



European
Social
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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

29/10/2012

RAP/Cha/FYROM/VI(2012)Add

EUROPEAN SOCIAL CHARTER OF 1961

REPLY TO SUPPLEMENTARY QUESTIONS

5th National Report on the implementation of
the 1961 European Social Charter

submitted by

**THE GOVERNMENT OF “THE FORMER YUGOSLAV
REPUBLIC OF MACEDONIA”**

(Article 1§2
for the period 01/11/2009 – 31/12/2010)

Report registered by the Secretariat on 6 September 2012

CYCLE XX-1 (2012)



REPUBLIC OF MACEDONIA
**MINISTRY OF LABOUR
AND SOCIAL POLICY**

No. _____

Skopje, September 5, 2012

To : COUNCIL OF EUROPE

Secretariat General

Directorate General - Human Rights and Rule of Law

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER

AND THE EUROPEAN CODE OF SOCIAL SECURITY

Attn. Mr. Régis Brillat, *Head of the Department*

F-67075 Strasbourg Cedex

Subject: Reply to the additional questions in respect to the 5th Report on the implementation of the ESC submitted by the Republic of Macedonia

Dear Mr. Brillat,

In reference to your letter ESC 170 HK/CT, sent to the Ministry of Labour and Social Policy, with the additional questions addressed by the European Committee of Social Rights, in respect of the fifth Report on the implementation of the European Social Charter, submitted by the Republic of Macedonia, hereby we submit the following reply, prepared in consultation with the Ministry of defense :

Article 1§2

Q1: What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?

R1: According to Article 40 of the Law on Military Service in the Army of the Republic of Macedonia (ARM), published in the "Official Gazette of RM" No.36/10, dated 15.03.2010, for the category of active military personnel (officers and NCOs) and (civilians employed for duties in the ARM), there is no minimum period of service, as they are employed in the ARM on an indeterminate basis.

The professional soldiers are hired part time and there is a minimum period of 3 years service. Depending on the achieved results and the needs of the appropriate branch or service, the employment contract with the professional soldiers can be extended several times, until they reach the age limit of 45 years of age.

The cadets who are educated at the Military Academy are taken in the Military Service on an indeterminate basis after their graduation; However the minimum period of service is twice the duration of their education (the first cycle of studies at the Military Academy lasts for 4 years)

Q2: Are there circumstances, such as specialized training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

R2: According to the Law on Military Service in the ARM ("Official Gazette of RM" No.36/10), Article 214, the mandatory minimum period of service after completion of their education and training (depending on the duration of the vocational training and development) for the military and civilian personnel designated to attend courses abroad (academic, vocational and specialized) for the requirements of their service in the ARM, is three times longer than the duration of the professional development and training, but not more than 10 years. After completing their education, the persons can leave the service, but on the condition (which is subject to the internal agreement with the Ministry of Defense for their education) to compensate the overall damage in the amount of the paid compensation for the expenses.

This enables continuous professional development of staff in the army and the Ministry and the necessary capacity building to cope with the new contemporary challenges in the field of defense.

We expect that the presented information will be taken into consideration by the European Committee of Social Rights' experts and will provide for a realistic analysis and examination of the situation in the Republic of Macedonia and a proper assessment in relation to the compliance with the accepted provisions of the European Social Charter, which will be published in the upcoming Conclusions 2012.

Yours sincerely,

MINISTER
Spiro Ristovski

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

ESC 170
HK/CT



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Mr Darko Docinski
Head of the Unit for EU Integration and
Accession Negotiations
Department for European Integration Ministry
of Labour and Social Policy
The former Yugoslav Republic of Macedonia

Strasbourg, 14 June 2012

Dear Mr Docinski,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to The Former Yugoslav Republic of Macedonia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*