. 90/2015). For possessing a Decree for recognition of Macedonian language skills the applicant shall obtain more points.

**Concrete activities to be conducted and who should conduct them:**

- Abolishment of provisions stipulated in the Employment Directive in terms of ranking of universities as a way of valuing the GPA;
- Employment Directive in terms of recruitment procedures, besides the Macedonian Language should include the language of other ethnic communities, as well.

**Comment 1 (from a member of the working group)**

This carries 2 points according to the decree and it is not clear why an intervention is requested when the number of points is not higher than the number of points for any other parameter in the decree.

**Comment 2 (from a member of the working group)**

The specific activity proposed does not correspond to the problem

**Identified problem / challenge 6:**

The Ohrid Framework Agreement (OFA) undertakes set of affirmative action for employment of minority ethnic communities in public administration. The implementation of the principle of OFA introduced in the Constitution and in the laws and policies - the principle of equitable representation, resulted in increasing in the number and percentage of employees from minority communities in RM. Nevertheless, at present there is no government policy on integration at the workplace and/or managing diversity, so it is conducted on unofficial (informal) practices. Although a study/research on implementation of the principle has been carried out, still there is a lack of feedback on what happens after these new employees commence the work in public administration, including the integration and the diversity management. The aim is to fill the gap in knowledge and requires creation of recommendations for integration and diversity management in the workplace, with a focus on ethnicity. Thus shall contribute to the full implementation of the principle of equitable representation in the public administration of the Republic of Macedonia.

**Proposed solution / strategy / intervention:**

Methods for integration in the workplace and diversity management with a focus on ethnic belonging should be developed. It is necessary for integration in the workplace and diversity management to introduce the principle of sharing, which is available in 4 types (Rasoava Rijamampianina, 2005);

- Sharing the results (Creation of transparent and equal opportunities for advancement through HR strategic development programs, career development and successive planning, involving all employees and announcing both, the failures or the successes);
- Model sharing (requires interaction between different groups, creating a social network on which the individuals may rely);

- Sharing the vision (affects the motivational processes, interaction between groups and improvement);
- Sharing of competences (contributes to creation of equal opportunities within the environment (motivational process); Improving the mutual trust and respect within the group (interaction process); strengthening the ownership of a shared vision (visioning process).

These methods will enable all individuals in the institutions to freely communicate to each other, and all to have equal opportunities to participate in the work of institutions and to take advantages of the benefits.

**Concrete activities to be conducted and who should conduct them:**

- Adoption of methods for integration and management of diversity within the human resources programs or special policies for integration on the work place and diversity management;
- Human Resources Units in the public sector shall propose measures for social cohesion improvement of employed members belonging to different ethnic communities. (For instance: schedule of working premises with members of different ethnic communities, without compromising the compactness of the working process, informal gatherings to joint celebration of religious holidays of members of different ethnic communities, etc.);
- Public sector institutions should adopt a policy-Code on Equal Opportunities for Employees, which interdicts discrimination on any grounds (including the ethnic affiliation). This document should contain the following elements: a statement of intent (purpose and policy directions); coverage of politics (identifying the target group to whom the policies shall apply); overview of specific commitments (the actions undertaken); the manner of implementing the policy; determination of the formats / entities responsible for implementation of the policy; monitoring and verification of policy implementation;
- Public sector institutions have to appoint Advisors in charge of the integration of workplace and diversity management;
- Respective measures have to be undertaken in order to raise awareness about the integration of workplace and diversity management.

**Identified problem / challenge 7:**

The officials yet to be appointed in the SIOFA and the General Secretariat should be elected so that the takeover procedure shall be liberalized.

The Administration Agency, as a body which decides upon second degree appeals and complains of administrative officers, keeps records of appeals and complaints submitted, among other allegations concerning the disregard of the implementation of the principle of equitable representation of the communities. Decision – the second-degree Appeal Commission should keep records of equitable representation-related complains.

Risk of selective approach of the Ministry of Finance when giving consent to the employment within the public institutions (depending on institution). This approach could disrupt the entire system of

employment and equitable representation (as provided in the methodology). Ministry of Finance has to apply equal approach in giving employment consent.

**Comment 1 (from a member of the working group)**

This should be deleted. It cannot be identified as a problem/risk something which is an assumption and is not based on a specific practice. Presuming a selective approach by the ministry as a potential risk which could disrupt the system of employment based on assumptions is not serious and it is not the mandate of the working group which analyses what has been done and how to improve what is already been implemented.

**Additional Recommendations, Proposals and/or Opinions submitted to the rapporteur after deadline:**

**Identified problem / challenge 1:**

The previous work on monitoring and improvement of the implementation of the Framework Agreement was to a large extent dispersed and poorly coordinated, through the activity of various institutions and bodies in the public administration: secretariats, agencies, ministries, inspectorates, and other public administration services.

Therefore, it was difficult to conduct a centralized and realistic measurement of the implementation of the policies created with the Ohrid Framework Agreement, such as the development of integrative policies, structural overcoming of the trends of community segregation, and strengthening of social cohesion.

In addition, the SIOFA, which has been established with article 40-v of the Law on the Government of the Republic of Macedonia as a specialized service for work related to the implementation of the Framework Agreement and for ensuring coordination of the bodies of public administration, as well as other specialized work in this area, did not have the status and the competencies which would enable it to conduct oversight of the implementation of legislation. The reason was that in accordance with articles 40, 41, and 43 of the same law, inspectorial oversight can only be conducted by the public administration bodies, but not the specialized services of the GRM or any other entity.

**Proposed solution / strategy / intervention:**

To transform the status of the SIOFA (specialized service of the Government of the Republic of Macedonia for work related to the implementation of the Framework Agreement and ensuring coordination of public administration bodies, as well as conducting other specialized work in this area) into an independent body which will monitor the implementation of the Framework Agreement in the institutions/ bodies of central and local government, and will oversee the implementation and the improvement of legislation containing provisions related to the principle of proportionate and equitable representation of community members.

**Identified problem / challenge 2:**

There is an evident lack of systematic and methodologically consistent collection and processing of data on the implementation of the principle of proportionate and equitable representation of community members.

The newly-established system for managing human resources in the public sector institutions, managed by MISA and updated by authorized staff from the human resources departments in the public sector institutions, will allow a professional, objective, reliable, and above all disaggregated data collection and processing, which will replace the current data collection method which is ad hoc and incomplete.

**Proposed solution / strategy / intervention:**

All public sector institutions should enter data into the Register of Public Sector Employees, managed by the Ministry of Information Society and Administration (MISA), in a timely manner, which would allow a systemic and centralized data collection and processing based on which a realistic assessment and planning can be made of the policies for implementation of the principle of proportionate and equitable community representation.

**Identified problem / challenge 3:**

The Law on Public Sector Employees prescribes that employment in the public sector institutions is done based on annual employment plans which among other contain data for allocation of the new jobs in the upcoming year by community affiliation.

This does not apply to the military and civilian personnel in the Army of the RM, the authorized staff of the Ministry of Defense, the Ministry of Interior, and the bodies of public administration of the Ministry of Interior, as well as the Intelligence Agency.

Amendment VI of the Constitution of RM lays down the principle of proportionate and equitable representation of the citizens belonging to the communities in the bodies of public administration at all levels. In view of this principle, the obligation to plan new employment should also extend to the employees which are exempted with article 3, paragraph 3 of the Law on Public Sector Employees.

With regard to the procedure for making job applications, article 36 of the Law on Administrative Servants prescribes that the candidates for administrative servants should make job applications electronically. Article 2, paragraph 2 of the Decree on Implementing the Procedure for Employing Administrative Servants prescribes that the candidate should create a user profile and be assigned an identification code in order to be able to fill out an electronic application. The code will also be used for activating the administrative servant exam as well as for monitoring of the selection results. The user profile with the entered data, including the data on ethnic affiliation, will be used in each subsequent hiring procedure.

On the other hand, the other procedures for hiring of candidates in various public sector institutions do not prescribe the obligation for electronic application which allows the candidate, depending on the public ad requirements, to change the data on ethnic community affiliation and thereby abuse the law and the annual plans. From this reason, it would be good to implement a centralized job application system for all other hiring procedures in the public sector, which would prevent the abuse of the law, and on the other hand will simplify the job application process and save the resources of both institutions and candidates.

**Proposed solution / strategy / intervention:**

The public sector institutions which according to the Law on Public Sector Employees are exempted from the obligation to make annual employment plans, should introduce employment planning for community members and implement a centralized electronic system for applying to public employment ads in the public sector institutions, identical to the system for job applications in the Agency for Administration which only covers the administrative servants.

**Identified problem/challenge 4:**

In the selection procedure for hiring an administrative servant, in addition to the candidates' grades from the formal education, a certain number of points is awarded based on the ranking of the institution of higher education (domestic or foreign).

In order to allow fair competition for the community members who have graduated from foreign universities which are not ranked high on the Shanghai List, the ranking-based points should be abolished.

**Proposed solution / strategy / intervention:**

To move to revise the part on ranking of institutions of higher education in the Decree on Implementing the Procedure for Employing of Administrative Servants

**Identified problem/challenge 5:**

One of the key competencies of the Agency for Administration is the ruling in the second degree on appeals and complaints by administrative servants. The review of previous cases of appeals and complaints by administrative servants reveals that they do not include indications to disrespect of the principle of proportionate and equitable representation of community members.

If in the future some of the appeals or complaints by administrative servants indicate to disrespect for the principle of proportionate and equitable representation of community members, the Agency for Administration, in addition to the regular records containing information on the grounds of appeals and complaints and the decisions of the Second Degree Committee, will also keep records of these cases.

**Proposed solution / strategy / intervention:**

The Agency for Administration as an independent government body which in the second instance hears and rules on appeals and complaints by administrative servants should run a registry of appeals and complaints which include the disrespect for the implementation of the principle of proportionate and equitable representation of community members as grounds for the appeal or complaint.

**Identified problem/challenge 6:**

The Ohrid Framework Agreement (OFA) undertook a set of affirmative actions for hiring of members of non-majority communities with the public administration. The implementation of the OFA principle of proportionate and equitable representation which was integrated in the constitution

and the laws, resulted with an increase of the number and the share of employees from the non-majority communities in the country. However, there is no policy for workplace integration and/or management of diversity, and this is left to informal practices.

The overcoming of this situation requires proposals for measures which would improve the social cohesion of the employed members from the different ethnic communities, for example: making sitting arrangements in the workplace with members of the different ethnic communities, without disrupting the coherence of the work process, informal meetings for joint celebration of religious holidays of the members of the different ethnic communities, etc.; adopting of Policy Code for employee equal opportunity, which would include the principle of non-discrimination on any grounds (including ethnic affiliation), and for raising the awareness on workplace integration and diversity management.

**Proposed solution / strategy / intervention:**

To develop methods for workplace integration and management of diversity, with focus on the ethnic affiliation of the public sector employees.

**Identified problem/challenge 7:**

On one hand there is an evident lack of well-educated, qualified, and informed candidates from the non-majority communities on the labor market, who would compete for job positions in public administration. On the other hand, there is the lack of an enabling, inclusive environment which would ensure proportionate and equitable representation.

This situation can be improved through a set of measures aimed at: established institutional mechanisms, increased awareness and interest of the community members in the possibilities and challenges related to a career in the public administration; strengthened capacity of the community-member candidates and improved competencies and knowledge of the community members about a career in the public administration, as well as improved internships for the students who are community members.

**Proposed solution / strategy / intervention:**

Building the capacity of community members to overcome obstacles and meet the criteria for employment and a career with the public administration.



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## **Annex 4: Working Group Report on the Use of Languages**

# OFA Review on Social Cohesion

## *Use of Languages*

### **Disclaimer**

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Use of Languages as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на употреба на јазиците од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиниот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të përdorimit të gjuhëve si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.

## Executive Summary

The use of languages in public life is one of the most sensitive issues which has been dictating community relations since the time before independence. The OFA has significantly liberalized the normative framework for use of languages different from Macedonian, however disagreements over the general nature of the policy on use of languages are still present. The country is deeply divided along linguistic lines, and the common lingua franca is not firmly established.

Fourteen years after the signing of the OFA there is considerable progress in the guaranteeing and the implementation of the linguistic rights of communities, however there is a large number of open issues. The most consistent implementation can be observed in the use of languages in the assembly, the electoral process, issuing of personal documents, broadcasting, education, and the process of publishing of legal acts. At the local level the most consistent implementation is in the work of the municipal councils. The consistency of implementation is observed in the respect for the letter of the law by the institutions, but this does not mean that each of these areas is free from disagreements between the ethnic communities or that they do not have long term negative impact on social cohesion.

In addition, the implementation in some of the areas suffers serious shortcomings. The communication of citizens with the central government institutions (the ministries and their branch offices) and the local institutions – an especially important area defined also by the constitution – is one of the least developed areas of use of languages.

The implementation in all areas of use of languages is less developed at the local compared to the national level.

In addition, the implementation in large number of the areas of use of languages is not systematic. For many of the areas there is no available data based on which trends could be assessed.

In general, the implementation of the policy on use of languages in accordance with the principle of social cohesion is undercut by the lack of clear expression of political will to promote multilingualism in the country, as well as the lack of readiness to find a solution to the open issues in the national policy on use of languages.

More specifically, there is a lack of human and financial resources for implementation of the normative requirements, lack of control mechanisms, as well as lack of a strategic approach to implementation. In addition, the imprecision of the legal framework leaves room for inconsistent implementation which is evident from the variations in implementation in similar areas of language use.

In view of all this, the report makes recommendations, proposals and it suggests ideas for coordinated action of the different institutions and the major political actors with the aim of minimizing the potential of language issues to produce political tensions. In this sense, simultaneous actions at several levels are foreseen, with the involvement of different actors in their implementation. In essence, the recommendations are both political and technical, and they also suggest constitutional and legislative changes for addressing the identified problems.

## 1. Introduction

The use of languages in public life and in education was one of the most sensitive issues which dictated the dynamics of inter-community relations in the country in the 1990-s, as well as during the negotiations which led to the OFA. After 2001 the constitutional and the legislative framework for use of languages different from Macedonian was significantly liberalized even though disagreements over the general nature of the policy on use of languages are still present. The country is deeply divided along linguistic lines, and the large majority of citizens do not have command of the other languages. A common lingua franca is not firmly established even though according to the normative framework this role belongs to the Macedonian language. Thus, use of languages remains a disputed issue whose resolution would to a large extent contribute to more relaxed inter-community relations and strengthening of social cohesion.

Use of languages is regulated with amendment V to article 7 of the constitution, which defines the Macedonian language as the only official language in the country and in international relations (paragraph 1). In addition, amendment V defines as official “other languages spoken by at least 20% of the citizens” (paragraph 2), and the languages used by “at least 20% of the citizens” in the units of local self-government as official at local (municipal) level (paragraph 6). The same amendment determines the right to be issued personal documents in the official languages at national level (paragraph 3), the use of official languages in the communication of citizens with the ministry branch offices and with their central offices (paragraph 4), as well as in the government institutions (paragraph 5).<sup>84</sup>

The use of languages is more specifically regulated with the Law on the Use of A Language Spoken by at least 20% of the Citizens of the Republic of Macedonia in the Units of Local Self-Government (henceforth: law on languages)<sup>85</sup>. The law on languages more specifically defines the use of in several areas: in the assembly (article 3), in citizen communication with the ministries (4), in judicial proceedings (5-14), in the judicial institutions (15-17), in the general administrative procedure (18), in execution of sanctions (19), by the ombudsman (20), in the electoral process and the forms of direct democracy (21-28), personal documents (29-30), personal registries (31), police authorities (32), broadcasting (33-38), infrastructure (40-43), financial and economic activities (44-47), in education and science (48-53), culture (54-56), in the process of free access to public information (57), and in the publishing of legal acts (58).

The normative frame for use of languages was directly established with the implementation of point 6 from the OFA (use of languages and education). Annex I to the OFA includes the text which today is amendment V to article 7 of the constitution, whereas annex II, point 8, foresees the adoption of specific legal acts which would regulate use of languages.

In addition, this report presents the available quantitative and qualitative data and indicators on the progress with the implementation of regulation on use of languages 14 years after the signing of the OFA. The data is presented in thematic areas which are to a large extent consistent with the areas prescribed by the law on languages. Given the unsystematic approach of government institutions to this issue, there is not much official data, which makes the analysis of the situation more difficult.

For the preparation of this report, in addition to the available data from government institutions, data from the international actors in the country were used, as well as expert analyses, and analyses of public policies prepared by domestic civil society organizations (CSOs). The final part of the report

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<sup>84</sup> Constitution of the Republic of Macedonia, with amendments I-XXXII <http://www.sobranie.mk/ustav-na-rm.nspix>

<sup>85</sup> Official Gazette of the Republic of Macedonia, No. 101/2008

includes recommendations, proposals, and discussion ideas for improving the situation, which were prepared by the working group on use of languages within the process of OFA review – social cohesion.

## **2. Quantitative analysis of Ohrid Framework Agreement implementation status on the matter of Use of Languages**

The section on quantitative analysis presents the available quantitative data on the use of languages which are limited to six areas that data is available for, or which are particularly relevant: use of languages in the assembly, in the citizen communication with ministries, in judicial proceedings and institutions, in the electoral process, in broadcasting, and in local self-government. The other areas are addressed in the section on qualitative analysis.

### **2.1 Use of languages in the assembly**

Over the years the number of assembly documents translated from Macedonian into Albanian and vice versa has been constantly increasing: in 2009 the assembly translators worked on a total of 4.134 pages of documents, whereas in 2013 that number reached 13.953 pages. A similar increase is noted in the simultaneous interpretation during plenary and committee meetings: in 2011 interpreters had 1.383 hours of interpretation, whereas in 2013 they did 3.717 hours<sup>86</sup>.

At present a total of 22 persons work on translation and organization of translation work in the assembly, organized in three departments of the sector for translation. A total of 15 persons work in the department for translation from Macedonian into Albanian, and from Albanian into Macedonian, of whom 1 is a coordinator, 4 are advisors – translators, 5 are junior associates – translators, and 4 are junior clerks for translation of texts. There are a total of 6 persons in the department for editing and formatting: 1 coordinator, 1 advisor for material in Albanian, 1 junior associate, 2 independent clerks, and 1 junior clerk. There is no permanent staff in the department for translation into foreign languages. The sector for translation is run by a coordinator and an assistant coordinator.<sup>87</sup> According to the rulebook on the systematization of work positions, the personnel lacks one advisor, one associate, and one junior clerk in the department for translation from Macedonian into Albanian, and from Albanian into Macedonian; one senior associate in the department for editing and formatting; and one coordinator, advisor-translator into English, advisor-translator into French, and translator in the department for translation into foreign languages<sup>88</sup>.

There are two translators who work on translation of documents (draft bills, material for plenary and committee sessions, texts for the assembly web page) from Macedonian into Albanian at any point in time. Additional external translators are engaged occasionally.

Oral interpretation at plenary sessions is conducted by four simultaneous interpreters who work in two cabins and by two interpreters at the committee sessions.

<b>Table 1: Workload of the assembly translations services</b>		
<b>Year</b>	<b>Total hours of oral interpretation</b>	<b>Total number of pages of translation</b>
<b>2009</b>		4134
<b>2010</b>		15915
<b>2011</b>	1383	15191

<sup>86</sup> An interview with a representative from the sector of translation in the assembly, 2014.

<sup>87</sup> Official web page of the assembly, <http://www.sobranie.mk/default.asp?ItemID=138381DF0B7B0B4B8A0D827126886F9>

<sup>88</sup> Rulebook on the Systematization of Work Positions in the Service of the Assembly of the Republic of Macedonia, April 2015, p 152-162.

<b>2012*</b>	5247	27213
<b>2013</b>	3717	13953

\* The unusual increase of the workload in 2012 is due to the activity of DUI which successfully blocked the adoption of the so-called law on defenders by protracting the discussion and submitting a record number of 15.451 amendments.

## 2.2 Communication between citizens and ministries

Quantitative data on the practice of communication between citizens and ministries are literally inexistent. There is no data on the number of requests in languages different from Macedonian, the number of replies, the number of engaged staff, and the workload (number of translated documents and oral communication).

## 2.3 Use of languages in judicial proceedings and institutions

A total of nine basic courts in the country are located in municipalities with an official language other than Macedonian and spoken by at least 20% of citizens in the country: the basic courts Skopje 1 and 2, Debar, Gostivar, Kicevo, Krushevo, Kumanovo, Struga, and Tetovo. According to available data, the basic courts Skopje 1 and 2 each had four translators on their staff, with 358 and 151 translated proceedings respectively between the two languages in 2014.

The basic courts in Gostivar and Kicevo, have three translators each, and those in Kicevo and Struga (148 proceedings were translated in Struga) two each. The basic court in Krushevo had one permanent translator and the court in Debar did not have a translator. In addition, the basic courts translated the verdicts, subpoenas, decisions, appeals, and orders, as well as other documents: 322 documents and 62 verdicts were translated in Skopje 1; 48 documents and 2 verdicts in Skopje 2, 290 documents in Gostivar, and 80 documents in Struga.

From the courts of appeals there is available data only from the court in Gostivar (one translator with 18 documents translated in 2014 and 57 judicial acts from Macedonian into Albanian and vice versa, as well as one verdict translated from Macedonian into Turkish), and from the court in Shtip where there was never a request for translation and there is no translator.

In the Supreme Court there was one employed translator who translated 24 proceedings from Macedonian into Albanian and vice versa and 22 documents, in 2014.

In the Administrative Court there was never a request for translation in the procedure<sup>89</sup>.

There were a total of 3.080 court translators in the register of permanent court translators of the Ministry of Justice in October 2015, of whom 339 for Albanian, 103 for Serbian, 112 for Turkish, and 6 for Bosniak/Bosnian language<sup>90</sup>.

There is no data on the trends in use of languages in the judicial institutions: signed solemn statements by judges and judges-jurors, multilingual stamps, court names and locations, signed solemn statements by the members of the judicial council. The court web pages are to a large extent available only in Macedonian, and in a small number of cases in Albanian.

## 2.4 Electoral process

There is one permanent translator in the State Election Commission who takes care of all translation<sup>91</sup>. The Rulebook on the Systematization of Work Positions in the Specialized Service of

<sup>89</sup> All the presented data on the numbers of translators and translated documents in the courts are official data on 2014 received through official requests for information.

<sup>90</sup> The register is available at <http://www.pravda.gov.mk/sudskipreveduvaci/>

<sup>91</sup> Interview with a representative of the State Election Commission, 2015.



the State Election Commission foresees three translators, one for Albanian, one for English, and one for another foreign language<sup>92</sup>.

## 2.5 Broadcasting

The first TV channel of the public broadcasting service broadcasts in Macedonian language, whereas the second in the community languages, of which predominantly in Albanian. Smaller communities have a 30-minute program three times per week in the period 14.30 to 15.30 (Serbian and Vlach on Monday, Wednesday, and Friday; and Roma and Bosniak/Bosnian on Tuesday, Thursday, and Saturday). In addition to this program plan, the same communities have the right to one hour of program on Sunday, once per month. Only the program in Turkish is broadcast each day for 2.5 hours in the period 15.30 to 18.00. The third, assembly channel, broadcasts simultaneously in Macedonian and Albanian, but its Internet version is only in Macedonian.

The first satellite channel of the Macedonian Radio Television is broadcast in Macedonian, and the second in Albanian.

The radio channels of the public broadcaster are also broadcast in the languages of the communities noted in the preamble to the constitution. The first and the second radio channel are in Macedonian language, and the third in the community languages, in different time-slots.

Of the 64 private TV channels in 2015, 44 broadcast program only in Macedonian, 10 in Albanian, four in Macedonian and Albanian, two in Macedonian, Albanian, and Turkish, one in Macedonian, Albanian, and Bosniak/Bosnian, one in Macedonian and Serbian, one in Macedonian and Roma, and one in Bosniak/Bosnian<sup>93</sup>.

Of the 75 private radio channels, 62 broadcast program only in Macedonian; 10 in Albanian; one in Macedonian and Roma; one in Macedonian, Albanian, and Turkish; and one in Macedonian, Serbian, and Croatian<sup>94</sup>.

## 2.6 Local self-government

According to the population census from 2002<sup>95</sup>, and the territorial organization of the local self-government from 2004<sup>96</sup>, there are 30 local self-government units in the country (including the City of Skopje as a special unit) which are legally required to allow official use of more than one language (two of them are required to allow the official use of three languages, including Macedonian). One municipality does this even though it is not legally required, that is, with a decision of the municipal council.

Of all the 31 “multilingual” self-government units, 22 use two official languages including Macedonian, seven use three languages, and two units use even four official languages (as of April

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<sup>92</sup> Rulebook on the Systematization of Work Positions in the Specialized Services of the State Election Commission, no. 01-307/95 from 09.04.2010, available at [http://www.sec.mk/files/Sistematizacija\\_DIK\\_PT.pdf](http://www.sec.mk/files/Sistematizacija_DIK_PT.pdf)

<sup>93</sup> Data from 20.05.2015 available on the web page of the Agency for Audio-Visual Media Services, [http://avmu.mk/index.php?option=com\\_content&view=article&id=1146&Itemid=342&lang=mk](http://avmu.mk/index.php?option=com_content&view=article&id=1146&Itemid=342&lang=mk)

<sup>94</sup> Data from 20.05.2015 available on the web page of the Agency for Audio-Visual Media Services, [http://avmu.mk/index.php?option=com\\_content&view=article&id=1150&Itemid=343&lang=mk](http://avmu.mk/index.php?option=com_content&view=article&id=1150&Itemid=343&lang=mk)

<sup>95</sup> Census of population, households, and dwellings in the Republic of Macedonia 2002, according to the territorial organisation from 2004 (Book XIII), State Statistical Office, Skopje, May

<sup>96</sup> Defined with the Law on Territorial Organization of the Local Self-Government (Official Gazette, No. 55/2004). The territorial organization was conducted such that in 2004 the number of municipalities was reduced from 123 to 84, and in 2013 this number was additionally reduced to 80, with the merging of 4 smaller municipalities with the Municipality of Kichevo.

2014)<sup>97</sup>. Albanian is official in 27 local self-government units, Turkish in eight, Serbian in three, Roma in two, and B Bosniak/Bosnian and Vlach in one.

Most of the multilingual municipalities are in the Skopje (10), and the Polog planning region (9); fewer are in the Southwest (5), and a small number in the Northeast (3), Pelagonija (2), and Vardar (1). Only in the Polog region all 9 municipalities are multilingual, whereas none in the East and the Southeast region. Four municipalities are in the City of Skopje.

According to the 2002 census, 832.184 citizens (41.14%) live in a municipality with more than one official language. Most of them are ethnic Albanian (e/A) (478.551 or 57.5%), whereas 236.659 (28.44%) are ethnic Macedonian (e/M). The other communities are in smaller numbers: ethnic Turks (e/T) – 5.94%, ethnic Roma (e/R) – 3.53%, ethnic Serbs (e/S) – 1.85%, ethnic Vlach (e/V) – 1.39, and ethnic Bosniak (e/B) – 0.25%.

There are no official data on the total number of translators who support the use of languages at local level, the amount of correspondence of citizens with local institutions, and local public enterprises, and the use of languages in the provision of information to citizens. The City of Skopje and the Municipality of Chair each had 4 Macedonian – Albanian translators in 2014; Gostivar had two Macedonian-Albanian and one Turkish language translator. For comparison, the rural municipality of Studenichani did not have a single translator in 2014, and translation work was done by the staff.<sup>98</sup> Most of the systematization rulebooks in the “mixed” municipalities foresee translator positions in their administrations<sup>99</sup>.

<b>Table 2: Official languages different from Macedonian in the units of local self-government (as of April 2014)</b>					
<b>ULSG</b>	<b>Official languages</b>	<b>ULSG</b>	<b>Official languages</b>	<b>ULSG</b>	<b>Official languages</b>
<b>City of Skopje</b>	Albanian	<b>Jegunovce</b>	Albanian	<b>Staro Nagorichane</b>	Serbian*
<b>Arachinovo</b>	Albanian	<b>Kichevo</b>	Albanian	<b>Struga</b>	Albanian
<b>Bogovinje</b>	Albanian	<b>Krushevo</b>	Albanian and Vlach*	<b>Studenichani</b>	Albanian and Turkish*
<b>Brvenica</b>	Albanian	<b>Kumanovo</b>	Albanian, Serbian* and Roma*	<b>Tearce</b>	Albanian
<b>Butel</b>	Albanian	<b>Lipkovo</b>	Albanian	<b>Tetovo</b>	Albanian
<b>Vrapchishte</b>	Albanian and Turkish*	<b>Mavrovo i Rostushe</b>	Turkish	<b>Centar Zhupa</b>	Turkish
<b>Gostivar</b>	Albanian and Turkish*	<b>Petrovec</b>	Albanian	<b>Chair</b>	Albanian and Turkish*
<b>Debar</b>	Albanian	<b>Plasnica</b>	Turkish	<b>Cashka</b>	Albanian
<b>Dolneni</b>	Albanian, Turkish* and Bosniak/Bosnian*	<b>Saraj</b>	Albanian	<b>Chucher Sandevo</b>	Serbian and Albanian

<sup>97</sup> IDSCS (2014), Local linguistic policies for non-majority communities, Institute for Democracy Societas Civilis (IDDSCS), April 2014. The data was collected through a questionnaire administered to municipalities.

<sup>98</sup> Ibid. Data is collected through interviews with officials from the municipalities, 2014.

<sup>99</sup> Ibid.

<b>Zhelino</b>	Albanian	<b>Sopishte</b>	Albanian	<b>Shuto Orizari</b>	Roma and Albanian
<b>Zelenikovo</b>	Albanian	(*) = languages introduced with a decision of the municipal council (communities smaller than 20%)			

### 3. Qualitative analysis of Ohrid Framework Agreement implementation status on the matter of Use of Languages

This section presents the available qualitative data and it addresses all areas from the law on languages.

#### 3.1 Use of languages in the assembly

In accordance with the law, the Macedonian and Albanian language are regularly used in the assembly. All translation work is done by the sector for translation established in 2008 (after the adoption of the law on languages) as an independent unit within the assembly service. Before the establishing of the sector, translation was done only from Macedonian into Albanian, and after its creation also vice versa. The workload constantly increases which is an indicator of a broader and more frequent use of Albanian. The sector does not yet have all the required staff according to the last systematization rulebook, and there is lack of analysis on the need for human resources and their level of training for translation work. The law on languages does not specify which documents should be translated and this is a circumstance which allows the inconsistent practice of written translation. With regard to oral expression and its interpretation, the law allows the MPs to speak in Albanian in the plenary and the committee sessions, and since 2011 it also allows this for the elected and appointed officials<sup>100</sup>. The law allows the chairing of the committee sessions but not of the plenary ones, in Albanian. The ban on chairing of plenary sessions in Albanian is often problematized by the MPs from the e/A community.

#### 3.2 Communication between citizens and ministries

The area of use of language in the communication between citizens and ministries is one of the less developed. Even though the constitution allows a two-way communication between the citizens and the ministries in official language different from Macedonian, and communication between the citizens and the and the ministry branch offices, depending on their place of residence, in the law on languages these rights are equalized and subject to the interpretation that the person can communicate with the central and local offices only if s/he lives in a unit of local self-government where the e/A community represents 20% of the population. Nonetheless, the constitution reads that “each citizen can use one of the official languages written in its alphabet in communication with the ministries” (paragraph 4 of amendment V), a provision which is not consistently translated into the law.

In addition, the government has not yet carried out activities for informing the citizens of their rights in communication with the ministries.

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<sup>100</sup> Law for Amending the Law on the Use of Languages Spoken by at least 20% of the Citizens of the Republic of Macedonia in the Units of Local Self-Government, Official Gazette, No. 100/2011.

The use of languages in the one-way provision of information by the ministries (including the web-space) is not regulated even though in some cases the provision of information is bilingual. Practice indicates that the bilingualism in the provision of information is strongly conditioned by the ethnic affiliation of the ministers<sup>101</sup>.

### **3.3 Use of language in judicial procedures and institutions**

The data available on the number of translations and engaged translators indicate to the conclusion that there is a practice of using both national official languages, even though it is not possible to derive a conclusion on the consistency of this practice. According to the law on use of languages, the criminal and misdemeanor procedures can be conducted in Macedonian and Albanian in all phases and include all documents, and the parties must be provided interpretation in a language they understand. In the civil contentious, the civil non-contentious, and the administrative procedure, the court should provide oral and written translation for the parties, even though the proceedings are conducted exclusively in Macedonian.

### **3.4 General administrative procedure and execution of sanctions**

Data on the use of languages in the general administrative procedure and in the execution of sanctions are generally not available. There are bilingual and mono-lingual forms in Macedonian and Albanian language in the different bodies of government administration, but it is difficult to assess the consistency of implementation. According to the legislative frame, both procedures are conducted in Macedonian and Albanian, whereby the Albanian can be used only if the citizen lives in a unit of local self-government where the e/A community represents 20% of the population.

### **3.5 Ombudsman**

Both Macedonian and Albanian can be used in the procedure before the Ombudsman. However, online (via its web page) petitions to the Ombudsman can also be submitted in English<sup>102</sup>. The entire web page of the institution is also tri-lingual. The annual report of the Ombudsman does not contain data on the number of petitions filed in languages different from Macedonian, or on the number permanent or temporary translators<sup>103</sup>.

### **3.6 Election process and forms of direct democracy**

The election process is one of the areas where the use of languages is conducted in full compliance with the law. The lists of candidates for the parliamentary and the local elections can be submitted in Macedonian or another language spoken by 20% of the citizens in the election unit (for the

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<sup>101</sup> All the web-pages where the current ministers are e/As (Ministry of Justice, Ministry of Economy, Ministry for Education and Science, Ministry of Environment and Spatial Planning, Ministry of Local Self-Government) as well as the Secretariat for European Affairs, and the Secretariat for Implementation of the Ohrid Framework Agreement have versions in Albanian. This is not the case with the ministries where the ministers are e/Ms, for example: the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Transport and Communications, Ministry of Health, Ministry of Labor and Social Policy, Ministry of Culture, Ministry of Information Society and Administration. The Ministry of Defense, and the Ministry of Agriculture, Forestry and Water Economy are the exemptions; they have bilingual web pages even though the ministers are e/Ms.

<sup>102</sup> Electronic form available at [http://ombudsman.mk/MK/podnesi\\_prestavka.aspx](http://ombudsman.mk/MK/podnesi_prestavka.aspx)

<sup>103</sup> Annual Report on the Level of Respect, Promotion, and Protection of Human Rights and Freedoms, Ombudsman, March 2015

national elections) and in the unit of local self-government (for the local elections). The candidate lists in the municipalities where 20% of the citizens speak language different from Macedonian are published in that language and alphabet. The lists for the national elections are published in at least one Albanian print medium. The ballot forms are printed in Macedonian, whereas in the municipalities where 20% of the citizens speak another language, they are also printed in that language and alphabet. The names on the candidate lists are written in Macedonian and in the language and alphabet of the candidate's community. The voting instruction is published in Macedonian and in the languages of all the communities noted in the preamble to the constitution: Albanian, Turkish, Serbian, Roma, Bosniak/Bosnian, and Vlach.

During the elections, the municipal election commissions and the election boards in addition to Macedonian use the language of the community which makes up 20% of the population in the unit of local self-government. The law on languages does not include provisions on the use of languages in the State Election Commission. Despite not being prescribed by the law, the election results are published in Macedonian and Albanian. The law on languages does not contain provisions on the presidential elections, even though in reality the same rules as for the national elections apply (if applicable).

As regards the forms of direct democracy (referenda and citizen initiative), the rules are similar to those for the election process. The ballot form for the referenda at national and local level is printed in Macedonian, as well as the official languages in the municipalities. The template form for the citizen initiative can be submitted in Macedonian and in the official language and alphabet of the municipality. The last national referenda in the country was in 2004 so practically there is no experience which would allow an assessment of the implementation of this regulation.

### **3.7 Personal documents and personal registries**

According to the law on languages, the personal documents (identity cards and passports) can be issued in two languages, Macedonian and Albanian, and the data in the document application form can, at a personal request, be written in any language and alphabet other than the official one. The forms used in this procedure are available in both languages. The regulation is implemented consistently. However, the legislation does not expand the scope to other personal documents. For example, drivers' licenses and car registrations, as well as the documents for registering of traffic violations are issued only in Macedonian.

The personal registries and certificates are run in Macedonian written in its alphabet, but also in the language and the alphabet of the community which makes up 20% of the population in the municipality. The personal registries in the branch offices of the Ministry of Justice are kept in two languages, and the certificates are issued in two languages. The application forms for a certificate of birth, marriage, and death, are available in Macedonian, Albanian, and well as in a bilingual format.

### **3.8 Police powers**

According to the legislation, the communication with persons in all phases of the police procedure is conducted in a language they understand. There are no data on the violation of these rights in police investigation.

### **3.9 Broadcasting**

The use of languages in broadcasting is unhindered and it is in compliance with the quotas set by the law on languages. In this sense, the law is fully applied. However, the public broadcasting service does not have programs which simultaneously use the two languages of the largest communities on its TV and radio channels. The first TV channel and the first and the second radio channel broadcast completely in Macedonian and in the world languages, with subtitles in Macedonian; whereas the second TV and the third radio channel broadcast completely in the community languages among which the Albanian is predominant. In addition, the private TV and radio channels which broadcast simultaneously in several languages are rare. Only one private national TV channel is bilingual (Macedonian and Albanian), and only two local channels broadcast program in three languages (Macedonian, Albanian, and Turkish).

### **3.10 Local self-government**

According to the legislation, in addition to Macedonian, official languages in the municipalities are the languages of communities which make up 20% of the population in the municipality. In addition, official languages also be those of the communities below 20% by decision of the municipal council. At local self-government level, the use of languages is most consistently implemented in the work of the municipal councils and on the information boards displayed on municipal buildings and property. Most local self-government units have simultaneous interpretation equipment which is used for the plenary sessions of the councils. In most cases the equipment is a foreign donation. The interpretation is done by professional interpreters employed on permanent or temporary basis, but in many cases it is also done by persons who have command of several languages but are not professionals. On the other hand, interpretation in committee sessions is less common, but when it is done, consecutive and not simultaneous interpretation is used. The multilingual municipal information boards are a well-established practice and they can be afforded even by the smaller municipalities which by definition have limited financial resources.

The least developed area is the communication of citizens with municipal bodies. The publishing of the official gazette, the web pages, and the information boards in several languages varies across municipalities, and across languages in the municipality. The same applies to the process of free access to public information.

Written communication is most often fully conducted in Macedonian and in the language of the largest community in the municipality, and a lot more seldom in more than two languages. Oral communication is rarely systematically conducted and it depends on the linguistic competencies of the clerk.

The communication between the citizens and the municipal public enterprises also seldom takes place in the languages of the non-majority communities, even though exceptions to this rule have been registered. For example, most of the public enterprises in the Municipality of Gostivar deliver the bills to the citizens in the three official languages in the municipality: Macedonian, Albanian, and Turkish.

As regards the official use of the languages of the “smaller” communities at municipal level (those below 20% of the population in the municipality), to date eight municipal councils have adopted decisions declaring certain of these languages as official. However, a more careful review of the municipal decisions and their implementation reveals that in reality little attention is paid to what is

the scope the official use of language entails. So the Council of the Municipality of Kumanovo by official use of the Roma and Serbian understands only their use in the work of the council, which is predominantly oral<sup>104</sup>. On the other hand, the Council of the Municipality of Gostivar has declared by a decision the “equality” of Turkish, Macedonian, and Albanian as official languages of the “large” communities<sup>105</sup>. Thus the “officialness” of the languages of the “smaller” communities varies across municipalities and it represents an inconsistent practice which can damage social cohesion in the relation between “large and smaller” communities.

### **3.11 Infrastructure objects**

In the units of local self-government where at least 20% of the citizens use an official language different from Macedonian, the names of streets, squares, bridges, and other infrastructure are written in Macedonian and the other official language and its alphabet. This right is broadly respected across the country, even though the writing is to a large extent inconsistent. There are no specific rules on the way to write, so the writing gives a symbolic advantage to one language by using larger letters, or a specific order. In some cases only the official language different from Macedonian is used. The information boards on infrastructure objects are often scratched by citizens of another ethnic affiliation so they represent a front for subtle inter-ethnic conflict, even though in the public sphere this problem is rarely used for open confrontation.

### **3.12 Finance and Economics**

According to the law, the tax procedure can be conducted in Albanian, same as in the general administrative procedure: on condition that the citizen lives in a unit of local self-government where the e/A community represents 20% of the population. Business records must be kept in the official language, however the Public Revenue Service can allow an exception to this rule.

Company names and their trade records are written in Macedonian, but if the company base is in a unit of local self-government where an official language is the language of the community which makes up 20% of the population, writing can also be done in this language. In both cases the other language is used together with Macedonian.

### **3.13 Education and science<sup>106</sup>**

According to the law on languages, instruction in primary and secondary education is done in Macedonian and in the languages of the other ethnic communities. The pedagogical documentation and the textbooks are produced in the languages of instruction. In higher education there is government financing for education in mother tongue only for the community which makes up 20% of the population, that is for the e/A community. The study of Macedonian is mandatory at all levels of education, but the details are not more specifically defined. The provisions from the law on languages on primary, secondary, and higher education are broadly applied. In primary and

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<sup>104</sup> Decision on the use of Serbian and Roma in the Work of the Council of the Municipality of Kumanovo, no. 8, 6 May 2010.

<sup>105</sup> Decision on the Use of Languages in the Municipality of Gostivar. Official Gazette of the Municipality of Gostivar, no. 7/2009, from 15 July 2009.

<sup>106</sup> In this report the area of education is only adjacently addressed, and it is left as a central issue addressed by the working group on education in the process of review of the OFA – social cohesion.

secondary education, the pupils from the e/M and e/A community predominantly learn in their mother tongue. More than half of the members of the e/T community study in mother tongue in primary education. A small number of the e/S community study in Serbian. There is no teaching in the languages of the other communities, but there are elective classes in the language and culture of the different communities. In higher education e/A predominantly study in Albanian, at the State University of Tetovo, and the public/private University of Southeast Europe. In addition to Albanian, the only language used in higher education is Macedonian. The largest university in the country, St. Cyril and Methodius does not have courses in Albanian (except on the Faculty of Pedagogy), and likewise the Tetovo university does not have courses in Macedonian.

Over the past years the key dispute in the field of education was the issue at which time to start the classes in Macedonian for the pupils in primary education. At present the study of Macedonian language for community members starts in fourth grade. In addition, the government does not implement a systematic policy for integration of the various ethnic communities in the process of education. With regards to the “smaller” ethnic communities, it is often noted that the quality of the translation in their textbooks for primary education is low.

### **3.14 Culture**

According to the law on languages, a bilingual (Macedonian and Albanian) preparation is foreseen for the public competitions for projects of national interest and the plaques for the ambassador of culture award (if the person is a member of the e/A community). In addition, in the units of local self-government where the e/A community makes up 20% of the population, local libraries run the records and the basic catalogue also in Albanian. On the second issue, there are no available data on the implementation.

### **3.15 Free access to information**

The procedure for free access to information is predominantly conducted in Macedonian, in communication with the central government bodies, and much more seldom in Macedonian and Albanian in some units of local self-government with mixed population. As per the law, this process should be conducted both-ways in any of the official languages, whereby it is not specifically indicated which level of government (central or local) it's referred to.

### **3.16 Publishing of legal acts**

As per the normative framework, the legal acts are published in both official languages at the national level, and the implementation is consistent in this regards. However, the secondary legislation is not covered with the provisions of the law on languages and it is in reality published only in Macedonian.



#### **4. Conclusions**

The effectiveness of implementation of the principle of use of languages initiated with the OFA varies across the specific areas defined in the law on languages. More specifically, the most consistent use is noted in the work of the assembly, the election process, the issuing of personal documents, the broadcasting, and the process of publishing of legal acts; and at the local level in the municipal councils. The consistency is observed in the respect for the legal requirements by the institutions and this does not mean that these areas are not subject to disagreement between the ethnic communities. For example, the (lack of) use of Albanian in the chairing of the assembly sessions and the monolingual publishing of the secondary legislation are issues of dispute. Other areas yet, suffer from systemic shortcomings which over the long term can represent sources of interethnic tension – the education process and broadcasting are typical examples. Notwithstanding their implementation in line with the OFA and the legislation, they generate serious fragmentation in society, and undermine social cohesion. On the other hand, the implementation in some of the areas suffers serious shortcomings. The communication of citizens with the central bodies (ministries and their branch offices) and the local government institutions – an especially important area defined by constitutional provisions – represents one of the least developed areas of use of languages. The process of free access to public information, which involves both central and local institutions, is implemented unsystematically, and the use in the judicial institutions is partial.

In general, the implementation across all the areas of use of language is considerably less developed at the local compared to the central government level.

For many of the areas data are not available and it is difficult to assess success. The typical examples for the lack of data are the following areas: general administrative procedure, execution of sanctions, police powers, finance, economics, and culture. In areas such the use before the Ombudsman and in the display boards on public infrastructure objects, it is possible to derive conclusions based on qualitative indicators even in absence of quantitative data.

Overall, the implementation of language use in accordance with the principles of social cohesion is undermined by the lack of clear political will to stimulate multilingualism in the country and the lack of readiness to find a solution to the open issues in the national language policy. More specifically, there is a lack of human and financial resources for implementation of the normative requirements, no mechanism for control, and a lack of strategic approach to implementation. In addition, the imprecision of the legal frame leaves room for inconsistent implementation which is evident in the variations in the implementation in similar areas of language use.

Synchronized action is needed by the different institutions and the main political actors in order to minimize the capacity of language issues to produce interethnic tensions. In this sense, the recommendations, proposals, and the ideas which follow, foresee a simultaneous action at several levels and involvement of various actors in their realization.

## 5. Résumé of recommendations, proposals, and/or ideas for discussion<sup>107</sup>

**Identified problem / challenge 1:** The provisions from article 4 from the Law on languages, which refer to the communication of citizens with the ministries and their branch offices are to a large extent “tighter” than the provisions from amendment V to article 7 of the Constitution, and as such are not consistent with “the spirit of the OFA”. The legislative solution has undercut the constitutionally guaranteed right to communication with the ministries in the official languages regardless of the place of residence, by making it dependent on the criteria “20% of the population”. This legislative solution directly impacts social cohesion representing a potential factor of distrust of the e/A community toward the government. In addition, there is the room to strengthen social cohesion by a certain expansion of the right to communication for the members of the “smaller” communities with the ministry branch offices. This can be done by tying the right to communication with the status of the language as official in the unit of local self-government which is under the jurisdiction of the branch office, instead of using the criteria “20% of the population”.

**Proposed solution/strategy/intervention:** The legal provision from article 4 in the law on languages should be revised to respect the constitutional provisions from amendment V (see the proposal for the nomo-technical editing in Annex II to this report). The communication in mother tongue for the members of the e/A community with the central-level ministries should be prescribed and guaranteed regardless of the place of residence and unrelated to the criterion “20% of the population at local level”. In addition, changes should be introduced to the law on languages to associate the communication of the “smaller” communities with the Ministry branch offices, with the status of the language as official in the unit of local self-government, abandoning the criterion of “20% of the population at local level”. This would enable consistency in the use of the languages of the “smaller” communities between the central and the local level.

**Concrete activity to be implemented and who should implement it:** The Assembly of the Republic of Macedonia should agree on and adopt legislative changes in line with these principles, and the political parties should fully support and promotes these changes.

**Identified problem / challenge 2:** There is a **lack of trained translators** in all the institutions at national and local level. In many institutions translation is done by persons who have command of two or more languages but who are not qualified. Oral communication in particular is conducted unsystematically and it depends to a large extent on the linguistic competencies of the clerk.

**Proposed solution/strategy/intervention:**

- The government should aim to produce qualified translators following an assessment of needs based on a detailed analysis of the current situation.
- These human resources should be built through specialized translation courses which should be made more accessible at the faculties of philology in the country, introduction of post-graduate specialized courses, as well as introduction of lower-level specialized courses in the secondary schools.

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<sup>107</sup> For a more detailed overview of the prepared recommendations/proposals and/or ideas for discussion please see Annex I to this report.

- In addition, mandatory internships should be organized for the future translators with the government institutions, as well as testing which should serve as basis for obtaining a translator certificate.
- All qualified translators should be registered with a database which the government institutions can use to get information on available translators.
- The work position of translator should be better specified in the public administration system and translator career levels should be prescribed.

**Concrete activity to be implemented and who should implement it:**

- An inter-sectorial body should prepare a detailed needs assessment and analysis of the current state with translator resources in the country.
- Based on the analysis, the MES should prepare a program for introducing specialized undergraduate and post-graduate studies, and specialized studies in secondary education.
- These courses should include mandatory testing as requirement for a translator certificate and a mandatory internship for the future translators.
- The SIOFA and the general secretariat of the government should develop a database of the available translators in the country.
- MISA should more specifically define the work position of translator in public administration, inclusive of translator career levels.

**Identified problem / challenge 3:** The implementation of constitutional and legislative provisions on the use of languages is hindered at several levels because of the obvious **lack of financial resources** allocated for implementation of the policies on use of languages in publicly financed organizations (budget beneficiaries). The most typically required expenses are for translators and organization of translation work, and to a smaller extent, for printing of various documents and materials. The budget beneficiaries do not keep records of the expenses related to the implementation of the constitutional and legislative requirements. Thus, it is difficult to assess the cost of the policies on use of languages. This situation further accentuates the entrenched idea that the use of more than one language in official communication is an expensive activity, even though there are studies from other countries (for example Canada) which demonstrate the opposite.

**Proposed solution/strategy/intervention:** The following is required in order to completely overcome the identified problem:

- designing of a methodology for calculating the cost of multilingual policies to the budget;
- measures which would enable clear presentation of the cost by introducing a separate budget line in the national budget as well as for each budget beneficiary;
- measures to rationalize expenses through centralization/regionalization of translation work through creation of translation centers; and,
- measures for financing the use of languages through allocation of a portion of the VAT collected in the units of local self-government for the implementation of the policy on use of languages.

**Concrete activity to be implemented and who should implement it:**

- The Ministry of Finance should prepare a methodology for calculating the cost of use of languages to the budget.

- The assembly should adopt changes to the law on languages and/or to the Law on Financing of the Units of Local Self-Government, which would require a mandatory specification of the cost to the budget.
- The assembly should adopt changes to the legislative frame to allocate part of the collected VAT for implementation of the use of languages at local level.
- The government should undertake activities for setting up translation centers which would do the translation for several units of local self-government and ministry branch offices in territorial proximity.

**Identified problem / challenge 4:** The law on languages is implemented inconsistently in different areas by both national and local institutions. One of the reasons for this situation is the **lack of control mechanisms and sanctions** which would stimulate a more consistent implementation by the institutions.

**Proposed solution/strategy/intervention:** A combined action is needed to overcome this problem, which would include introduction of sanctions in the law on languages, as well as strengthening of the inspectorial oversight over its implementation. With regards to the second measure, two options are possible:

- 1) strengthening of the capacity of existing inspectorates, that is the administrative inspectorate and the local self-government inspectorate with new human resources and special programs for implementation of the law on languages, or
- 2) introduction of a separate inspectorate which would monitor the breaches to the implementation of the law on languages (or, an inspectorate which would generally monitor the breaches to the implementation of the OFA).

**Concrete activity to be implemented and who should implement it:**

- The assembly should adopt changes to the law on languages which would introduce sanctions for institutions which do not adhere to its provisions, and
- the Government should prepare a program for strengthening the inspectorial oversight, taking into consideration the aforementioned policy options.

**Identified problem / challenge 5:** Throughout the country **multilingualism is not perceived as an advantage or an opportunity for future generations**. In addition, citizens are not informed of the possibilities offered by the law on languages, that is, they are not familiar with their language rights.

**Proposed solution/strategy/intervention:** Multilingualism should be promoted through public campaigns nationwide. The message to be conveyed should associate political stability with the economic advantages, indicating the opportunities on the broader regional market. In order to overcome the problem with the low level of citizen awareness about the possibilities offered by the law on languages, a separate public information campaign should be organized.

**Concrete activity to be implemented and who should implement it:** The government should prepare and realize a clear promotional plan and campaign in line with the guidelines suggested above.

**Identified problem / challenge 6:** The inconsistent implementation of the law on languages is in part due to the **lack of an overarching strategic and action plan** which would set the directions for coordinating the institutions over a common direction and policies.

**Proposed solution/strategy/intervention:**

- The inter-ministerial working group should be reactivated but this time with a clear mandate and work plan. Its key activity should be analysis of the situation on use of languages, assessment of needs, and preparation of strategic and action plans which would enable synchronized action between the institutions in the executive branch, as well as their monitoring.

**Concrete activity to be implemented and who should implement it:**

- The Government should re-create the inter-ministerial working group and
- It should set a clear plan of action for the group, an important part of which will be the preparation of strategic and action plans.
- The Government should commit to the strategic and the action plans and it should take specific measures to support their implementation.

**Identified problem / challenge 7:** The normative frame for use of languages at local level does not effectively define all the areas of use. As a consequence, there is **no normative standard and in reality many of the areas of use are neglected by the local authorities**. In addition, when introducing the languages of the “smaller” communities (those below 20% at local level), the municipal councils did not succeed in effectively defining the areas of use. This void is unfavorable and it affects the official use of the respective language.

**Proposed solution/strategy/intervention:**

- The legislative frame should define the areas of language use at local level more specifically.
- Second, in deciding on the use of languages of the “smaller” communities, the municipal councils should also address the issue of areas of use of the respective language.

**Concrete activity to be implemented and who should implement it:**

- The assembly should adopt legislative changes that would more specifically define the areas of language use at local level.
- When introducing the languages of the “smaller” communities, as well as in the already existing decisions, the municipal councils should clearly define what the official use of a language means.

**Identified problem / challenge 8:** The law on languages, in its article 58 which regulates the **publishing of legal acts**, prescribes that bilingual (Macedonian and Albanian) publication is required only for the laws. Despite the repeated calls by representatives of the e/A community to publish also the secondary legislation in both languages, this idea has not yet been realized. With the aim of bringing it closer to the “spirit of the OFA”, there is the need for more specific clarification of this legal provision.

**Proposed solution/strategy/intervention:** Changes should be made to article 58 of the law on languages to require the publishing of secondary legislation, such as rules of procedure, rulebooks,

guidelines, and other legal acts (see the proposal for the nomo-technical editing in Annex III to this report).

**Concrete activity to be implemented and who should implement it:** The assembly should adopt legislative changes according to the principles suggested above, and the political parties should fully support them and promote them.

**Identified problem / challenge 9:** The implementation of multilingual policies produces a large number of written documents and other forms (for example, road signs, institution display boards, etc.) which are at present prepared in different ways by different institutions (ministries, government agencies, and units of local self-government). The differences sometimes cause interethnic tensions due their symbolic significance.

**Proposed solution/strategy/intervention:**

- To prepare a document that will prescribe a **standardization of the different written forms**, to be based on the principle of equality in the writing/display of the different languages.
- The standardization would be mandatory at a national level (prescribed by the normative framework) and there would be sanctions for non-compliance.

**Concrete activity to be implemented and who should implement it:**

- The SIOFA should initiate and prepare a document for standardization of the multilingual writing through a broad public consultation.
- The assembly should adopt changes to the law on languages defining and guaranteeing the systematization of the written documents.

**Identified problem / challenge 10:** The issuing of personal documents in a language different from Macedonian has to some extent been hindered by the law on languages with the adding of the provision that personal documents are issued and written in another language at a personal request by the applicant (articles 29-30), even though this is not required by the constitution.

**Proposed solution/strategy/intervention:** The provisions from articles 29-30 of the law on languages **requiring a “personal request”** in the process of issuing of personal documents should be deleted by revising the law.

**Concrete activity to be implemented and who should implement it:** The Assembly of the Republic of Macedonia should adopt changes to the law in line with the principles suggested above, and the political parties should fully support and promote these changes in the law on languages.

**Identified problem / challenge 11:** Despite the fact it was signed in 1966, the Republic of Macedonia has still not **ratified the European Charter for Regional and Minority Languages**. Even though it is indirectly related to the OFA, the non-ratification of the charter reduces the government commitment to the realization of the right to use of the languages of the non-majority communities.

**Proposed solution/strategy/intervention:** The European Charter for Regional and Minority Languages should be ratified by the Assembly of the Republic of Macedonia as soon as possible.

**Concrete activity to be implemented and who should implement it:** The Assembly of the Republic of Macedonia should take action to ratify the European Charter for Regional and Minority

Languages, and the political parties should promote and should publicly support the process of ratification of the European Charter for Regional and Minority Languages.

**Identified problem / challenge 12:** The constitutional changes which resulted from the incorporation of the Ohrid Framework Agreement into Macedonia's legal system, introduced in article 7 of the constitution the category of "language spoken by at least 20% of the citizens". This **"unnamed" language** defined by numeric criteria was elevated to the level of "official language" with the OFA-sponsored revisions. Even though the level of officialness was determined in a functional sense, at a symbolic level the non-naming of the language was a source of inter-ethnic tension and distrust between the two largest communities.

**Proposed solution/strategy/intervention:** Revision is needed in paragraph 2 of amendment V to article 7 of the constitution to change the prescription "other language spoken by at least 20% of the citizens" into "Albanian language". In addition, changes are proposed to paragraph 6 which would make the Albanian, Turkish, Roma, Serbian, Bosniak/Bosnian, and Vlach as official languages at local level, under the already defined conditions in the constitution.

**Concrete activity to be implemented and who should implement it:** The Assembly of the Republic of Macedonia should initiate a procedure for changing amendment V to article 7 of the constitution, to specify the languages which are in official use, and the political parties should promote and publicly support this change as a long term solution which is of special importance for overcoming the possible disagreements over the national policy on the use of languages.

**General Comment:** One member of the working group strongly disagrees with the identified problems, proposed interventions, and the specific actions 1,4,6,8,9,10, and 12.

## **6. List of Annexes**

- Annex I: Detailed recommendations/proposals/ and/or ideas for discussion
- Annex II: Nomo-technical editing related to identified problem 1 and the respective interventions
- Annex III: Nomo-technical editing related to identified problem 10 and the respective interventions

## Annex I:

### Detailed recommendations, proposals, and/or ideas for discussion

**Identified problem / challenge 1:** The provisions from article 4 of the law on languages related to the communication of citizens with the ministries and their branch offices are to a large extent “tighter” than the provisions from amendment V to article 7 of the constitution, as well as the “spirit of the OFA”.

Whereas the constitution prescribes that “each citizen can use one of the official languages and alphabets in communication with the ministries, and the ministries respond in Macedonian language and its Cyrillic alphabet, as well as the official language and alphabet of the citizen”, the law on this same issue prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in the communication with the ministries”.

In addition, whereas the constitution prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in the communication with the ministry branch offices”, the law prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in communication with the ministry branch offices in the respective unit of local self-government”.

This creates a difference between the intention of the OFA and the legislative solution, which undercuts the constitutionally guaranteed right to communication with the ministries in the official languages regardless of place of residence, through the additional criteria of “20% of the population”. This legislative solution has a direct impact on social cohesion representing a permanent source of distrust of the e/A community towards the government. In addition, there is room to strengthen social cohesion by a certain expansion of the right of communication of the members of the “smaller” communities with the ministry branch offices. This can be done by tying the right to communication with the status of the language as official in the unit of the local self-government which is under the jurisdiction of the branch office, instead of using the “20% of the population” criterion.

**Proposed solution/strategy/intervention:** The legal provision from article 4 from the law on languages should be revised to respect the constitutional provisions from amendment V. The communication in mother tongue for the members of the e/A community with the central ministries, regardless of place of residence and unrelated from the “20% of the population at local level” criterion should be guaranteed (see the proposal for nomo-technical editing of the legal solution in Annex II). In addition, changes should be prescribed in the law on languages tying the communication of the “smaller” communities with the ministry branch offices with to the status of the language as official in the unit of local self-government, thereat abandoning the “20% of the



population at local level” criterion. This would ensure consistency in the use of the languages of the “smaller communities” between the central and the local level.

**Concrete activity to be implemented and who should implement it:**

- The Assembly of the Republic of Macedonia should define and adopt legislative changes in line with the principles suggested above.
- The political parties should completely support and promote these changes in the law on languages.

**Identified problem / challenge 2:** There is a **lack of trained translators** in all the institutions at national and local level. In many institutions translation is done by persons who have command of two or more languages but who are not qualified. Oral communication in particular is conducted unsystematically and it depends to a large extent on the linguistic competencies of the clerk.

**Proposed solution/strategy/intervention:** The government should aim to produce qualified translators following an assessment of needs based on a detailed analysis of the current situation. These human resources should be built through specialized translation courses which should be made more accessible at the faculties of philology in the country, introduction of post-graduate specialized courses, as well as introduction of lower-level specialized courses in the secondary schools. These courses should prepare the future translators for work in the central and local government institutions, as well as in the private sector. In addition, mandatory internships could be organized for the future translators with the government institutions during or after their education with the aim to better prepare them for the translation work. The completion of the internship can be basis for award of a certificate with the aim of motivating the potential translators. As part of their education, the future translators will have to pass a specialized test which will verify their knowledge and translation skills and serve as basis for a translator’s certificate. In addition, all qualified translators should be registered with a database which the government institutions can use to get information on available translators. With the aim of popularization and in order to motivate people to choose a career in translation work, the work position of translator should be more specifically defined in the public administration system. Career levels for translators should be prescribed.

**Concrete activity to be implemented and who should implement it:**

- An inter-sectorial body including representatives from the general secretariat of the government, SIOFA, MoES, MISA, and experts, should prepare a detailed needs assessment and analysis of the current state with translator resources in the country. This body should be initiated by the government.
- Based on the analysis, the MES should prepare a program for introducing specialized undergraduate and post-graduate studies, and specialized studies in secondary education.
- These courses should include mandatory testing as requirement for a translator certificate and a mandatory internship for the future translators.
- The SIOFA and the general secretariat of the government should develop a database of the available translators in the country.
- MISA should more specifically define the work position of translator in public administration, inclusive of translator career levels.

**Identified problem / challenge 3:** The implementation of constitutional and legislative provisions on the use of languages is hindered at several levels because of the **obvious lack of financial resources allocated for implementation of the policies on use of languages** in budget beneficiaries. This problem is most highlighted in the smaller and rural units of local self-government, but also in some of the national institutions. The most typically required expenses are for translators and organization of translation work, and to a smaller extent, for printing of various documents and materials.

In addition, the budget beneficiaries do not keep records of the expenses related to the implementation of these constitutional and legislative requirements. Thus, it is difficult to assess the cost of the policies on use of languages. This situation further accentuates the entrenched idea that the use of more than one language in official communication is an expensive activity, even though there are studies from other countries (for example Canada) which demonstrate the opposite.

**Proposed solution/strategy/intervention:** Various activities are required in order to completely overcome the identified problem. First, a methodology needs to be designed for calculating the cost of multilingual policies to the budget. Second, measures which would enable clear presentation of the costs by introducing a separate budget line in the national budget as well as for each budget beneficiary. Third, measures to rationalize expenses should be taken. Costs can be rationalized through centralization/regionalization of translation work. This could be done by creating specific bodies (translation centers) which will conduct translation work for several units of local self-government and ministry branches in territorial proximity. The work of the translation centers should be fully supported by the national budget. Fourth, measures for financing the use of languages are needed, especially in the units of local self-government which are less financially capable of conducting the policy of multilingualism. These measures could be part of the process of decentralization, through allocation of a larger portion of the VAT collected in the units of local self-government for the implementation of the policy on use of languages. These resources would be allocated using a special methodology which would take into account the number of the languages used in the municipalities as well as their size.

**Concrete activity to be implemented and who should implement it:**

- The Ministry of Finance should prepare a methodology for calculating the cost of use of languages to the budget. This methodology should be prepared in such a way that it is easily applied by budget beneficiaries, so that they can easily calculate their expenses.
- The assembly should adopt changes to the law on languages and/or to the Law on Financing of the Units of Local Self-Government, which would require a mandatory specification of the costs to the budget.
- In addition, the assembly should adopt changes to the legislative frame which would allocate part of the collected VAT for implementation of language use at local level, in line with the principles suggested above. The political parties should fully support and promote these legislative changes.
- The government should undertake activities for setting up translation centers which would do the translation for several units of local self-government and ministry branch offices in territorial proximity.

**Identified problem / challenge 4:** The law on languages is implemented inconsistently in different areas by both national and local institutions. One of the reasons for this situation is the **lack of control mechanisms and sanctions** which would stimulate a more consistent implementation by the institutions.

**Proposed solution/strategy/intervention:** A combined action is needed to overcome this problem, which would include introduction of sanctions in the law on languages, as well as strengthening of the inspectorial oversight over its implementation. With regards to the second measure, two options are possible: 1) introduction of a separate inspectorate which would monitor the breaches to the implementation of the law on languages (or, an inspectorate which would generally monitor the breaches in the implementation of the OFA), or 2) strengthening of the capacity of existing inspectorates, that is the administrative inspectorate and the local self-government inspectorate with new human resources and special programs for implementation of the law on languages.

**Concrete activity to be implemented and who should implement it:**

- The assembly should adopt changes to the law on languages which would introduce sanctions for institutions which do not abide by its provisions. The political parties should fully support and promote these legislative changes.
- The government should prepare a program for strengthening the inspectorial oversight, taking into consideration the two aforementioned policy options.

**Identified problem / challenge 5:** Throughout the country **multilingualism is not perceived as an advantage or an opportunity for future generations**. However, scientific studies clearly indicate that the learning of different languages strongly contributes to the development of cognitive capacities since early ages. Multilingualism is a tool for social integration which should be promoted with the aim of increasing the interaction between the members of the different ethnic communities.

In addition, citizens are not informed of the possibilities offered by the law on languages, that is, they are not familiar with their language rights.

**Proposed solution/strategy/intervention:** Multilingualism should be promoted through public campaigns nationwide. The message to be conveyed should associate political stability with economic advantages, indicating the opportunities on the broader regional market. In addition, the campaign should have an element that promotes translation work, emphasizing the possibilities for getting a job in the country as well as the potential of this type of work in the European future of the country. In addition, public discussions should be organized in the popular TV and radio channels which would highlight the need of qualified workers with strong language competencies and the related economic advantages.

In order to overcome the problem with the low level of citizen awareness about the possibilities offered by the law on languages, a separate public information campaign should be organized. The campaign should address all areas in the law on languages and it should address the use in all the institutions.

**Concrete activity to be implemented and who should implement it:**

- The government should prepare and realize a clear promotional plan and campaign in line with the guidelines suggested above.

**Identified problem / challenge 6:** The inconsistent implementation of the law on languages is in part due to the lack of an **overarching strategic and action plan** which would set the directions for coordinating the institutions over a common direction and policies. Such a process was initiated in 2010 by setting up the inter-ministerial working group on languages, which eventually did not succeed to effectively develop these documents. Following the dissolution of the group, the SIOFA prepared an action plan which was not even reviewed by the government.

**Proposed solution/strategy/intervention:** The inter-ministerial working group should be reactivated but this time with a clear mandate and work plan. Relevant ministries should join the group. Its key activity should be analysis of the situation with use of languages, assessment of needs, and preparation of strategic and action plans which would enable synchronized action between the institutions in the executive branch, as well as their monitoring.

**Concrete activity to be implemented and who should implement it:**

- The government should re-create the inter-ministerial working group on languages in line with the principles suggest above,
- The government should (with strengthened participation by the SIOFA) set a clear plan of action for the group, an important step of which will be the preparation of strategic and action plans for implementing the law on languages,
- The government should commit to the strategic and the action plans and it should take specific measures to support their implementation.

**Identified problem / challenge 7:** The normative frame for use of languages at local level does not effectively define all the areas of use. As a consequence, there is no normative standard and in reality **many of the areas of use are neglected by the local authorities**.

In addition, when introducing the languages of the “smaller” communities (those below 20% at local level), the municipal councils did not succeed in effectively defining the areas of use. Most often the municipal decisions only superficially set the contours of the languages policies and they only “declare” the introduction of a certain language in official use without specifying more specifically what this means. This void is unfavorable and it affects the official use of the respective language.

**Proposed solution/strategy/intervention:** The legislative frame should define the areas of language use at local level more specifically. This would create legislatively defined guidelines for the ULSG and it will reduce the possibility for interethnic tensions deriving from the uncertainty over the question: what does the official use of the language of the non-majority community entail? Second, in deciding on the use of languages of the “smaller” communities, the municipal councils should also address the issue of areas of use of the respective language. This process must also involve the respective CICRs in a meaningful way, which for their part should organize a broad consultative process on the nature of the local policy on use of languages.

**Concrete activity to be implemented and who should implement it:**

- The assembly should adopt legislative changes which would more specifically define the areas of language use at local level,

- When introducing the languages of the “smaller” communities, as well as in the already existing decisions, the municipal councils should clearly define what does the official use of a language mean,
- With the aim of stimulating and facilitating the process of introducing the languages of the “smaller” communities at local level, the SIOFA should produce a guide for municipalities which contain useful guidance on implementing this process,

**Identified problem / challenge 8:** The law on languages, in its article 58, which regulates the publishing of legal acts, prescribes that bilingual (Macedonian and Albanian) publication is required only for the laws. Despite the repeated calls by representatives of the e/A community to publish also **the secondary legislation in both languages**, this idea has not yet been realized. With the aim of bringing it closer to the “spirit of the OFA”, there is the need for more specific clarification of this provision from the law.

**Proposed solution/strategy/intervention:** Changes should be made to article 58 of the law on languages to require the publishing of secondary legislation, such as rules of procedure, rulebooks, guidelines, and other legal acts.

**Concrete activity to be implemented and who should implement it:**

- The assembly should adopt legislative changes according to the principles suggested above, and the political parties should fully support them and promote them.

**Identified problem / challenge 9:** The implementation of multilingual policies produces a large number of written documents and other forms (for example, road signs, institution display boards, etc.) which are at present prepared in different ways by different institutions (ministries, government agencies, and units of local self-government). The differences sometimes cause interethnic tensions due to their symbolic significance. Discussions revolve around the issue which language should have the advantage in the written documents, road signs, and information boards. This creates the perception that one language is elevated at a symbolically higher level. Depending on the ethnic affiliation of the officials in charge of various institutions, the problem is usually resolved by giving primacy to one of the official languages.

In order to reduce this gap and prevent future possible tensions, a standardization is required of the written multilingual forms, which would be mandatory and it would represent the consensus of the political actors.

**Proposed solution/strategy/intervention:** To prepare a document which will prescribe a standardization of the different written forms, to be based on the principle of equality in the writing/display of the different languages. The equality would be reflected by the parallel columns for the different languages in the documents, the preparation of multilingual forms, road signs with clear order of languages, etc. The standardization would be mandatory at a national level (prescribed by the normative framework) and there would be sanctions for non-compliance.

**Concrete activity to be implemented and who should implement it:**

- The SIOFA should initiate and prepare a document for standardization of the multilingual writing. The document would be prepared by a broad consensus involving the representatives of national and local institutions, the political parties, and the civil society,
- The Government of the Republic of Macedonia should support this action and it should initiate legislative changes in the law on languages,
- The assembly should adopt changes to the law on use of languages defining and guaranteeing the systematization of the written documents,
- The political parties should broadly support and promote the standardization,

**Identified problem / challenge 10:** The **issuing of personal documents** in a language different from Macedonian **has to some extent been hindered** by the law on languages with the adding of the provision that personal documents are issued and written in another language at a personal request by the applicant (articles 29-30). The constitution categorically reads that “the personal documents of citizens who speak an official language different from Macedonian are issued in Macedonian language and its alphabet, as well as in that official language and its alphabet in accordance to law”. In view of the intonation of the provision which is categorical and it does not foresee the specific request, there is the need to change the law on languages to eliminate this “hindering” of the process.

**Proposed solution/strategy/intervention:** The provisions from articles 29-30 of the law on languages requiring a “personal request” in the process of issuing of personal documents should be deleted by revising the law (see the proposal for the nomo-technical editing of the legal provision in Annex III).

**Concrete activity to be implemented and who should implement it:**

- The Assembly of the Republic of Macedonia should adopt changes to the law in line with the principles suggested above.
- The political parties should fully support and promote these changes in the law on languages.

**Identified problem / challenge 11:** Despite the fact it was signed in 1966, **the Republic of Macedonia has still not ratified the European Charter for Regional and Minority Languages**. Even though it is indirectly related to the OFA, the non-ratification of the charter reduces the government commitment to the realization of the right to use of the languages of the non-majority communities.

**Proposed solution/strategy/intervention:** The European Charter for Regional and Minority Languages should be ratified by the Assembly of the Republic of Macedonia as soon as possible.

**Concrete activity to be implemented and who should implement it:**

- The Assembly of the Republic of Macedonia should take action to ratify the European Charter for Regional and Minority Languages
- The political parties should promote and should publicly support the process of ratification of the European Charter for Regional and Minority Languages.

**Identified problem / challenge 12:** The constitutional changes which resulted from the incorporation of the Ohrid Framework Agreement into Macedonia's legal system, introduced in article 7 of the constitution the category of "language spoken by at least 20% of the citizens". This "unnamed" language defined by numeric criteria was elevated to the level of "official language" with the OFA-revisions. Even though the level of officialness was determined in a functional sense, **at a symbolic level the non-naming of the language was a source of inter-ethnic tension and distrust between the two largest communities.**

This formulation was disputed on two grounds: 1) that the numeric criteria of 20% implies that the official status of the language is conditioned and that it can be suspended (if the criterion is not met); and 2) that the non-naming of the language is "offensive" for the identity of the e/A community in Macedonia.

On the other hand, the formulation was defended with the argument that this protects the Macedonian language as the only official language on the entire territory of the country. However, taking into account that the Albanian language is also functionally an official language, its non-naming causes consequences only at a symbolic level. Thus, this understanding is counter to the OFA solutions and it is directly contradictory to the idea of social cohesion.

In order to resolve this issue for the long term, this recommendation suggests changes to the constitution, in order to name the Albanian languages, instead of using the formulation "20% of the population". In addition, the same would be done with the languages of the other communities (Turkish, Roma, Serbian, Bosniak/Bosnian, and Vlach) as regards their official use in the units of local self-government.

**Proposed solution/strategy/intervention:** Revision is needed in paragraph 2 of amendment V to article 7 of the constitution.

The current solution is as follows (paragraph 1 and paragraph 2):

"The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified by this article"

This recommendation proposed the following:

"The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

The Albanian language, written using its alphabet, is also an official language as specified by this article."

In addition, revisions are proposed to paragraph 6, which at present is formulated in the following way:

"In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20

percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.”

Instead, the following formulation is proposed:

“In addition to the Macedonian language, written in its Cyrillic alphabet, the Albanian, Turkish, Roma, Serbian, Bosniak/Bosnian, and Vlach languages written in their alphabets, are in official use in the units of local self-government where at least 20% of the citizens belongs to one of the communities which use these languages. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.”

**Concrete activity to be implemented and who should implement it:**

- The Assembly of the Republic of Macedonia should initiate a procedure for changing amendment V to article 7 of the constitution, to specify the languages which are in official use.
- The political parties should promote and publicly support this change as a long term solution which is of special importance for overcoming the possible disagreements over the national policy on the use of languages.



## **Annex II**

### **Nomo-technical editing related to identified problem 1 and the respective interventions**

#### **Draft Proposal for Amending the Law on the Use of Languages**

##### **art. 1**

In article 4, after paragraph 3, after the words “the citizen who”, the following words are deleted: “lives in a unit of local self-government where 20% of the citizens speak an official language different from Macedonian”. They are replaced with the following words: “speaks another language different from Macedonian, spoken by at least 20% of the citizens...”

Note: the edited text of paragraph 3 to article 4 of the law is as follows:

Any citizen who speaks a language different from Macedonian, which is spoken by at least 20% of the citizens, can use this official language written in its alphabet in communication with the ministries.

##### **art. 2**

In article 4, paragraph 4 of the same law, after the words: “which the citizen uses”, a full stop is inserted and the remaining words of paragraph 4 are deleted.

#### **Justification**

The amendment V to the Constitution of the Republic of Macedonia defines two official languages in the Republic: Macedonian and the language spoken by at least 20% of the citizens (in R. Macedonia). This, Albanian, in addition to the Macedonian, whereby:

- Macedonian language written in its Cyrillic alphabet is the official language on the entire territory of the R. Macedonia and in international relations, and
- the other language spoken by at least 20% of the citizens (Albanian language) is official as specified in that amendment. The constitution reads that this article, referring to article 7 which has been replaced by amendment V.

In relation to the previous argument, paragraph 4 of amendment V regulates in its first two sentences the rights of the same citizens who speak the second official languages (which is Albanian) in the communication with the ministries' branch offices, and the third sentence of the same article

regulates the communication of any citizen who speaks the second official language with the ministries (i.e. the central ministry offices). This means e/As from the municipalities with less than 20% of the population in these municipalities, can communicate with the ministry in their own language, and the ministry will respond in that language using its own language capacity which does not have to or may not exist in the municipality in which the e/A live as a smaller or very small share of the total population of the respective municipality.

So far the interpretation means that paragraph 4 of amendment V does not regulate the official status of other languages which are not spoken by at least 20% of the citizens of R. Macedonia.

If this paragraph had regulated the status of any other language which is spoken by at least 20% of the citizens in a given municipality, it would mean that the ministries (central office) would have to respond, in addition to Macedonian, in: Albanian, Serbian, Roma, Turkish, and maybe another language if the municipal census of 20% of population is met. Thus, paragraph 4 of amendment V regulates only the second official language from paragraph 2 of the same amendment.

Because there is no third official language according to amendment V, paragraph 2, in all situations (sentences) in paragraph 4 the syntagm (part of a sentence) ...”in which at least 20% speak official language different from Macedonian...” which means, and which can only mean the official language defined in paragraph 2 of the same amendment, and this is Albanian.

Namely, according to the RM constitution both at the time of its adoption and at present there is no third official language which has been specified by any provision of that constitution. This conclusion is confirmed by the fact that in the section on local self-government (art. 114-117, including amendments XVI and XVII) there is no provision of other official languages except Macedonian and Albanian, given the fact that point 1 of amendment V replaces the entire previous article 7 of the Constitution of R. Macedonia.

All of this points to the following:

1. That after its revision with the Ohrid Framework Agreement, the Constitution of R. Macedonia has left the issue of the official status of the languages in the units of local self-government to the Law on Local Self-Government, which is special area of governance and generation of its competencies.
2. That on this basis, in the process of communication with the ministries, the responsibility to respond in each local language rests only with the ministry branch office, which needs to and is assumed to have or should have the linguistic capacity in the languages which are official at the

local level and according to the Law on Local Self-Government. This likewise means that the ministry itself is not responsible to respond in other languages except in the second official language. Naturally, if the ministries have the possibility and the will to respond in other languages which are not official at national level, they can do so, and this is generally considered a positive practice.

3. That only the Albanian is a second official language at the level of R. Macedonia and that only Albanian gives the right to citizens who speak it in communication with the branch offices and with the central office, and the obligation to the ministries, to respond in that language, in addition to Macedonian.

## **Annex III**

### **Nomo-technical editing related to identified problem 10 and the respective interventions**

#### **Draft Proposal for amending of the Law on the Use of Language**

##### **art.1**

In art. 29, paragraph 2, after the words: “official language” and after the coma, the following words are deleted: “at their personal request”.

##### **art. 2**

In art. 30, paragraph 2, after the words: “Macedonian language”, and after the coma, the following words are deleted: “at their personal request the passport form and the travel list”.

##### **art. 3**

In art. 30, paragraph 3, after the words “Macedonian language” and after the come, the following words are deleted: “at their personal request”.

#### **Justification**

The diction and the categorical tone of paragraph 3 to amendment V do not allow such an obligation for the claimant of personal documents who speaks other official language than Macedonian, or they allow such a right (and request) by the competent public institution.

## **Annex 5: Working Group Report on Education**

# OFA Review on Social Cohesion

## *Education*

### **Disclaimer**

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Education as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на образование од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиниот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të Arsimit si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.

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## **Executive Summary**

A significant progress has been made in course of the last decade in the educational system in regards of enhancement of social cohesion, from preschool education to higher education level. This trend should continue to be supported with a greater commitment and attention in order to achieve a better ethnic cohesion.

Out of the total number of kindergartens, only 23% are for children aged between four and five. Hence, the revival of the Centers for early childhood development by using shortened programs with up to three classes for early learning and development of children at preschool age from four to six, is key for overcoming the problem with the enrollment of children in preschool education. The centers for early childhood development besides being an efficient and worthwhile mechanism for increasing the inclusion of children and their qualitative preparation for transition to primary education, they also present a good preliminary basis for interethnic integration in education from an early age. Hence, it is recommended to expand the network of Centers for early childhood development, evenly spread throughout all populated areas aiming enrollment of all children at preschool age (4 and 5). Kindergartens and Centers for early childhood development should provide opportunities for interaction between children from different ethnic communities following the integrated multicultural education model, and strengthening the capacities of the educational staff in the domain of teaching in multiethnic environment, is of crucial importance.

The Law on Primary Education and the Law on Secondary Education forbids discrimination based on gender, race, skin color, national and social background, political and religious belief, property and social status. Nonetheless, because of the right to mother-tongue education and due to existing space and time barriers in the schools with more teaching languages there are limited opportunities to establish communication and cooperation between students and the teaching staff. This situation contributes in development of stereotypes and prejudices, intolerance and conflicts between students. Therefore, it is recommended to increase the enrollment of students learning in different languages into common extra-curricular and education activities financially supported by the budget of Republic of Macedonia. Also, it is recommended the selection of education in a language different from the mother tongue to be done according to the language spoken by the largest non-majority community in the area – municipality which will contribute in overcoming the gap that occurs as a result of the language and will also contribute in better cooperation and friendship between students in the school and in the community, too.

Textbook-making and Textbook Evaluation Methodology Concept, the development of civil and national identity, multiculturalism and gender equality, are some of the criteria for making textbooks. However, the analyses show that while writing the textbooks the authors are not consistent to the set criteria. In order to overcome this problem it is proposed the criteria on developing the civil and national identity, multiculturalism and gender equality to be adequately inserted in the Law on Textbooks with the aim to ensure a solid legal basis for practical implementation.

Ohrid Framework Agreement made a significant progress in higher education, specifically from the aspect of provision of funds for education in the language used by at least 20% of the population in the Republic of Macedonia. The processes of improvement should continue in terms of strengthening the mobility of students between the universities in the Republic of Macedonia. For



this purpose it is proposed for the universities to organize Joint degrees (T/N term used in the original document) which will enhance the integration, interaction and it will initiate mobility of the teaching staff and students from different faculties. This will contribute in overcoming the problem with the lack of qualified teaching staff in some universities.

## 1. Introduction

„Besides the significant progress made in the educational system in course of the last ten years, in terms of mother-tongue education, things are developing in such a direction that needs more attention and corrections in order to avoid a greater ethnic based division”, reads Strategy on integrated Education<sup>108</sup>. Furthermore, the Strategy says: „policies need to be adopted, that will bring visible and significant changes in general approach to the educational system in compliance with the multiethnic reality in the country by reflecting the Constitution and the adequate legislation stemming from the Ohrid Framework Agreement (OFA) “.

There are good foundations for an integrated approach to education in Macedonia. OFA produced a series of legal instruments which ensured enhancement of internal cohesion. However, there is still an evident need for identifying new mechanisms that will enable implementation of the policies directed at better interethnic integration in education.

For that purpose, a working group composed of representatives from relevant institutions tasked to review OFA in the matter of education, carried out an analysis of the current policies, strategies, documents related to all levels of education. In a series of joint meetings the main findings were discussed based on which proposals were presented and became part of this report paper.

## 2. Quantitative and Qualitative Analysis of Education Levels

### A. Preschool Education

Preschool education is regulated by Law on Protection of Children<sup>109</sup>. The enrollment of children in kindergartens in Macedonia is far from the expected rate, and it is 19%, respectively 21% including the private capacities. In accordance with Article 64 paragraph 8 of the Law on Protection of Children - „for the children of members of other communities the educational activities in kindergartens are conducted in the language of the respective community for a group of children. The overall number of children enrolled in kindergartens for 2012 and 2013 is shown by ethnicity in Chart 1.

**Chart 1: Enrollment of children in pre-school system by ethnicity**

	Total		e/M		e/A		e/T		Other		English	
	G	CH	G	CH	G	CH	G	CH	G	CH	G	A
<b>Total in 2012</b>	1230	26885	1152	25150	65	1437	4	76	9	222		
<b>Total in 2013</b>	1278	29113	1182	27188	71	1489	4	87	9	237	12	112
<b>Nursery</b>	293	4136	279	3989	12	137					2	10
<b>Preschool</b>	899	23020	839	21829	46	1014	1	27	3	48	10	102
<b>Combined groups</b>	82	1789	60	1209	13	331	3	60	6	189		

<sup>108</sup> Steps towards integrated education in the educational system of the Republic of Macedonia, Ministry of Education and Science, 2008.

<sup>109</sup> Official Gazette of RM, No. 23 date 14.02.2013.

Intellectual and physical disabilities		94		87		7						
Non-institutional forms of activities	4	74	4	74								

Legend G- groups Ch- children

From Chart 1 can be concluded that out of the total number of children enrolled in kindergartens only 5,11 % are Albanians (e/A) and 0,2 % are Turks (e/T). Although the chart lacks concrete figures on enrollment Roma (e/R) children, the researches show that number is insignificant in comparison to other ethnic communities.

Out of total number of children enrolled in kindergartens, only 23% are children on age 4-5. Hence, the revival of the Centers for Early Childhood Development with curricula shortened to three classes for early learning and development of children on preschool age from three to six is crucial to overcome the problem with enrollment of children in preschool education. The centers for early childhood development introduced with support of UNICEF showed to have a compensatory role in stimulating children development in marginalized areas and development of children in socially vulnerable families. These centers are included in the legal framework on preschool education, but this is not enough. There is a need for additional enhancement of capacities of local authorities aiming acknowledgement of importance of the initiative not only from the perspective of promotion of social services in the communities but also, above all, from the aspect of investment in the human capital from its earliest age<sup>110</sup>.

## B. Primary Education

Constitution of the Republic of Macedonia and the Law on primary education regulate the right to mother-tongue education<sup>111</sup>. The pupils attending classes in a language different from the Macedonian language shall obligatorily study the Macedonian language starting with the fourth grade. Pedagogical documentation of pupils attending classes in Albanian, Turkish, or Serbian language is managed and issued in Macedonian language and in the language and script of instruction. Primary education is compulsory, free of charge, and forbids discrimination based on sex, race, skin color, national, social, political, religious, property and social status in realizing the right to primary education.

One of the principles on which is based the concept of primary education is directly related with promotion of multiculturalism in education. The contents, methods and activities offered to the pupils in schools should promote tolerance and respect for differences as values, and enable acquiring of knowledge and skills for understanding and respecting others. Based on this principle multiculturalism in our society requires "the primary school shall promote development of pupils' values for cohabitation, respect of differences between people and their culture, language and tradition", whereas the schools is considered as "responsible for development of awareness of pupils on their cultural background, as well as for stimulating the interest in learning about the cultural heritage of other communities".

<sup>110</sup> Lameva, B. (2013), Progress Assessment Study. Early learning program and development based on the Standards on Early Learning and Development, UNICEF, Skopje

<sup>111</sup> For members of Roma (e/R), Vlach (e/V), and Bosniak (e/B) ethnic communities the right to instruction in mother tongue is realized through facultative subjects of language and culture. Also, a pilot program in Bosnian/Bosniak language of instruction is running in two schools for e/B

**Chart 2: Pupils and teachers in regular primary education in 2013/2014**

	TOTAL	Macedonian language of instruction	Albanian language of instruction	Turkish language of instruction	Serbian language of instruction
Schools	990 <sup>112</sup>	729	291	63	8
Classes	10.664	6.436	3.811	374	43
Pupils	190.541	122929	61.298	5.821	493
Teachers	17.624	11.474	5.447	620	83
Pupil/Teacher/Ratio	10,81	10,71	11,25	9,38	5,93

Based on data presented in **Chart 2** can be concluded that 64,51% of the pupils in regular primary education attend classes in Macedonian language of instruction, 32,17% in Albanian language of instruction, 3,05% in Turkish language of instruction, and 0,26% in Serbian language of instruction.

The pupil/teacher ratio in primary education fluctuates from 5,93 in instruction in Serbian language to 11,25 in instruction in Albanian language.

**Chart 3. Number of schools based on language of instruction in primary education**

Primary schools	Total	Macedonian	Albanian	Turkish	Macedonian and Albanian	Macedonian and Turkish	Albanian and Turkish	Macedonian and Serbian	Macedonian and Bosnian	Schools with three languages of instruction
	346	187	58	2	54	21	3	2	2	17

In Chart 3 is presented the number of schools by language of instruction. Out of 346 legal entities, 28.6% organize instructions in more languages<sup>113</sup>.

<sup>112</sup> This number relates with the total number of central and detached school premises, whereas there are 344 legal entities in the primary education.

<sup>113</sup> The percentage of schools in which instruction in more languages is organized does not imply that the instructions in two or three languages are carried out in the same object, time-shift, or same settlement.

Chart 4: Number of pupils and teachers by ethnicity

	Total	e/M	e/A	e/T	e/R	e/V	e/S	e/B	Other	Not declared	Unknown
<b>Total pupils</b>	<b>190 541</b>	<b>104 254</b>	<b>62 188</b>	<b>8 522</b>	<b>9 337</b>	<b>324</b>	<b>1 486</b>	<b>1 885</b>	<b>2 540</b>	<b>1</b>	<b>4</b>
<b>Macedonian language of instruction</b>	122 929	104 209	1 217	2 811	9 132	324	1 330	1 559	2 342	1	4
<b>Albanian language of instruction</b>	61 298	-	60 787	81	198	-	-	34	198	-	-
<b>Turkish language of instruction</b>	5 821	-	184	5 630	7	-	-	-	-	-	-
<b>Serbian language of instruction</b>	493	45	-	-	-	-	156	292	-	-	-
<b>Total teachers</b>	<b>17 624</b>	<b>11 237</b>	<b>5 364</b>	<b>553</b>	<b>36</b>	<b>54</b>	<b>149</b>	<b>60</b>	<b>171</b>	<b>-</b>	<b>-</b>
<b>Macedonian language</b>	11 444	10 884	116	57	34	49	137	30	167	-	-
<b>Albanian language</b>	5 477	183	5 214	28	2	1	-	15	4	-	-
<b>Turkish language</b>	620	115	33	468	-	4	-	-	-	-	-
<b>Serbian language</b>	83	55	1	-	-	-	12	15	-	-	-

In accordance with the Law on Primary Education and the Law on Secondary Education, after 2005 education is decentralized respectively management and funding is delegated to local level. Education is funded through earmarked respectively block grants from the central authority based on legally determined formula. However, besides the difficulties during the first years of implementation, an evident lack of maintenance funds is continuously marked lately thus questioning the regularity of the educational process and the quality of the education in many municipalities.

### C. Secondary Education

Same as primary education, secondary education is also mandatory and free of charge. Law on Secondary Education allows the educational activity in public schools to be conducted also in the language and script of the members of different communities<sup>114</sup>. The students attending instructions in language different to Macedonian shall mandatorily study the Macedonian language. Pedagogical documentation of students attending classes in Albanian, Turkish, or Serbian language is managed and issued in Macedonian language and in the language and script of instruction. Secondary education is mandatory, free of charge, and forbids discrimination based on sex, race, skin color, national, social, political, religious, property and social status.

<sup>114</sup> Instructions in secondary education are organized in Macedonian, Albanian and Turkish. The announcement for enrolment of students offers enrollment of students in Serbian instruction language, but there is no interest shown.

**Chart 5: Student and teachers in secondary schools in school year 2013/2014 by ethnicity**

Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils	Total pupils
<b>Total students</b>	<b>84 827</b>	<b>50 411</b>	<b>26 529</b>	<b>3 347</b>	<b>1 688</b>	<b>252</b>	<b>828</b>	<b>774</b>	<b>998</b>	-	-
<b>Total students in private schools</b>	<b>1 785</b>	<b>800</b>	<b>614</b>	<b>207</b>	<b>2</b>	<b>1</b>	<b>11</b>	<b>18</b>	<b>132</b>	-	-
<b>Teachers</b>	<b>7 421</b>	<b>5 059</b>	<b>1 951</b>	<b>237</b>	<b>3</b>	<b>41</b>	<b>76</b>	<b>6</b>	<b>46</b>	<b>1</b>	<b>1</b>
<b>Expert associates</b>	<b>365</b>	<b>286</b>	<b>68</b>	<b>3</b>	-	<b>2</b>	<b>5</b>	-	<b>1</b>	-	-

In Chart 5 is shown that instruction in secondary education is attended by 84.827 students out of which 66,89% in Macedonian language, 29,26% in Albanian language and 2,01% in Turkish language.

**Chart 6: Number of schools by language of instruction in primary education**

Secondary schools	Total	Macedonian	Albanian	Macedonian and Albanian	Macedonian and Turkish	Schools with three languages of instruction
	103	64	5	21	4	9

The chart shows number of schools by language of instruction in secondary schools. Out of 103 legal entities in 33% the instructions is organized in more languages<sup>115</sup>.

**Chart 7: Student and teachers by language of instruction for school year 2013/2014 in secondary education**

Language of instruction	Schools	Classes	Total students	Teachers	Student/Teacher/ Ratio
<b>Total</b>	<b>115</b>	<b>3 457</b>	<b>84 827</b>	<b>7 421</b>	<b>11</b>
Macedonian	96	2 371	56 746	4 972	11.41
Albanian	36	926	24 823	1 985	12.50
Turkish	13	74	1 710	226	7.56
English	10	86	1 548	238	6.5
Private (out of total)	14	115	1 785	320	5.57

<sup>115</sup> The percentage of schools in which the classes are organized in several languages of instruction does not imply that the classes in two or three languages of instruction are organized in the same facilities or same time shift.

Student /teacher ratio varies from 7,56 students per one teacher in instructions in Turkish language to 12,50 students per one teacher in instructions in Albanian language.

In compliance with the conditions of mandatory and decentralized secondary education there is a need for permanent review of resources necessary for a qualitative educational process and consequently ensure funds for the same. Also, there is a tendency observed during the past years for grouping the educational activities on basis of ethnicity which is a result of inappropriate education policies on municipal level, especially in the City of Skopje, as well as poor managing on the level of several schools.

### **Primary and Secondary Teaching Curriculum**

In the teaching curriculum for nine-year primary education are introduced several facultative subjects which, along with some obligatory subjects, serve as a good basis for accepting the multiethnic reality in the country and for development of interethnic tolerance between students: Introduction to religions, Ethics of religions, Knowing the homeland, Our fatherland, Modern and folk dances, Music Arts Projects, Creativity, as well as special facultative subjects: Language and Culture of Vlachs, Language and culture of Roma, and Language and culture of Bosniaks.

Gymnasium education with teaching curriculum for: Macedonian language; Macedonian language for non-majority communities; Albanian language; Turkish language; Foreign languages; Sociology; Philosophy; History; Psychology; Pedagogy; Sport and sports activities; Music; Painting; as well as with the facultative subjects: Urban culture; Peace, Tolerance and Protection; Civil Culture, has elements of multiculturalism in its main goal which are transformed into concrete objectives, contents, methods and activities/didactic recommendations for implementation.

„The vocational education and its role in enhancing social inclusion and cohesion“, with its sub-priority for strengthening the interethnic integration and cohesion in vocational education and training through implementation of joint activities in secondary vocational schools in frames of the practical classes, professional and ferial practice.

21 programs for free classes are approved for secondary vocational education in compliance with the principles of interethnic integration in education that are offered to students every year for possible realization. In the school year 2014/2015 are realized 10 programs for free classes in eight vocational schools.

### **Primary and Secondary Education Textbooks**

Law on Textbooks for primary and secondary education<sup>116</sup> regulates the obligation for textbooks to be published in the language and script in which the instruction is organized, different from the Macedonian language. In Republic of Macedonia the textbooks in primary and secondary education are free of charge. However, there is a real problem to ensure textbooks for instruction subjects attended by a smaller number of students such is the example with the e/T students because of the right of the publishing houses, by means of a statement, to be exempted from the obligation to print

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<sup>116</sup> Law textbooks for primary and secondary education, Official Gazette of Republic of Macedonia, No. 98/08 (Article 3)

textbooks in small number of copies. In 2013/2014 out of 74 titles that were not printed out, 42 textbooks are in Turkish language of instruction<sup>117</sup>.

In Textbook-making and Textbook Evaluation Methodology Concept<sup>118</sup>, the development of the civic and national identity, multiculturalism and gender equality is one of the criteria for book-making and an indicator based on which the books are evaluated by the book-reviewers commission. The concept clearly states that modern textbooks should promote ethical values: honesty, truth, justice, to stimulate the students to love and positive attitude towards work and knowledge, continuous upgrading, building of national identity and to promote and develop the values and benefits deriving from living together and respect of diversities among people (ethnic, religious, gender etc.), their culture, language and tradition. Also, the content of the textbooks should help students to be aware of their cultural background and to stimulate their interest in knowing the cultural heritage of other communities. The textbook should promote mutual respect and acceptance and support integration of ethnic / cultural communities in Macedonian society thus showing the Republic of Macedonia as a multicultural and multiethnic society.

However, the analysis of textbooks done so confirmed that during the writing of textbooks the authors did not consistently follow the set of textbook-making criteria listed in the Textbook-making and Textbook Evaluation Methodology Concept. This results with „the textbooks for all subjects vary in terms of quantity and quality of contents in regards with multicultural reality in the country, however, in most of the cases those textbooks lack contents, photographs and authors who would enable introduction to culture and tradition of *other ethnic communities and comprehension of common bases*“<sup>119</sup>.

### **Primary and Secondary Education Funding**

In compliance with decentralization, primary and secondary schools are funded through the so called „block grants“. Funds are distributed to municipalities with delegated founding rights on primary and secondary schools and which have fulfilled the conditions for funding with block grants. The criteria for distribution of block grants for primary schools by municipalities include: basic sum per municipality, number of students in the municipality, number of students in instruction subject, number of students with special needs, density of population in the municipality. Distribution also uses threshold mechanism (lower and upper thresholds). Criteria for distribution of block grants for secondary education to municipalities and City Skopje are: basic amount per municipality and City of Skopje, number of students in secondary education in the municipality and City of Skopje and number of students in vocational education in the municipality and City of Skopje<sup>120</sup>.

Nonetheless, past experience shows that in some municipalities these funds are not sufficient to cover the current expenditures, specifically for heating and transportation of students. The use of

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<sup>117</sup> Data obtained from Pedagogy Service within MoES

<sup>118</sup> Textbook-making and Textbook Evaluation Methodology Concept, Bureau for Development of Education, Skopje, 2010

<sup>119</sup> Petroska-Beska, V. and others (2009): Study on multiculturalism and interethnic relations in education, UNICEF, Skopje, pg. 114

<sup>120</sup> Decree on Methodology on determining the criteria for distribution of block grants for elementary education to municipalities for 2013 and Decree on Methodology for determining the criteria for distribution of block grants for secondary education to municipalities and City Skopje for 2013, Official Gazette of RM No. 116, 19 September 2012

thresholds for distribution of block grants for primary education was not subject to public discussions for long time. It seems that the thresholds are rather in function of limiting allocation of funds than to provide stability in funding. Hence the use of balanced formula, despite the fact it provides equal criteria for funding for all, it is not efficient enough to respond to the specifics of some municipalities. By using it, some small municipalities are generously supported with grants whereas some others receive relatively little funds when the block grant is analyzed by number of classes (see Appendix 1: Regular primary schools, classes, student by gender, and teachers by municipalities in school year 2013/2014 and block grants and earmarked grant for 2014 and Appendix 2: Secondary schools, classes students by gender, teachers by municipalities in school year 2013/2014 and block grants for 2014).

## D. High Education

High education marks significant shifting in the spirit of Ohrid Framework Agreement.

Faculty of Pedagogy in Skopje provides the opportunity of studies on Albanian and Turkish language on training of teaching staff for lower primary classes. Signing of Ohrid Framework Agreement (OFA) ensured funding of high education also in the language used by at least 20% of population of RM. Thus, state funding of Tetovo State University was secured which created a selection of a large number of studying programs in Albanian language. In addition to this in state universities are educated professors in Albanian, Turkish and Serbian language.

On the level of high education are provided mechanisms for positive discrimination for deficient staff from non-majority communities for whom, currently there are not any conditions for opening studies on their language. Based on Government Decision (Official Gazette of RM 49/2012) the faculties open additional competition for the communities. Hence, 10% of the seats from the competition for e/A are planned for those studying programs that are not covered by Tetovo State University.

**Chart 8: Review student/PhDs ratio for state universities**

	Total	Public universities				
		St. Kliment Ohridski- Bitola		St. Kliment Ohridski- Bitola		St. Kliment Ohridski- Bitola
<b>Number of students</b>	51 093	8221	306	26720	7261	8 585
<b>PhDs</b>	2 051	287	16	1 272	182	294
<b>Number of students/PhDs</b>	25	29	19	21	40	29

The content of Chart 8 confirms that student/PhD ratio for state universities fluctuates between 19 students per one PhD in the university „St. Paul the Apostle“ in Ohrid, and 40 students per one PhD in the Tetovo State University. It is evident that in Tetovo State University teaching staff has a greater load compared to other Universities.



**Chart 9: Enrolled students in undergraduate studies, citizens of Republic of Macedonia by ethnicity and gender, 2013/2014<sup>121</sup>**

Total number of students	e/M	e/A	e/T	e/R	e/V	e/S	e/B	Other	Unknown
56239	42 351	10489	1296	233	429	672	363	349	57
%	75,31	18,65	2,30	0,41	0,76	1,19	0,65	0,62	0,10

The content of Chart 9 confirms that in institutions for high education the percentage of enrolled students is from 75,31% - e/M, 18,65% - e/A, to 0,41% – e/R. Based on this a conclusion can be drawn that the percentage of representation of students from ethnic communities in high education does not correspond to the percentage of representation in the total number of population.

**Chart 10: Structure of the teaching staff by science qualifications, percentage of participation in total number of teaching staff, budget funds per universities and percentage distribution of budget to universities**

	PhDs	MScI	Specialists	University graduates	Representation rate	Planned budget means for 2014	Budget percentages for 2014
University "St. Kliment Ohridski"- Bitola	287	49	-	1	11,30	248.114.000	12,25
University "Ss. Cyril and Methodius" - Skopje	1272	344	125	32	59,70	1.160.318.000	57,29
University "Goce Delcev"- Sti	294	122	46	13	16,00	278.638.000	13,76
University of Information Science and Technology "St. Paul the Apostle" - Ohrid	16	16	-	-	1,10	84.111.000	4,15
Tetovo State University	182	160	-	12	11,90	254.277.000	12,55
<b>Total</b>	<b>2051</b>	<b>691</b>	<b>171</b>	<b>58</b>	<b>100</b>	<b>2025458000</b>	<b>100</b>

Chart 10 shows that distribution of budget funds to universities is proportional to percentage representation of teaching staff in the overall number of teaching staff in universities.

<sup>121</sup> Number of students in this chart represents the total number of students in state and private high education institutions

### **Changes in Teaching Faculty Curriculum aimed at strengthening of interethnic integration in education**

In order to ensure sustainability in interethnic integration in education, the Strategy „Steps towards integrated education in educational system in the Republic of Macedonia“ pays attention to the need for strengthening of competencies of teaching staff in developing students' civil abilities, as one of the key abilities for lifetime learning that ensures stable interethnic relations in education and society.

Concept of interethnic integration in education is introduced in certain subject programs in Teaching faculties in the universities of: „St. Kliment Ohridski “in Bitola, St. Cyril and Methodius in Skopje, Goce Delcev in Stip and Tetovo State University.

## 4. Conclusions

### Preschool

- (1) Low rate of enrollment of children at preschool age in RM. Percentage of children in preschool education does not correspond with the number of citizens of ethnic communities, where out of the total number of children in kindergartens only 5,11% are e/A, 0,2% of e/T children are enrolled in Turkish language groups, and the number of e/R children is insignificant.
- (2) The Centers for early childhood development represent an efficient and worthwhile mechanism for increasing the number of enrolled children and their qualitative preparation for transfer to primary education, and is also a good starting point for interethnic integration in education from early age.
- (3) More efforts are to be made in protection of Roma community from the risk of segregation, through strengthening activities in the field of language, culture and manners. Adequately to this, additional efforts to be made aimed at preparation of ethnic majority (e/M and e/A) for better inclusion of non-majority groups (e/T and e/R) and to value the diversity in the society<sup>122</sup>.

### Primary and Secondary Education

- (1) The percentage of students in primary schools corresponds with number of citizens of ethnic communities in Republic of Macedonia. This is concluded from the data provided in Chart 2 and 3.
- (2) Student/teacher ration by language of instruction does not show significant differences, except the student/teacher ratio for instructions organized in Serbian language in primary education, and in Turkish language in secondary education as a result of the low number of students attending classes on these languages of instruction. Hence, the number of teaching staff in primary and secondary education for different languages of instruction is proportional to the number of students in primary and secondary education for each ethnic community.
- (3) The current situation in schools creates limited opportunities to realize communication and cooperation between students and educational staff in schools due to space and time barriers.
- (4) The Ministry of education and science supports and implements activities independently and in cooperation with partner organizations contributing in enhanced communication and cooperation between students belonging to different ethnic communities. These diverse activities encompass joint curricular and extracurricular activities with students from a different ethnic community, cooperation between teaching and managing staff, partnership between schools with different language of instruction.
- (5) Evaluation of realized activities show positive results in terms of overthrowing of stereotypes, prejudices, increased mutual trust, tolerance and acceptance.

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<sup>122</sup> Eminova, E. & others (2012): Roma Early Childhood Inclusion, UNICEF, pg. 16

- (6) Practical instructions in secondary vocational schools are a good opportunity for friendship and cooperation between students from different ethnic communities as part of the process for gaining practical skills within the field of vocational studies. At the moment, this activity is being implemented in a school or at an employer's where all opportunities for friendship and cooperation of students are utilized.
- (7) Important progress has been made in primary and secondary curricula from the aspect of development of civil and national identity, multiculturalism, and gender equality. However, the results coming from external testing show that e/M and e/A students achieve poor results on subjects studying contents related with the other ethnic community, leading to conclusion that the curricula is not consistently realized.
- (8) From the analysis of textbooks done so far it is confirmed that during writing of the textbooks the authors did not consistently follow the set of textbook-making criteria listed in the Textbook-making and Textbook Evaluation Methodology Concept.
- (9) Distribution of budget funds for primary and secondary education is done by block grants based on a formula in which, in accordance with the law, the main factor is the number of students. However, due to lack of transparency in the process of adoption of the formula, it results with lack of funds in several municipalities.
- (10) On municipal level, due to inexistence of a rulebook on distribution of the block grants, distribution of funds to schools is not transparent.

#### High education:

- (1) On the level of high education are provided mechanisms for positive discrimination for deficient staff from non-majority communities for whom, currently there are not any conditions for opening studies on their language. Based on Government Decision (Official Gazette of RM 49/2012) faculties open additional competition for the communities. Hence, 10% of the seats from the competition for e/A are planned for those studying programs that are not covered by Tetovo State University.
- (2) In Tetovo State University teaching staff has double greater load compared to other Universities.
- (3) In High Education Institutions the percentage of enrolled students representing ethnic communities has a trend of getting closer to the percentage of representation of the communities in the overall number of the population, but still is not proportional.
- (4) Distribution of budget funds to universities is proportional with the percentage of representation of teaching staff in the overall number of teaching staff in universities.

## 5. Set of recommendations, proposals and/or opinions for discussion

The recommendations, proposals and/or opinions for discussion listed below are in direction to ensuring a better interethnic cooperation between students and educational staff in primary and secondary education which shall contribute in bigger social cohesion in the society.

### Preschool

**Problem:** low rate of enrollment of children in preschool education in general, which when viewed from the ethnic community aspect is even lower in regards to enrollment of children from non-majority communities.

- (1) In order to reform the preschool education in direction to providing equal opportunities to all children at preschool age, regardless the ethnic and social background, for acquiring early learning experience that enables full employment of their developing potentials.
- (2) Local authorities to undertake initiatives for reviving the Centers for early childhood learning not only from the aspect of promotion of social services but before all from the aspect of providing opportunities for better interaction between children from different ethnic communities following the example of the Model for Integrated Multicultural Education.
- (3) In order to enhance the teaching staff capacities with a specific accent in strengthening their abilities in teaching small children in multiethnic environment through trainings on interethnic integration in education, and by including multiethnic concept in teachers studies curricula

### Primary and Secondary Education

**Problem:** Low interaction and cooperation between different ethnic communities which causes division, insufficient knowledge about one another, no knowledge of language, and deepening of current stereotypes and prejudices.

- (1) To create conditions to overthrow the space and time barriers (separate school building, floors, time shifts) which hinders the direct contact between students attending in Macedonian, Albanian, Turkish and Serbian classes in multi-linguistic schools.

The policies of Ministry of Education and Science on founding new schools to incorporate conditions which will ensure founding of new schools in ethnically mixed environments, with classes realized on several instruction languages.

- (2) To continue with organizing extracurricular and curricular activities, specifically in secondary schools where the impact is of a higher importance. Similarly, to set a clearly defined structure and methodology on distribution of financial means from the Budget of RM to schools that implements joint activities of students and teaching staff.
- (3) To enhance interpersonal, intercultural, social and civil abilities of the teaching staff, especially in multiethnic environments, through provision of an adequate professional development including trainings, cooperation in frames of professional clubs, participation in ethnically mixed collaborative learning teams, research activities, and other forms of expert upgrading.

- (4) Motivation of teachers to upgrade their education titles, and in this regards, the standards for teachers acquiring higher titles to inevitably include the requirement for possession of ability for interethnic integration in education.
- (5) To evaluate the perception of all involved parties in education, students, teachers, parents, on progress made in the field of interethnic integration in education.
- (6) To strengthen the cooperation in all spheres of professional acting of teachers, joint trainings dedicated for multi-linguistic schools to be used for better stimulation of professional clubs defined by subject and not by language/ethnic background of the teachers.
- (7) To organize technological parks for realization of practical classes in secondary vocational schools in order to provide communication and cooperation between students from different ethnic communities.
- (8) School documentation (Statute and Annual Programs) obligatorily to envisage introduction of mechanisms/strategies for promotion of the respect, tolerance and acceptance, and measures in case of breach/disrespect of the same.
- (9) Learning of languages of the country to be raised in a higher level through introduction of new methods on enhancing the abilities of teachers.
- (10) Studying in language different from mother-tongue language to be selected by the largest non-majority community in the area - municipality, and to be advanced by introduction of modern learning and teaching methods, development of new didactic means and materials, textbooks, audio-visual material, as well as adequate training of the teaching staff.
- (11) Schools in every municipality to offer language courses in languages of the ethnic communities, to be realized at schools in multiethnic environments, and dedicated to teachers, students, parents and other interested adults.
- (12) A review to be conducted on the achievements of the projects which supported the implementation of the Strategy for integrated education, and by taking into consideration the lessons learned and the achieved results an Action Plan to be prepared. Also, concrete steps should be proposed for full implementation of the reviewed strategy and to ensure budget financial means for realization of the same.
- (13) To improve the monitoring of realization of curricula by State Education Inspectorate through an Integral evaluation based on Indicators for the quality of work in schools with a specific accent to the contents on multiethnic integration in education. Similarly, the Bureau for Development of Education with its advisory visits of the schools to support teachers in achieving of interethnic integration goals in education.

#### Textbooks

**Problem:** Provision of textbooks on subjects for which there is a smaller number of students such is the example with the Turkish ethnic community due to the right of the publishing houses, by means of a statement, to be exempted from the obligation to print textbooks in small number of copies.

- (1) Changes in Law on Textbooks for Primary and Secondary Education in part of the Program for free textbooks, the exclusive right possessed by the publishing houses to be binding in terms of fulfilling the obligation for printing textbooks in all languages of instruction regardless the number of copies.

**Problem:** Very high criteria set for participation of persons in teams of authors and in commissions of book-reviewers, cause problems in finding persons who will meet all criteria, especially in regards to Serbian, Roma, Vlach, Bosnian/Bosniak, and Turkish language, which results with the impossibility to produce new textbooks beside the fact that there is an already approved curricula.

- (2) Changes in Law on Textbooks in Primary and Secondary Education in the part of establishing of teams of authors who write textbooks, and change of rulebook on commission of book-reviewers which will alleviate participation of representatives of smaller ethnic communities in the commissions.
- (3) To apply the methodology referring to interethnic integration with an emphasis in textbooks of history, musical education, geography, and textbooks for learning languages, as well as improvement of book approval and control mechanisms. In the curricula to be included the education concept which will provide grounds for tolerance and interethnic communication and understanding in every aspect of life.
- (4) In the Law on Textbooks, in an adequate manner to be inserted the criterion deriving from the Textbook-making and Textbook Evaluation Methodology Concept related to development of the civil and national identity, multiculturalism and gender equality.

#### High Education

**Problem:** Insufficient mobility of students in universities of Republic of Macedonia that would provide an enhanced communication between students from different ethnic communities in Republic of Macedonia.

- (1) For PhD graduates to create employment opportunities in Tetovo State University in order to improve the quality of studies through decrease of very high number of scientific teaching staff.
- (2) Universities to organize Joint degrees which will enhance the integration, interaction and it will initiate mobility of the teaching staff and students from different faculties. This will contribute in overcoming the problem with the lack of qualified teaching staff in some universities.
- (3) To create conditions for introduction of adequate changes in basic training and professional upgrading programs in Teachers faculties, which will provide teachers with capacities to implement subjects related to acceptance and respect of “others” in the multicultural and multiethnic reality in the country.
- (4) To take concrete activities in improving students’ standard through reconstruction of the actual facilities and construction of other additional housing capacities in all university centers.

In Appendix **No. 3** are listed the problems, recommendations, proposals and/or opinions for discussion and the institutions responsible for implementation.

## Appendices

**Appendix 1 Regular primary schools, classes, pupils, by gender, and teachers by municipalities, in the 2013/2014 school year, as well as block grants for 2014**

Municipalities	Schools	Classes	Pupils		Teachers	Block grant
			Total	Female pupils	Total	
<b>Republic of Macedonia</b>	<b>990</b>	<b>10 664</b>	<b>190 541</b>	<b>92 542</b>	<b>17 624</b>	
Skopje	101	2 294	52 788	25 931	3 783	
Aerodrom	10	246	5 890	2 969	433	<b>210 912 000</b>
Butel	8	222	4 882	2 345	364	<b>186 887 000</b>
Gazi Baba	15	316	7 087	3 403	476	<b>266 067 000</b>
Gjorce Petrov	7	146	3 331	1 649	234	<b>123 272 000</b>
Karpos	11	240	5 782	2 896	430	<b>223 079 000</b>
Kisela Voda	10	208	4 826	2 358	376	<b>189 520 000</b>
Saraj	21	253	5 211	2 516	388	<b>195 826 000</b>
Center	7	170	4 211	2 088	337	<b>165 924 000</b>
Cair	9	333	7 450	3 678	534	<b>285 742 000</b>
Suto Orizari	3	160	4 118	2 029	211	<b>118 658 000</b>
Aracinovo	4	90	2 119	1 021	149	<b>63 390 000</b>
Berovo	9	71	1 028	509	110	<b>61 332 000</b>
Bitola	48	432	7 493	3 639	716	<b>322 347 000</b>
Bogdanci	4	33	620	302	62	<b>29 744 000</b>
Bogovinje	14	181	2 939	1 385	306	<b>124 799 000</b>
Bosilovo	14	88	1 069	531	186	<b>55 924 000</b>
Brvenica	12	111	1 686	824	164	<b>68 632 000</b>
Valandovo	12	62	1 000	510	149	<b>55 743 000</b>
Vasilevo	12	76	1 071	502	132	<b>53 116 000</b>
Vevcani	1	18	234	114	26	<b>13 659 000</b>
Veles	19	229	4 516	2 179	390	<b>188 879 000</b>
Vinica	12	102	1 421	689	175	<b>83 875 000</b>
Vrapciste	12	179	2 669	1 243	306	<b>128 164 000</b>
Gevgelija	11	90	1 826	885	148	<b>79 411 000</b>
Gostivar	29	458	6 686	3 189	682	<b>199 521 000</b>
Gradsko	5	24	304	150	37	<b>24 107 000</b>
Debar	6	144	2 190	1 072	231	<b>97 321 000</b>
Debarca	11	34	257	111	90	<b>27 066 000</b>
Delcevo	9	94	1 264	638	150	<b>72 894 000</b>
Demir Kapija	5	25	331	169	37	<b>23 606 000</b>
Demir Hisar	15	50	553	288	92	<b>41 235 000</b>
Dojran	7	18	248	121	46	<b>19 703 000</b>
Dolneni	21	149	2 016	952	269	<b>101 014 000</b>
Zelino	17	189	3 058	1 437	285	<b>131 584 000</b>
Zelenikovo	9	31	341	159	52	<b>25 133 000</b>
Zrnovci	1	17	211	103	28	<b>14 631 000</b>
Ilinden	8	77	1 767	845	129	<b>68 772 000</b>
Jegunovce	16	74	939	468	131	<b>58 064 000</b>
Kavadarci	12	185	3 387	1 669	291	<b>177 156 000</b>
Karbinci	10	36	535	276	101	<b>34 080 000</b>



Kicevo <sup>1)</sup>	35	295	3 798	1 814	530	<b>240 348 000</b>
Konce	6	29	317	159	46	<b>23 595 000</b>
Kocani	10	171	2 990	1 431	271	<b>128 158 000</b>
Kratovo	11	45	646	296	118	<b>41 196 000</b>
Kriva Palanka	14	100	1 721	825	200	<b>91 529 000</b>
Krivogastani	9	38	569	263	57	<b>30 356 000</b>
Krusevo	10	54	766	368	113	<b>39 944 000</b>
Kumanovo	36	569	10 965	5 290	867	<b>442 047 000</b>
Lipkovo	17	197	3 465	1 678	295	<b>150 448 000</b>
Lozovo	5	17	184	84	28	<b>17 305 000</b>
Mavrovo and Rostusa	15	65	622	290	105	<b>59 071 000</b>
Makedonska Kamenica	5	41	636	304	64	<b>41 467 000</b>
Makedonski Brod	7	33	469	264	77	<b>32 551 000</b>
Mogila	15	51	538	249	87	<b>36 225 000</b>
Negotino	10	97	1 803	882	138	<b>90 644 000</b>
Novaci	9	21	231	105	42	<b>22 843 000</b>
Novo Selo	12	62	693	353	120	<b>54 669 000</b>
Ohrid	18	286	4 836	2 318	394	<b>200 553 000</b>
Petrovec	7	62	1 000	498	91	<b>51 846 000</b>
Pehcevo	5	31	378	188	48	<b>26 744 000</b>
Plasnica dedicated grant	2	31	459	235	56	<b>3 000 000</b>
Prilep	26	326	6 716	3 252	483	<b>294 113 000</b>
Probistip	7	59	1 109	556	125	<b>63 362 000</b>
Radovis	17	149	2 481	1 240	275	<b>127 987 000</b>
Rankovce	5	26	323	153	47	<b>24 663 000</b>
Resen	21	96	1 089	511	154	<b>80 714 000</b>
Rosoman	7	29	402	202	53	<b>25 844 000</b>
Sveti Nikole	11	90	1 420	694	157	<b>75 026 000</b>
Sopiste	9	42	539	273	66	<b>33 635 000</b>
Staro Nagoricane	13	36	345	162	52	<b>34 761 000</b>
Struga	34	414	5 863	2 867	664	<b>295 024 000</b>
Strumica	23	272	5 247	2 586	463	<b>222 297 000</b>
Studenicani	12	139	3 087	1 465	218	<b>108 758 000</b>
Tearce	8	124	1 621	750	206	<b>96 705 000</b>
Tetovo	24	506	9 871	4 776	788	<b>375 880 000</b>
Centar Zupa	9	48	585	281	84	<b>40 606 000</b>
Caska	9	61	979	455	102	<b>55 066 000</b>
Cesinovo-Oblesevo	10	46	489	225	99	<b>36 341 000</b>
Cucer-Sandevo	8	47	681	321	79	<b>43 856 000</b>
Stip	13	198	4 042	1 968	309	<b>157 124 000</b>

1) In compliance with the Administrative division of Macedonia from 2013, the municipalities of Drugovo, Vranestica, Zajas and Oslovej merged with Kicevo Municipality.

**Appendix 2: Secondary schools, classes, students, by gender, teachers by municipalities, in the 2013/2014 school year and block grants for 2014**

Municipalities	Schools	Classes	Students		Teachers	Student/ Teacher/ Ratio	Block grant Municipalities
			Total	Female students			
<b>Republic of Macedonia</b>	<b>115</b>	<b>3 457</b>	<b>84 827</b>	<b>40 649</b>	<b>7 421</b>	11.43	<b>1 119 352 000</b>
<b>Skopje</b>	31	999	26 408	12 500	2 180	11.95	
Berovo	1	19	404	230	32	12.62	30 198 000
Bitola	8	174	4 269	2 104	417	10.24	201 437 000
Bogdanci	1	16	326	146	37	<b>8.81</b>	21 143 000
Brvenica	1	6	94	39	16	5.87	Private school
Valandovo	1	16	340	167	34	10	23 483 000
Veles	4	101	2 490	1 237	199	12.51	128 762 000
Vinica	1	33	646	344	63	10.29	34 255 000
Vrapciste	1	12	260	121	22	11.81	19 248 000
Gevgelija	1	40	962	476	75	12.83	50 383 000
Gostivar	5	193	4 530	2 124	475	9.54	199 521 000
Debar	2	30	719	344	100	7.19	39 257 000
Delcevo	1	25	488	276	55	8.87	27 866 000
Demir Hisar	1	13	225	104	32	7.01	17 021 000
Dolneni	1	19	368	158	49	7.51	In 2013/2014 The school was a branch SES in Kicevo
Kavadarci	3	71	1 749	763	139	12.58	87 201 000
Kicevo	2	91	2 126	1 022	193	11.01	122 505 000
Kocani	2	73	1 592	749	143	11.13	82 248 000
Kratovo	1	14	270	135	29	9.31	18 736 000
Kriva Palanka	1	34	782	336	62	12.63	42 816 000
Krusevo	1	15	284	128	32	8.87	19 390 000
Kumanovo	5	237	6 110	2 938	462	13.22	293 866 000
Lipkovo	2	20	535	267	36	14.86	29 019 000
Mavrovo and Rostusa	1	8	142	71	17	8.35	14 076 000
Makedonska Kamenica	1	12	215	129	31	6.94	16 994 000
Makedonski Brod	1	14	250	106	31	8.06	20 200 000
Negotino	1	39	743	356	73	10.17	39 517 000
Ohrid	3	103	2 455	1 173	176	13.95	121 719 000
Pehcevo	1	7	139	69	32	4.34	Branch school under SES Berovo
Prilep	5	154	3 651	1 796	285	12.81	181 035 000
Probistip	1	22	429	196	52	8.25	26 781 000
Radovis	1	36	834	401	72	11.58	45 025 000
Resen	1	26	453	221	48	9.43	26 305 000
Sveti Nikole	1	30	576	255	57	10.10	34 638 000
Struga	4	139	2 998	1 564	280	10.70	131 913 000
Strumica	4	141	3 839	1 894	259	14.82	182 242 000
Tetovo	7	364	9 328	4 366	840	11.10	436 367 000
Centar Zupa	1	8	141	56	15	9.4	13 430 000
Stip	5	103	2 657	1 288	271	9.80	118 996 000

## **Appendix 3: Problems, proposed solutions and responsible institutions**

### **Problems, proposed solutions and responsible institutions**

The recommendations, proposals and/or the opinions for discussion listed below are aimed at ensuring greater interethnic cooperation between students and educational staff in primary and secondary education which will enhance social cohesion in the society.

**Problem 1:** In general, low rate of enrollment in preschool education, whereas viewed from the aspect of ethnicity then the rate of enrollment of children from non-majority ethnic communities is even lower.

**Proposed solution 1.1:** Preschool education to encompass all children in preschool age (4 and 5) in the Centers for early childhood development where will be provided the opportunity for interaction between children from different ethnic communities following the model for integrated multicultural education (according to the specifics of the populated areas), and strengthening of the competencies and capacities of the educational staff in the field of teaching of children in multiethnic environment. Also, efforts should be made in expanding the network of kindergartens in all populated areas through cooperation between central and local authorities by seeing the possibility for establishing public-private partnerships.

*Responsible institutions:* Ministry of Labor and Social Policy, Ministry of Education and Science, Bureau for development of education and municipalities.

**Problem 2:** Inadequate distribution of funds for primary and secondary education as a result of non-transparent procedure for determining of the methodology for distribution of block grants for education thus resulting with lack of funds for some municipalities to carry out regular and qualitative teaching classes. Absence of methodology for distribution of Block grants on local level by the local authorities.

**Proposed solution 2.1:** During the definition of the Methodology for determining criteria for distribution of block grants for primary and secondary education in consideration should be taken the demographic trends in respective municipalities, the new obligations of the schools deriving from the Law on primary and secondary education, and calculations on real expenditures for maintenance of the schools. The organs of local self-governance shall define the methodology for distribution of block grant funds on municipal level.

*Responsible institutions:* Government of the Republic of Macedonia, Ministry of Finance, Ministry of Education, ZELS and municipalities.

**Problem 3:** Insufficient interaction and cooperation between different ethnic communities which causes division, not enough knowledge about each other, not knowing the language and deepening of the current stereotypes and prejudices.

**Proposed solution 3.1:** To increase enrollment of students in extracurricular and curricular activities financially supported by budget of RM with a clearly defined structure and methodology for distribution of financial means (block grants) for schools, and the strengthen the interpersonal, intercultural relations as well as the civil abilities of the teaching staff.

*Responsible institutions:* primary and secondary schools, municipalities, Ministry of education, Ministry of finance, Government of the Republic of Macedonia.

**Proposed solution 3.2:** To increase the level of learning of languages in the country through introduction of new methods and strengthening of competence of the teachers, and studying in language different from mother-tongue language to be selected by the largest non-majority community in the area - municipality.

*Responsible institutions:* Government of the Republic of Macedonia, Ministry of education and science and municipalities.

**Proposed solution 3.3:** Strategy on integrated education to be reviewed based on achievements and experiences from the projects that supported the implementation and to develop an Action plan for concrete steps to be taken for full implementation of the revised Strategy including envisaged budget financial means for implementation.

*Responsible institutions:* Government of the Republic of Macedonia, Secretariat for Implementation of Ohrid Framework Agreement, Ministry of Finance.

**Proposed solution 3.4:** Continuous review of primary and secondary education curriculum in function of consistent implementation of goals for mutual better understanding and focusing on the real needs of the labor market and other needs of the students.

**Problem 4:** the textbooks for all subjects vary in terms of quantity and quality of contents in regards with multicultural reality in the country; however, in most of the cases those textbooks lack contents, photographs and authors who would enable introduction to culture and tradition of other ethnic communities and comprehension of common bases.

**Proposed solution 4.1:** In the Law on Textbooks, in an adequate manner to be inserted the criterion deriving from the Textbook-making and Textbook Evaluation Methodology Concept related to development of the civil and national identity, multiculturalism and gender equality.

*Responsible institutions:* Ministry of education and science, Bureau for development of education, Pedagogical service.

**Problem 5:** Insufficient mobility of students in universities of Republic of Macedonia that would provide an enhanced communication between students from different ethnic communities in the Republic of Macedonia.

**Proposed solution 5.1:** Universities to organize Joint degrees which will enhance the integration, interaction and it will initiate mobility of the teaching staff and students from different faculties. This will contribute, among others, in overcoming the problem with the lack of qualified teaching staff in some universities.

*Responsible institutions:* Government of the Republic of Macedonia, Ministry of education and science, and Inter-University conference and universities.

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## **Annex 6: Working Group Report on Non-Discrimination**

# OFA Review on Social Cohesion

## *Anti-discrimination*

### **Disclaimer**

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Anti-discrimination as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на не-дискриминација од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиноот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të Anti-diskriminimi si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.

## Executive Summary

This report focuses on several areas (an employment of the members of minority communities, especially those from the rural areas (including the women), participation of women in public life and on managerial positions, sanctioning of the hate speech, equal treatment of the victims of the conflict in 2001, the judiciary and sports) in which discrimination is detected as frequent occurrence or there exists a perception of the same on basis of ethnicity. In order to complete the legal framework for anti-discrimination and strengthening the mechanism for protection, there are proposed changes to specific laws. Limitation on the areas / actions is made because of (non)accessibility of data to justify a specific recommendation/opinion (such as in the area of culture), while some of the areas are not covered because it was concluded that the same is covered by the other Working groups.

The results/recommendations are defined based on official data which were made available by the institutions and/or the survey conducted by the civil society organizations which have applied appropriate methodologies.

In general, 51% of the citizens believe that there is an existing discrimination on a ground of ethnicity and this figure indicates that it is apparent in all areas and, therefore, measures should continuously be defined towards its elimination.

It is a general conclusion that the members of minority ethnic communities have more difficult access to the labor market, especially ethnic minority women. This is mostly expressed among the members of ethnic communities from the rural areas, including the women. Career advancement of the women is slower and unlike the men, there is a very small number of women on managerial positions.

There is lack of confidence in some institutions, and lack of trust in the judiciary is particularly noticeable among the members of the ethnic minorities (especially among the members of Albanian community (e/A)).

Although discrimination is a common in the private sector, the mechanism of protection, the Committee for Protection against Discrimination does not have enough capacity and human resources to work on informing citizens about the possibility to address the same.

Rounded legal framework for anti-discrimination in the country is not yet completed and harmonized.

Urgent action is needed in all these matters and also, to address the systemic problems by improving anti-discrimination legislation and developing special programs and creation of measures to overcome the so-called “past sin” discrimination.



#### **4. Introduction**

Discrimination is a phenomenon that occurs in all spheres of the social life, including the area of employment, education, housing, access to public goods and services, etc. The Republic of Macedonia is working for quite long time in harmonizing its legislation with *acquis communautaire* of European Union and in direction to harmonize the anti-discrimination legislation it has undertaken a series of steps such as harmonization with Directive on Race Equality, Directive on Equality in employment and the Directives on Gender Equality, as well as harmonization with a series of other international acts which guarantee the equality and prohibit discrimination.

In order to reach the social cohesion within a society it is necessary for the country to develop a strategy and a set of measures which will contribute to reaching a formal equality in practice (everyday life), respectively to achieve a material equality. This means development of affirmative measures aiming equalization of citizens in terms of access to public goods and services, and to simultaneously stimulate the private sector in undertaking activities for prevention and eradication of discriminatory practices. In a multiethnic society such as the Macedonian society, the feeling of inequality is expressed in many areas and at various groups of citizens who live in the country and this is confirmed by various surveys (Equal Opportunities Barometer, MCIC, 2014). Apart from the noted high percentage of discrimination based on political party affiliation, there is a noticeable percentage of perception of discrimination on ethnicity (51%).

Adoption and implementation of Ohrid Framework Agreement aims to contribute in and also to preserve the multiethnic character of the Macedonian society, and it has to find its reflection on the public life. The responsibility for respect and advancement of the identity of the communities belongs to all institutions including the local authorities. Hence, discrimination on ethnicity including multiple discrimination (for example, beside the ethnic background, discrimination on social status, gender/sex and similar) should be prevented in the future and also measures should be taken to change the actual situation, and by including measures for decreasing the consequences from the past (past sin) discrimination. In this direction are set the efforts of the Working group for anti-discrimination which, by having in consideration whether a certain activity contributes or not in social cohesion in the Macedonian society, defines a certain number of recommendations in terms of eradication of discrimination in Macedonia. Being aware that phenomenon of discrimination stems from a large number of stereotypes and prejudices related to traditional values (nurtured by one ethnic group, both internally the group and externally towards the other groups/individuals) the intervention in terms of elimination of discrimination should be systematic, to encompass all the areas of social living, employment, judiciary, including sports and culture, and with a specific accent on the people living in rural areas, women and members of non-majority communities as potential vulnerable groups prone to discrimination and deprived from equal access to state services.

**a. Legal Framework and International Standards**

**Law on Prevention and Protection Against Discrimination** - LPPAD (Official Gazette of RM No. 50/2010 date 13.04.2010) is kind of harmonization with the most important European Union directives which represents the basis of anti-discrimination legislation in the Union, and the same is based on international standards on human rights and mechanisms for protection of human rights:

- 2000/43/EU Directive (29 June 2000) on implementation of principle on equal treatment of persons regardless the race or ethnic background (also can be found as Directive on Race Equality);
- 2000/78/EU (27 November 2000) on establishment of a general framework for equal treatment in employment and occupation (also can be found as Framework Directive on employment equality).

The LPPAD itself in Article 3 protects the following bases of discrimination: gender, race, color of skin, background of marginalized group, ethnic background, language, citizenship, social origin, religion or religious belief, other belief, education, political affiliation, personal or social status, mental or physical imparity, age, family or marital status, property status and health condition, and also the list remains open („or any other basis“). The Law forbids all form/kinds of discrimination: direct or indirect discrimination (Article 6), harassment (Article 7), instructions on discrimination (Article 9) and victimization (Article 10), including all acts of discrimination committed by physical or legal entities in both public and private sector. Also, the Law envisages more serious forms of discrimination such as: multiple discrimination (committed against certain person on several discrimination bases), repeated discrimination and continuous discrimination (Article 12). LPPAD envisages also three groups of exceptions from discrimination, i.e. the affirmative measures, protection mechanisms for specific categories of persons and unequal treatment.

One of the existing mechanisms for protection in a committed act of discrimination is secured also with the establishment of the Committee for protection against discrimination – CPD (regulated by LPPAD), which is an independent and autonomous body, where protection could be sought in case of violations committed also by the private sector, different from the Ombudsman who has a mandate for acting only in cases of violations (discrimination) committed in the public sector.

Every each person who deems that is a victim of discrimination has the opportunity to file a complaint to CPD which would first of all determine the facts and provides an opinion, whether discrimination is committed or not, within a period of 90 days from the day the complaint was filed.

**Law on equal opportunities for women and men** (Official Gazette of RM, No.6/2012 date 13.1.2012), represents completion of legal framework on guaranteeing formal equality of genders and guidelines for developing concrete measures for achieving the equality and to overcome the actual inequality, and it may be considered as harmonization of the Macedonian legislation with European Union directives on gender equality, such as:

- 2004/113/EU (13 December 2004) on implementation of the principle of equal treatment between men and women in the access to goods and services; and

- 2006/54/EU (5 July 2006) on implementation of principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

The law also envisages protection mechanism i.e. Legal representative within the Ministry of Labor and Social Policy and forming of Commissions on local level.

In this context it should be also mentioned the **Revised European Social Charter**, which, in accordance with the Third report on implementation of the same, presented by Republic of Macedonia in October 2014, detects many problems in the matter of employment (including employment of e/Roma, of women from minority ethnic communities, and specifically those living in rural areas) and education of those vulnerable groups, and generally, anti-discrimination and mechanisms for protection against discrimination (judicial and extrajudicial protection).

The protection against discrimination is regulated by other laws as well such as the Law on Labor Relations (Official Gazette of RM No.62/2005 date 28.7.2005), the Law on Social Protection (Official Gazette of RM No.79/2009 date 24.6.2009), the Law on Protection of the Rights of Patients (Official Gazette of RM No.82/2008 date 8.7.2008), the Law on Public Health (Official Gazette of RM No.22/2010 date 15.02.2010) etc. More analyses of the Macedonian anti-discrimination legislation carried out by different actors (including the Strategy on anti-discrimination and Action Plan for implementation of LPPAD as well as the Analysis on harmonization of national legislation on equality and anti-discrimination) show the existence of noncompliance of definition on discrimination with the one envisaged by LPPAD, as well as with the defining of the kinds of discrimination, terminology and list of protected bases. For that, it is needed to conduct a full harmonization with the Law on Prevention and Protection against Discrimination with the current legal regulation in various areas and with the international standards.

**The Ohrid Framework Agreement** - OFA, in the part 4.1., enshrines full respect of the principle on anti-discrimination and equal treatment of all before the law. OFA specifically underlines the matters of employment in public administration and public enterprises, as well as the access to public funding for development of business activities.

The analysis focuses on the principle of anti-discrimination and respect of the same not only in terms of formal equality before the law, but also on the access to public funding.

There is a series of other relevant documents (strategies, action plans and similar). The review covers only the abovementioned acts because they are crucial to the topic.

#### **b. Available sources of data**

In the process of collection of data the Working group faced lack of systemized data. Most often, the accessible available data are broken down on gender, age, and education structure, whereas data on ethnic structure is missing.

Concretely, the Working group reviewed several relevant reports and acts on various matters covered by LPPAD, and additional information was requested from many institutions including: Ministry of Labor and Social Policy and Employment Agency of

Republic of Macedonia, Ministry of Education and Science, Ministry of Culture, Agency of Youth and Sports, etc.

Many sources were reviewed, whereas the data in this review are used from the following sources:

- 2012 Report on the status of implementation of all policies stemming from Ohrid Framework Agreement (Phase one)
- Secretariat for Implementation of Framework Agreement 2014 Report on equitable and adequate representation
- 2015 Operational plan for services in the labor market and active employment programs and measures
- 2015 Operational plan for amending and supplementing the operational plan for services in the labor market and active employment programs and measures
- Secretariat for Implementation of Framework Agreement 2014 Report on equitable and adequate representation
- Ombudsman 2014 Report on monitoring the implementation of the principle on equitable and adequate representation
- List of kindergartens in Republic of Macedonia (relevant for a proposed measure)
- Equal Opportunities Barometer, MCIC, 2013
- Trust in People and Institutions, MCIC, 2013 (about trust in judiciary)
- Third report on implementation of Revised European Social Charter, Republic of Macedonia, October 2015
- Decree on methodology for determining the criteria for distribution of block grants to municipalities and city of Skopje for 2015 (published in Official Gazette of RM on 21 January 2015)
- Review of earmarked and block grants for delegated competencies for municipalities for 2015
- Information on analysis of structure of registered unemployed women, MLSP, 2012
- Information from Agency for Audio and Audiovisual Media Services
- Criminal Code of RM (amended and supplemented, (Official Gazette of RM No.55 date 16 April 2013)
- Law on Agency for Audio and Audiovisual Media Services (Official Gazette of RM No. 184/13, 13/14, 44/14, 101/2014 and 132/2014)
- Final report, Strengthening the Capacities for Integration of Disadvantaged Women in the Labor Market, with Special Focus on Ethnic Minority Women, WYG International, 2013
- Committee for Protection against Discrimination 2014 Annual Report
- Committee for Protection against Discrimination 2013 Annual Report
- Committee for Protection against Discrimination 2012 Annual Report
- Committee for Protection against Discrimination 2011 Annual Report
- Ombudsman 2014 Annual Report
- Ombudsman 2013 Annual Report
- Ombudsman 2012 Annual Report

- Ombudsman 2011 Annual Report
- Information prepared in relation to the conclusion of Government of Republic of Macedonia on the findings of the analysis on qualitative participation of women in public and political life in units of local self-government, together with conclusions which will be in function of overcoming possible identified weaknesses, November 2011
- Law on equal opportunities for women and men (Official Gazette of RM No.6/2012 date 13.1.2012)
- Law on Protection against Discrimination (Official Gazette of RM No.50/2010 date 13.04.2010)
- National strategy on protection against discrimination, MLSP, 2012-2016
- National Action Plan on implementation of Law on protection and prevention against discrimination, MLSP, 2015-2020
- Final Report on the assessment of implementation of the Law on Prevention and Protection against discrimination, OSCE, 2013
- Analysis on discriminatory practices in the area of employment and working relations, OSCE and MLSP, 2013
- Analysis on discriminatory practices in the area of education, OSCE and MLSP, 2014
- Analysis on discriminatory practices in the area of access to goods and services, OSCE and MLSP, 2015
- Analysis on harmonization of national legislation on equality and anti-discrimination, OSCE and CPD, 2015
- Data from Agency for youth and sports on "50 Auxiliary Football Playgrounds" Project
- Data from the Agency for youth and sports for the "35 sport halls" Project
- Data from the Agency for youth and sports for "100 tennis courts" Project
- Analysis on independence of judiciary in Republic of Macedonia – perception, difficulties and challenges, Human Rights Institute, August 2013

## **5. Quantitative review of Ohrid Framework Agreement implementation status on the matter of anti-discrimination**

During the collecting process of data from different sources, generally the group faced lack of official data, specifically statistical data on relevant topics of this review. The lack of the same is obvious during the analysis of distribution of public funds in different sectors, when they are analyzed from the prism of ethnicity of the population and by rural areas.

### **a. Capacities of institutions to act in cases of discrimination**

Collection of quantitative data aiming definition of relevant recommendation, revealed lack of capacities in several institutions competent to act in case of discrimination, more precisely, in the Committee for protection against discrimination as a key mechanism with a mandate to act also in case of discrimination committed by the private sector which is confirmed with the number of received/processed complaints, opposed to the number of complaints submitted to the Ombudsman. In the period from 1 January to 31 December 2013 84 complaints were submitted to the Committee. Compared to the previous year 2012,

the number of complaints has increased for six, respectively for 24 compared to 2011, whereas in 2014 were submitted 107 complaints. To compare, in 2014 out of a total of 4.995 complaints the Ombudsman acted upon 4.117 or 82,42%, and for 878 or 17,58% complaints did not initiate a procedure.

The Ombudsman is a national institution on human rights and it has a much broader scope of competencies compared to CPD. However, in case of discrimination, CPD is more recognizable body for protection and because of that strengthening of its capacities is indispensable.

The Law on Prevention and Protection against Discrimination in Article 30 envisages that „Expert-administrative and technical affairs of the Committee are carried out by the Committee,,. The final report on assessment of implementation of Law on Prevention and Protection against Discrimination „indicates that the Committee in order to advance its work and to effectively and efficiently act upon all complaints and other obligations in compliance with the Law, needs administrative-technical support,,. The practice so far has shown that the Committee does not have the capacity to deal with one part of the tasks, and the same should act also in cases of discrimination in both public and private sector, meaning that it has a broader mandate than the Ombudsman. As an illustration, the Ombudsman has an administrative-technical support of 75 employed persons, whereas the Committee does not have any employed persons, instead it has three persons hired from other institutions.

Because the surveys show that discrimination on ethnicity is 51%, the capacity of the Committee is crucial in the fight against discrimination not only in the public sector but also, in broader terms, in the entire society and all the spheres of living. It should be specifically highlighted that the survey „Equal Opportunities Barometer,, from 2014 carried out by Macedonian Center for International Cooperation (MCIC) showed that, by crossing the results by their social-demographic characteristics, often occurrence of discrimination on ethnicity is noted more by e/A-s than by e/M-s (80% against 43%).

Beside protection in case of violation, according to Article 24 from LPPAD, the Committee has a preventive role and mandate to monitor the implementation of this law, to initiate amending of regulations in order to implement and promote protection against discrimination, and to provide recommendations and opinion on draft laws which are important for protection against discrimination. This means that the Committee may serve to General Secretariat of the Government, if compulsory, in the preliminary procedure, all legal solutions and legal changes to be submitted for an opinion to CPD which would eliminate every possibility to discriminate certain citizens or groups through new legal solutions.

## **2.2. Access to employment of members from minority ethnic communities and women from the same communities as vulnerable groups**

As one of the most important areas where discrimination occurs is the area of employment. From the total number of inactive population in terms of access to labor market, women in RM are represented with the highest number, especially women belonging to minority ethnic communities, Roma (e/R), Turk (e/T), Albanian (e/A), Bosnian (e/B), Vlach (e/V), etc. According to the Analysis of the structure of registered unemployed persons, largest in number are e/M (169.693), respectively 66,00% from the total number. Out of total number of registered unemployed e/M (169.693), 47,30% are women. Out of total number of registered unemployed e/A (57.457), who participate with 22,40% in the total number of unemployment, 32,30% are women (18.545). Participation of other ethnic communities in the total number of unemployment is lesser such as e/T 3,9% (9.919), e/R 4,4% (11.270), e/S

0,8% (1.949), e/V (297) 0.1% and e/B (482) 0,9%. In the structure of unemployed based on ethnicity the highest percentage of registered unemployed women is noticed with e/B amounting 50,6% (244 registered unemployed women), 47,3% e/M (80.343 registered unemployed women), 41,7% e/R (4.705 registered unemployed women), 40,1% e/S (782 registered unemployed women), 37,4% e/V (111 registered unemployed women).

According to the Secretariat for Implementation of Framework Agreement 2014 Report on equitable and adequate representation, the representation of e/A in public sector is 18,4 %, out of which 32,10 % are women, or 6,25% from the total number of employed in the public sector, e/T are represented with 1,8% out of which 39,73% are women, e/S are represented with 1,6% out of which 45,99% are women, e/V are represented with 0,2% out of which 62,32% are women, e/B are represented with 0,5% out of which 44,87% are women, and e/R are represented with 1,2% out of which 27,28% are women.

In regards with the managerial positions, e/A are represented with 14,5 %, e/T are represented with 1,3%, e/S are represented with 2,07%, e/V are represented with 0,88%, e/B are represented in managerial positions with 0,41%, whereas e/R in managerial positions are represented with 0,14%.

Based on the statistics, it is evident that there is a need for increasing the number of members of non-majority ethnic communities in managerial positions. This number is alarming specifically for e/A and e/R.

Low rate of participation of women members of certain ethnic communities is explained first of all with the lower level of education of women in rural areas and the traditional role of the women in the society and households.

### **2.3. Participation of women in the public life and in decision making positions**

According to the same 2014 Report on equitable and adequate representation, at managerial working posts e/A women are represented with only 16,66% or 2,41% from the total number of managerial working posts in public sector, e/T women are represented with 37,68%, e/S 40,09%, e/V 57,29%, e/B 60%, and e/R 44,44%.

### **2.4. Equal treatment of victims from 2001 conflict**

In the Report which was reviewed and adopted at the seventy-first session of Government of RM in 2012, the Government has provided a draft law on regulating the rights of disabled persons and the families of the killed persons in 2001, which would ensure the application of the Provisions in Annex C from Ohrid Framework Agreement. The law has not been adopted yet.

### **2.5. Hate speech and hate crime**

In the Law on Media as well as in the Law on Audio and Audiovisual Services exist provisions which define the measures against those media that allow creation and spreading of hate speech, however the data coming from the Agency for proceeding on those cases show that these provisions either are not implemented or are implemented in a selective manner.

Also, provisions deriving from the Criminal Code that refer to hate speech and hate crime, spreading of hate and intolerance as well as racist propaganda (including spreading through computer systems and internet) are not implemented by the Public Prosecution and consequently there is no court practice on this matter.

## **2.6. Judiciary**

According to data from the Secretariat for Implementation of Framework Agreement, 78,72% of the judges are e/M, whereas 15,72% are e/A. In Public Prosecution 92,2% are e/M prosecutors, 7,8% e/A.

It should be mentioned that in Ohrid Framework Agreement part 5.4 reads that “Parties invite the international community to assist in training of lawyers, judges and prosecutors members of the communities which do not represent the major population of Macedonia aiming increase their participation in the judicial system,,,”.

## **2.7. Sport**

The Government of Republic of Macedonia has adopted Program for construction of sports halls and through the Agency for youth and sport has invested in 35 sport halls. In the frames of "50 Auxiliary football playgrounds" Project 40 such playgrounds are already functional. Through the project for construction of 100 tennis courts, 44 tennis courts in total are constructed so far.

# **6. Qualitative review of the implementation status of Ohrid Framework Agreement on the matter of anti-discrimination**

## **a. Anti-discrimination legislation in Macedonia – challenges and needs**

Based on analyzed data, it is evident that there is a need for launching the process of harmonization of Law on prevention and protection against discrimination (LPPAD) with the international law in direction to establishing of an expert service of CPD for performing expert and administrative-technical affairs and to determine the work and working tasks of the employees; utilization of the institute „shifting the burden of proof“ envisaged for court proceedings, and in proceedings before CPD aiming more effective and more efficient implementation of LPPAD; and, strengthening of mechanisms which will provide higher accountability in the work of CPD is one of the crucial steps for achieving social cohesion in the Macedonian society. The representation of ethnic communities living in Macedonia reflected on the members of the Committee contributes in building trust towards the institution and equal access for all who live in the country.

Nonetheless, the change of laws and awareness raising are two parallel processes which must run together in order to realize equality in the society. For this reason, the adequate informing of citizens on their rights and accessibility to mechanisms for protection of rights is crucial, in case it aims achieving of real equality against the formal equality.

Also, building capacities of competent institutions (Committee for protection against discrimination, Ombudsman, Legal representative within MLSP, Inspectorates), as well as



managing of database broken down by ethnicity, gender, as well as detailed analysis of the legislation and the policies and their promotion.

#### **b. Employment**

The 2015 Operational Plan for services in labor market and active employment programs and measures does not contain data on number of employed/unemployed sorted by ethnicity because the policies/measures are not specifically directed to persons based on their ethnic background, neither by geographical distribution.

Solely, there are special measures (Services for activation of individuals at risk of social exclusion) who, beside the other socially excluded groups, specifically stimulate also the unemployed e/Roma, by including services for activation of individuals at risk of social exclusion. This is the only measure which mentions a specific ethnic group. There is also a measure (6.2.) for in-service training with subsidized employment of vulnerable categories but they include the elderly 50+ people, those with elementary education, youngsters with the age of 29 with elementary education, unemployed persons for long time, users of social welfare, vulnerable categories facing barriers in the labor market. Persons from non-majority communities are not taken in consideration as target groups if they meet the abovementioned requirements and are included in one of the categories.

There is only one project measure, supported by British Embassy and implemented by external organizations in cooperation with Employment Agency of RM, the so called Program for establishment of businesses in multiethnic environment for Polog and Northeast region with 55 beneficiary persons. This project is a good practice which should be followed.

In regards to women, there is only one special measure for development of entrepreneurship and entrepreneurial skills for women and development of activities not typical for women.

And most importantly, there are no data about employment through active measures of persons based on their ethnic background and there is no statistics on geographical distribution in order to understand in which parts of the country are the most of the beneficiaries.

All analyzed data show that unemployment of members of non-majority ethnic communities and, specifically of women belonging to these communities is higher and above the unemployment average in the country.

Also, the employment rates in Republic of Macedonia in 2015 of women belonging to minority ethnic communities in public sector is considerably lower compared to those from the majority ethnic community. The low rate is even more expressed in comparison with men from the same ethnicity. In the structure of unemployed by ethnic groups the highest percentage of registered unemployed women is noticed with e/B 50,6% (244 registered unemployed women), 47,3% e/M (80.343 registered unemployed women), 41,7% e/R (4.705 registered unemployed women), 40,1% e/S (782 registered unemployed women), 37,4% e/V (111 registered unemployed women), 32,3% e/A (18.545 registered unemployed

women). All these data show that unemployment of women is higher and above the average of unemployment in the country.

**c. Participation in decision making of women from non-majority ethnic communities in institutions and other managerial structures**

According to the *Information prepared in relation with the conclusion of the Government of Republic of Macedonia on the findings of the analysis of qualitative participation of women in public and political life in the units of local self-government, with conclusions which will be in function of overcoming of eventual identified weaknesses* from November 2011, the absolute number shows that the number of employed men in the state organs and public administration is almost for one half higher than of women. For illustration purposes, in part of the municipalities women do not participate at all in the work of managing boards, and in some of them are very little represented. Transferred in numbers, out of 68 analyzed municipalities including the city of Skopje 158 women are members of managing boards against 483 men.

It should be noted that based on previously analyzed data, the e/A woman, despite the fact that total number of employed e/A women is 32,10%, she is least represented in managerial position.

Law on equal opportunities of women and men envisages positive measures (Article 6 paragraph 3) for increasing participation of both sexes in committees and boards, respectively in decision making organs and bodies on national and local level, which should not be less than 40%. However, the actual situation shows that women do not participate enough in the work of managing boards and that there are not concrete measures for increasing of participation of women in these structures in order to achieve a real equality.

To improve the position of women in the community, of outmost importance is the participation of women in decision making on urban/rural community level. The priorities of the community are selected and discussed on level of these forms of organization of citizens and in case women are excluded then their needs and priorities will neither be heard nor taken into consideration as a priority of the community. The analysis of the answers from the questionnaire shows that women almost do not exist as leaders of urban communities. Out of 68 municipalities in only 13 women appear as presidents of the urban/rural communities. Strumica municipality is an interesting example where out of 25 urban communities 24 are headed by women and only one community is led by a man.

The reasons for insufficient participation of women in public and political life as cited by municipalities in general are related to low level of awareness and indifference for participation in the development of public policies on local level, and on the other hand, nonexistence of political will of local authorities for inclusion of women; nonexistence of organized women's acting for improvement of the situation on local level; overcoming of actual stereotypes about the position and role of the woman in the society with a specific accent in rural environment, respectively a still prevailing opinion is that the place of the woman is at home and before all the care for the family, and that the public matters in the community is responsibility of the man.

Although it is a legal obligation for Committees to submit work Report to the Ministry of Labor and Social Policy, only insignificant number of municipalities respect this provision. From the received reports for 2010, can be seen that local self-government allocates very little funds or nothing at all for the activities of local Committees on equal opportunities. Considering the fact that this information is reviewed and adopted by the Government, with a conclusion that the municipalities should allocate means from the budget for the abovementioned, MLSP should make an assessment of the level of implementation of the recommendation.

**d. Equal treatment of victims from 2001 conflict**

In relation to the rights the status of persons who participated in the 2001 conflict should be addressed at the European Commission 2012 Progress Report of RM, which states: „The Committee on Labor and Social Policy continues the debate on the Law on defenders proposed by the Government for assistance of the victims from the conflict in 2001,,. A mutually satisfactory solution should be found which will facilitate reconciliation and is based on the recent Government Report on Ohrid Framework Agreement. The mentioned Report (reviewed and adopted at the seventy-first session of the Government of RM in 2012), in the part 2.3 Reintegration, reads: „In the frames of the Government Program is envisaged a draft law on regulating the rights of disabled persons and families of killed persons in 2001., which would ensure application of Annex C of Ohrid Framework Agreement,,. The law is not adopted and a mutually satisfactory solution has not been found yet that would close this sensitive topic and would lead to reconciliation between communities. Taking in consideration the Convention on Rights of Persons with Disabilities, the lawmaker should not consider the reason but the consequence instead, i.e. the disability.

**e. Sanctioning hate speech and hate crime**

In the Law on Media as well as in the Law on Audio and Audiovisual services exist provisions which define measures against media that allow creation and spreading of hate speech but they are either not implemented or implemented in a selective manner.

Such an approach enables undisturbed attacking, insulting and humiliation of persons and entire communities which decomposes the social tissue of the country.

Criminal Code provisions referring to hate speech and hate crime, spreading of hate and intolerance as well as racist propaganda (including spreading by computer system and internet) are not implemented by the Public Prosecution and consequently there is no court practice on this matter.

While the national institutions do not have a mechanism for registration of hate crime cases, the civic organization remain to be the sole source of information.

Not acting upon this kind of cases gives the perception that the institutions do not protect the citizens from attacks motivated by prejudice based on race, religion, sex, gender, sexual orientation, whereas the attackers deem that maybe they can go through with minimal

sentences or not being sanctioned at all. Such ignoring of these criminal acts undermines the social cohesion among all communities in the country.

#### **f. Judiciary**

From the analyzed data can be concluded that it is evident that in the frames of judiciary exist insufficiently developed capacities for protection against discrimination. It is very important for the citizens to have an impartial, transparent and independent judicial system. However, there is a perception by more ethnic communities, especially by the e/A that law is applied selectively and there is a biased judicial system.

Besides this key problem, the conditions for election of judges were also reviewed. Namely, the Law on Courts ( Article 43, paragraph 1), envisages ban to discrimination in the process of selection of judges related to sex, race, skin color, national and social origin, political and religious belief, property and social status. The Law on Academy of Judges and Public Prosecutors (Article 9), envisages that during the selection of candidates for enrollment in basic training in the Academy, without violating the criteria set by this law, an equitable and adequate representation is ensured for the citizens belonging to all communities in the Republic of Macedonia. However, it is not mentioned who does the oversight of its implementation, what if the rule on equitable and adequate representation is not applied, or what would happen in case of lacking adequate candidates from certain ethnic communities. In this regard, work should be done also in developing the capacities of judiciary in the fight against discrimination (acting upon cases, international judicial practice, etc.) and at the same time, to secure quotas in the selection process for the Academy of Judges and Public Prosecutors and during the appointment of members of non-majority ethnic communities.

#### **g. Sport**

Government of Republic of Macedonia through its Program for construction of sports halls aims mitigation of the situation of lack of sufficient number of sports objects, and to create basic conditions for a strategic, profiled and proper development of the youth in Republic of Macedonia. The Government of Republic of Macedonia through the Agency of youth and sport invested in 35 sports halls, and a number of the halls are in multiethnic areas (for example, in Saraj, Kumanovo, Lipkovo (Slupcane), Bogovinje (Zherovjane), Tetovo (State University), Skopje (Butel), Tetovo (Poroj), Mavrovo (Rostuse), Kicevo). Yet, there is a need for construction of such halls in areas where majority population is from non-majority communities in Macedonia.

In the frames of the "50 Auxiliary football playgrounds" Project 50 playgrounds were planned to be constructed, and out of 40 that are made functional so far just a small number are in the areas where majority population is from non-majority communities in Macedonia (for example, in Saraj, Vrapchishte, Gostivar, Zhelino, Zajas, Kicevo, Tearce, Tetovo), comparing the number of population in these places and the ones where the playgrounds are already constructed.

Similar situation is with the construction of tennis courts as they are mostly constructed in those municipalities where the football playgrounds were constructed (44 courts are

constructed so far), but taking in consideration the number of municipalities in Macedonia, in terms of balanced development, then each municipality should have at least one tennis court (total planned number is 100).

## **7. Conclusions**

Based on available data and the analysis of the same the following can be concluded:

The current situation shows a high level of perception of discrimination on ethnicity. Non-harmonization of Macedonian legislation and simultaneously the lack of capacities in judicial and quasi-judicial institutions potentially leads to unequal treatment and inadequate acting upon cases of discrimination based on ethnic discrimination, especially to members of non-majority ethnic communities. In order to achieve a real equality as a precondition for creation of positive climate and social cohesion for all who live in the country, advancement of anti-discrimination legislation is needed as well as harmonization of the rest of the legislation from the aspect of anti-discrimination legal institutes.

Employment in both public and private sector is one of the forms of inclusion of the vulnerable groups in the social activities. The current situation shows inequality in access to employment of non-majority ethnic communities. Women, specifically those in rural areas have even more difficult access. It is needed to create affirmative and stimulating measures aiming increasing of employment of both members of non-majority communities and of women in general.

The statistics show insufficient participation of woman in public life and in career promotion, specifically evident in public sector and also on local level, in the local communities. Special measures should be created for increasing the participation of woman and specifically of women members of ethnic communities and in rural areas.

The equal treatment of victims from 2001 conflict including the disabled persons and the families of the victims remains to be a political issue although it could be solved by law or concrete measures. Protection of persons with disabilities is guaranteed with the ratification of the Convention on persons with disabilities and it should be directly implemented to this category of victims.

The Agency for audio and audiovisual services as a body which decides for “granting, revocation or renewal of licenses for television or radio broadcasting” does not have enough capacity to undertake measures for cases reported by citizens, civic organizations or institutions, or when during the oversight of the program content it will confirm presence of hate speech. Strengthening of capacities of the agency is needed as well as changes in the Criminal Code in terms of defining hate crime, and also strengthening of public prosecution and judiciary capacities to recognize and to adequately process hate crime and other criminal acts that are motivated or aimed at instigating hatred.

The surveys show that several ethnic communities distrust the judicial system. Improvement of the image of judiciary is needed, as well as concrete measures are needed to monitor the unification of penalty policies and the level of sentences pronounced to members of ethnic communities. Also, increase of number of judges and public prosecutors from the lines of members of non-majority communities is needed in order the judiciary reflects the structure of the society.

The data show that during the distribution of public funds no consideration is made on the ethnic background of the majority population living in certain areas. Sport is taken as an example where it is evident that the investments in sports facilities are in inconsiderable number done in the regions where majority population are members of non-majority ethnic communities.

## **8. Set of recommendations, proposals and/or opinions for discussion**

### **Identified problem /challenge 1:**

**1.1.** Problem: Not harmonized legislation in the matter of protection against discrimination.

**1.2.** Problem: Lack of capacity of the mechanism for protection against discrimination

**1.3.** Problem: Discriminatory law provisions

### **Proposed solution /strategy/intervention:**

1.1. Harmonization of Law on prevention and protection against discrimination (LPPAD) with international standards and harmonization of the rest of legislation with LPPAD

1.2. Establishment of expert service of CPD with adequate personnel

1.3. Government General Secretariat to collect opinions from CPD about new legal solutions and about changes of the current legal solutions for non/existence of discriminatory provisions.

### **Concrete activity to be implemented and who should implement it:**

Changes to Law on prevention and protection against discrimination (LPPAD), harmonization with other laws in the matters of protection (employment, education, judiciary, access to goods and services, etc.); prohibition of discrimination on ethnic basis to be explicitly stipulated in laws on education; to undertake measures to prevent ethnicity based segregation in the education system, with a special focus in e/R children and their high representation in schools for children with disabilities.

### **Identified problem /challenge 2:**

**1.1.** Problem: lack of active employment measures targeting minority ethnic communities

**1.2.** Problem: lack of active employment measures targeting women from minority ethnic communities

### **Proposed solution/strategy/intervention:**

1.1. Development of active employment measures for members of non-majority ethnic communities and balanced distribution of support to rural areas;

1.2. To undertake courageous measures compliant to Article 7 paragraph 3 of the Law on equal opportunities between women and men and development of concrete measures to support (self)employment of women members of non-majority ethnic communities, taking in consideration the geographical balance during implementation of the same.

### **Concrete activity to be implemented and who should implement it:**

Analysis of assessment on fiscal/budget implications of proposed measures; MLSP/EARM to assess in which regions are the largest number of population belonging to non-majority ethnic communities and to direct specific measures of employment support in those regions, including quotas. Promotion of the measures should also be done.

### **Identified problem /challenge 3:**

Insufficient participation of women in public life and in decision making bodies in the frames of Government of RM, local self-government, and in managerial positions

### **Proposed solution/strategy/intervention:**

1.1. Equitable representation of ethnic communities in public sector to be improved, particularly of women belonging to minority ethnic communities and from rural areas.

1.2. Beside in employment, this policy should be applied also in the process of promotion and appointment to public functions, specifically to encourage the local communities in increasing participation of woman in their work.

1.3. An assessment should be done on the reasons for low level of inclusion of women in view of services and their accessibility (for example, is there any kindergarten, public transport, etc.)

**Concrete activity to be implemented and who should implement it:**

Secretariat for implementation of the Ohrid framework agreement and MLSP should develop special measures to increase the number of women in managerial positions, including women from non-majority ethnic communities.

**Identified problem/challenge 4:**

Problem: Equal treatment of persons who participated in the conflict in 2001

**Proposed solution/strategy/intervention:**

Finding mutually acceptable solution between political actors (with a parliamentary voting majority)

**Concrete activity to be implemented and who should implement it:**

Analysis on assessment of fiscal / budget implications of proposed measures/benefits and adoption of law (and package of measures) for solving the status of all persons victims in conflict 2001 and their families.

**Identified problem/challenge 5:**

1.1. Problem: Non-sanctioning of hate speech and hate crime

1.2. Problem: Non-application of law

**Proposed solution/strategy/intervention:**

1.1. Strengthening of capacities and competencies of Agency for audio and audiovisual services as a body which decides on “granting, revocation and renewal of licenses for television or radio broadcasting”, when reported by citizens, civic organizations or institutions, or when during the oversight of the program content will confirm presence of hate speech.

1.2. Changes in the Criminal Code in terms of defining hate crime, supplementing the by-law act on registration and record keeping of this kind of criminal acts as well as strengthening of capacities of police, public prosecution and judiciary

**Concrete activity to be implemented and who should implement it:**

1.1. Amendments and supplements to Law on audio and audiovisual services for confirming hate speech and to reprimand (and/or fine) the media in case the hate speech continues or it is repeated within a certain period of time (6 months or similar), to revoke the broadcasting license, and strengthen the capacities of the Agency.

1.2. Amendments and supplements to Criminal Code in part of defining hate crime and to be more rigorously punished, and amendments and supplements to by-law regulations and



creation of internal regulation which will address police work, prosecution and courts in order to more effectively recognize, register and process hate criminal acts.

1.3. Public awareness raising activities about harmful consequences from hate speech and crime as well as the mechanisms for reporting and fighting against hate speech and crime.

**Identified problem /challenge 6:**

1.1. Problem: Undeveloped capacities of competent institutions and judiciary

1.2. Problem: Distrust in judiciary by members of communities

**Proposed solution/strategy/intervention:**

1.1. Training of bearers of functions in judiciary

1.2. Introduction of programs and methods for overcoming language barriers for members of non-majority communities whose mother tongue is not official language of the country

1.3. Strengthening of capacities of police, judiciary and prosecution for processing cases (including cases of hate crime and hate speech)

1.4. Institutions including independent bodies for protection against discrimination, to consistently apply the provision stemming from Law on equal opportunities of women and men, respectively to present the statistical data broken down by sex.

**Concrete activity to be implemented and who should implement it:**

1.1. Unification of court practice and Ex-post evaluation of Law on determining the kind and measuring severity of punishment

1.2. Establishment of database to monitor determining the kind and severity of punishment broken down by ethnicity/gender structure and files of violations aiming comparison of severity of punishments

1.3. Introduction of “quota system,, and „empty chair” system for enrollment of candidates in the Academy for judges and public prosecutors, as well as creation of mechanism/legal measures to monitor the application of the constitutional provision on adequate and equitable representation

1.4. Training for strengthening the capacities of police, judiciary and prosecution for processing of cases (including hate crime and hate speech cases)

1.4. Preparation/programing of Instrument for Pre-accession Assistance – IPA for directing the means for resolving the abovementioned problems

**Identified problem /challenge 7:**

1.1. Problem: Not enough sports halls, auxiliary football playgrounds, as well as tennis courts in rural areas, also present in areas with majority population belonging to non-majority communities in Macedonia.

1.2. Problem: Need for larger number of measures for interaction and integration of members of communities of the youngest age.

**Proposed solution /strategy/intervention:**

1.1. All following projects for construction of sports halls, auxiliary football playgrounds, as well as tennis courts should take into consideration the lack of sports fields in multiethnic rural environments, construction of the same specifically in areas where majority population are members of non-majority communities in Macedonia.

1.2. To make multiethnic teams aiming better interaction and integration starting from the youngest age.

**Concrete activity to be implemented and who should implement it:**

- 1.1. Government to task the Agency for youth and sports to construct sports halls, auxiliary football playgrounds, as well as tennis courts in rural areas where majority population are members of non-majority communities
- 1.2. Agency for youth and sports, in frames of its annual programs, to earmark programmatic means for creation of multiethnic teams in the schools.
- 1.3. Ministry of Education and Science to provide guidelines to schools for encouraging involvement of different communities in school clubs/teams.

**6. List of used materials**

- 2012 (First phase) Report on status of implementation of all policies stemming from Ohrid Framework Agreement
- Secretariat for Implementation of Framework Agreement 2014 Report on equitable and adequate representation
- 2015 Operational plan on services in labor market and active employment programs and measures
- 2015 Operational plan for amending and supplementing of operational plan for services in labor market and active employment programs and measures
- Secretariat for implementation of Framework agreement 2014 Report on equitable and adequate representation
- Ombudsman 2014 Report on monitoring application of provision for adequate and equitable representation
- List of kindergartens in Republic of Macedonia (relevant for one proposed measure).
- Equal Opportunities Barometer, MCIC, 2013
- Trust in people and institution, MCIC, 2013 (for trust in judiciary)
- Third report on implementation of Revised European Social Charter, Republic of Macedonia, October 2015
- Decree on methodology for determining the criteria for distribution of block grants to municipalities of city of Skopje for 2015 (published in Official Gazette of RM date 21 January 2015)
- Overview of earmarked block grants for delegated competencies to municipalities for 2015
- Information on the analysis of the structure of registered unemployed women, MLSP, 2012
- Information from the Agency for audio and audiovisual media services
- Criminal Code of RM (amended and supplemented, (Official Gazette of RM No.55 date 16 April 2013)
- Law on Agency for audio and audiovisual media services (Official Gazette of RM No. 184/13, 13/14, 44/14, 101/2014 and 132/2014)
- Final report, Strengthening the Capacities for Integration of Disadvantaged Women in the Labor Market, with Special Focus on Ethnic Minority Women, WYG International, 2013
- Annual Report of Committee for protection against discrimination, 2014

- Annual Report of Committee for protection against discrimination, 2013
- Annual Report of Committee for protection against discrimination, 2012
- Annual Report of Committee for protection against discrimination, 2011
- Annual Report of Ombudsman, 2014
- Annual Report of Ombudsman, 2013
- Annual Report of Ombudsman, 2012
- Annual Report of Ombudsman, 2011
- Information prepared in relation to conclusion of Government of Republic of Macedonia on findings of the analysis of qualitative participation of women in public and political life in units of local self-government, with conclusions which will be in function to overcome the eventual confirmed weaknesses, November 2011
- Law on equal opportunities of women and men (Official Gazette of RM No.6/2012 date 13.1.2012)
- Law on protection against discrimination (Official Gazette of RM No.50/2010 date 13.04.2010)
- National strategy on protection against discrimination, MLSP 2012-2016
- National action plan for implementation of Law on prevention and protection against discrimination, MLSP, 2015-2020
- Final Report on evaluation of implementation of Law on prevention and protection against discrimination, OSCE, 2013
- Analysis of discriminatory practices in the area of employment and working relations, OSCE and MLSP, 2013
- Analysis of discriminatory practices in the area of education, OSCE and MLSP, 2014
- Analysis of discriminatory practices in the area of access to goods and services, OSCE and MLSP, 2015
- Analysis of harmonization of national legislation on equality and anti-discrimination, OSCE and CPD, 2015
- Data from Agency for youth and sports on "50 Auxiliary football playgrounds" Project
- Data from Agency for youth and sports on "35 sports halls" Project
- Data from Agency for youth and sports on "100 tennis courts" Project
- Analysis of independence of judiciary in Republic of Macedonia – perception, difficulties and challenges, Human Rights Institute, August 2013

## **Set of recommendations, proposals and/or opinions for discussion**

### **(FULL VERSION)**

#### **Recommendation, proposal and/or opinion for discussion: HARMONIZATION OF ANTI-DISCRIMINATION LEGISLATION AND STRENGTHENING OF MECHANISM FOR PROTECTION AGAINST DISCRIMINATION**

Working group/groups for reviewing Ohrid Framework Agreement on the matter: **Anti-discrimination**

##### **1. Identified problem/challenge:**

###### **1.1. Problem: Not harmonized legislation in the area of protection against discrimination.**

In different law exist different definitions and terminology relevant to the topic which could provoke a problem in terms of interpretation of laws by the competent institutions, including the judiciary.

###### **1.2. Problem/s: Lack of capacity of the mechanism for protection against discrimination**

Law on prevention and protection against discrimination in Article 30 stipulates that „Expert-administrative and technical affairs of the Committed are performed by the Committee,„. The final report on evaluation of implementation of Law on prevention and protection against discrimination refers to „in order for the Committee to advance its work and to effectively and efficiently act upon the complaints and other tasks in compliance with Law, administrative-technical support is needed. The so far practice showed that the Committee does not have the capacity to respond to part of the tasks, and it has to act also in cases of discrimination in public and private sector, meaning that it has a broader mandate than the Ombudsman. To illustrate this, the Ombudsman has administrative-technical support by 75 employed persons, whereas the Committee does not have any employee. Because of the fact that the surveys show that discrimination on ethnic background basis is 51%, the capacity of the Committee is crucial in fight against discrimination, not only in public sector (where the equitable representation falls under the mandate of the Ombudsman), but wider, in the entire society and in all spheres of societal living. It should be specifically highlighted that the survey „Equal Opportunities Barometer,„ from 2014, conducted by MCIC showed that, by crossing the results based on social demographic characteristics, it can be noted that frequent occurrence of discrimination on ethnic basis is noticed more by e/A than by e/M (80 % against 43 %).

###### **1.3. Problem/s: Discriminatory provisions in the laws**

Beside protection in case of violation, according to Article 24 of LPPAD, the Committed has preventive role and mandate to monitor the implementation of this law, initiates amendment of regulations aiming better implementation and promotion of protection against discrimination and presents recommendations and opinions on draft laws important for protection against discrimination. This means that the Committee may be useful to Government General Secretariat, if mandatory, in preliminary proceedings, all legal solutions and changes of the same, to be submitted CPD for an opinion, by which will be eliminated

every possibility for accidental or systematic, through new legal solutions, certain citizens and groups to be discriminated.

## **2. Proposed solution/strategy/intervention:**

**2.1.** There is an urgent need for commencing a process of harmonization of Law on prevention and protection against discrimination (LPPAD) with the international law in terms of forming of expert service of CPD to carry out expert and administrative-technical work and to determine the work and working tasks of the employees; utilization of the institute „shifting the burden of proof“ envisaged for court proceedings, and in proceedings before CPD aiming more effective and more efficient implementation of LPPAD; and, strengthening of mechanisms which will provide higher accountability in the work of CPD.

**2.2.** There is a need for amending and supplementing the Law on prevention and protection against discrimination in direction to forming of expert service with adequate personnel.

**2.3.** The Government General Secretariat can obtain opinions from CPD about new legal solutions and changes of the current ones in terms of existence of discriminatory provisions and/or planning of affirmative measures for some citizens/groups.

## **3. Concrete activity to be implemented and who should implement it:**

**3.1.** Changes in Law on prevention and protection against discrimination (LPPAD).

**3.2.** Following the harmonization of LPPAD it is needed to carry out harmonization of other laws in the areas of protection (employment, education, judiciary, access to goods and services, etc.) listed in the Analysis of harmonization of national legislation on equality and anti-discrimination (OSCE and CPD, 2015), as well as other possible legal acts which will be brought meantime, with LPPAD, by having in consideration the international law and practice, too.

**3.3.** Explicit prohibition of discriminatory announcements or statements on ethnic background basis in the legislation that regulates the sphere of working relations as well as in the anti-discrimination legislation.

**3.4.** Prohibition of discrimination based on ethnic background should be explicitly stipulated in the laws on elementary and secondary education. In relation to higher education it should be stipulated in: access of students to any curriculum, institute or convenience provided by the respective higher education institution; as well as accessibility to space, equipment scientific and expert infrastructure of the higher education institutes.

**3.5.** In addition to the undertaken measures in the started regionalization, measures for prevention of segregation in the educational system based on ethnicity should be also undertaken.

**3.6.** The Secretariat for implementation of Framework Agreement to initiate amendments and supplements to Law on prevention and protection against discrimination in the part of establishment of an expert service.

**3.7.** The amendments to be subject to broader debate with all stakeholders (civic organizations, expert/academic public, competent institutions including the Ministry of Finance, etc.) chaired by CPD.

**3.8.** The Secretariat to request from Government Secretariat to forward all legal solutions to Committee for protection against discrimination which should provide a positive/negative opinion and recommendation for improvement of all proposed legal solutions.

**Recommendation, proposal and/or opinion for discussion: IMPROVEMENT OF ACCESS TO LABOR MARKET FOR MEMBERS OF NON-MAJORITY ETHNIC COMMUNITIES AND WOMEN**

Working group/groups for reviewing Framework Agreement on the matter: **Anti-discrimination**

**1. Identified problem/challenge:**

**1.1. Problem/s: lack of active employment measures targeting minority ethnic communities**

In 2015 was brought the Operational plan for services in labor market and active employment programs and measures in 2015 with detailed explanations of all active measures for employment. However, the same document does not contain data on number of employed/unemployed broken down neither by ethnicity nor by geographical distribution. But, there are special measures (Services for stimulation of individuals risking social exclusion) that, beside other groups, specifically stimulate unemployed e/R, still by including services for stimulating individuals risking social exclusion. This is unique measure in which a certain ethnic group is mentioned. Also, there is a measure (6.2.) for in-service training with subsidized employment of vulnerable categories, but the same include the elderly 50+ persons, those with elementary education, young persons from age 29 with elementary education, unemployed people for long time, users of social welfare, vulnerable categories facing barriers in labor market. Persons from non-majority ethnic communities are not taken in consideration as a target group if they meet the abovementioned requirements and are included in one of the categories.

There is only one project measure, supported by British Embassy and implemented by external organizations in cooperation with Employment Agency of RM, the so called Program for establishment of businesses in multiethnic environment for Polog and Northeast region with 55 beneficiary persons. This project is a good practice which should be followed.

In regards to women, there is only one special measure for development of entrepreneurship and entrepreneurial skills for women and development of activities not typical for women.

And most importantly, there are no data about employment through active measures of persons based on their ethnic background and there is no statistics on geographical distribution in order to understand in which parts of the country are the most of the beneficiaries.

**1.2. Problem/s: lack of active measures for employment targeting women from minority ethnic communities**

Out of total number of inactive population in regards to access to labor market women in RM represent the largest number, specifically women from minority ethnic communities, e/R, e/T, e/A, etc. Based on the Analysis of the structure of registered unemployed women carried out by MLSP in 2012, in the total number of unemployed persons e/M are represented with the largest number (169.693), respectively 66,0%. Out of the total number of unemployed e/M (169.693), 47,3% are women. Out of total registered unemployed e/A

(57.457), representing 22,4% from the total number of unemployed, 32,3% are women (18.545). Participation of other ethnic communities in the total unemployment is as following, e/T 3,9% (9.919), e/R 4,4% (11.270), e/S 0,8% (1.949), e/V ( 297) 0.1% and e/B (482) 0,9%. In the structure of unemployed persons broken down by ethnicity, the highest percentage of registered unemployed women is noticed at e/B community with 50,6% (244 registered unemployed women), 47,3% e/M (80.343 registered unemployed women), 41,7% e/R (4.705 registered unemployed women), 40,1% e/S (782 registered unemployed women), 37,4% e/V (111 registered unemployed women), 32,3% e/A (18.545 registered unemployed women). All these data show that unemployment of women is bigger and above the average of unemployment in the country.

## **2. Proposed solution/strategy/intervention:**

**2.1.** Development of active employment measures for members of non-majority ethnic communities.

**2.2.** Balanced distribution of assistance for subsidized employment in both rural areas aiming balanced development in the country and in the regions with non-majority ethnic communities, where gender balance will always be taken in consideration.

**2.3.** A detailed analysis should be done for the reasons women are not interested in access to labor market and based on that analysis to be created measures for removing the obstacles for women's integration in labor market.

**2.4.** Development of active measures for employment of women, especially of women from non-majority ethnic communities aiming improvement of access to labor market for unemployed women and achieving social cohesion. Courageous measures should be undertaken in compliance with Article 7 paragraph 3 which defines special measures and the circumstances for application. This includes awareness raising campaigns and programmatic measures and development and implementation of action plans for stimulation and promotion of equal opportunities.

**2.5.** Development of concrete measures to support (self)employment of women-members of non-majority ethnic communities. During the development of the measures (encouraging and active measures for employment), a special attention will be made to the geographical balance aiming contribution to balanced economic development in the country.

## **3. Concrete activity to be implemented and who should implement it:**

**3.1.** Analysis of evaluation of fiscal / budget implications of the proposed measures

**3.2.** MLSP/EARM to assess in which regions live the largest number of population belonging to non-majority ethnic communities and to direct specific measures to support employment in those regions, including quotas.

**3.3.** According to the prepared statistics to determine the percentage/quota of minimum 30% women-beneficiaries of these benefits for (self)employment.

**3.4.** MLSP, through the Sector for equal opportunities in cooperation with EARM to prepare detailed quantitative analysis of the categories of unemployment women broken down on place of residence and ethnicity. Consequently, a qualitative analysis of to be prepared on

the reasons and social-economic factors influencing the inability of women to participate in labor market.

**3.5.** Holding a series of meetings with unemployed women from places with majority population belonging to non-majority communities, in order to detect specific circumstances that influence their non-inclusion in labor market in cooperation with the Sector for equal opportunities, EARM, civic organizations and unions and other interested parties.

**3.6.** Organizing public debates in municipalities in R. Macedonia to promote the mechanisms for prevention and protection of discrimination and documenting the undertaken initiatives by groups of citizens and/or individuals in relation to processing of complaints on discriminatory acts which later will be analyzed in cooperation with MLSP.

### **Recommendation, proposal and/or opinion for discussion: IMPROVEMENT OF LEVEL OF PARTICIPATION OF WOMAN IN PUBLIC LIFE**

Working group/groups for reviewing Framework Agreement on the matter: **Anti-discrimination**

#### **1. Identified problem/challenge:**

##### **1.1. Not sufficient participation of women in public life and in decision making bodies in frames of Government of RM, local self-government and managerial positions.**

According to the data from the Report on equitable and adequate representation for 2014, at the managerial working posts e/A are represented with 14,5 %, out of which only 16,66% are women or 2,41% from the total number of managerial working posts in public sector, e/T are represented with 1,3% out of which 37,68% are women, e/S are represented with 2,07% out of which women are 40,09%, e/V with 0,88% out of which women are 57,29%, e/B are represented in managerial positions with 0,41% out of which 60 % are women, e/R are in managerial positions with 0,14% out of which women are 44,44%.

*According to the Information prepared in relation with the conclusion of the Government of Republic of Macedonia related to the findings of the analysis on qualitative participation of women in public and political life in units of local self-government, with conclusions which will be in function of overcoming the possible confirmed weaknesses, from November 2011, the absolute figure shows that the number of employed men in state organs and public administration is almost for one half higher than of women. As for illustration, in several municipalities women do not participate at all in the work of managing boards, and in several other municipalities their participation is very low. Expressed in numbers, from 68 analyzed municipalities including city of Skopje, 158 women are members of managing boards against 483 men.*

Participation of women and men in decision making organs is regulated by legal regulation in Republic of Macedonia. Law on equal opportunities of women and men contains provisions stipulating that participation of both sexes in committees and boards, respectively in decision making organs and bodies on national and local level should not be less than 40%. But, the actual situation shows that women do not participate enough in managing boards and that legal regulation is not respected.



In order to improve the situation of women in the community, of outmost importance is the participation of women in decision making process on the level of urban/rural community. Priorities of the community are selected and discussed on the level of these forms of organization of citizens, and in case women are excluded then their needs and priorities will not be heard nor taken into consideration as a priority of the community. The analysis of the answers to the questionnaire shows that women almost do not exist as presidents of the urban communities. Out of 68 municipalities, in only 13 municipalities women appear as presidents of urban/rural communities. Strumica municipality is an interesting example where out of 25 urban communities 24 are presided by women and just one is presided by a man.

The reasons for insufficient participation of woman in public and political life listed by the municipalities are generally connected to low awareness and indifference for participation in development of public policies on local level, and on the other hand, absence of political will by local authorities for involvement of women; absence of women's organized acting for improvement of the situation on local level; Overcoming of current stereotypes about the position and the role of the woman in the society with a specific accent in rural areas, respectively a still prevailing opinion is that the place of the woman is at home and before all the care for the family, and that the public matters in the community is responsibility of the man.

Although it is a legal obligation for Committees to submit a work Report to the Ministry of Labor and Social Policy, only insignificant number of municipalities respects this provision. From the received reports for 2010, can be seen that local self-government allocates very little funds or nothing at all for the activities of local Committees on equal opportunities. Considering the fact that this information is reviewed and adopted by the Government, with a conclusion that the municipalities should allocate means from the budget for the abovementioned, MLSP should make an assessment of the level of implementation of the recommendation.

## **2. Proposed solution/strategy/intervention:**

- 2.1 Improvement of equitable representation of ethnic communities in public sector, specifically of women members of minority ethnic communities in rural areas.
- 2.2 Beside during employment, this policy also to be applied during promotion and appointment in public functions. For that reason it is needed to create special measures for increasing the number of women in managerial positions including women from non-majority ethnic communities.
- 2.3 Local communities specifically to be encouraged in increasing participation of women in their work as well as to create encouraging measures for their participation in public and political life with an accent to places with majority population belonging to non-majority ethnic communities.
- 2.4 An assessment should be done on the reasons leading to low level of inclusion of women in view of services and their accessibility (for example, is there any kindergarten, public transport, etc.)

### **3. Concrete activity to be implemented and who should implement it:**

**3.1.** Government of RM to obligate the Secretariat for framework agreement and MLSP to develop special measures for increasing the number of women in managerial positions including the women members of non-majority ethnic communities.

**3.2.** MLSP and Sector for equal opportunities to make another assessment on representation of women in managerial positions including women members of non-majority communities (in all institutions, managing boards, local self-government, Parliament, etc.) and in harmony with the findings to undertake encouraging measures in compliance with Article 7 paragraph 3 from Law on equal opportunities, as well as to effectuate the system for monitoring the implementation in the frames of Sector for equal opportunities.

**3.3.** Local self-government in cooperation with Sector for equal opportunities should stimulate participation of women in the work of local communities as well as to create encouraging measures for their participation in public and political life with an accent to places with majority population belonging to non-majority ethnic communities. The measures should take into consideration also the individual needs and circumstances (maternity leave, etc.).

**3.4.** The Sector for equal opportunities and MLSP should make an assessment about the reasons for having low level of involvement of women in public life in view of services and their accessibility, in rural areas in specific (for example, is there any kindergarten, public transport, etc.), and in harmony with the findings to undertake concrete steps to overcome the problems/barriers for involvement of women in public life. This includes the initiative for opening more kindergartens, etc.

**3.5.** Identifying a mechanism for oversight/control of application of stipulated mechanisms.

**3.6.** Analysis of evaluation of fiscal/budget implications for proposed measures/benefits.

### **Recommendation, proposal and/or opinion for discussion: EQUAL TREATMENT OF PERSONS WHO PARTICIPATED IN THE 2001 CONFLICT**

Working group/groups for reviewing Framework Agreement on the matter: **Anti-discrimination**

#### **1. Identified problem/challenge:**

In regards to the rights the status of persons who participated in the 2001 conflict should be addressed at the European Commission 2012 Progress Report of RM, which states: „The Committee on Labor and Social Policy continues the debate on the Law on defenders proposed by the Government for assistance of the victims from the conflict in 2001,. A mutually satisfactory solution should be found which will facilitate reconciliation and is based on the recent Government Report on Ohrid Framework Agreement. The mentioned Report (reviewed and adopted at the seventy-first session of the Government of RM in 2012), in the part 2.3 Reintegration, reads: „In the frames of the Government Program is envisaged a draft law on regulating the rights of disabled persons and families of killed persons in 2001., which would ensure application of Annex C of Ohrid Framework Agreement,. The law was not

adopted and a mutually acceptable solution has not been found that would close one of the most sensitive topics that would lead to final reconciliation between communities.

**2. Proposed solution/strategy/intervention:**

Resolving the status and the rights of persons who participated in the 2001 conflict by finding of a consensus and mutually acceptable solution between political actors (parliamentary majority for voting)

**3. Concrete activity to be implemented and who should implement it:**

**3.1.** Analysis of the fiscal / budget implications of the proposed measures/benefits.

**3.2.** Adoption of a law (package of measures) for solving the status of all persons who participated in the 2001 conflict and their families.

**Recommendation, proposal and/or opinion for discussion: ADEQUATE SANCTIONING OF HATE SPEECH, HATE CRIME AND APPLICATION OF LAW**

Working group/groups for reviewing Framework Agreement on the matter: **Anti-discrimination**

**1. Identified problem/challenge:**

**1.1. Problem: Not sanctioning of hate speech**

The Law on media as well as the Law on audio and audiovisual services contain provisions which define measures against media that allow creation and spreading of hate speech but these provisions are either not applied or they are applied in a selective manner. This kind of approach enables continuous attacking, insulting and humiliation of persons and entire communities which decomposes the social tissue of the country.

**1.2. Problem: Non-application of law**

Provisions of Criminal Code referring to hate speech and hate crime, spreading hatred and intolerance as well as racist propaganda (including spreading through computer systems and internet) are not applied by Public Prosecution and consequently there is no court practice on this matter.

While the national institutions do not have a mechanism for registration of hate crime cases, the civic organization remain to be the sole source of information.

Not acting upon this kind of cases gives the perception that the institutions do not protect the citizens from attacks motivated by prejudice based on race, religion, sex, gender, sexual orientation, whereas the attackers deem that maybe they can go through with minimal sentences or not being sanctioned at all. Such ignoring of these criminal acts undermines the social cohesion among all communities in the country.

**2. Proposed solution/strategy/intervention:**

**2.1.** Strengthening of capacities and competencies of Agency for audio and audiovisual services as a body which decides on “granting, revocation and renewal of licenses for television or radio broadcasting”, when reported by citizens, civic organizations or

institutions, or when during the oversight of the program content will confirm presence of hate speech.

**2.2.** Amendments to Criminal Code in terms of determining the definition of hate crime

**2.3.** Supplementing by-law acts on registration and record keeping of this kind of acts

**2.4.** Strengthening of public prosecution and judiciary capacities to recognize and to adequately process hate crime and other criminal acts motivated or aiming instigation of hatred.

**3. Concrete activity to be implemented and who should implement it:**

**3.1.** Amendments and supplements to Law on audio and audiovisual services in terms of explicit authorization of Agency to confirm hate speech and to reprimand (and/or fine) the media, and in case the hate speech continues or it is repeated within a certain period of time (6 months or similar), to revoke the broadcasting license. By this amendment will be extended the list of protected features based on which the hate crime will be confirmed as a mental and bodily handicap, political belief and sexual orientation (currently in the law are represented the race, sex, religion or ethnicity).

**3.2.** Strengthening of capacities of expert service in the Agency through training and other tools to identify hate speech in accordance with national legislature and judicial practice of European Court of Human Rights.

**3.3.** Raising public awareness of public in general and of all national and local media on advanced competencies of the Agency.

**3.4.** Amendments and supplement to Criminal Code in the part of defining hate crime and more severe punishment of the same.

**3.5.** Amendments and supplement of by-law regulations and creation of internal regulations that relate to police performance, prosecution and courts for effective identification, registering and processing of hate crime.

**3.6.** Strengthening of capacities (training and other tools) of police, prosecution and courts in identification, registering and processing of hate crime.

**3.7.** Raising public awareness about amended legislation and harmful consequences to the social cohesion caused by hate crime.

**Recommendation, proposal and/or opinion for discussion: STRENGTHENING OF CAPACITIES OF INSTITUTIONS AND JUDICIARY ON THE MATTER OF PROTECTION AGAINST DISCRIMINATION AND AFFIRMATIVE MEASURES FOR MEMBERS OF NON-MAJORITY ETHNIC COMMUNITIES**

Working group /groups for review of Framework Agreement on the matter: **Anti-discrimination**

**1. Identified problem / challenge:**

**1.1. Problem/s: Undeveloped capacities of competent institutions and judiciary**

There is a need for building capacities of responsible institutions (Committee for protection against discrimination, Ombudsman, Legal representative, Inspectorates), managing of databases broken down on ethnic background, sex, and detailed analysis of the legislation and policies and promotion of the same. In order to wrap up the process of information of the citizens about the competencies of institutions, it is also needed to raise the awareness of both the employees in institutions and the citizens aiming increased trust in institutions.

**1.2. Problem/s: Distrust in judiciary by members of communities**

Several surveys confirm that citizens do not trust much in judiciary and they consider they have unbiased, transparent and independent judicial system. The perception of most ethnic communities, specifically of e/A community, is that we have selective application of law and that we have biased judiciary system which is also confirmed in the Analysis of independence of judiciary in Republic of Macedonia – perception, difficulties and challenges by Institute for human rights, August 2013.

Beside the terms of reference for selection of judges, Law on Courts in Article 43, paragraph 1, stipulates the prohibition to commit discrimination during selection of judges in terms of sex, race, skin color, ethnic and social background, political and religious belief, property and social situation. The Law on the academy of judges and public prosecutors (Article 9), during the selection of candidates for enrollment in basic training in the academy, without violating the criteria stipulated by this law, provides adequate and equitable representation of citizens - members of all communities in Republic of Macedonia. However, it is not mentioned who performs the oversight of the application, what if the rule is not applied, or what is the procedure in case of lack of adequate candidates from certain ethnic communities.

According to data from Secretariat for implementation of Framework Agreement, 78,72% of the judges are e/M whereas 15,72% are e/A. In the public prosecution 92,2% are e/M whereas only 7,8% are e/A. OFA section 5.4 explicitly reads “Parties invite the international community to assist in training of lawyers, judges and prosecutors members of the communities which do not represent the major population of Macedonia aiming increase their participation in the judicial system,,

**2. Proposed solution/strategy/intervention:**

**2.1.** Training of bearers of judicial functions (judges, lawyers) on the concept of discrimination, test of proportionality, and the burden of proof.

- 2.2.** Introduction of programs and methods for overcoming language barriers for those participants who attend the classes in a language different from their mother tongue and training of teachers for work with students from marginalized communities.
- 2.3.** Institutions, including the independent bodies for protection against discrimination to consistently apply the provision of Law on equal opportunities of women and men, respectively to present the statistical data broken down on sex.
- 2.4.** Unification of penal policy during pronunciations of sentences by courts in Macedonia.
- 2.5.** Improvement of equitable and adequate representation in courts, in all instances (judges and prosecutors)

### **3. Concrete activity to be implemented and who should implement it:**

- 3.1.** Unification of court practice and Ex-post evaluation of Law on determining the kind and measuring the severity of punishment
- 3.2.** Establishment of database to monitor determining the kind and severity of punishment broken down by ethnicity/gender structure and files of violations aiming comparison of severity of punishments.
- 3.3.** Stimulating and educational measures for members of ethnic communities who will be professionally included in the functioning of the legal system (lawyers, notaries, bailiffs, judges, public prosecutors)
- 3.4.** Introduction of “quota system,, for enrollment of candidates in the Academy for judges and public prosecutors for members of ethnic communities according to the needs for achieving adequate and equitable representation as well as creation of mechanism/legal measures to monitor the application of the constitutional provision on adequate and equitable representation as indicated by State Judicial Council of RM, as well as the introduction of „empty chair” system.
- 3.5.** Creation of mechanism/legal measures to monitor the application of the constitutional provision on adequate and equitable representation (during the selection for enrollment of candidates in the Judges and Public Prosecutors Academy / Academy Managing Board, selection of judges/Court Council, etc).
- 3.6.** Preparation/programing of Instrument for Pre-accession Assistance – IPA for directing the means for resolving the abovementioned problems

### **Recommendation, proposal and/or opinion for discussion: IMPROVEMENT OF INTEGRATION OF COMMUNITIES LIVING IN REPUBLIC OF MACEDONIA THROUGH IMPROVEMENT OF INFRASTRUCTURE FOR SPORT AND JOINT ACTIVITIES OF YOUTH**

Working group /groups for review of Framework Agreement on the matter: **Anti-discrimination**

#### **1. Identified problem / challenge:**

- 1.1. Problem/s:** Not enough sports halls, auxiliary football playgrounds, as well as tennis courts in rural areas, which is also present in areas where majority population is consisted of non-majority communities in Macedonia.

Government of Republic of Macedonia through its Program for construction of sports halls aims mitigation of the situation of lack of sufficient number of sports objects, and to create basic conditions for a strategic, profiled and proper development of the youth in Republic of Macedonia. The Government of Republic of Macedonia through the Agency of youth and sport invested in 35 sports halls, and a number of the halls are in multiethnic areas (for example, in Saraj, Kumanovo, Lipkovo (Slupcane), Bogovinje (Zherovjane), Tetovo (State University), Skopje (Butel), Tetovo (Poroj), Mavrovo (Rostuse), Kicevo). Yet, there is a need for construction of such halls in areas where majority population is from non-majority communities in Macedonia.

In the frames of the "50 Auxiliary football playgrounds" Project 50 playgrounds were planned to be constructed, and out of 40 that are made functional so far just a small number are in the areas where majority population is from non-majority communities in Macedonia (for example, in Saraj, Vrapchishte, Gostivar, Zhelino, Zajas, Kicevo, Tearce, Tetovo), comparing the number of population in these places and the ones where the playgrounds are already constructed.

Similar situation is with the construction of tennis courts as they are mostly constructed in those municipalities where the football playgrounds were constructed (44 courts are constructed so far), but taking in consideration the number of municipalities in Macedonia, in terms of balanced development, then each municipality should have at least one tennis court (total planned number is 100).

## **1.2. Problem/s: Need for larger number of measures for interaction and integration of members of communities from the youngest age.**

Sport is one area where interaction between students can be achieved. As a positive example is the Agency for youth and sport project for organizing sports events in football and basketball for elementary and secondary schools from different areas, a project which was successfully realized. However, the competition set between the communities as such does not have the integration effect. For example, in the schools with mixed classes there is a possibility to compose multiethnic teams which would represent the school.

## **2. Proposed solution/strategy/intervention:**

**2.1.** All future projections for construction of sports halls, auxiliary football playgrounds, as well as tennis courts, to take in consideration the lack of sports fields in multiethnic rural areas and the same to be constructed, especially in areas with majority population consisted of members from non-majority communities in Macedonia.

**2.2.** To create multiethnic teams aiming better interaction and integration from the youngest age.

## **3. Concrete activity to be implemented and who should implement it:**

**3.1.** Government to task the Agency for youth and sports to construct sports halls, auxiliary football playgrounds, as well as tennis courts in rural areas where majority population are members of non-majority communities in Macedonia, based on assessment previously done to identify which areas need them most (number of students, etc.)

**3.2.** Agency for youth and sport in its annual plans should earmark programmatic means for creation of multiethnic teams in schools.

**3.3.** Ministry of education and science to provide schools with guidelines on encouraging inclusion of persons from different communities in the school clubs/teams.



## **Annex 7: Working Group Report on Communities with less than 20% share of population**

# OFA Review on Social Cohesion

## Smaller Communities<sup>123</sup>

### Disclaimer

This paper collects and considers available data, analyses, proposals, discussion points and recommendations in the Ohrid Framework Agreement (OFA) focal area of Smaller Communities as part of the consultation process within the Government's OFA Review on Social Cohesion.

It has been compiled from many different sources, including NGOs, political parties, experts, academics, governmental institutions, international organisations and thematic working groups that were part of the consultation and collection process.

As such, none of the material herein is to be considered as representing the views, positions, responsibility or consent of any person, institution, group or organisation represented in the process, unless so specified.

Овој документ е збир на достапни податоци, анализи, предлози, точки за дискусија и препораки за областа на права на заедниците кои се помали од 20% од населението на РМ од Охридскиот Рамковен Договор (ОРД). Тој е дел од консултативниот процес во рамките на Владиниот ОРД преглед (анализа) за социјалната кохезија.

Ова е компилација на материјали од различни извори, вклучувајќи НВО, политички партии, експерти, академици, владини институции, меѓународни организации и тематски работни групи кои беа дел на консултативниот и процесот на собирање податоци.

Како таков, ни еден од материјалите не може да се земе во предвид дека ги претставува гледиштата, позициите, одговорностите или согласност од било кое лице, институција, група или организација вклучена во процесот, доколку посебно не е побарано.

Ky dokument përmbledhë dhe konsideron të dhënat në dispozicion, analizat, propozimet, pikat e diskutimit dhe rekomandimet e dhëna në Marrëveshjen Kornizë të Ohrit (MKO) segmentet kryesore të të drejtat e komuniteteve që janë më të vogla se 20% e popullsisë së RM-së me qëllim të kohezionit social si pjesë i procesit të konsultimit lidhur me analizën qeveritare të MKO-së mbi kohezionin shoqëror.

I njëjti është përpiluar nga shumë burime të ndryshme, përfshi OJQ-të, partitë politike, ekspertët, akademikët, institucionet qeveritare, institucionet ndërkombëtare dhe grupet punuese tematike të përfshira në konsultimet dhe procesin e përmbledhjes.

Si i tillë, asnjë nga materialet e dhëna këtu nuk do të konsiderohen se pasqyrojnë vështrimet, qëndrimet, përgjegjësitë apo pëlqimin e ndonjë personi, institucioni, grupi ose organizate të përfaqësuar në proces, përveç nëse theksohet ndryshe.

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<sup>123</sup>For reasons of simplicity this report will use the term “smaller communities”, for denoting the communities representing less than 20% of the population of the Republic of Macedonia (RM).

## Executive Summary

In the last 15 years the impression from the implementation of the Ohrid Framework Agreement is that it is asymmetrical and leads towards building of a bi-national state of the Macedonians and Albanians in the country. This effect was pertinent to the results of the OFA implementation as regards the communities smaller than 20% of the population of Macedonia. As shown by this report the institutional framework built for protection and enforcement of the communities smaller than 20% of the population of Macedonia is not as effective mainly due to the unclear legal competences and lack of budgetary resources for the Agency for Community Rights Realization (ACRR) and the two bodies for education in the languages of the communities and culture. There are less favorable results as compared to the Albanian community, in regard to implementation of the OFA principle for proportionate and equitable representation in the civil service as well as for coverage of children from the communities in classes with Turkish and Serbian as language of instruction.

Therefore the analysis of the implementation of the Ohrid Framework Agreement suggests strengthening the institutions that observe enforcement of rights of the smaller than 20% communities or merge them together with the Secretariat for Implementation of the OFA in one centralized body- Ministry for Political System and Inter-ethnic Relations. It also advocates for specific approach for development of a strategy to accelerate implementation of OFA principle for just and equitable representation in civil service. This will not be sufficient for integration of the smaller communities in the Macedonian society. Inter-institutional mechanisms for participation of the communities in public affairs such as decision making on local and central level need to be improved. In this regard the report recommends number of options for strengthening the committees for inter-ethnic relations on local and in the parliament. Also it emphasizes that social cohesion is developed through promotion of multiculturalism and development of integrative policies and inter-ethnic relations in Macedonian society. In this respect the report provides important recommendations in the areas of media, civic activism, education and culture towards protection of the identity of the representatives of the smaller than 20% communities of population of Macedonia, but also towards promotion of multiculturalism.

## Introduction

The Ohrid Framework Agreement (OFA) aims at social cohesion and development of a multicultural society, respecting thereat the ethnic identity and the interests of all RM citizens. The creation of the legal and institutional framework for achieving the aforementioned goals and their implementation, led to significant criticism that the realization of the OFA is asymmetrical, making Macedonia a bi-national state where the Albanian minority achieves its rights at the expense of the other, smaller ethnic groups in the country.

Therefore, the Law on Promotion and Protection of Rights of Communities which are less than 20% of the RM Population (LPPCR) was adopted in 2008, setting up a special institutional mechanism for monitoring, promoting, and realization of these constitutionally guaranteed community rights, the Agency for Community Rights Realization (ACRR) which started working towards the end of 2009. The effective realization of community rights depends directly on the work of ACRR<sup>124</sup>, as well as on

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<sup>124</sup> According to the LPPCR, the ACRR monitors and oversees the protection of community rights in the following areas: employment in accordance with the principle of proportionate and equitable representation; use of community languages; education in mother tongue (primary, secondary, higher education), promotion of community cultures and cultural heritage; information in mother tongue through electronic and print media, creation of citizen associations and foundations for promotion of cultural, educational, scientific and other goals, realization of the right to use symbols, as well as other areas of legally recognized rights of community members.

the Directorate for Affirmation and Promotion of Communities Cultures (DAPCC)<sup>125</sup>, and the Directorate for Development and Promotion of Education in Community Languages (DDPECL)<sup>126</sup>.

This report summarizes the discussions, positions, and recommendations received from various sources, including the working group, the consultations with the Participatory Forum<sup>127</sup> which took place on 20-21 October 2015, the civil sector, and the academic community, which should inform and guide the debate during the thematic consultations with all relevant stakeholders. The recommendations aim to promote the protection and realization of community rights, but also, to enhance the promotion of the multicultural character of Macedonian society which could in turn lead to greater social cohesion. They do not reflect the opinions of the working group members or of the institutions they represent. The recommendations mainly refer to five primary areas: institutional strengthening, effective participation of community members in decision making, multiculturalism, promotion of identity through education and culture, and equitable representation.

#### **Area 1: Institutional strengthening of the bodies responsible for realization, protection, and promotion of community rights, particularly of smaller communities (less than 20% of the population)**

The effective implementation of the minority rights of the Albanian community in Macedonia results from the institutional mechanism which has been established – the Secretariat for Implementation of the OFA (SIOFA). In view of this fact, the the Law on Promotion and Protection of the Rights of Communities which are less than 20% of the RM Population (LPPCR) introduced a new institutional mechanism which should enforce and ensure effective implementation of the rights of smaller ethnic communities, the Agency for Community Rights Realization (ACRR). The ACRR's mandate is to monitor the realization and promotion of the rights of the smaller communities (less than 20%), to protect the rights of community members, and secure oversight over the implementation of legislation defining these rights (LPPCR, article 1, paragraph 1). The 2014 assessment of the LPPCR implementation concluded that the administrative capacity and the visibility of the agency has been improving and that it has achieved results in the field of monitoring. However, capacity building and clarification of the legal framework concerning competences related to protection and oversight of the realization of community rights is needed. The need to strengthen the DAPCC and the DDPECL for the purpose of realizing and promoting the educational and cultural rights of community members was also identified.

This approach to implementing the OFA was thereat assessed as dispersed and weekly coordinated. It has been creating difficulties in the monitoring and the effective implementation of policies, and planning, which has resulted with a systemic failure in the effective implementation of the OFA, the development of integration policies, the structural overcoming of the trend of community separation, and the strengthening of social cohesion.

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<sup>125</sup> Established with the Law on the Organization and Operation of the Bodies of Government Administration (Official Gazette of RM, No. 58/2000 and 44/2002) for affirmation, promotion, and publishing of cultural production, and preservation and presentation of the cultural heritage of the communities in RM.

<sup>126</sup> Established with the Law on the Organization and Operation of the Bodies of Government Administration (Official Gazette of RM, No. 58/2000 and 44/2002) to ensure implementation and promotion of education in community languages.

<sup>127</sup> The Participatory Forum was established in 2011 with the support by the OSCE and its goal is to strengthen the cooperation between the government bodies and the communities, to make recommendations, legal and other proposals, to provide opinion on government policy proposals which could directly or indirectly affect the realization of community rights.

## **Area 2: Effective participation in policy and decision making of concern to communities, especially smaller communities (less than 20%).**

At national level the smaller communities participate in the policy creation process and in decision making through their representative in the Assembly and the Government of the Republic of Macedonia<sup>128</sup>, as well as through the institutions responsible for promoting and protecting their rights. The assessment of the LLPCR has indicated that the ACRR remains isolated and it is not consulted in decisions in all areas of relevance to the OFA. On the other hand the directorates for culture and education are not included in the creation of policies for integrated education or implementation of the cultural program. The regulatory framework needs to be improved and the existing mechanisms and capacities need to be strengthened in order to ensure effective participation of community members in all areas of public life and policy making, particularly on issues of concern to their rights and interests. This would allow for more coordination, inclusivity, openness, and transparency of the legislative process and the processes of decision making at national level.

At local level, the Law on Local Self-Government<sup>129</sup> from 2002 foresees the creation of committees for inter-community relations (CICRs) in municipalities where 20% of the citizens have non-majority ethnic affiliation. The CICRs should enable the participation of communities in the policy process and the decision making at local level. According to the law the committees are permanent advisory bodies to the municipal councils on issues of concern to interethnic relations. However, research has shown that these committees are non-functional. There is a lack of mechanisms to support the sustained work of the committees at local level; there is lack of transparency in the selection of members and the informing of citizens about their work, as well as insufficient involvement of the citizens (especially from the smaller communities) in their activity.

Therefore, of primary importance to social cohesion is to enable and to increase the participation of numerically smaller communities in building integrative policies and decision making at central and local level, especially in issues of direct concern to their interests and the realization of their rights in all areas of public life.

## **Area 3: Promotion of multiculturalism through media and civil society**

The Macedonian Radio Television (MRT) broadcasts programs in community languages on one TV and one radio channel. The programs in the languages of non-majority communities are broadcast on the second channel of the *Macedonian Television*: there are 98 hours of program per week in Albanian, 16.5 hours of program per week in Turkish, and 2 hours of program per week in each of Roma, Serbian, Vlach, and Bosniak. On the *Macedonian Radio* there are 119 hours of program per week in Albanian, 35 hours in Turkish, and 3.5 hours in each of Vlach, Roma, Bosniak, and Serbian. A major issue is the timing of the programs for the smaller communities; they are broadcast in the morning hours when the ratings are the lowest. Editorial capacity is very weak. Each editorial desk has very few staff and almost no technical equipment, or vehicles needed for field reporting. Their staff is insufficiently trained and they lack new concepts, ideas, and as well as their own production. The perception is that there is too large a segregation in the news services and lack of multicultural content in the media.

In the period since the independence of the Republic of Macedonia to date, the government has continuously provided financial support to citizens' associations and foundations. One of the priorities of the government strategies (2007-2011) and (2012-2017) for cooperation with civil

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<sup>128</sup> The current Assembly of the Republic of Macedonia includes ten representatives of the smaller communities of whom two are Turkish, three are Macedonian Muslims, two are Roma, and there is one Bosniak, one Serb, and one Vlach.

<sup>129</sup> Official Gazette of the Republic of Macedonia No. 130/2007

society is a developed and sustainable civil sector. This is among other promoted through provision of direct financial support for the development of civil society organizations (CSOs). With the aim of transparent allocation of resources and creation of more enabling conditions for financial sustainability of the civil society, the Government of the Republic of Macedonia adopted a Code of Best Practices for Financial Support to Citizen Associations and Foundations<sup>130</sup> in October 2007, and it adopted a Decision on the Criteria and Procedure for Allocation of Resources for Financing the Program Activities of Citizen Associations from the Budget of the Republic of Macedonia, in February 2009<sup>131</sup>.

In the period 2008-2014 the government has provided financial support to a total of 362 projects of citizen associations and foundations, 27 of which<sup>132</sup> were projects of associations of the smaller (less than 20%) communities, with activities aimed at preservation of cultural heritage and tradition, education and use of community languages, as well as activities in the field of human rights, development of multicultural society, and European perspectives of the country. Since 2010 the Government of the Republic of Macedonia has been, at recommendations from the SIOFA committee, allocating budget resources<sup>133</sup> for financing the activities of CSOs and foundations aimed at promoting interethnic relations, through grants for confidence building between the various ethnic communities; promotion of effective cohabitation between the ethnic communities; promotion of interethnic cooperation in the field of culture, sports, and education; promotion of interethnic tolerance; promoting the implementation of the Ohrid Framework Agreement; and analysis and monitoring of the implementation of the Ohrid Framework Agreement. A total of 140 projects of citizen associations and foundations were financially supported from the SIOFA budget in the period 2011-2014, 9 of which were projects of associations from the smaller communities (less than 20%), for activities aimed at preservation of community culture and traditions, and building of equitable relations and cohabitation.

It has been assessed that these resources are not sufficient for developing a cohesive society, and that they do not provide financing to the CSOs representing the smaller communities. For the purpose of protecting the identity and culture of the communities, articles 17 and 18 of the LPPCR set forth the creation of a Fund for Implementation of Projects for Promotion of Multiculturalism and Financing of Activities of Associations of Smaller Communities. This Fund, which has been established by law, does not operate because the required financial resources from the budget have not been provided. This is one of the most common criticisms by all the communities to the agency.

#### **Area 4: Promotion of identity through education and culture**

In accordance with article 48 of the constitution, community members have the right to freely express, protect, and promote their identity and culture. The constitution guarantees the protection of the ethnic, cultural, linguistic, and religious identity of all communities. They have the right to establish cultural and arts institutions, and scientific and other associations for the purpose of expressing, protecting, and promoting their identity. The members of these communities have the right to education in mother tongue in primary and secondary schools. According to educational curricula and the concept for 9-year education, regular teaching is also conducted in the languages of the smaller communities, in particular in Turkish and Serbian, whereas the languages of the other communities, the language and culture of Roma, Vlach, and Bosniaks, are elective classes. These three communities do not yet have regular education in mother tongue, the major reason being lack of students and a department in some of the institutions for higher education, which would produce

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<sup>130</sup> Official Gazette of the Republic of Macedonia, No. 130/20017

<sup>131</sup> Official Gazette of the Republic of Macedonia, No. 23/2009

<sup>132</sup> Of the total of 27 projects, 4 were awarded to associations from the Turkish community, 5 to associations from the Vlach community, 13 to associations from the Roma community, 2 to associations from the Serbian community, and 3 to associations from other communities.

<sup>133</sup> 12.000.000 denars in 2010; 11.000.000 denars in 2011; 10.000.000 denars in each of 2012, 2013, and 2014.

the required teaching staff. The communities which according to the educational curricula have regular teaching in mother tongue can exercise this entitlement if the legal condition requiring 24-34 pupils per class is met. A class can be formed with fewer than 24 pupils following consent by the founder (municipality of the government), but if the number of pupils is not sufficient, than they learn in combined groups, that is, with pupils from different classes and ages. At least 15 pupils are required for having an elective class; if the number is not sufficient, then teaching is organized in combined groups.

The data presented in Table 1 show that there is progress in schools teaching in Turkish, whereas the number of schools teaching in Serbian has not changed. In addition, experimental teaching in Bosniak has been conducted in two schools for a considerable time. The key problem in the field of education is the dispersion of pupils and the inability to reach the number of 24 pupils needed for regular education in community languages, that is, 15 pupils for having an elective class in community language and culture.

Because of the institutional setup, the two directorates which act as advisory bodies in the line ministries of education & science, and culture, have a limited ability to influence decisions on key issues related to protection and promotion of community identity. Namely, the competencies of the Directorate for Development and Promotion of Education in Community Languages (DDPECL) overlap with the competencies of other bodies in the Ministry of Education and Science (MES), such as the Department for Development of Education, The State Education Inspectorate, the Pedagogical Service, etc.). On the other hand, the Directorate for Affirmation and Promotion of Community Cultures (DAPCC) does not effectively participate in the creation of cultural policies, the defining of criteria, and the selection of projects which promote or protect the cultural identity of community members, through the National Culture Program.

Table 1. Pupils and teachers in the 2013/2014 school year in the regular primary education

	TOTAL	Teaching language: Macedonian	Teaching language: Albanian	Teaching language: Turkish	Teaching language: Serbian
Schools	990 <sup>134</sup>	729	291	63	8
Classes	10.664	6.436	3.811	374	43
Pupils	190.541	122929	61.298	5.821	493
Teachers	17.624	11.474	5.447	620	83
Pupil/teacher ratio	10,81	10,71	11,25	9,38	5,93

Source: Directorate for Development and Promotion of Education in Community Languages (DDPECL)

## Area 5: Equitable community representation

The implementation of the Ohrid Framework Agreement in the area of equitable representation in the civil service and the public service has achieved significant results for the Albanian community. As evident from data for the period of the last assessment conducted in 2012-2014, the Turkish community demonstrates the same rate of progress, which is not the case with the other communities (see Table 2). Nonetheless, except for the Serbian and the Vlach community, the other smaller communities are not even near the level of proportionate representation, even though there has been a rise in the participation of the Roma community the civil service since 2001, followed also by the Bosniak and the Turkish community, whereas there has been a decline in the share of the

<sup>134</sup> This numbers refers to the total number of central and regional school facilities; there is a total of 334 legal entities in primary education. The total number of primary schools by language of instruction is not equal to the total number of primary schools because in some of the schools teaching is done in several languages.

Vlach community. This indicates an advanced level of implementation of the principle of equitable representation of ethnic communities in the civil service<sup>135</sup>. However, the European Union (EU) progress report notes that an enormous number of the new civil servants receive salaries even though they are not assigned to specific work posts and assignments. On the other hand, the representation of non-majority communities in senior management roles in civil service remains low<sup>136</sup>. This does not effectively increase the participation of smaller communities in the public sector. In addition, it can have a negative influence on the quality and consistency of services delivered by the civil service sector, and result with societal discontent.

In response to the criticism by numerous institutions of the quality of the civil service, and the need to ensure a continued professional development, the Academy for Civil Servants was founded, as a sector in the Ministry of Information Society and Administration. In addition, a system for evaluation of civil service employees was introduced, and all the public administration studies at the public universities were closed.

Table 2: Results in the area of employment – central government level

	2014			2013			2012		
	#	M	F	#	M	F	#	M	F
MK	<b>10628</b>	4876	5752	<b>10051</b>	4605	5446	<b>10166</b>	4670	5496
AL	<b>4387</b>	2943	1444	<b>4144</b>	2768	1376	<b>3942</b>	2653	1289
TR	<b>370</b>	234	136	<b>322</b>	195	127	<b>333</b>	203	130
RO	<b>219</b>	133	86	<b>207</b>	125	82	<b>222</b>	136	86
VL	<b>109</b>	48	61	<b>117</b>	54	63	<b>110</b>	50	60
SR	<b>232</b>	104	128	<b>220</b>	101	119	<b>224</b>	102	122
BO	<b>113</b>	52	61	<b>107</b>	49	58	<b>104</b>	49	55
Other	<b>154</b>	81	73	<b>153</b>	80	73	<b>146</b>	69	77
Total	<b>16212</b>	8471	7741	<b>15321</b>	7977	7344	<b>15247</b>	7932	7315

Source: Report from the Central registry of civil servants 2009-2015

#### **A singled-out issue – persons without documents**

Five hundred and fifty (550) persons have been identified as unregistered with the birth register since 2011, as part of the action for identification of unregistered persons. Most of them are Roma, however persons of Bosniak, Montenegrin, and Turkish ancestry have also registered with the ACRR. One hundred and twenty (120) of them have been registered with the birth register as part of the regular activities of the Ministry of Labour and Social Policy (MLSP) and other responsible bodies.

<sup>135</sup> Resolution CM/ResCMN(2008)6 on the implementation of the Framework Convention for the Protection of National Minorities by “the former Yugoslav Republic of Macedonia”

<sup>136</sup> EC Progress report 2011, p.21



## Conclusions and a list of recommendations, proposals and/or discussion points

### Area 1: Institutional strengthening of bodies responsible for realization, protection, and promotion of community rights, especially of smaller communities (less than 20%)

Two confronting views and sets of recommendations, proposals and/or discussion points concerning the institutional mechanisms for realization, protection, and promotion of community rights, and promotion of social integration, resulted from the discussions:

- I. **According to the first view, the pluralism, that is, the existence of a number of different bodies working on realization, affirmation, and protection of community rights, promotion of community interests, mutual understanding, tolerance and interaction in various fields or in the same fields but from different perspectives, should be considered as an advantage and an asset which can have a positive impact on the implementation of the principles and the essence of the OFA, and contribute to social cohesion.**

Departing from this premise, the following points are made:

1. Strengthening of the existing institutions and bodies which promote and protect community rights, and intensifying of inter-institutional cooperation and coordination among all government bodies and institutions at central and local level in the process of creating integrative policies, and taking of specific measures and activities for their consistent and full implementation.
  - 1.1 Strengthening the role and the competencies of the ACRR by amending the Law on Promotion and Protection of the Rights of Communities which are less than 20% of the RM Population (Official Gazette of the Republic of Macedonia, No. 92/08) in the direction of:
    - 1.1.1 Regulating, in the sense of introducing a new promotional role for the ACRR, for affirmation, awareness raising, and education for realization, protection, and promotion of the rights of community members.
    - 1.1.2 Strengthening the protective role of the ACRR and introducing special legal mechanisms and instruments for protecting the rights of community members.
    - 1.1.3 Detailed legal elaboration of the ACRR oversight role, and in addition, elaboration of the subject, procedure, and legal effect of the oversight ACRR conducts over the implementation of legislation on community rights. Setting a requirement for the public administration bodies which protect community rights to provide data on the realization of the rights of community members to ACRR on regular basis.
    - 1.1.4 Institutionalization of the Participative Forum from an informal into a formal advisory body which will enable regular and direct communication and consultation between the representatives of central level bodies and institutions responsible for promotion and protection of community rights and the representatives of community associations. The forum should be defined by law as one form of ACRR cooperation and coordination with government bodies and community NGOs, and its composition and mandate should be specified. Other issues related to its operation would remain to be regulated with the forum's rulebook
  - 1.2. Increasing the ACRR budget in order to allow full implementation of its legal competences. The resources invested by the Government of the RM for realization and promotion of the rights of smaller communities are not sufficient for full implementation of the LPPRC, and ACRR cannot effectively conduct its role. This makes the ACRR oriented to or "dependent" on donor projects for all the activities it implements, from training, to conferences, study visits, campaigns, round tables, and the work of the Participative Forum. The progress in the

protection and promotion of community rights, and their monitoring, depend on financial resources. At present the financial resources available suffice only for salaries and utilities.

- 1.3. Adopting of the Law on the Directorate for Development and Promotion of Education in Community Languages with clearly defined competencies and a budget which is appropriate for completing the required goals and tasks.
- 1.4. Adopting of a Law on the Directorate for Affirmation and Promotion of Communities Cultures with clearly defined competences and budget which is appropriate for completing the required goals and tasks. Alternatively, it is proposed that the directorate be strengthened with specialized staff and the financial resources needed for conducting its role. The sectors within the Ministry of Culture should be obligated by a mandatory internal act to include the directorate as an advisory body in making decisions, and especially in the selection and evaluation of projects submitted by citizen associations, cultural and arts associations (KUDs) and individual artists who are community members.

**II. According to the second view, centralization of all institutional mechanisms for realization and protection of community rights should be proposed, with the aim of developing and promoting integrative policies through the creation of a Ministry for Political System and Community Relations.** This new ministry would merge the SIOFA, the ACRR, and the other institutions protecting and promoting community rights. In this way, all the dispersed government activities, interventions, and commitments related to the promotion and protection of community rights would be concentrated, and multiculturalism, constructive inter-community relations, and social cohesion would be promoted. The competences of this ministry would include promotion of multiculturalism, development of integrative policies, promotion of inter-community relations, as well as their monitoring and oversight.

**Area 2: Effective participation in the process of policy creation and decision making of concern to all communities, especially those representing less than 20% of the population.**

The following is proposed in this area:

1. Initiating a broad, public, political and expert debate on revising the Preamble of the Constitution in direction of emphasizing the liberal and civic concept of government and the equality of all citizens, in accordance with the original preamble text foreseen in the Ohrid Framework Agreement. This would underscore the liberal character of the state where according to article 2 of the supreme legal act, the sovereignty derives from and belongs to the citizens.
2. In order to ensure full representativeness, equal treatment, and recognition of the needs and interests of the members of all communities in the country, regardless of their size, it is proposed that article 78 of the Constitution (amendment XII) and article 3 and 4 of the Law on the Committee for Inter-Community Relations (Official Gazette of the Republic of Macedonia, No. 150/07) are amended to redefine or broaden the committee for inter-community relations from the current 19 to 21 members, in order to also include the communities which are not mentioned in the preamble to the constitution. The two new members will represent and protect the rights of all remaining communities, based on a rotating mandate of one/two years. The mode of their election would be identical to the mode for electing the other committee members, that is, they will be elected by the assembly from among the MPs from the communities which are not mentioned in the preamble, and if some of these communities does not have an MP, then the Ombudsman, in consultation with relevant representatives of these communities, will propose the committee members.

Alternatively, the introduction of a legal obligation is proposed, to invite representatives of the communities which are not mentioned in the preamble to the sessions of the committee for inter-community relations, who will have the right to express their opinions and take part in the discussion, thereat also contributing to the opinions and proposals made by the committee.

3. With the aim of utilizing the capacity of the committee for inter-community relations, mechanisms for enhancing its work should be introduced, which will contribute to effective realization of its constitutional and legal competencies related to review of issues of concern to inter-community relations and issuing of opinions and recommendations for their resolution, and promotion of interethnic relations. In order to overcome the problem of irregular or infrequent committee sessions, it is proposed that the Law on the Committee for Inter-Community Relations (article 7 and 8) which regulates its operation, include a special provision that the committee work in a continuous session or to set a minimum number of committee sessions per year (for example at least 4 or 5 sessions per year). In addition, the committee should be legally required to take under review the reports on the work of the local committees for inter-community relations. This would enable it to discuss the real needs and problems of the citizens and to support the work of these committees.
4. Amendment of article 68, point 10 of the Rulebook of the Government of the Republic of Macedonia (Official Gazette of Republic of Macedonia, No. 38/01, 98/02, 9/03, 47/03, 64/03, 67/03, 51/06, 5/07, 15/07, 26/07, 30/07, 58/07, 105/07, 116/07, 129/07, 157/07, 29/08, 51/08, 86/08, 144/08, 42/09, 62/09, 141/09, 162/09, 40/10, 83/10, 166/10, 172/10, 95/11, 151/11, 170/11, 67/13 and 145/14 and 62/2015), to include that the materials provided to the government by other ministries and public administration bodies for review, finalization, or adoption, and which are of relevance to the implementation of the Ohrid Framework Agreement, will in addition to the SIOFA, be mandatorily submitted to the ACRR which will issue an opinion. The recommendation will also allow full realization of the legal competencies of the ACRR as an independent public administration body which monitors, protects, and oversees the rights of smaller communities (less than 20%) and reflects their views and needs in the decision making at the highest level.
5. Promotion of inclusive, open and constructive dialogue on important policies and issues of concern to the communities and their integration, through regular consultations with relevant stakeholders and by involving ACRR representatives and community CSOs in the working groups created in the line ministries and institutions, in the very initial phases of drafting of legislation and other secondary regulation, strategies, and other regulation which concerns the rights and the well-being of communities, their mutual relations, and social integration.
6. Full abolishment or lessening of the legal threshold (article 55, paragraph 1 of the Law on Local Self-Government, Official Gazette of the Republic of Macedonia, No. 130/2007), of 20% of the total number of citizens in the municipality, as per the last population census, belonging to a certain community, as a condition for establishing a committee for inter-community relations (CICRs). This legislative change will legitimize the evident need of CICRs in many municipalities with mixed population, that is, with different ethnic communities, which due their small size do not meet the high legal threshold and therefore do not have the possibility of taking part in the creation of local policies, unless they have a representative in the local government. In addition, this change will strengthen the legal and institutional position of these committees and their relations with the municipal council, and will secure the legal grounds for their mandatory establishment and participation in local decision making in many municipalities nationwide.

7. In addition, article 55, paragraph 3 of the same law should foresee clear and consistent criteria and an open and transparent procedure for electing the CICR members representing the communities in the municipality via a public ad, and a provision on the incompatibility of the role of CICR member with the role of a council member or municipal administration staff. Further, in order to secure transparency and accountability in the work of these committees, the obligation to submit annual reports to the council and to the citizens, as well as to the committee on inter-community relations should be foreseen. The CICR should review these reports. In order to ensure continuity in the work of the CICRs after the change in power at local level, it is proposed that the mandate of CICR members be extended to 5 years, whereas the mandate of the municipal councilors remains 4 years.
8. Legislative changes are needed to strengthen the role of the CICRs through issuing opinions and recommendations on issues in the areas of education, municipal budgeting and budget allocation, given their key influence in the realization of community rights at local level. In addition, an amendment to article 41 of the law is proposed, whereby the list of issues which need a Badinter (double) majority in the municipal council will be extended to include education. Further, specific deadlines by which the municipal council should review the CICR opinions and recommendations (for example 15 days) should be set, as well as a responsibility for the council to request a CICR opinion on all decisions adopted with Badinter (double) majority.
9. Finally, strengthening of the institutional, financial, and human capacity of the local CICRs as representatives and proponents of the communities and their cohabitation at local level is needed.

### **Area 3: Promotion of multiculturalism through media and civil society**

In response to the assessment of the situation in the media and civil society, it is proposed:

1. The public information services, the MRT, should commence a production and regular broadcast of multicultural media programs (for example once a week for 1 hour), which will express and preserve the cultural, ethnic, religious, and linguistic identity of all communities, including those which are subsumed under the category of “others” in the Preamble to the Constitution. The programs should be conceptualized and designed to actively promote the social diversity, mutual respect and understanding, and the promotion of intercultural dialogue between communities.
2. In addition to a thorough reform in MRT’s program concept, intervention in the Law on Audio and Audio-visual Media Services (Official Gazette of the Republic of Macedonia, No. 184/2013, 13/2014, 44/2014, 101/2014, and 132/2014) is needed. More specifically, it is recommended that article 26 be amended to include promotion of social inclusion, and a paragraph be added to lay down that the agency undertakes activities to encourage the providers of audio or audio-visual media services to gradually make their services multicultural, that is, to enable the integration of programs in the community languages, or produced by the communities, in their programs.
3. The programs in the languages of the non-majority communities which are broadcast via the public information services MRT2 (second service) should start being broadcast at a time which is attractive and available for the intended audience. Namely, the news programs in the community languages and the programs reporting on events and issues of community interest, which are at present broadcast in the morning hours, should be moved to a prime time in the afternoon. This will improve ratings and will enable the effective realization of the community right to receive, provide, and share information in their mother tongue.

4. With the aim of making the multicultural media programs real bridges for promoting understanding and communication, as well as to ensure that they are offered to the broader public in addition to the community members, it is recommended that these programs are not only provided in the community languages but they are also subtitled in Macedonian, as well as provided as multilingual versions, similar to the multinational magazine Prizma which has been broadcast on the Croatian Radio Television for over 10 years.
5. Strengthening of the human, financial, and technical capacity of the editorial desks in the public information service MRT2 is needed, in order that they realize their professional role in informing the public and promoting multiculturalism and social cohesion in the country. In addition to upgrading the quality of the higher education for journalists and other media personnel, further effort is needed for continued, professional upgrade and training of the active media personnel engaged with the editorial desks, especially on issues related to intercultural communications, cultural and democratic pluralism, standards of professional reporting, which among other, should involve ethical values related to respect for diversity and inclusion, human rights, and non-discrimination.
6. The promotion of the process of reconciliation (as a forerunner to integration and social cohesion) needs targeted intervention which will involve the media in order to create a favorable change in public opinion and encourage integration. This is why resources from the radio-diffusion tax should be allocated to programs of multicultural character.
7. To secure resources for the Fund for Implementation of Projects and Promotion of Multiculturalism and Financing of Activities of Associations of the Smaller Communities (regulated with article 17 of the LPPCR). The fund is of critical importance for implementation of projects and promotion of multiculturalism and financing of activities of the associations of the smaller communities. The ACRR has prepared a methodology and a system for monitoring and evaluation (adopted by the Government of RM in 2013) required for making the fund operational, but the financial resources which the ACRR would allocate for community needs and activities are still lacking. The working group discussed three options for the ACRR fund:
  - a. Option 1 - the Ministry of Finance provides specific resources for establishing the Fund for Implementation of Projects and Promotion of Multiculturalism and Financing of Activities of Associations of the Smaller Communities.
  - b. Option 2 – the ACRR is involved in the selection of grants awarded by the SIOFA (specifically, the administrative committee for selection of grantees should include an ACRR staff member).
  - c. Option 3 – part of the resources managed by the SIOFA, which are allocated for implementation of the Ohrid Framework Agreement, are redirected to ACRR for the Fund for Implementation of Projects and Promotion of Multiculturalism and Financing of Activities of Associations of the Smaller Communities.
8. To amend article 74 of the Law on Citizen Associations and Foundations (Official Gazette of the RM, No. 52/2010, and 135/2011) so that the “the building of confidence and mutual understanding between the communities in the Republic of Macedonia” be considered an activity of public interest. This is also one of the priority goals of the Government of the Republic of Macedonia in line with the decisions for determining the strategic priorities of

the government in 2015 and 2016<sup>137</sup>. In addition, to encourage the citizen associations representing the smaller communities (less than 20%) to register as public benefit associations, this would provide them with a special status compared to other citizen associations.

#### **Area 4: Promotion of identity through education and culture**

For the purpose of expressing, protecting, and promoting the identity of the smaller communities in the areas of education and culture, the following is proposed:

1. Revision of the current concept of 9-year primary education so that the Turkish and the Serbian community, in addition to the right to regular education in mother tongue, can have the possibility to take an elective course in the “language and culture” of their community, as it is the case with the Bosniak, Vlach, and the Roma communities.
2. Introduction of the possibility to take the elective course in the “language and culture” of the Bosniaks, Vlachs, and Roma (and in accordance with the previous recommendation, an elective course in the “language and culture” of the Turks and Serbs) also for the pupils who are not members of these communities, with the aim of achieving real social cohesion between the pupils from different communities, and overcoming the problem with insufficient number of children for forming a class.
3. Introduction of courses or departments in Bosniak, Vlach, and Roma language in some of the institutions for higher education in the Republic of Macedonia, with the aim of producing specialized teaching staff in these languages, who would in the future deliver the regular teaching.
4. Full and enhanced implementation of the **Strategy for Integrated Education** and allocation of budget resources for effective realization of the planned objectives and activities.
5. It is necessary to ease the criteria for project applications from the smaller communities in the articles 61, 62, and 63 from the Law on Culture (Official Gazette of the RM, No. 31/1998, 49/2003, 82/2005, 24/2007, 116/10, 47/11, 51/11, 136/12, 23/13, 187/13, 44/14, 61/15 и 154/15), which regulate the financing of annual projects of national interest. This would enable greater inclusion of the communities and government support to the affirmation, preservation, and promotion of their identity and cultural production.
6. Strengthening of the capacity and activity of the cultural associations of community members through provision of equipped facilities by the Government of RM, where they would perform their activities contributing to the expression and promotion of their cultural identity and strengthening of social cohesion, as for example, through the creation of a multicultural center.

#### **Area 5: Proportionate and equitable community representation**

In view of the delay in the implementation of the equitable representation of the smaller communities compared to the Albanian community, the following is proposed:

1. Enhancing the implementation of the principle of proportionate and equitable representation of the Roma, Turkish, Bosniak, and other communities, represented with less than 20% in the total population, with the aim of achieving higher level of social cohesion,

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<sup>137</sup> Decision on determining the strategic priorities of the Government of the Republic of Macedonia in 2015 (Official Gazette of RM, No. 137/2014) and Decision on determining the strategic priorities of the Government of Republic of Macedonia in 2016 (Official Gazette of RM, No. 70/2015).

through a special program and affirmative measures, following the example of the Program for Employment of the Smaller Communities, implemented by the General Secretariat of the Government of the Republic of Macedonia.

2. The current implementation of the principle of proportionate and equitable representation is often criticized for preventing merit-based employment and career development in the civil service. Therefore, it is recommended that an Institute for Public Administration be established which would monitor the trends in the development of the administration, conduct quantitative and qualitative research of the implementation of the principle of equitable representation, and overall of the development of the public administration, organize specialization and leadership programs, and make recommendations for capacity building, implementation of reform in the public sector, and strengthening of its professionalism and management.

**A singled-out issue – persons without documents**

The following is proposed for resolving the status of the particular vulnerable category of persons without documents:

1. Amending of the Law on Personal Registers (Official Gazette of the RM, No. 8/95, 38/2002, 66/2007, 98/2008, 67/2009, 13/13, 43/14 и 148/15) to introduce the possibility for late registration of these persons, that is, the legally invisible persons who do not meet the criteria for registration in the birth register. They should be registered with separate personal registers. This would enable them to exercise their basic human and civil rights.
2. The administrative procedure for late registration of the legally invisible persons should be accelerated and the evidence required for ascertaining the birth of a child should be reduced to the necessary minimum. To this end the Directorate for Personal Registers should ensure a coordinated cooperation with the Department for Public Safety and effective realization of the field checks needed for ascertaining the place of birth and residence of the child.

## Annex 8: The Use of Languages and the Territoriality Principle

**Identified problem / challenge:** The provisions from article 4 of the law on languages related to the communication of citizens with the ministries and their branch offices are to a large extent “tighter” than the provisions from amendment V to article 7 of the constitution, as well as the “spirit of the OFA”.

Whereas the constitution prescribes that “each citizen can use one of the official languages and alphabets in communication with the ministries, and the ministries respond in Macedonian language and its Cyrillic alphabet, as well as the official language and alphabet of the citizen”, the law on this same issue prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in the communication with the ministries”. In addition, whereas the constitution prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in the communication with the ministry branch offices”, the law prescribes that “any citizen living in a unit of local self-government where at least 20% of the citizens speak an official language different from Macedonian, can use any of the official languages and their alphabets in communication with the ministry branch offices in the respective unit of local self-government”. This creates a difference between the intention of the OFA and the legislative solution, which undercuts the constitutionally guaranteed right to communication with the ministries in the official languages regardless of place of residence, through the additional criteria of “20% of the population”. This legislative solution has a direct impact on social cohesion representing a permanent source of distrust of the e/A community towards the government. In addition, there is room to strengthen social cohesion by a certain expansion of the right of communication of the members of the “smaller” communities with the ministry branch offices. This can be done by tying the right to communication with the status of the language as official in the unit of the local self- government which is under the jurisdiction of the branch office, instead of using the “20% of the population” criterion.

**Proposed solution/strategy/intervention:** The legal provision from article 4 from the law on languages should be revised to respect the constitutional provisions from amendment V. The communication in mother tongue for the members of the e/A community with the central ministries, regardless of place of residence and unrelated from the “20% of the population at local level” criterion should be guaranteed (see the proposal for nomo-technical editing of the legal solution in Annex II). In addition, changes should be prescribed in the law on languages tying the communication of the “smaller” communities with the ministry branch offices with to the status of the language as official in the unit of local self-government, thereat abandoning the “20% of the population at local level” criterion. This would ensure consistency in the use of the languages of the “smaller communities” between the central and the local level.

**Concrete activity to be implemented and who should implement it:**

- The Assembly of the Republic of Macedonia should define and adopt legislative changes in line with the principles suggested above.
- The political parties should completely support and promote these changes in the law on languages.

OR

**Identified problem / challenge:** The provisions of the Law on Languages is not in accordance with Amendment V to Article 7 of the Constitution



**Proposed solution/strategy/intervention:**

A new Law should be adopted under the title Law on Official Languages in the Republic of Macedonia. The new law is to incorporate the existing Law on Use of the Macedonian Language and the Law on Use of Language spoken by at least 20% of the citizens of Republic of Macedonia and the Units of Local Self-Government.

**Concrete activity to be implemented and who should implement it:**

- The new Law is to be drafted and later adopted by the Assembly of the Republic of Macedonia
- Awareness raising among the citizens of the advantages of the use of other official language apart the Macedonian language and its Cyrillic alphabet.

## Annex 9: The Use of Languages and Resource Challenges

**Identified problem / challenge:** The implementation of constitutional and legislative provisions on the use of languages is hindered at several levels because of the **obvious lack of financial resources allocated for implementation of the policies on use of languages** in budget beneficiaries. This problem is most highlighted in the smaller and rural units of local self-government, but also in some of the national institutions. The most typically required expenses are for translators and organization of translation work, and to a smaller extent, for printing of various documents and materials.

In addition, the budget beneficiaries do not keep records of the expenses related to the implementation of these constitutional and legislative requirements. Thus, it is difficult to assess the cost of the policies on use of languages. This situation further accentuates the entrenched idea that the use of more than one language in official communication is an expensive activity, even though there are studies from other countries (for example Canada) which demonstrate the opposite.

### **Proposed solution/strategy/intervention:**

Various activities are required in order to completely overcome the identified problem. First, a methodology needs to be designed for calculating the cost of multilingual policies to the budget. Second, measures which would enable clear presentation of the costs by introducing a separate budget line in the national budget as well as for each budget beneficiary. Third, measures to rationalize expenses should be taken. Costs can be rationalized through centralization/regionalization of translation work. This could be done by creating specific bodies (translation centers) which will conduct translation work for several units of local self-government and ministry branches in territorial proximity. The work of the translation centers should be fully supported by the national budget. Fourth, measures for financing the use of languages are needed, especially in the units of local self-government which are less financially capable of conducting the policy of multilingualism. These measures could be part of the process of decentralization, through allocation of a larger portion of the VAT collected in the units of local self-government for the implementation of the policy on use of languages. These resources would be allocated using a special methodology which would take into account the number of the languages used in the municipalities as well as their size.

### **Concrete activity to be implemented and who should implement it:**

- The Ministry of Finance should prepare a methodology for calculating the cost of use of languages to the budget. This methodology should be prepared in such a way that it is easily applied by budget beneficiaries, so that they can easily calculate their expenses.
- The assembly should adopt changes to the law on languages and/or to the Law on Financing of the Units of Local Self-Government, which would require a mandatory specification of the costs to the budget.
- In addition, the assembly should adopt changes to the legislative frame which would allocate part of the collected VAT for implementation of language use at local level, in line with the principles suggested above. The political parties should fully support and promote these legislative changes.
- The government should undertake activities for setting up translation centers which would do the translation for several units of local self-government and ministry branch offices in territorial proximity.

## Annex 10: On the lack of trained translators

**Identified problem / challenge:** There is a **lack of trained translators** in all the institutions at national and local level. In many institutions translation is done by persons who have command of two or more languages but who are not qualified. Oral communication in particular is conducted unsystematically and it depends to a large extent on the linguistic competencies of the clerk.

**Proposed solution/strategy/intervention:** The government should aim to produce qualified translators following an assessment of needs based on a detailed analysis of the current situation. These human resources should be built through specialized translation courses which should be made more accessible at the faculties of philology in the country, introduction of post-graduate specialized courses, as well as introduction of lower-level specialized courses in the secondary schools. These courses should prepare the future translators for work in the central and local government institutions, as well as in the private sector. In addition, mandatory internships could be organized for the future translators with the government institutions during or after their education with the aim to better prepare them for the translation work. The completion of the internship can be basis for award of a certificate with the aim of motivating the potential translators. As part of their education, the future translators will have to pass a specialized test which will verify their knowledge and translation skills and serve as basis for a translator's certificate. In addition, all qualified translators should be registered with a database which the government institutions can use to get information on available translators. With the aim of popularization and in order to motivate people to choose a career in translation work, the work position of translator should be more specifically defined in the public administration system. Career levels for translators should be prescribed.

### **Concrete activity to be implemented and who should implement it:**

- An inter-sectorial body including representatives from the general secretariat of the government, SIOFA, MoES, MISA, and experts, should prepare a detailed needs assessment and analysis of the current state with translator resources in the country. This body should be initiated by the government.
- Based on the analysis, the MES should prepare a program for introducing specialized undergraduate and post-graduate studies, and specialized studies in secondary education.
- These courses should include mandatory testing as requirement for a translator certificate and a mandatory internship for the future translators.
- The SIOFA and the general secretariat of the government should develop a database of the available translators in the country.

## **Annex 11: On hate speech and hate crime**

### **Identified problem/challenge:**

#### **3.8. Problem: Not sanctioning of hate speech**

The Law on media as well as the Law on audio and audiovisual services contain provisions which define measures against media that allow creation and spreading of hate speech but these provisions are either not applied or they are applied in a selective manner. This kind of approach enables continuous attacking, insulting and humiliation of persons and entire communities which decomposes the social tissue of the country.

#### **3.9. Problem: Non-application of law**

Provisions of Criminal Code referring to hate speech and hate crime, spreading hatred and intolerance as well as racist propaganda (including spreading through computer systems and internet) are not applied by Public Prosecution and consequently there is no court practice on this matter. While the national institutions do not have a mechanism for registration of hate crime cases, the civic organization remain to be the sole source of information. Not acting upon this kind of cases gives the perception that the institutions do not protect the citizens from attacks motivated by prejudice based on race, religion, sex, gender, sexual orientation, whereas the attackers deem that maybe they can go through with minimal sentences or not being sanctioned at all. Such ignoring of these criminal acts undermines the social cohesion among all communities in the country.

### **4. Proposed solution/strategy/intervention:**

**4.1.** Strengthening of capacities and competencies of Agency for audio and audiovisual services as a body which decides on “granting, revocation and renewal of licenses for television or radio broadcasting”, when reported by citizens, civic organizations or institutions, or when during the oversight of the program content will confirm presence of hate speech.

**4.2.** Amendments to Criminal Code in terms of determining the definition of hate crime

**4.3.** Supplementing by-law acts on registration and record keeping of this kind of acts

**4.4.** Strengthening of public prosecution and judiciary capacities to recognize and to adequately process hate crime and other criminal acts motivated or aiming instigation of hatred.

### **5. Concrete activity to be implemented and who should implement it:**

**5.1.** Amendments and supplements to Law on audio and audiovisual services in terms of explicit authorization of Agency to confirm hate speech and to reprimand (and/or fine) the media, and in case the hate speech continues or it is repeated within a certain period of time (6 months or similar), to revoke the broadcasting license. By this amendment will be extended the list of protected features based on which the hate crime will be confirmed as a mental and bodily handicap, political belief and sexual orientation (currently in the law are represented the race, sex, religion or ethnicity).

**5.2.** Strengthening of capacities of expert service in the Agency through training and other tools to identify hate speech in accordance with national legislature and judicial practice of European Court of Human Rights.

**5.3.** Raising public awareness of public in general and of all national and local media on advanced competencies of the Agency.

**5.4.** Amendments and supplement to Criminal Code in the part of defining hate crime and more severe punishment of the same.

**5.5.** Amendments and supplement of by-law regulations and creation of internal regulations that relate to police performance, prosecution and courts for effective identification, registering and processing of hate crime.

**5.6.** Strengthening of capacities (training and other tools) of police, prosecution and courts in identification, registering and processing of hate crime.

**5.7.** Raising public awareness about amended legislation and harmful consequences to the social cohesion caused by hate crime.

## Annex 12: On the judiciary

### **Identified problem / challenge:**

#### **3.7. Problem: Undeveloped capacities of competent institutions and judiciary**

There is a **need for building capacities of responsible institutions** (Committee for protection against discrimination, Ombudsman, Legal representative, Inspectorates), managing of databases broken down on ethnic background, sex, and detailed analysis of the legislation and policies and promotion of the same. In order to wrap up the process of information of the citizens about the competencies of institutions, it is also needed to raise the awareness of both the employees in institutions and the citizens aiming increased trust in institutions.

#### **3.8. Problem: Distrust in judiciary by members of communities**

Several surveys confirm that citizens do not trust much in judiciary and they consider they have unbiased, transparent and independent judicial system. The perception of **most ethnic communities**, specifically of e/A community, is that we have selective application of law and that we have biased judiciary system which is also confirmed in the Analysis of independence of judiciary in Republic of Macedonia – perception, difficulties and challenges by Institute for human rights, August 2013. Beside the terms of reference for selection of judges, Law on Courts in Article 43, paragraph 1, stipulates the prohibition to commit discrimination during selection of judges in terms of sex, race, skin color, ethnic and social background, political and religious belief, property and social situation. The Law on the academy of judges and public prosecutors (Article 9), during the selection of candidates for enrollment in basic training in the academy, without violating the criteria stipulated by this law, provides adequate and equitable representation of citizens - members of all communities in Republic of Macedonia. However, it is not mentioned who performs the oversight of the application, what if the rule is not applied, or what is the procedure in case of lack of adequate candidates from certain ethnic communities. According to data from Secretariat for implementation of Framework Agreement, 78,72% of the judges are e/M whereas 15,72% are e/A. In the public prosecution 92,2% are e/M whereas only 7,8% are e/A. OFA section 5.4 explicitly reads “Parties invite the international community to assist in training of lawyers, judges and prosecutors members of the communities which do not represent the major population of Macedonia aiming increase their participation in the judicial system.

### **4. Proposed solution/strategy/intervention:**

**4.1.** Training of bearers of judicial functions (judges, lawyers) on the concept of discrimination, test of proportionality, and the burden of proof.

**4.2.** Introduction of programs and methods for overcoming **language barriers** for those participants who attend the classes in a language different from their mother tongue and training of teachers for work with students from marginalized communities.

**4.3.** Institutions, including the independent bodies for protection against discrimination to consistently apply the provision of Law on equal opportunities of women and men, respectively to present the statistical data broken down on sex.

**4.4.** Unification of penal policy during pronunciations of sentences by courts in Macedonia.

**4.5.** Improvement of equitable and adequate representation in courts, in all instances (judges and prosecutors)

### **5. Concrete activity to be implemented and who should implement it:**

**5.1.** Unification of court practice and Ex-post evaluation of Law on determining the kind and measuring the severity of punishment

**5.2.** Establishment of database to monitor determining the kind and severity of punishment broken down by ethnicity/gender structure and files of violations aiming comparison of severity of punishments.

**5.3.** Stimulating and educational measures for members of ethnic communities who will be professionally included in the functioning of the legal system (lawyers, notaries, bailiffs, judges, public prosecutors)

**5.4.** Introduction of “quota system,” for enrollment of candidates in the Academy for judges and public prosecutors **for members of ethnic communities** according to the needs for achieving adequate and equitable representation as well as creation of mechanism/legal measures to monitor the application of the constitutional provision on adequate and equitable representation as indicated by State Judicial Council of RM, as well as the introduction of „empty chair” system.

**5.5.** Creation of mechanism/legal measures to monitor the application of the constitutional provision on adequate and equitable representation (during the selection for enrollment of candidates in the Judges and Public Prosecutors Academy / Academy Managing Board, selection of judges/Court Council, etc).

**5.6.** Preparation/programing of Instrument for Pre-accession Assistance – IPA for directing the means for resolving the abovementioned problems

## Annex 13: On institutional structures related to the Implementation of the Ohrid Framework Agreement

**Identified problem / challenge:** The monitoring, advancing and enforcing of OFA implementation in all its main focal areas is widely dispersed and weakly coordinated throughout the public administration at different agencies, secretariats, ministries, inspectorates and offices. As such, comprehensive monitoring and realistic policy enforcement and planning have become elusive, resulting in a systemic failure to comprehensively implement the OFA, develop integration policies, structurally counter communal separation trends and advance social cohesion.

### **Proposed solution / strategy / intervention:**

Centralize the entire monitoring and advancing of OFA implementation in all its main focal areas, and the development of an integration policy framework, into a single new Ministry of Political System and Inter-Community Relations (Министерство за политички систем и односи меѓу заедниците). This new Ministry would fuse the SIOFA and Agency for Community Rights Realization (ACRR) and absorb all dispersed State activities, interventions and obligations related to OFA implementation and its monitoring/enforcement, as well as to advancing social cohesion and developing comprehensive integration policies. The Ministry should equip the political system with effectively centralized tools to structurally build an integration policy framework based on more equitable representation, the adequate use of languages, non-discrimination, effective and balanced decentralization, integrative education, and fair and equal treatment of all communities in order to promote constructive inter-community relations and social cohesion. Among those tools, the Ministry would centralize the entire system of disaggregated data collection in the above areas (presently at MISA, SSO, MoF and other line Ministries); the entire system of monitoring and effectuating equitable community employments in public administration (presently dispersed at SIOFA, GS, MISA and more); the entire system of monitoring, inspection and enforcement in all the above areas (presently widely dispersed throughout the system) and the entire systemic need for developing viable integration policies in the spirit of the OFA. It is therefore crucial that it will fully and equitably represent and pro-actively include all communities; not limiting its scope or composition to non-majority communities only.

### **Concretely required action by what actors:**

- Systemic screening by an inter-Ministerial WG of all the dispersed State activities, interventions and obligations related to OFA implementation and its monitoring / enforcement, as well as the advancement of social cohesion and the development of comprehensive integration policies, to be centralized from what presently operative agencies, secretariats, ministries, inspectorates and offices.
- Deciding on an adequate structure for the new Ministry, capitalizing on available international examples, like e.g. the Ministry of Integration and Gender Equality in Sweden, The Ministry of Integration in Denmark, the Minister's Office for Reconciliation and Civic Equality in Georgia, the Ministry for Community Relations in Northern-Ireland or the Minister for Citizenship and Communities in Australia.
- A Government decision to establish the new Ministry that fuses all the dispersed activities identified by the WG and consequently amends all the necessary laws and regulations to enable for this fusion.



- Financial, expert and structural support by the EU / IPA to enable the initial establishment and operation of the new Ministry, as well as EUROSTAT support in effectuating effective and system-wide disaggregated data collection and the development of a unified data base

**Annex 13.1: “Policy Brief: Committees for Inter-Community Relations” (2011), Association Community Development Institute (CDI)**

BONA MENTE: Support to Committees for Inter- Community Relations

# POLICY BRIEF

## COMMITTEES FOR INTER-COMMUNITY RELATIONS



Community Development  
Institute (CDI)  
[www.irz.org.mk](http://www.irz.org.mk)

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# POLICY BRIEF

## COMMITTEES FOR INTER-COMMUNITY RELATIONS

The aim of this project is to **provide evidence-based policy recommendations to the Committees for Inter-Community Relations' (CICR) work and foster their sustainability by establishing a mechanism for transfer of know-how and competences** from existing CICRs to succeeding ones, ensuring continuity of their work. Strengthening the CICRs shall enable citizens coming from different communities to fully exercise their specific rights in multi-ethnic municipalities across the country. This action will further support the implementation of the Ohrid Framework Agreement at local level at the same time promoting active citizen participation. The creation of this policy brief was enabled with the support of the European Union Instrument for Pre-Accession Assistance (IPA) Operational Programme 2008 – Supporting Participation of Civil Society in Decision Making and in Providing Social Services.

### Background of CICR

The post-conflict developments and reforms relating to the decentralization of governance in the Republic of Macedonia are based on the Ohrid Framework Agreement. According to this document, all ethnic communities are entitled to equitable representation in the public institutions at both local and central level. In order to ensure its implementation and to solve issues of concern for the ethnic communities, the 2002 Law on Local Self-Government<sup>1</sup> foresaw the establishment of Committees for Inter-Community Relations (CICR) in municipalities where at least 20% of the citizens are of an ethnic background different from the majority population.

The CICR are envisaged by the Law as permanent advisory board to Municipal Councils on matters of concern for interethnic relations. Synergies between CICR and Municipal Councils have grown through years; however after the local elections in March 2009 the lack of mechanisms to secure the continuation of the work of the CICR within the municipalities has resulted in **discontinuity of activities**.

Throughout the years, CDI has identified numerous issues regarding the work of CICR that can be categorised in few groups:

- Lack of mechanisms to support the continuity of work of CICR after new administration comes into place;
- Lack of transparency and information (i.e. lack of systematic, accurate and organized data base regarding the work of the municipal CICR) available for the citizens within the municipality;
- Lack of citizen involvement in the work of the CICR.

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<sup>1</sup> Law on Local Self-Government, *Official Gazette of the Republic of Macedonia*, No. 5/2002; Article 55 Committees for Inter-Community Relations.

## Recommendations

### Legal and Institutional Framework

Amendment to Article 55 of the Law on Local Self-Government.

Current formulation of the Article 55:

#### Article 55

##### (Commissions for Inter-Community Relations)

- (1) In the municipality in which more than 20% of the total numbers of inhabitants of the municipality determined at the last census are members of a certain community, a Commission for Inter-Community Relations shall be established.
- (2) The Commission from paragraph 1 of this Article shall be composed of an equal number of representatives of each community represented in the municipality.
- (3) The manner of election of the members of the Commission shall be regulated by the Statute.
- (4) The Commission shall review issues that refer to the relationships among the communities represented in the municipality and shall give opinions and propose ways for their resolving.
- (5) The Municipal Council shall be obliged to review the opinions and proposals from paragraph 4 of this Article and to make a decision with regards to them.

**Proposed changes** - Regulation of the certain aspects of the election of the members of Committee by the LAW instead of leaving total discretion to the municipal statutes:

- 1) CICR members to be elected by the Municipal Council following open competition – This will introduce transparency in the election of the CICR members and possibility respected persons devoted to building good inter-ethnic relations to apply for membership in this body
- 2) Introducing incompatibility between position member of the CICR and member of the Municipal Council – The past years practice showed that in some municipalities, members of the CICR were at the same time members of the Municipal council. That led to duplication of the debates from the council into the CICR or to bigger influence of these members on the work of CICR.
- 3) Increasing of the term of office of the CICR members in order to achieve continuity when the local bodies change due to the local elections. That means that the term of office of the CICR members will be 5 years, while the term of office of the Municipal council is 4 years.
- 4) Introducing deadline for the obligation of the Municipal Council to review the opinions and proposals of CICR - The municipal council should be obliged to review the opinions and proposals in written form from CICR within 15 days of its submission, or to the next Municipal Council meeting.
- 5) Introducing the obligation the Municipal Council to demand an opinion by the CICR for the decisions made with Badenter rule
- 6) Introducing rule that the president of CICR is representative of the community that is not majority in the municipality.
- 7) Enhancing the competences of the CICR by introducing the right of the CICR to give opinions and proposals on municipal budget, which should be considered by the Municipal council
- 8) Introducing the obligation of the municipal council to provide in the budget financial means for the work of the CICR.
- 9) Introducing regular communication between CICR and Parliamentary Committee for Inter-Community Relations by introducing obligation the CICRs at least three times per year to inform the Parliamentary Committee for Inter-Community Relation on the situation with the inter-ethnic relations in their municipalities.

Amended Article 55 from the Law on Local Self-Government with proposed solutions will be:

Article 55

(Commissions for Inter-Community Relations)

- (1) In the municipality in which more than 20% of the total numbers of inhabitants of the municipality determined at the last census are members of a certain community, a Commission for Inter-Community Relations shall be established.
- (2) The Commission from paragraph 1 of this Article shall be composed of an equal number of representatives of each community represented in the municipality.
- (3) The members of the Commission shall be elected by the Municipal Council for a term of five years on the basis of open competition announced by the Major of the municipality.
- (4) The manner of election of the members of the Commission shall be regulated by the Statute of the municipality.
- (5) The position member of the Commission is incompatible with the position Member of the Council of the municipality.
- (6) The Commission shall elect the President of the Commission among the members who belong to the community which is not majority in the municipality.
- (7) The Commission shall:
  - Review issues that refer to the relationships among the communities represented in the municipality and shall give opinions and propose ways for their resolving.
  - Give opinions on the proposed decisions which are adopted by the municipal council with majority of votes of the present council members belonging to the communities which are not majority of the population of the municipality and
  - Give opinions on the municipal budget
  - Give opinions on equitable representation in employment within the municipal administration and municipal public organisations and institutions
- (8) The Commission shall be obliged to deliver opinion for proposals from paragraph 7 to the municipal council within 7 days of receiving request for opinion.
- (9) The Municipal Council shall be obliged to review the opinions and proposals from paragraph 7 of this Article and to make a decision with regards to them within 15 days of their submission, or to the next Municipal Council meeting.
- (10) The Commission shall submit report to the Committee for Inter-Community Relations about the inter-ethnic issues regularly or at least three times a year: in April, August and December.
- (11) The municipal council shall be obliged to allocate budget for the work of CICR.

Amendment to Article 41 of the Law on Local Self-Government  
Current formulation of Article 41:

Article 41  
(Work of the meetings of the municipal council)

- (1) The Council can work if the majority of the total number of the members of the Council is present.
- (2) The Council decides with the majority of votes of the present members, if different majority is not provided by the law or the statute.
- (3) The regulations referring to culture, use of language and alphabet spoken by less than 20% of the citizens in the municipality, determining the coat of arms and flag of the municipality and their use, shall be adopted by the majority of votes of the present council members, within which there must be a majority of votes of the present council members belonging to the communities which are not majority of the population in the municipality.
- (4) Voting of the meetings of the council is public.
- (5) For every meeting the minutes are taken.

Proposed changes:

- 1) The municipal council should send the decisions that are adopted with Badenter rule to prior consideration and opinion by the CICR.

The amended Article 41 will be:

Article 41  
(Work of the meetings of the municipal council)

- (1) The Council can work if the majority of the total number of the members of the Council is present.
- (2) The Council decides with the majority of votes of the present members, if different majority is not provided by the law or the statute.
- (3) The regulations referring to culture, use of language and alphabet spoken by less than 20% of the citizens in the municipality, determining the coat of arms and flag of the municipality and their use, shall be adopted by the majority of votes of the present council members, within which there must be a majority of votes of the present council members belonging to the communities which are not majority of the population in the municipality.
- (4) Prior to adoption of the decision from paragraph (3) the Council must send the proposed decisions for consideration and opinion by the Commission of Inter-Community relations.
- (5) Voting of the meetings of the council is public.
- (6) For every meeting the minutes are taken.

To have a standardized section of the Municipal Statute – the part that relates to the work of CICR.  
Section to include:

- CICR membership open to all citizens;
- Defined and unified remuneration of ALL Commission members

Rulebook (Rules of Procedure)

One standardized Template to be adapted by municipalities.

Mayor to appoint one person from the administration to be responsible for the necessary logistics and administrative support for the work of CICR.
Administrator appointed by Mayor to be responsible for all proper documentation and record-keeping of all CICR meetings, activities, issues and accomplishments, electronic as well as physical records.
Physical transfer of all records and documentation from one CICR to another within 15 days of election of new CICR.
<b>Capacity Building</b>
Mandatory meeting of former and new CICR members within 15 days of election of new CICR mandate to transfer skills and give short overview of past activities and issues.
Training for <b>CICR and municipal administration</b> on visibility, communication and awareness-raising for the work and role of CICR.
Sharing of good practices between CICRs and fostering inter-municipal cooperation.
<b>Outreach of CICR: involvement of civil society and the citizens</b>
Formal partnership with a local NGO to support the work of CICR, to record and transfer knowledge to new CICR members, in cases where the municipality or CICRs are unable to do so.
CICRs to have standardized and unified procedure for direct complaints to be filed by citizens. Available and easy to fill forms available with the municipal administrator, citizen information center or municipal web-page.
Monitoring by local NGOs of the work of CICR – to be stated in the Rulebook. NGO representatives to be regularly present at CICR meeting and to have access to their annual program, annual report and work documents.
Citizens to be fully informed of the role and possibilities that CICR can offer to them and have clearly defined mechanisms and channels for uninterrupted and efficient communication with the CICR.



## About the Community Development Institute (CDI)

The CDI is civic association that has been operating for 15 years so far. Initially, it was established to address the inter-ethnic tensions in Tetovo region, and today operates in about 30 municipalities, including about 60% of total population of the country. The CDI's mission is to increase inter-ethnic understanding and tolerance and to improve the living conditions and citizens' standard of life. The primary target group are non-majority ethnic groups in the municipalities where the Ohrid Framework Agreement is implemented.

The project build-ups on previous efforts and actions by the CDI; since 2006 CDI has devoted part of its program to support the work of CICRs in the country, through various actions, such as capacity-building, workshops, coaching sessions, informative meetings and even financial support. Starting from 2009/2010 past year CDI's activities have taken turn into the policy realm in order to ensure long-lasting effect of the action.

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## Annex 14: On data collection

**Identified problem / challenge:** All OFA-R Working Groups are confronted with the entrenched problem of a lack of reliable, systematic and disaggregated data collection and processing, hindering realistic assessment, policy planning and progress in all the recognized focal areas of the OFA.

### **Proposed solution / strategy / intervention:**

In order to realistically assess and further plan OFA implementation and its modalities in all essential sectors there is an urgent need for a system of professional, objective, reliable and –most of all– disaggregated data collection and processing replacing the present ad hoc and incomplete collection by often relative amateurs.

Looking at the official state institution created with an eye to precisely that seems no more than logical, especially when it is working in close cooperation with EUROSTAT and has been tasked by the Law on State Statistics to implement its activities following the principles of neutrality, objectivity, professional independence, rationality and confidentiality.

Organizationally, the State Statistical Office (SSO) is upheld by various pillars, called sectors, within which further specialization is housed in departments. As such there is e.g. a National Accounts Sector, a Sector for Business Statistics or a Social Statistics Sector, within which you will find e.g. a Demography Department, a Labor Market Department, the Department for Living Standards, and so forth (see Appendix).

The proposal here is to erect a separate OFA Pillar within this structure, housing e.g. the Departments for Education, Languages, Equitable Representation, Decentralization, Anti-Discrimination and Smaller Communities, tasked with disaggregated data collection and processing in their specific areas of concern.

Their effectiveness will be considerably enhanced by the fact that the data sources they will be addressing (the so-called “reporting units” that can be Ministries, institutions, municipalities etc.) are legally obliged to “submit complete and accurate data within terms specified”, while in the case of “the data obtained from a reporting unit being not complete or accurate, the same reporting unit is obliged to supplement the incomplete data or correct those that have been found inaccurate”.

Additionally the “reporting units” are obliged to “keep adequate records of data they shall provide for statistical research” and “apply relevant valid standards in the managing of their administrative data sources”, assuring a certain trickle-down effect of quality standards guarded by EUROSTAT. This effect is additionally boosted by the fact of the SSO having regional departments in Bitola, Skopje, Tetovo, Ohrid, Veles, Kumanovo, Shtip and Strumica.

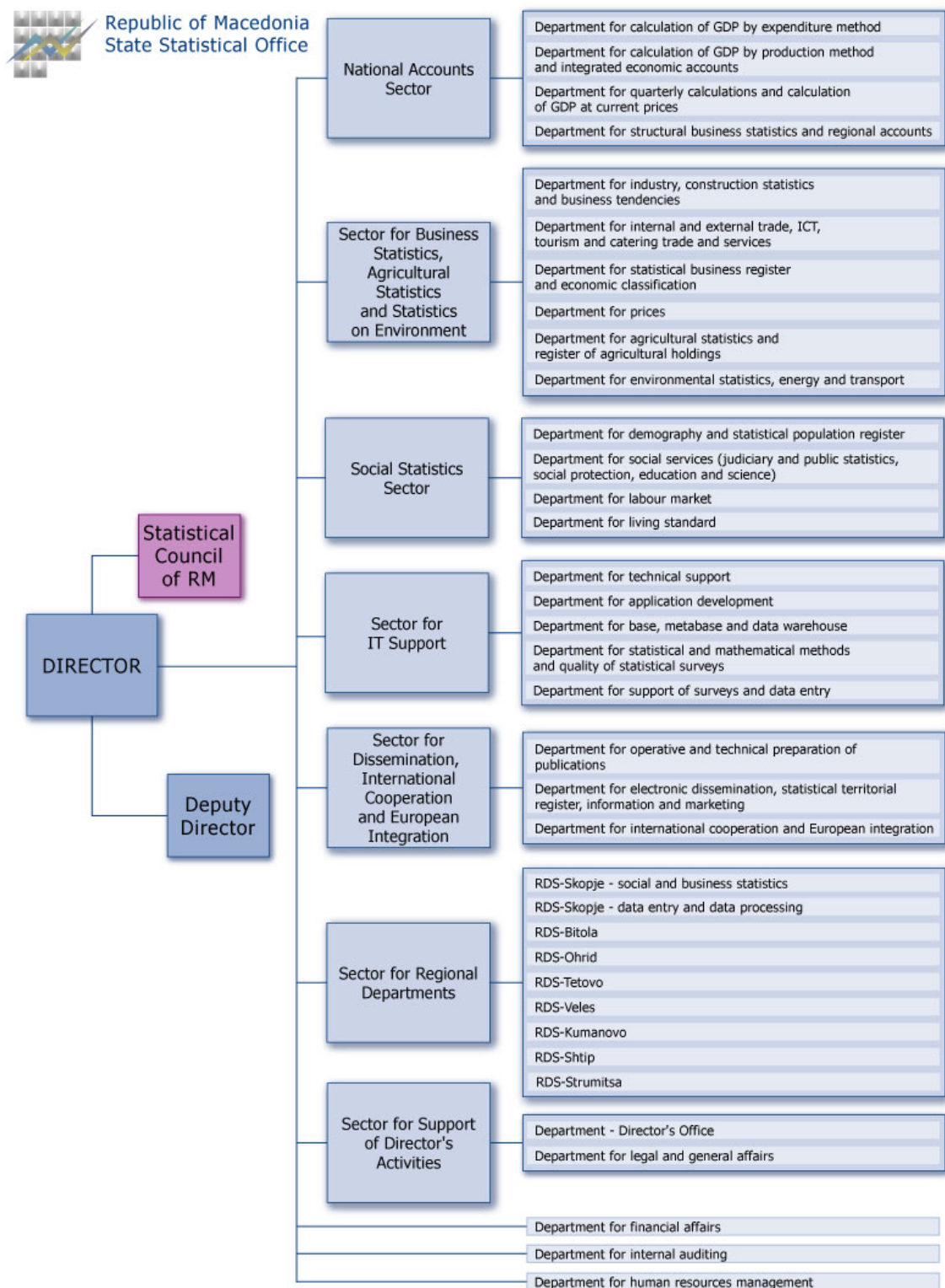
The establishment of an additional SIOFA Pillar within the State Statistical Office is considered to be able to structurally address the continual data collection problems encountered within all the focal areas of OFA implementation. Additionally, it opens up a possibility to address the ethnic balance within an institution that presently hardly can be considered a bastion of equitable representation.

With such a reputation being more than welcome for an institution in charge of highly sensitive operations touching on exactly that issue (like the 2011 Census that, in part, failed due to minorities’ distrust in this majority-dominated institution), erecting the SIOFA Pillar might serve many masters and should be seriously considered.

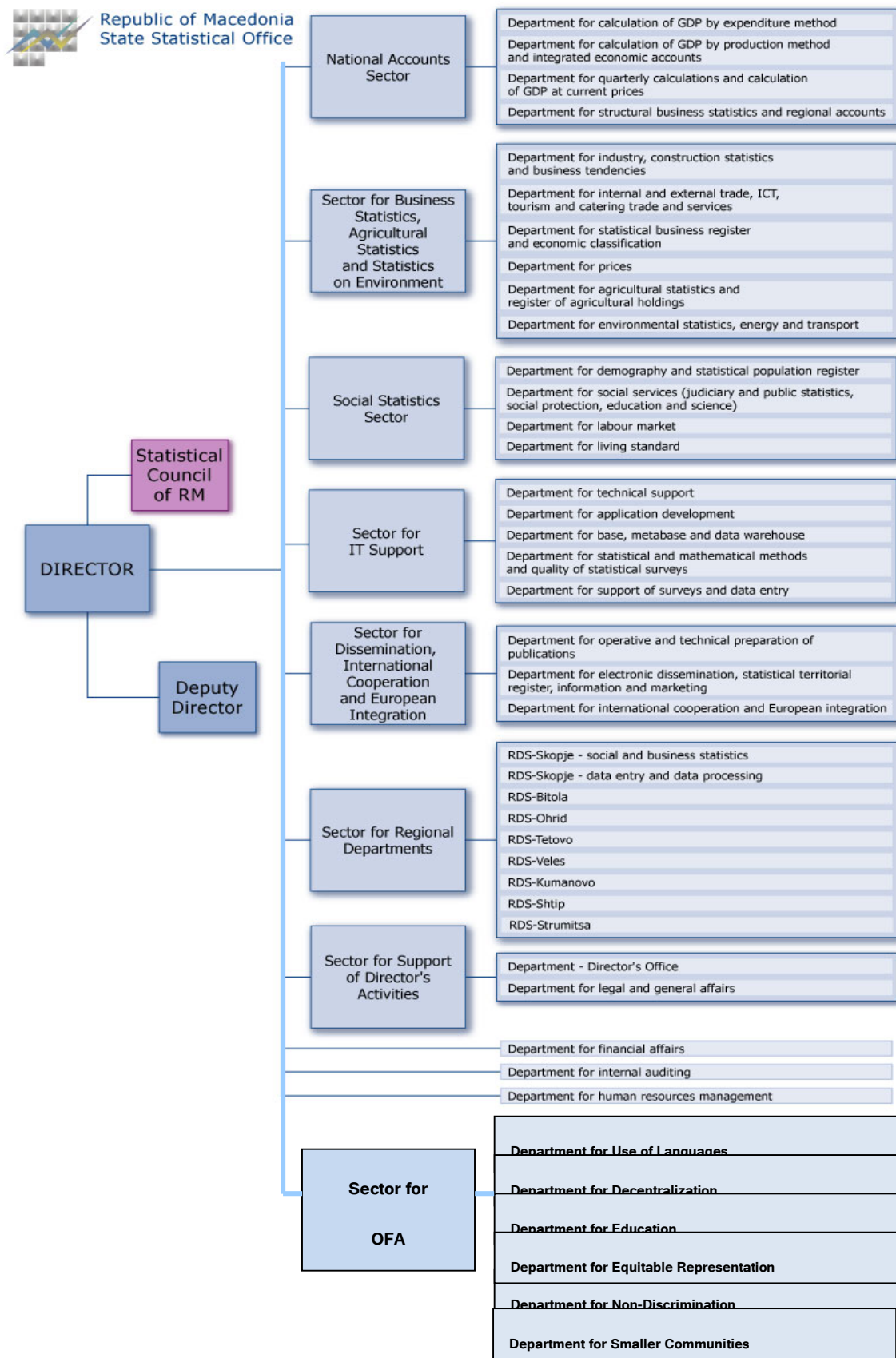
### **Concretely required action by what actors:**

- A government decision establishing an OFA Sector within the SSO
- A parliamentary majority accepting the legal amendments required for both that and the enhanced collection of disaggregated data it would require and imply
- State budgetary allocations enabling the establishment, possibly with financial support through IPA funds
- Expert support by EUROSTAT

## The Present State Statistical Office



## The Proposed Future State Statistical Office with an OFA Sector



## Annex 15: Selected preliminary key recommendations for further discussion

The table had been prepared to allow for discussions on a set of preliminary policy recommendations.

Main recommendations	Alternatives, additional policy recommendations
<p><b>1. More effective and equitable representation and fostering social cohesion in the work place</b></p>	
<ul style="list-style-type: none"> <li>Phase out the employment pool within SIOFA by transferring persons to all state institutions.</li> <li>Implement the methodology for equitable representation as foreseen in the Law on Administration and provide for the application of equivalent methodologies for all state institutions.</li> </ul> <p><i>Rationale:</i> increase the effectiveness of equitable representation and cost-effectiveness of the administration by ensuring that those employed are actually integrated into the workforce and have meaningful positions. This recommendation takes up a concern of the 2015 Progress Report: reduction of the number of public employees not required to turn up to work (p. 10)</p> <ul style="list-style-type: none"> <li>Within the testing, selection, employment and promotion procedures prominently include the <u>knowledge of other languages of non-majority communities, at central and local level</u>, (next to the Macedonian language) as valuable merit (at least on par with foreign languages), in particular for managerial positions.</li> </ul> <p><i>Rationale:</i> use the merit principle for improving the representativeness of the administration and its actual language capacities as basis of improved understanding and communication and element of social cohesion. This recommendation is in line with the focus 2015 Progress Reports on the merit principle in employment (p. 5, 10)</p> <ul style="list-style-type: none"> <li>Improve trust in the <u>judiciary</u> by fully ensuring the use of languages and by addressing the strong under-representation of non-majority communities, ensuring equitable representation without jeopardizing</li> </ul>	<p>Alternative</p> <ul style="list-style-type: none"> <li>In a longer-term perspective, make the basic knowledge of a second language spoken in Macedonia <u>mandatory for managerial positions</u> as well as for positions with frequent direct contact with citizens.</li> </ul> <p><i>Rationale:</i> use the merit principle for improving the representativeness of the administration and its actual language capacities as basis of improved understanding and communication and element of social cohesion. This recommendation is in line with the focus 2015 Progress Reports on the merit principle in employment (p. 5, 10)</p>



the merit principle, e.g. by additionally valorizing knowledge of languages spoken by non-majority communities and targeted affirmative action.

- Maintain an empty-chair policy for the judiciary if there are not enough qualified candidates from non-majority communities.
- *Rationale: Ensure equitable representation, access to justice, and a judiciary that is perceived as representative and non-biased by all communities.*
- OFA Article 8 establishes as a “fundamental value of the constitutional order of the Republic of Macedonia: equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life”. Extend the legal obligation to establish equitable representation of all communities(and affirmative action thereto) to large companies of national significance, public utilities (like water, electricity and telecommunication) or other firms operating under a government license as part of the conditions for licenses, certification and government tenders.

*Rationale: Broaden the application of the principle of equitable representation to the whole public sphere, as foreseen in the Ohrid Framework Agreement, including to companies with national licenses that provide services to the citizens.*

Alternatives:

- Encourage enterprises of national importance to adhere to the principles of equitable representation by establishing respective incentives or privileged / preferential status in licensing and tendering procedures for government contracts.
- Encourage enterprises of national importance to adhere to the principles of equitable representation, to adopt a code of conduct in relation to their human resource management.

*Rationale: Broaden the application of the principle of equitable representation to the whole public sphere, as foreseen in the Ohrid Framework Agreement, including to companies with national licenses that provide services to the citizens.*

## 2. Promoting social cohesion and respect for diversity in and through education

- Ensure that issues that are submitted to the Badinter procedure at the central level, also are submitted to Badinter at the local level, including education budget allocations

*Improve transparency and support local Parliaments as a forum for constructive political dialogue and representation, in line with comments in the 2015 Progress Report (p. 7, 8, 11). Education was included in Parliamentary Badinter for the centre but not at the local level which, now that education competences have been fully decentralized, might need correcting.*

- More transparent allocation of block grants for education from central to local level by introducing the central budget in Badinter(double

Alternative

- To include education budget allocations under the Badinter requirement at the local level.

Alternative:

- More transparent allocation of block grants for education from central

majority requirement) in parliament.

*Rationale: Improve transparency and support the central Parliament as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament in line with comments in the 2015 Progress Report (p. 7, 8, 11).*

- Take further concrete steps towards integrated education by introducing clearly earmarked and considerable budget lines thereto, focusing on structural government funding for curricular and extra-curricular activities fostering interaction and understanding among communities, as well for quality textbooks promoting the same.

*Rationale: Use education as a means towards social cohesion and ensure sustainable funding, in line with comments in the 2015 Progress Report (p. 60, 61)*

- Improve access to preschool education in line with EC Report levels, ensure equal opportunities for enrolment of all communities throughout the country. Transfer responsibilities for pre-schooling from the Ministry of Labour and Social Policy to the Ministry of Education.

*Rationale: Strengthen equal opportunities to quality education for all communities, including for preschool education in line with comments of the 2015 Progress Report (p. 66, 67)*

- Introduce for all children, in addition to their mother tongue, language instruction in at least one other language in official use somewhere in the country (without detriment to the knowledge of the Macedonian language). Adapt the training of teachers accordingly. Support the measure with sufficient information to parents and schools.

*Rationale: promote understanding and communication among communities for better social cohesion*

to local level by adapting the formula for block grants to reflect special needs of rural multilingual municipalities.

*Rationale: improve equal opportunities to qualitative education by addressing financial challenges faced in particular by rural multilingual units of local self-government units and promote social cohesion, in line with comments in the 2015 Progress Report (p. 7, 8)*

#### Alternative

- Provide structural government funding for curricular and extra-curricula activities fostering interaction and understanding among communities, as well for quality textbooks promoting the same.

*Rationale: Use education as a means towards social cohesion and ensure sustainable funding, in line with comments in the 2015 Progress Report (p. 60, 61, 66)*

#### Alternative:

- Improve access to preschool education in line with EC Report levels, ensure equal opportunities for enrolment of all communities throughout the country.

*Rationale: Strengthen equal opportunities to quality education for all communities, including for preschool education in line with comments of the 2015 Progress Report (p. 66, 67)*

#### Alternative:

- Provide opportunities and encourage all children to learn in addition to their own at least one other language in official use somewhere in the country.

*Rationale: promote understanding and communication among communities for better social cohesion*

#### Additional Policy Recommendations

- Prevent stereotyping and divisive content in textbooks by fully

implementing procedures for developing textbooks and consider including these procedures in a law instead of in secondary legislation. Ensure transparent selection of textbook authors. Review the quality of translations of textbooks. Ensure the printing of textbooks for numerically smaller communities, for instance by obliging publishing houses to also print small editions of textbooks.

*Rationale: ensure the means necessary for equal opportunities to qualitative education for all communities and use education for promoting respect for each other and social cohesion, in line with comments in the 2015 Progress Report (p. 61, 66).*

- Support joint programs and degrees among Macedonian universities, including bilingual degrees and promote mobility of university students to study in more than one language spoken by the communities in Macedonia

*Rationale: Use the existing language diversity in Macedonia as a comparative advantage and use mobility for better understanding among members of different communities, in line with the focus of the 2015 Progress Report on good inter-community relations and an inclusive multi-ethnic society (p. 8)*

### 3. Advancing the status and use of languages spoken by non-majority communities

- Adopt a new law on use of languages and with it clarify the Amendment V to Art 7 of the Constitution.

*Rationale: Fully implement the OFA and the constitution and acknowledge language as an important element of identity and as a tool for strengthening the identification with the state and fostering inter-community understanding.*

#### Alternative

- Allow all citizens to address central institutions in any centrally official language irrespective of their place of residence, providing for the translation of secondary legislation into Albanian, ensuring the automatic issuance of personal documents in the official languages for citizens of the Albanian community, allowing for the chairing of parliamentary sessions in Albanian, clarifying language provisions in the law of local self-government to include the City of Skopje, standardizing the use of official languages for all public signs, fully ensuring the use of languages in the judicial sector (**(See Appendix 2)**).
- Revising Article 4 of the 2008 Law on languages in line with the



- Establish regional centers of translators and interpreters to support local authorities remotely (through e-government).

*Rationale: provide a cost-effective and efficient support to local governments in fulfilling their citizens' language rights*

- Introduce separate, earmarked budget lines in the national budget, or an earmarked portion of the VAT collected in the units of local self-government, to enable the full implementation of the law on the use of languages in municipalities with more than one official language.

*Rationale: create the conditions for fully implementing the citizens' language rights*

constitutional provisions from Amendment V by lifting the territoriality principle, thus allowing all citizens to address central institutions in Albanian irrespective of their community size locally.

- Amend the Constitution in order to remove ambiguities and move towards more equality in the status of official languages.

*Rationale: Fully implement the OFA and the constitution and acknowledge language as an important element of identity and as a tool for strengthening the identification with the state and fostering inter-community understanding.*

Additional policy recommendations:

- Establish specialized certification for interpreters and translators as well as career opportunities within the administration **(See Appx 4)**.
- Introducing Vocational Training for Translators on the secondary level, embedded within existing local educational structures (like the Economy profile) in order to create a wide, cheap, mediocre -but functional- pool of generic translators available –and more likely to stay– at the local level
- Integrally incorporating specialized translation / interpretation within the existing regular curriculum of the faculty of philology, presently offering only a generic choice of becoming either a “language teacher” or “translator” without further specialization.
- Activating and/or more clearly profiling high quality and easily accessible post-graduate specializations within this faculty, and

consider extension to also the SEE and Tetovo University.

*Rationale: Create the conditions for fully implementing the citizens' language rights*

#### 4. Improving the implementation of the OFA and social cohesion for communities less than 20% of the population

⇒ Revert the Constitution's Preamble to the originally foreseen one in the OFA that emphasized civic identity instead of ethnic and refrain from mentioning only 7 communities by name.

*Rationale: Fully implement the Ohrid Framework Agreement and strengthen the civic identity of the country and its citizens.*

- Amend articles 41 and 55 in the Law on Local Self Government to address legal gaps in the framework regulating local CICRs to finally enable relevance to these potentially very effective conflict prevention and resolution tools on the ground.

⇒ In this process, capitalize on the existence of a Parliamentary CICR in the potential service of developing more constructive Interethnic Relations and foster a continual debate and consensus on Interethnic Relations and the integration of society, not just emergency interventions during tensions.

⇒ Consider broadening the composition of the Parliamentary Committee on Inter-community Relations (P CICR) in order to also provide room numerically smallest communities (Census category of "others").

*Rationale: Strengthen Parliament as a forum for constructive political dialogue and representation in line with comments of the 2015 Progress Report (p. 7)*

- Provide for equitable broadcasting of programs in the languages and interest of all non-majority communities as agreed in the working groups.

*Rationale: Ensure that public has access to objective and accurate reporting and a variety of viewpoints through the mainstream media, particularly the public*

Alternative

⇒ Enlarge the list of communities enumerated in the preamble in the Constitution while ensuring that the list is non-limitative.

*Rationale: Acknowledge all communities as equal parts of the citizenry of the country*

sector broadcasters in line with comments of the 2015 Progress Report (p. 21)

#### Additional policy recommendations:

- Remove administrative and other challenges (availability of teachers, lack of transport) to ensure that non-majority communities are able to fully exercise their right to mother-tongue instruction and culture

*Rationale: Ensure that non-majority communities are able to fully exercise their rights for the full implementation of the constitution.*

### 5. Advancing social cohesion by ensuring non-discrimination

- ⇒ Promote projects of social cohesion, reconciliation and confidence-building measures in different fields including in the most sensitive segments of society.
- ⇒ Regulate the status of all invalids and families of victims from the 2001 conflict in line with the first 2012 OFA Review report adopted by the government and the Progress Report.
- ⇒ Seriously address hate speech and hate crime by amending the Criminal Code's definitions and sanctioning, as well as the Law on audio and audio-visual services to include explicitly providing for authorization of the agency for these services to determine hate speech and impose an initial reprimand (and / or a fine) as well as to suspend broadcasting licenses after repeated reprimands/fines **(See Appendix 6)**.

*Rationale: Prevent and adequately prosecute hate speech and hate crime*

- ⇒ Strengthen the office of the Ombudsperson as well as the Anti-discrimination Commission, by increasing their resources and competences and by adopting legislation in line with the Paris principles, including the creation of secretariat services of the Commission. Ensure legal enforcement of the Ombudsperson's

#### Alternative

- Seriously address hate speech and hate crime by fully implementing the current legislation, by providing for the systematic data collection on cases, and adequate training for law enforcement, prosecutors, judges and media employees.

*Rationale: Prevent and adequately prosecute hate speech and hate crime as well as improve the knowledge on distinctions between hate speech and other forms of provocative language in line with comments in the 2015 Progress Report (p. 21, 58, 59)*

findings.

*Rationale: Strengthen institutions that help ensure the non-discrimination of citizens, in line with comments in the 2015 Progress Report (p. 56).*

Additional policy recommendations:

⇒ provide for gender disaggregated data on equitable representation and in other fields related to the implementation of the Ohrid Framework Agreement and on social cohesion.

*Rationale: Increase transparency, raise awareness and create the basis for non-discriminatory application of the principle of equitable representation*

## 6. Strengthening social cohesion through effective and equitable decentralization

⇒ Adoption of the central budget and the budget allocation to municipalities by double majority voting (the Badinter mechanism).

*Rationale: Improve transparency and support the central Parliament as a forum for constructive political dialogue and representation, enhance discussions on the budget in parliament in line with comments in the 2015 Progress Report (p. 7, 8, 11).*

⇒ Realize the legally foreseen 1% of GDP for regional development through the municipalities. Transfer of capital investments from central to LSGU to be realized via objective formulas that encompass the Index of Regional Development among other factors. Decisions for capital investments to be approved by the Council for Regional Development with Badinter (double majority) and ensure representation of the SIOFA in the Council.

*Rationale: Prevent arbitrary decision making in order to provide equal chance for application to the opposition municipalities and non-majority municipalities as well.*

⇒ Increase the total municipal expenditures to 14% of GDP (the average regional standard) while ensuring the increase of capacities of LSGU to collect local taxes.

⇒ Introduce a inter-municipal balancing methodology to reduce the

Alternative

⇒ Use the Badinter requirement for all budget decisions that are related to issues under the Badinter requirement

Alternative

⇒ Increase the share of VAT and/or Personal Income Tax allocated to units of local self-government.

development gap between different regions and urban vs rural municipalities.

*Rationale: allow units of local self-government to set their own policy priorities in line with effective decentralization, address the relatively low level of own funds of units of local self-government*

⇒ *Alternative:* increase the amount of financial resources available to units of local self-governments that are unconditional and non-earmarked so as to increase their space of discretionary decision-making.

*Rationale: allow units of local self-government to set their own policy priorities in line with effective decentralization, address the relatively low level of own funds of units of local self-government*

#### Additional Policy Recommendations:

- ⇒ Adjust the formula's for block dotations for the inflation rate of real expenses of the institutions
- ⇒ Ensure the availability of data disaggregated by sector and unit of local self-government for all grants and capital investments provided from central budget.

*Rationale: improve transparency as basis for accountability and as a prerequisite for monitoring the equitable distribution of public funds*

- ⇒ Introduce financial equalization mechanisms for units of local self-government that take the units' fiscal capacity and specific needs into account.

*Rationale: address the differences in capacity of different units of local self-government in order to provide for effective service-delivery throughout the country*

- ⇒ Starting in the area of culture, sports, and social protection of children of pre-school age, move from financing of institutions and facilities to financing of competencies.

*Rationale: allow units of local self-government to set their own policy priorities in line with effective decentralization*

- ⇒ Provide units of local self-government with the right to manage the agricultural land or introduce procedures of mandatory consultation of units of local self-government

*Rationale: allow units of local self-government to set their own policy priorities*

## 7. Strengthening the institutional set-up to further societal integration through comprehensive evidence-based policy-making with effective coordination and monitoring mechanisms.

- Centralize the entire monitoring and advancing of OFA implementation in all its main focal areas, and the development of an integration policy framework, into a single new Ministry on Political System and Inter-Community Relations (Министерство за политички систем и односи меѓу заедниците).

This new Ministry will fuse the SIOFA and Agency for Community Rights Realization (ACRR) and centralize the entire system of disaggregated data collection; the entire system of monitoring and effectuating equitable community employments in public administration; the entire system of monitoring, inspection and enforcement in all the OFA focal areas and the entire systemic need for developing viable integration policies in the spirit of the OFA. It is to fully and equitably represent and pro-actively include all communities; not limiting its scope or composition to non-majority communities only.

- Comprehensive and all inclusive debate about national symbols.

*Alternative, Instead of a ministry*

- Centralize the system of professional, objective, reliable and –most of all– disaggregated data collection and procession by establishing a separate OFA Sector with separate departments for Departments for Education, Languages, Equitable Representation, Decentralization, Anti-Discrimination and Smaller Communities within the State Statistical Office (SSO) and ensure the availability of such data to monitoring institutions as well as to the public (See Appendix 9).
- *Alternative:* clearly designate institution(s) for centralized and unified data collection to ensure continuous collection of disaggregated data, including gender disaggregated, as well as ensure the automatic/immediate availability of such data to bodies (SIOFA, ACRR, new Ministry) in charge of policy-making and monitoring.

*Rationale:* Increase transparency by the availability of data, in line with comments in the 2015 Progress Report (p. 10)

- Formalize a coordination mechanism / cooperation between SIOFA, ACRR, the General Secretariat and MISA.
- Provide clear tasking, mandates and deliverables to inspectorates of Ministries to inspect the implementation of all measures related to the Ohrid Framework Agreement and social cohesion in a non-politicized way.

*Rationale:* counteract the current weaknesses in the coordination and monitoring of the Ohrid Framework Agreement, by strengthening coordination, inspection, as well as the institutions currently involved in monitoring, in particular ACRR.

- Enlarge the mandate, increase resource allocation, staffing and support to the ACRR

*Rationale: Institutional strengthening in line with the comments in the Progress Report (p. 60)*

- Establish a central governmental unit (e.g. at the PM Office) to develop comprehensive policies promoting social cohesion and societal integration with clear definitions of roles and tasks, coordination and monitoring mechanisms, costing of measures, as well as targets and indicators for implementation.

*Rationale: Develop a common understanding and harmonized approaches for moving towards social cohesion in an effective and coordinated way.*