

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Comments of the Government of North Macedonia on the Fifth Opinion of the Advisory Committee on the
implementation of the Framework Convention for the Protection of National Minorities
by North Macedonia**

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**Republic of North Macedonia
Ministry of Foreign Affairs**

**Comments of the Government of the Republic of North Macedonia on the Fifth
Opinion of the Advisory Committee on the implementation of the Framework
Convention for the Protection of National Minorities by North Macedonia**

Introduction

The Government of North Macedonia highly values the work of the Advisory Committee in ensuring the full implementation of the Framework Convention for the Protection of National Minorities and in monitoring the performance of its States parties in that regard. The national authorities appreciate the constructive exchange with the Advisory Committee before, during and after their visit to North Macedonia carried out from 8 to 12 November 2021 and look forward to continued dialogue and cooperation.

The Government welcomes the 5th Opinion of the Advisory Committee and appreciates the amount of work the Committee has put into it.

Over the years and since the 4th cycle of monitoring, a variety of actions have been taken to improve the protection and the status and participation of persons belonging to the ethnic communities in all spheres of life in the Macedonian society. It is encouraging to find appropriate references to those achievements and positive developments in the 5th Opinion of the Advisory Committee, as well as recognition of the progress made both at legislative and policy level. The Government will endeavour to reflect upon the Advisory Committee's opinion further and, where possible, will consider it during the development of activities for further improvement of the practical implementation of the legislation and policies in this field.

The following comments of North Macedonia on a number of findings and recommendations contained in the Opinion of the Advisory Committee have been coordinated by the Ministry of Foreign Affairs, in cooperation with the relevant ministries and other state institutions involved in the implementation of the Framework Convention. We note for the record that the lack of comments on any other issue may not be interpreted to mean that we vouch for the factual accuracy of all parts of the opinion.

-On page 4, paragraph 7, in the segment on **media**, the Agency for Audio and Audio-visual media services considers that after the first sentence "A public radio and TV channel each was established broadcasting fully in Albanian, resulting from the previously existing channel for all minorities", the following clarification should be added "These came as an addition to the 24-hour satellite channel in the Albanian language, which exists within the Public Service since 2012."

Also, in paragraph 80 on page 15 under **Media in minority languages** (Article!9), after the sentence "The second TV channel, which used to broadcast in the languages of all six recognised minorities, is now fully in Albanian." the following sentence should be added: "Prior to that, a 24-hour satellite channel in Albanian was established within the Public Service in 2012"

- In the segment on **education**, in paragraph 9 on page 4, these clarifications were made: In North Macedonia, according to the curriculum and the Concept of Primary Education, there are elective subjects that offer the study of the languages of persons belonging to communities such as the Language and Culture of Bosniaks, Vlachs, Roma, Serbs, and Turks. They are studied from the third grade and if selected, they are studied until the ninth grade. The number of classes per week is one in the third, and from the fourth to the ninth grade two classes per week. They are graded and entered in the final average of the pupil's overall grades.

Access to rights-risk of statelessness (Article 4) Paragraph 43 and 44

In accordance with the amendments to the Law on Citizenship of the Republic of North Macedonia adopted and published in the Official Gazette of the Republic of North Macedonia no.174/21, former Yugoslav citizens who resided in the country until 8 September 1991, i.e. until the declaration of independence of the then Republic of Macedonia, were given the opportunity to regulate the citizenship status by meeting the legally established conditions.

On the other hand, for persons without citizenship, the legal norm for obtaining citizenship of the Republic of North Macedonia is laid down in Article 7a of the law under which: "Citizenship of the Republic of North Macedonia by naturalization may be acquired by a person without citizenship or with recognized refugee status, if, from the establishment of statelessness i.e. recognition of refugee status up to the application for citizenship, legally and permanently lives on the territory of Republic of North Macedonia for at least six years, have not been punished in the Republic of North Macedonia with a sentence of at least one year in prison, for acts prosecuted by official duty and that are punishable under the regulations in the Republic of North Macedonia, there is not instigated criminal procedure against him/her in the Republic of North Macedonia and if she/he meets the conditions of

Article 7 paragraph 1 points 1,3,6,7,8 and 9 of this law." Under Article 7a of the Law on Citizenship of the Republic of North Macedonia, a total of 11 people of Roma nationality acquired citizenship, while for 7 persons the proceedings are underway.

The Ministry of Interior ensures an impartial and objective application of laws and other regulations, allowing citizens and legal entities to protect and exercise the rights established by law. The ministry is fully transparent to all citizens and foreigners regardless of national or other basis, including members of Roma nationality, in order to effectively, impartially and professionally carry out its task. At the same time, the new Law on Prevention and Protection against Discrimination adopted in 2020, is applied and mandatory for the state authorities in order to ensure the principle of equality and prevention and protection against discrimination on various grounds, in the exercise of human rights and freedoms.

- Regarding **Protection from hate crime and hate speech (Article 6), paragraphs 62-63**, the Ministry of Justice pointed out the following:

At the meeting held with the Delegation of the Advisory Committee on 12 November 2021, the representative of the Ministry of Justice presented statistical data on the number of convicted persons for the offences of hatred and types of sentences. Additionally the Ministry has provided a tabular overview containing statistical data on convicted persons with final conviction for hate crimes for the period from 2018-2020 by the courts in North Macedonia.

Along with this correspondence, the MoJ pointed out as an example of good practice, the handling of the Public Prosecutor's Office in Kichevo, which informed the Ministry about the following:

"For the indicated period, 10 indictments were filed, out of which 8 indictments are for the criminal offense Endangering security under Article 144 paragraph 2; 1 indictment is for the crime of Sexual assault on a child under 14 years of age under Article 188 paragraph 1, and one indictment for the crime of Murder under Article 123 paragraph 1 in connection with Article 19 of the Criminal Code.

For the criminal offense Endangering security under Article 144 paragraph 2, 3 penalty orders and 5 indictments were submitted and convictions were passed for all of them, 7 convictions were suspended, while 2 convictions involved prison sentence. The motivation for prejudice in all these cases is gender affiliation.

For the criminal offense of Sexual assault on a child under 14 years of age, under Article 188 paragraph 1, 1 indictment has been filed for which a first-instance conviction with imprisonment has been passed and the case is in the stage of appeal procedure. The motivation for prejudice in this case is ethnic affiliation.

For the criminal offense of Murder, under Article 123 paragraph 1, in conjunction with Article 19 of the Criminal Code, 1 indictment has been filed and the case is being tried before a competent court. As a motivation for prejudice in this case is revenge."

• Regarding **Law enforcement and respect for human rights (Article 6) paragraph 76** of the opinion which mentions racial profiling against Roma at the exit from the territory of North Macedonia, the Ministry of Interior reiterates that in the treatment of all persons at border crossings both national legislation and international conventions to which North Macedonia is a party, are decisively respected and there has been no recent case in the border area in relation to discriminatory behavior towards any individual member of a particular ethnic group, if all travel conditions are met by the person. The Border Control Act contains a separate article governing precisely this procedure, i.e. Article 8 "Respect for human dignity" which states:

"In carrying out border control, police officers are obliged to fully respect human dignity. All powers assumed by police officers during the exercise of border control should be proportionate to the goal for which they are taken.

During border control, police officers must not discriminate against gender, racial or ethnic belonging, skin color, age, nationality, social origin, religious belief, disability or sexual determination, property or social position.

Action in all segments, starting from border checks, border surveillance, fight against cross-border crime and illegal migration, risk analysis, training and cross-border police cooperation are in line with European standards and respect for fundamental rights. Protecting the vulnerable categories of persons, including unaccompanied minors, is one of the priorities of Mol, regardless of their status. During the border control, one of the basic principles according to which the police officers work is protection of human rights, human dignity, as well as the prohibition of discrimination, i.e. in accordance with the Law on Border Control ("Official Gazette of the Republic of Macedonia" no. 171/10, 41, 14, 148/15, 55/16 and 64/18), police officers must not discriminate on the basis of sex, race or ethnicity, social origin, religious belief, disability or sexual orientation, property and social status. The prohibition of discrimination both in the national legislation and in accordance with the international conventions ratified by North Macedonia are mandatory, and so far no case of a member of the Roma community, a vulnerable category of person who was not allowed to leave the territory of North Macedonia, has been registered.

According to the training program for police officers in the border police, which is in accordance with the FRONTEX Training Program, continuous training of these police officers is provided, with all forms of racial, gender, ethnic, religious and other forms of discrimination and disrespect of human rights by the border police is excluded, i.e. not allowed.

**-Use of minority languages in contact with administrative authorities and the judiciary (Article 10)
Paragraph 87**

The Ministry of Interior has been issuing bilingual ID cards and travel documents in a language spoken by at least 20% of citizens and its letter for years. At the same time, persons belonging to other ethnic communities until 2021 had the opportunity to obtain personal documents by writing their personal name in the language of the ethnic community, while the Rules amending and supplementing the Rules on Travel Document patterns and visas of citizens of the Republic of North Macedonia on the manner of photographing and taking a signature for travel documents and keeping records ("Official Gazette of the Republic of North Macedonia" No.161/21") were given the opportunity for issuance of a travel document in a language other than the Macedonian and spoken by less than 20% of the citizens of Republic of North Macedonia.

**-Equal access to education (Article 12)
Paragraph 107**

The proactive attitude of the teachers, mentioned in this paragraph, is not an ad hoc solution, rather a systematic one. Namely, the new Law on Primary Education stipulates the following

Article 63

(6) The competent authorities in the local self-government unit, who keep records about permanent and temporary residents, shall provide the school with the list of children from the area to be enrolled in primary school.

(7) The local self-government units shall receive the list from paragraph (6) of this Article from the competent authority that keeps the birth and death certificates of children, as well as from the competent authority that keeps records about citizens who move outside the country.

(8) The list from paragraph (6) of this Article shall include the name of the child, name of one of the parents i.e. guardians, surname of the child, date of birth of the child, address of residence in the country, that is, whether the child is outside the country.

Article 64

(1) The primary school shall be obligated, within three days from the end of the previous month, to notify the authorized municipal education inspector or the state education inspector in municipalities without authorized education inspector about all children who were not enrolled in first grade until 20 June, and about students with unexcused absence from school longer than one month.

(2) The school shall be obligated to take activities to enroll the students who were not enrolled in primary school in accordance with Article 60 paragraph (4) of this Law.

(3) The activities from paragraph (2) of this Article **to be taken by the school.** are as follows: **home visits to families whose students are not enrolled.** that is, students with unexcused absence from primary school for more than a month, cooperation with civil organizations that work on addressing discrimination, segregation and isolation, education for parents i.e. guardians, open day in the school.

Paragraph 109

Regarding the impact on school closures on Roma pupils, the Ministry of Education provided the following clarification.

In primary education during the pandemic, 1551 Roma children attended online learning, while the pupils who did not attend online learning were receiving written materials from their schools or TV classroom. The process was in two directions, when they were receiving written materials they were also submitting back their homework, so the teachers could follow up their work. Based on their homework, the pupils were being followed up by the teachers and some of them were invited to schools in order for the teachers to be able to evaluate their work and their progress. Teachers evaluate according to the Instruction for teachers on the way of assessment of students · in the period of realization of teaching through distance learning, done in accordance to the prescribed protection protocols.