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EUROPEAN SOCIAL CHARTER

3rd National Report on the implementation of
the European Social Charter

submitted by

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

- Article 1, 15, 20 and 24 for the period
01/01/2011 - 31/12/2014
- Complementary information on Article 6§1
(Conclusions 2014)

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REPUBLIC OF MACEDONIA

MINISTRY OF
LABOUR AND SOCIAL POLICY

THIRD REPORT
ON THE IMPLEMENTATION OF THE
REVISED EUROPEAN SOCIAL CHARTER

Submitted by

The REPUBLIC OF MACEDONIA

(Articles 1, 15, 20, 24)

Skopje, October 2015

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INTRODUCTORY NOTE

Republic of Macedonia ratified the Revised European Social Charter on 06.01.2012.

Therefore, in accordance with Article C and Article 21 of Part IV of the Charter, Republic of Macedonia hereby submits its third Report on Implementation of the Ratified Provision of the Revised European Social Charter (1996).

The Report is prepared in terms with the new reporting system adopted by the Council of Europe's Committee of Ministries that is applied since October 31, 2007.

This Report covers the manner of implementation of the obligations undertaken by the Republic of Macedonia regarding the members of the *Employment, Training and Equal Opportunities* Theme Group as follows:

Provisions	Reference reporting period according the European Social Charter (ESC) and the Revised Charter (RESC)
Article 1 par. 1	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 1 par. 2	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 1 par. 3	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 1 par. 4	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 15 par. 1	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 15 par. 2	1/1/2011-29/2/2012 by ESC and 1/3/2012-31/12/2014 by RESC
Article 20	1/3/2012-31/12/2014 by RESC
Article 24	1/3/2012-31/12/2014 by RESC

Copies from the prepared Report in accordance with Article 23 of Part 4 of the Revised European Social Charter are delivered to the relevant national employer's organizations and trade unions as follows:

- *Federation of Trade Unions of Macedonia;*
- *Confederation of Free Trade Unions of Macedonia;*
- *Employer's Organization of Macedonia.*

ARTICLE 1 - The Right to Work

Article 1§1

With a view to ensuring the effective exercise of the right to work, the Parties undertake to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment.

Employment Condition

Movements on the Labour Market and Challenges

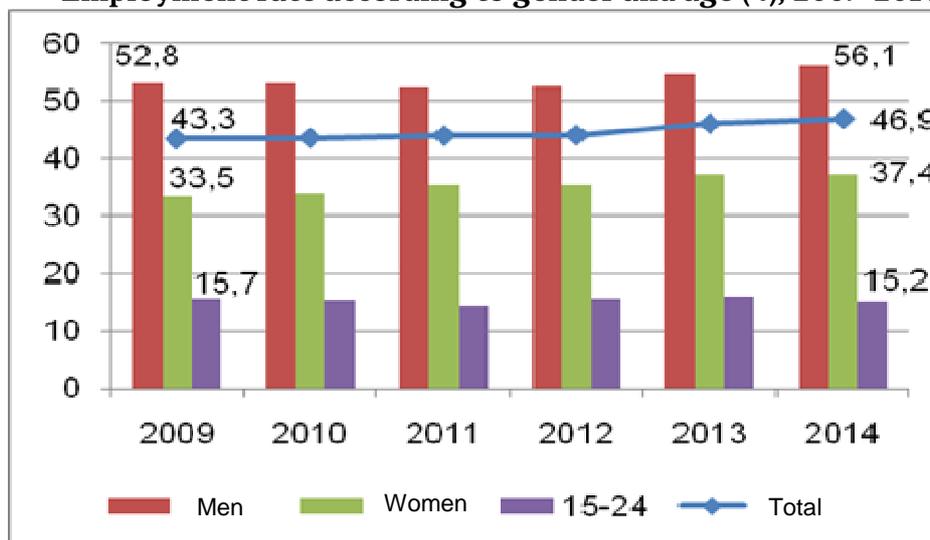
1.1. Employment

The number of employed people in Republic of Macedonia increased for 62,3 thousand or 10% in the period between 2009 and 2014. The average annual growth rate of employed is 1.9%. In 2014, the employability rate of the population between the age of 15-64 is 47%. The employment rate increased for 8% or 3.6 percentage points in the period 2009-2014. However, it still remains on a low level and refers to insufficient utilization of the work force as developmental potential.

The gender gap in employability is quite high. The employment rate in men (56% in 2014) is 50% higher than in women (37.4%). Nevertheless, the employment rate in women increased for 11%, and 6% in men, which led to decreased o the gender gap in the period from 2009 to 2014.

Chart 1

Employment rate according to gender and age (%), 2009-2014



Source: State Statistical Office, Work Force Survey

The youth employment rate is low: only 15% of the youth aged 15-24 are employed. One of the reasons for that is the low activity of young people that mainly is a result of participation of the educational system which is mandatory until finishing secondary education.

The employment rates are progressively increasing with the increase of the level of education. Thus, in 2014, the persons with higher education hold an employment rate of 69%, those with secondary education – 52.5%, and those with elementary education – 30%.

Table 1. Employment rate by level of education, (%), 2009-2014						
	2009	2010	2011	2012	2013	2014
Elementary education	27,2	26,6	27,3	25,7	28,4	29,9
Secondary education	49,9	49,9	49,4	50,1	52,4	52,5
Higher education	70,6	70,7	68,6	68,1	67,5	69,1

Source: State Statistical Office, Work Force Survey

The employment rate has the highest degree of increase with the persons with elementary education (almost 10%); the employed rate is increased for 5% in those with secondary education and decreased for 2% in persons with higher education. These changes in the employment rate according levels of education are result of the movements in both supply and demand side of the work force. In terms of the demand, the number of vacancies (employed persons) with elementary education is decreased for 1% between 2009 and 2014.

At the same time, the number of vacancies for persons with secondary education increased for 11%, and for persons with higher education for 21%. But the supply of persons with higher (and secondary education) increased even more so the employment rate of these persons is decreasing. For instance, the number of graduated student who enter the labour market and seek employment doubled between 2005 and 2012.

Regarding the employment according the economic status, workers (73.8%), self-employed (13.7%), unpaid family workers (8.6%) dominate and employers are the least present (3.9%).

Table 2. Employment according economic statuses and vulnerable employment (in thousands) 2009-2014							
	2009	2010	2011	2012	2013	2014	Structure 2014 (in %)
Employed	623.1	630.1	638.9	643.5	673.0	685.4	100.0
Workers	452.7	455.6	462.5	475.0	487.8	505.9	73,8
Employers	32.4	34.2	36.4	30.9	31.5	26.9	3,9
Self-employed	76.0	79.3	81.3	84.5	94.9	93.6	13,7
Unpaid family workers	62.0	61.0	58.7	53.1	58.8	59.1	8,6
Vulnerable employment	138.0	140.3	140.0	137.6	153.7	152.7	
Vulnerable employment (%)	22.1	22.3	21.9	21.4	22.8	22.3	

Source: State Statistical Office, Work Force Survey

Participation in the so called employment in the total employment is around 22% for the entire period from 2009-2014. According the international standards, vulnerable employment is the employment as unpaid family worker and self-employment which is considered to arise from necessity and not from a good business idea. On global scale, the vulnerable employment is higher in women, while in Republic of Macedonia it is equally distributed among genders.

There is a certain deceleration in the growth of new employments in 2014. Namely, the participation of persons who found employment in the last 12 months in the total number of persons employed in 2014 is 10.7% (while in the previous years is over 12%). Additionally, the largest number of the new vacancies is continuously intended for workers (rate of new employments of 13%), monitored from the unpaid family workers and self-employed. Contrary to the expectation and governmental policies on encouraging of self-employment, large decrease of new employments through self-employment is noticed.

Table 3. Persons employed in the last 12 months (% of total number of employed), according the economic status						
	2009	2010	2011	2012	2013	2014
Employed	13,4	12,7	13,0	12,8	12,2	10,7
Workers	15,4	14,8	15,0	15,1	14,9	13,0
Self-employed	8,3	7,1	8,1	6,4	5,3	4,0
Unpaid family workers	7,7	7,5	6,9	6,3	4,8	4,5

Source: State Statistical Office, Work Force Survey

Part-time employment has relatively moderate presence in Republic of Macedonia. In 2014, 5.8% of employed persons were part-time employed. 6.3 % of men and 4.9% of women are part-time employed (in 2009 women prevailed in this typed of work). The part-time employment is positive, on one hand, because it provides chose and flexibility to the employment but, if not voluntary, it means vulnerability of the labour market (and underemployment) on the other hand. Around 40% of the respondent in the 2014 Work Force Survey state that they are part-time employed because they cannot find a full-time employment, while 25% of women are part-time employed due to the family obligation and care for children and adults.

Table 4 shows the structure of employment in 2014 according to occupation. The elementary occupations (21%) dominate in the total number of employed, hospitality and sales workers (16%), handlers and assemblers of machines and plants (14.6%), experts and scientists (13.5%) etc. Thus, there are large gender differences in the employment structure according to occupation especially in: experts and scientists, occupations related to non-industrial manner of work in production, professional agricultural workers etc.

Table 4. Employment structure according to occupation and gender, 2014

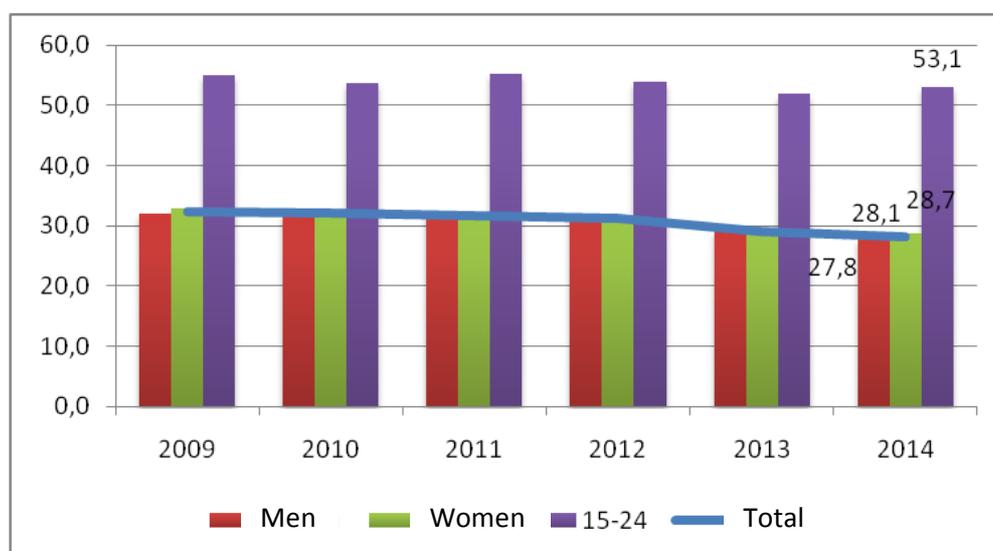
Occupation	Total	Men	Women	EU-28
Members of law-enforcement and executive bodies, state functionaries, managing civil servants, diplomats and directors	4,1	4,8	3,0	5,8
Experts and scientists	13,5	9,9	19,2	18,6
Technicians and related workers	8,8	7,9	10,4	15,9
Officers	5,7	4,7	7,2	9,8
Hospitality and sales workers	16,1	15,9	16,4	17,0
Professional agricultural workers	4,0	5,2	2,2	3,6
Occupations related to non-industrial manner of work in production	11,5	16,6	3,7	11,9
Handlers and assemblers of machines and plants	14,6	14,0	15,5	7,4
Elementary occupations	20,8	19,8	22,3	9,2
Military occupations	0,8	1,2	0,2	0,6

Source: State Statistical Office, Work Force Survey Data refer to all employed according the Survey with exception to the unpaid family workers.

Compared to EU countries, the participation of low level occupations in the total employment in Macedonia is very high in terms of the EU-28 average. 36% compared to 17% of employment. On the other hand, the participation of employment in high level occupations (first three groups of occupations) in Macedonia is significantly lower compared to EU-28: 19% compared to 41% of the total employment.

1.2. Unemployment

Republic of Macedonia is facing a high unemployment rate, which continuously decreases, but with slow dynamics. The unemployment rate in 2014 was 28% (compared to 32.3% in 2009). The unemployment almost equally strikes both genders.

Chart 2 Gender Unemployment rate, 2009-2014

Source: State Statistical Office, Work Force Survey

The unemployment rate decreases with the level of education. However, due to the trends stated (high demand increase of persons with higher education), the unemployment rate of persons with higher education increases.

Table 5. Unemployment rates according to education, 2009-2014						
	2009	2010	2011	2012	2013	2014
Elementary and lower education	39,2	39,8	38,2	38,6	34,8	32,7
Secondary education	32,3	32,1	31,6	31,4	28,8	28,3
Higher education	21,3	21,8	23,0	22,4	23,5	22,5

Source: State Statistical Office, Work Force Survey

Youth unemployment rate is high, 53% in 2014. From practical point of view, every other young person who seeks employment is unsuccessful in that. The long-term employment is also present among youth: around 80% of the youth seeks employment for than 1 year.¹ Thus, the average time for transition from school to work of the youth is 6 years (71.6 months).

The low rate of new vacancies and static labour market results in high long-term unemployment. In 2014, 83.2% of unemployed were seeking employment longer than 1 year, and over 50% were seeking employment longer of 4 years. The last category of persons is probably discouraged workers, inactive people or part of the informal economy.

The decreased unemployment also led to decrease of the number of people who live in households without any employed. This number significantly decreased to 16300 young people (0-17) and 13800 (18-59) in 2013.

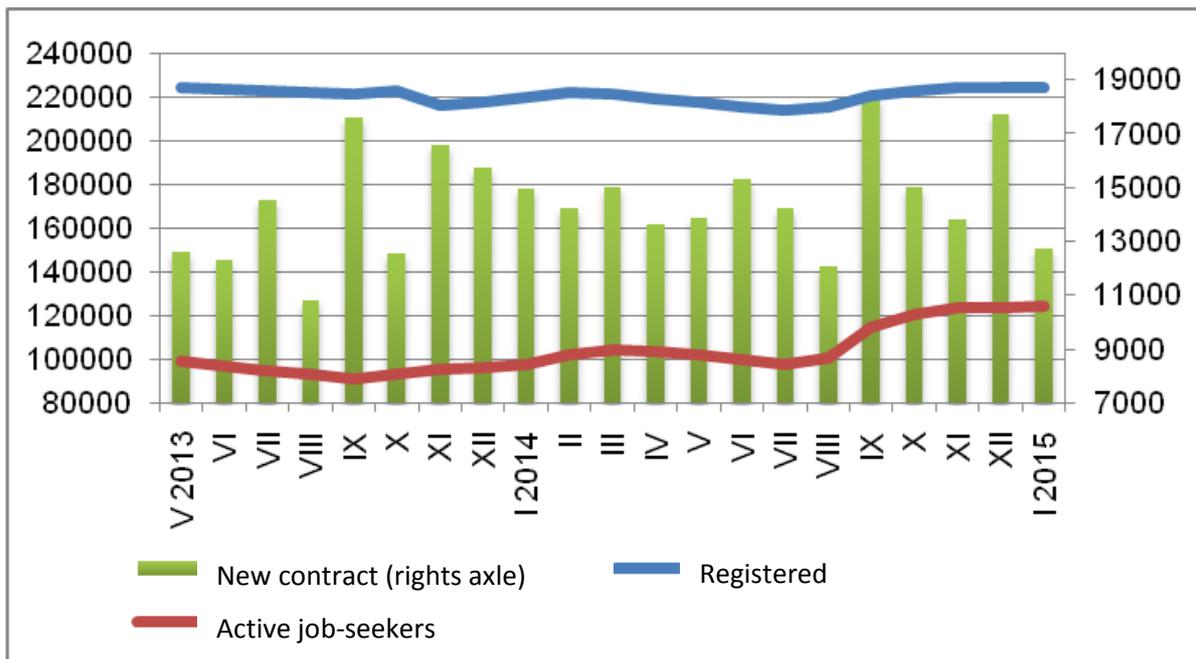
Table 6. Participation of persons who live in household without any employed, according to aged groups (in thousands), 2009-2013						
Age groups	2009	2010	2011	2012	2013	2014
0-17	19,2	21,4	22,3	21,3	16,3	15,7
18-59	16,1	16,6	17,3	16,4	13,8	13,0

Source: State Statistical Office, Work Force Survey

Around 220 thousand people are recorded in the Employment Service Agency of Republic of Macedonia as unemployed. 56% of them (in March 2014) were recorded as active job-seekers while the remaining unemployed are inactive job-seekers.

¹ Elder, S. Novkovska B., and Krstevska V. (2013) Transfer from school to work of youth in Republic of Macedonia. International Labour Organization

Chart 3 Registered unemployment and newly concluded employment agreements



Source: Employment Service Agency of Republic of Macedonia, www.avrm.gov.mk

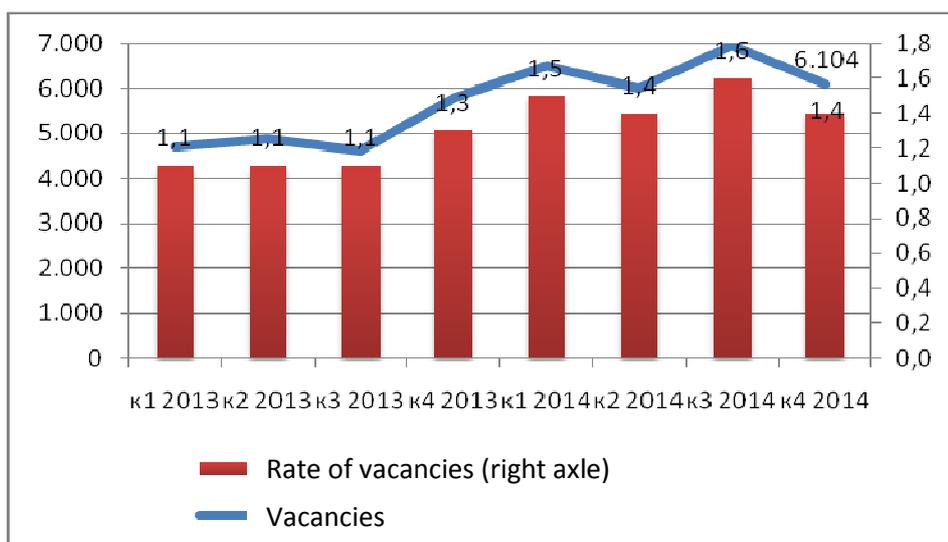
The registered unemployment is sensitive to the benefits received by the unemployed as well as to the obligations in accordance to the legal regulations. Hence, after a longer period of decrease in the number of job-seekers, the law amendments, that introduced the obligation for all social welfare beneficiaries to be registered as unemployed (as proof for their active job seeking), led to high increase of the number of job-seekers in just two months (September and October 2014).² The utilization of the Employment Services Agency of Republic of Macedonia as a method of seeking employment is in constant decrease. If 82% of the unemployed in this country used ESA as an employment seeking method (according WFS data) in 2006, this is the case of around 66% of the unemployed in 2014. As methods of seeking employment, the "friends/family" method dominates and it is used by 89% of the unemployed as well as the "direct applications to adds" method as a method used by 68% of the unemployed.

1.3. Vacancies

The State Statistical Office collects data on vacancies in the economy since 2013. Around 6,100 vacancies are recorded in the last quarter of 2014 which is approximately 1.4% of the current number of vacancies in the economy. Generally speaking, increase of the rate of vacancies is noted in 2014 compared to 2013.

²So far, this legal solution has been changed several times. The last changes were made in order the activation to be increased (on the labour market) of the social welfare beneficiaries.

Chart 4 Vacancies



Source: State Statistical Office, Vacancies Survey

Divided by sectors, the largest number of vacancies is created in the processing industry, construction, transport and storage, administrative and support activities and art, fun and recreation. The biggest number of vacancies is created by the small enterprises: the rate of vacancies in enterprises with 10-49 employees is almost 2% from the current number of work positions.

The structure of vacancies according to occupation corresponds to the structure of employment. The largest part of the vacancies is within the area of hospitality and sales workers (30% of the total number of vacancies), technicians and related occupations (almost 13%), elementary occupations etc. This shows that most vacancies (around 53%) are focused on the area of middle level occupations (which require secondary vocational education), and 34% on low levels occupations.

Table 7. Vacancies by occupation, 2014

Occupations	Number of vacancies	Structure (%)
Total	6104	100
Members of law-enforcement and executive bodies, state functionaries, managing civil servants, diplomats and directors	17	0,3
Experts and scientists	693	11,4
Technicians and related occupations	778	12,8
Officers	593	9,7
Hospitality and sales workers	1822	29,9

Agriculture, forestry, fishery and hunting professionals	116	1,9
Occupations related to non-industrial manner of work in production	676	11,1
Handlers and assemblers of machines and plants	684	11,2
Elementary occupations	723	11,8

Source: State Statistical Office, Work Force Survey

1.4. Matching the Supply and Demand of Work Force

Information on (non)matching of the work force are limited which is a challenge for successful implementation of the employment and education policies. The information mainly come from the Survey on Need of Skills by the Employment Service Agency of Republic of Macedonia as well as certain more detailed analyses on the basis of disposable statistical data. Research regarding the demand of work force was carried out in 2009 by the World Bank and a new similar research is on the way.

The Survey for Need of Skills collects information on the needs of work force in the next 6-12 months, by occupations, education and like. According to 2013 Survey, the companies expect to employ 16,225 new workers which is around 3% of the current employment (just with status of workers). Most of the newly demanded workers would be in the processing industry (40%), trade (9%), construction, transport and storage etc. According to the level of education, most of the new employments would be of persons with finished secondary education (62%), and only 10% of person with higher education. Despite that, specific occupations which will be in demand are listed in more detail.

Additional skills, such as knowledge of foreign languages, information technology and similar as well as mandatory ownership of certificate for certain knowledge are also important for the employers. Some soft skills such as communication skills, team work, ambition etc. are listed as well. Small portion of the surveyed companies stated that they are facing with lack of certain workers or skills.

These findings for creating policies should be used carefully and crossing of the data should be done. Although the usage of information from the Survey increased significantly by introducing and usage of classification of occupations (instead of the level of education), one of the main problems is that the employers cannot always exactly list the skills (professional and technical) that are necessary for the occupation in question. One of the possibilities for improvement is the employers to list only the occupation and the demanded skills to be "produced" on the basis of the occupation classification.³By increasing the general educational level in the country, it is useful for an analysis of the overqualified phenomenon to be carried out. This refers to workers with education higher than the one necessary the occupation in question (this analyses

³Corbanese, V. (2014) Assessment of delivery of employment services and programmes for youth by the Employment Service Agency of the former Yugoslav Republic of Macedonia.

included only the employed). The table below shows the volume and trend of the over qualification in 2006 and 2014. The dark grey boxes show the percentage of employed who are over qualified, i.e. have education higher than the one necessary for performing the work tasks, according to the occupation. For instance, in 2006, around 3% of the employed in an occupation of a middle level have higher education even though workers with secondary education are mostly envisaged for those work places. This percentage increased to 4.6% in 2014. Similarly, in 2006, 0.4% of the people with low level occupation (elementary occupations) had higher education. This percentage slightly increased in 2014. This finding is in line with the previous analysis which showed that the economy does not have strong absorbing power to accept all people with higher education, in some profiles above else, thus part of them remain unemployed or work on another work place. Having in mind that the education is free-of-charge (elementary and secondary education) and highly subsidized (higher education), the over qualification also mean unproductive spending of the limited public resources as well as insufficient utilisation of the human capital.

The light grey area show the under qualification, i.e. people who work in an occupation of a certain level but have level of education lower than the one which is often required for that occupation. As may be observed, as a positive tendency, the under qualification decreased between 2006 and 2014 which should influence the growth of the productivity.

Table 8. Volume and trend of moving of the over qualification			
2006			
Occupation/education	Elementary and lower	Secondary	Higher
	(ISCED, 0 - 2)	(ISCED, 3 - 4)	(ISCED, 5 - 6)
High (ISCO, 1 - 3)	0.4	11.2	15.5
Middle (ISCO, 4 - 8)	12.3	32.5	2.9
Low (ISCO 9)	16.5	7.9	0.4
2014			
Occupation/education	Elementary and lower	Secondary	Higher
	(ISCED, 0 - 2)	(ISCED, 3 - 4)	(ISCED, 5 - 6)
High (ISCO, 1 - 3)	0.4	8.8	17.3
Middle (ISCO, 4 - 8)	9.7	37.9	4.6
Low (ISCO 9)	13.3	7.5	0.5

Source: State Statistical Office, Work Force Survey

1.5. Activity of the population on the labour market

The activity rate in 2014 was 65.3%⁴ which is 1.3 percentage points higher than in 2009. The activity rate in women increased for 2.5 percentage points between 2009 and

⁴ The analysis refers to the population from the age of 15 to 64.

2014, when analysed by gender, (even though the activity in women in 2014 decreased in terms of 2013).

Despite the increased activity rate of the female population in this period of time, it is still on a low level according the international standards. Inactivity of women is disproportionally distributed among young women, women in rural areas and unqualified women, where one of the most important reasons for the female inactivity is household obligations. For instance, the data from the 2014 Work Force Survey showed that the main reason for female inactivity in Macedonia is “other family and personal responsibilities”, where 34% of the inactive women in Macedonia state this as a main reason. This percentage is 9.8% in EU. The additional 18.2% of women in Macedonia are inactive because they take care of their children or incapacitated adults and this refers for 15% of the inactive women in EU. This means that a bit more than half the Macedonian women are inactive due to family obligation, although the effect of this factor on the inactivity is probably bigger in women with lower levels of educations. Despite that, the large amount of markings, which is typical for Macedonia, would have had bigger effect on the activity of women than men (as well as youth and elderly people) – categories which has bigger probability to be inactive.

Compared to the female population, the activity rate of men in 2014 is almost on the same level as in 2009. When viewed according to years, the activity of men moves upwards in the last two years, which followed the drop of activity in 2011 and 2012. The table below shows the activity rates by years according to gender and age group. The increase of activity of men in the last two years is mainly a result of increase of the work force which is a result of the increase of number of employed.

Table 9. Activity rate (%), 2009-2014						
	2009	2010	2011	2012	2013	2014
Total (age 15-64, men and women)	64,0	64,2	64,2	63,9	64,9	65,3
Men	77,6	77,7	76,8	76,6	76,8	77,7
Women	50,0	50,4	51,2	50,8	52,7	52,5
Age 15-24	35,0	33,3	32,1	33,6	33,6	32,4
Age 25-49	79,5	80,4	80,2	79,5	80,2	81,0
Age 50-64	57,2	57,5	58,3	56,7	58,5	58,8

Source: State Statistical Office and Eurostat.

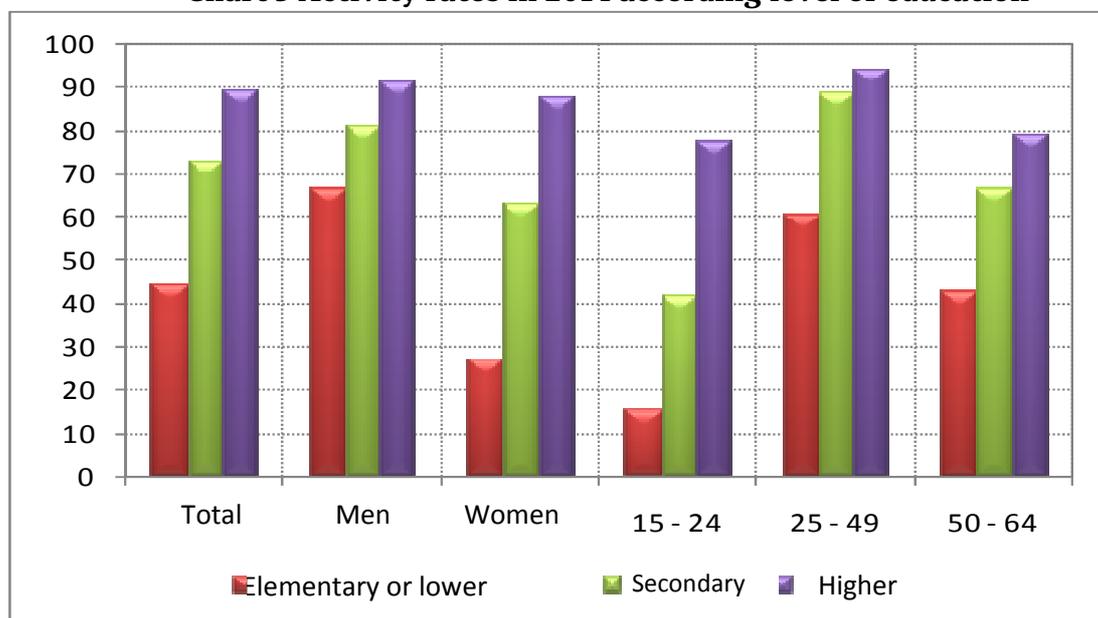
The gap of activity between men and women in Macedonia in 2014 is 25.2 percentage points and it decreased for 2.4 percentage points compared to 2009. However, compared to the EU average the gender gap in Macedonia is higher for 13.6 percentage points as a result of the low activity of the female population. Namely, Macedonia has one of the lowest activity rate of women in EU and the region. On other hand, large number of EU member-states has lower activity rates of men compared to Macedonia (Croatia, Belgium, Bulgaria, Hungary, Italy, Romania, Slovenia etc.).

The activity of young workers (15-24) is relatively low when analysed according to age groups and it is 32.4% in 2014 which is half the national average. The low youth activity in Macedonia can be prescribed to several factors such as: 1) low employment probability in the country and the hard transition from school to work; 2) unpreparedness of the employers in Macedonia to bear the training costs on the work place for the unexperienced young people having in mind that there are experienced unemployed candidates; 3) failure to match the skills needed by the employer and the skills obtained by the educational system; 4) mandatory secondary education due to which people enter the labour market later in life etc.

The youth activity rate between 2009 and 2014 decreased for 2.6 percentage points which is a result of the increased participation in the education, especially in the higher education. Namely, the rate of enrolling⁵ in higher education in the academic year of 2013/2014 was 257% compared to the rate of 24.5% in the academic year of 2009/2010. Therefore, the larger portion of these students (around 90%) is regular students and it is most likely that they are not active on the labour market.

The activity rate of persons with higher education in 2014 is 89.2% which is double the activity rate of workers with elementary or lower level of education (44.4%). The activity rate of persons with secondary level of education is a bit over the national average, i.e. it was 73.2% in 2014. The following charts shows the activity according level of education, gender and age groups.

Chart 5 Activity rates in 2014 according level of education



Source: State Statistical Office, Work Force Survey

On 31.12.201 281,144 people were recorded in the Employment Service Agency of Republic of Macedonia as unemployed.

⁵ This is a correlation between the students in the higher education aged 18-23 and the population on appropriate age (18-23 years of age).

Proportionally to the number of citizens, the Employment Service Centre of the City of Skopje has the highest record of unemployed people, 64628, and keeps the dominant participation in the overall unemployment with 22.6%. The number of recorded unemployed people is also relatively low in the Employment Service Centres of Tetovo, 24381 or 8.7% of the total number of registered unemployed, Kumanovo, 23111 (8.2%), Prilep 18910 (6.9%), Strumica 15574 (5.5%) and Bitola where 16432 unemployed people are registered or 5.8% of the total number of registered unemployed.

According to the place of living, the unemployment is more present in urban area, where 67.0% (188458) of the unemployed people are registered, and 33.0% (92686) of the unemployed are people with a place of living in a rural area.

The structure of unemployed people, by gender, is featured with larger participation of men in the total number of unemployed with 57.4% (161282) compared to women who participate in the total unemployment with 42.6% (19862).

In terms of the age structure, the unemployed up to the age of 29 participate in the total number of registered unemployed people with 25.6% (72684), aged 30-39 with 21.8% (6399), aged 40-49 with 21.6% (60678) and unemployed aged 50 and over participate with 30.7% (86293) in the total number of registered unemployed people. Young unemployed people age 15-24 participate with 13.5% (37882) in the total number of unemployed people.

The structure of unemployed people according to the level of education features with large participation of unqualified unemployed persons in the total number of unemployed. Almost 50.0% or 140211 registered unemployed people are unqualified and semi-qualified people, who due to insufficient qualification they have, long-term absence from the labour market as well as the age structure, they are introduced as active job-seekers on the labour market with difficulty. The qualified unemployed participate with 15.5% (43521) in the total unemployment; the unemployed with secondary education with 25.3% (71218), and the unemployed with higher education with 1.6% (4539), i.e. 7.7% (21655) in the total number of registered unemployed people.

Having in mind the degree of education, unemployed from the following occupational profiles are the most present in the unemployed record: (medical technician), electrician, chemical technician, veterinary technician, road traffic technician, economist, machine engineer, agricultural engineer, legal assistant, elementary school teacher, stock breeding engineer, and unemployed from the following profiles are most present among the unemployed with higher education: graduated economist, graduated lawyer, elementary school teacher on Macedonian language, graduated professor, graduated social worker, graduated psychologist (professor) etc.

According to the time until employment, 22.3% (62743) of the total unemployed wait for employment up to 11 months, 29.7% (83367) wait for employment from one to three years, and 48.0% (135034) of the unemployed wait four or more years.

According to the International Labour Organization – ILO, 77.7% (218401) of the unemployed registered in the Employment Service Agency are long-term unemployed, i.e. persons who wait for employment 12 months and more.

The structure of the registered unemployed according to ethnicity is as follows: 64.7% (181799) of the registered unemployed are Macedonians, 23.3% (65638) Albanians, 4.7% (13240) Roma, 3.9% (10961) Turkish, 0.8% (2127) Serbians, 0.3% (506) Bosnians, 0.1% (300) Vlachs, and the remaining 2.3% (6573) of the unemployed are from the other ethnic communities.

On 31.12.2012, 243,403 people were recorded in the Employment Service Agency of Republic of Macedonia as unemployed.

Table 10. Registered unemployed persons in 2012	
Total	243403
Unemployed women	104892
Unemployed persons aged 15 to 24	30439
Unemployed persons aged 15 to 27	48816
Unemployed persons aged 55 and over	51129
Unemployed persons who wait for employment more than one year	195297
Unemployed persons with disabilities	2034
Unemployed persons beneficiaries of monetary compensation	21727

Source: Employment Service Agency of Republic of Macedonia

The structure of unemployed people, by gender, is featured with larger participation of men in the total number of unemployed with 56.9% (138511) compared to women who participate in the total unemployment with 43.1% (104892).

In terms of the age structure, the unemployed up to the age of 29 participate in the total number of registered unemployed people with 24.7% (60005), aged 30-39 with 21.3% (51877), aged 40-49 with 21.8% (53083) and unemployed aged 50 and over participate with 32.2% (78438) in the total number of registered unemployed people.

Unemployed structure by level of education features with higher participation of the unqualified unemployed people in the total number of unemployed, i.e. 46.7% (113666) of the registered unemployed due to insufficient qualification they have, long-term absence from the labour market as well as the age structure they are hard to enter the labour market as active job-seekers. The qualified unemployed participate with 15.8% (38398) in the total unemployment; the unemployed with secondary education with 27.0% (65631), and the unemployed with higher education with 1.7% (4128), i.e. 8.9% (21580) in the total number of registered unemployed people.

Having in mind the degree of education, unemployed from the following occupational profiles are the most present in the unemployed record: textile sewer, mason builder and plasterer, driver of light-weight motor vehicles, salesman, locksmith, mechanic, confectioner, turner, cook, waiter, electrical installer, electrical mechanic, carpenter, gymnasium graduates are the most present among the

unemployed with secondary education, economic technician, machine technician, agricultural technician – agronomist, confection technician, food technician, chemical and technological technician, electrician, chemical technician, veterinary technician, road traffic technician, economist, machine engineer, agricultural engineer, legal assistant, elementary school teacher, and unemployed from the following profiles are most present among the unemployed with higher education: graduated economist, graduated lawyer, elementary school teacher on Macedonian language, graduated professor, graduated social worker, graduated psychologist (professor) etc.

According to the time until employment, 19.8% (48106) of the total unemployed wait for employment up to 11 months, 32.6% (79507) wait for employment from one to three years, and 47.6% (115790) of the unemployed wait four or more years.

The unemployed who wait for an employment more than 12 months – long-term unemployed – participate with 80.3% (195297) in the total number of unemployed.

The structure of the registered unemployed according to the ethnicity is as follows: 68.1% (165792) of the registered unemployed are Macedonians, 21.1% (51413) - Albanians, 3.7% (9068) - Turkish, 3.7% (9037) – Roma, 0.8% (1885) - Serbians, 0.3% (465) - Bosnians, 0.1% (308) Vlachs, and the remaining 2.2% (5435) of the unemployed are from other ethnical communities.

According to the place of living, the unemployment is more present in urban area, where 67.4% (164009) of the unemployed people are registered, and 32.6% (79394) of the unemployed are people with a place of living in a rural area. Proportionally to the number of citizens, the Employment Service Centre of the City keeps the dominant participation in the overall unemployment with 22.6% (47342 unemployed). The number of the registered unemployed is also relatively high in the Employment Service Centre of Tetovo where 8.7% (21247) of the total unemployed people are registered, Employment Service Centre of Kumanovo with 8.0% (19463), Employment Service Centre of Prilep with 7.0% (17017), Employment Service Centre of Bitola with 6.3% (15428), Employment Service Centre of Strumica where 5.6% (13642) of the total unemployed people are registered etc.

In accordance with the amendments of the Law on Employment and Insurance in case of Unemployment, the Employment Service Agency of Republic of Macedonia, since 2013, keeps record of:

- unemployed people; and
- other job-seekers.

The Law provisions exactly establish who is an unemployed person, and who is other job-seekers as well as their rights and obligations

- Unemployed person shall mean any person registered in the Agency who is unemployed, active job-seeker and meets the conditions established by the Law on Employment and Insurance in Case of Unemployment.
- “Other job-seeker” shall be economically active or inactive person who is registered in the Employment Service Agency of Republic of Macedonia (ESA), but does not seek job actively and/or is not prepared to accept a job.

As of 31.12.2013, ESA records:

- 96 200 unemployed people and
- 121 658 other job-seekers.

Table 11 shows the condition of the unemployed people (active job-seekers) and other job-seekers (passive job-seekers) by months in 2013.

Table 11. Registered unemployed persons in 2013		
Month	Unemployed people	Other job-seekers
January	237596	4603
February	215730	24536
March	154460	82351
April	108769	122644
May	98726	125431
June	96999	126740
July	94641	127845
August	92987	129138
September	91293	130282
October	92799	130094
November	95279	120626
December	96200	121658

Source: Employment Service Agency of Republic of Macedonia

Unemployed people – Active job-seekers

As of 31.12.2013, 96200 unemployed (active job-seekers) were registered in ESA.

Table 12. Registered unemployed people – Active job-seekers in 2013	
Unemployed persons – women	41770
Unemployed persons aged 15 to 24	13420
Unemployed persons aged 15 to 27	22183
Unemployed persons aged 55 and over	223635
Unemployed persons who wait for employment more than one year	57856
Unemployed persons with disabilities	1208
Unemployed persons beneficiaries of monetary compensation	12869
Total	96200

Source: Employment Service Agency of Republic of Macedonia

The structure of unemployed people, by gender, is featured with larger participation of men in the total number of unemployed with 56.6% (54430) compared to women who participate in the total unemployment with 43.4% (41770).

In terms of the age structure, the unemployed up to the age of 29 participate in the total number of registered unemployed people with 28.1% (27094), aged 30-39 with 20.0% (19161), aged 40-49 with 18.0% (17367) and unemployed aged 50 and over participate with 33.9% (32578) in the total number of registered unemployed people.

The structure of the unemployed people by school preparedness is featured with relatively high participation of persons without education and elementary education in the total number of unemployed people, i.e. 19% (25925), unemployed with incomplete secondary education participate with 16.8% (16209), unemployed persons with finished secondary education with 35.3% (33996) and the unemployed with higher education with 28% (2676), i.e. 18.1% (17394) in the total number of registered unemployed people.

Having in mind the degree of education, unemployed from the following occupational profiles are the most present in the unemployed record: graduated economist, graduated lawyer, elementary professor on Macedonian language, graduated teacher, graduated social worker, graduated psychologist (professor), pre-school professor, graduated tourism and hospitality manager, gymnasium graduates are most present among the unemployed with finished secondary education, economic technician, machine technician, agricultural technician – agronomist, confection technician, food technician, chemical technician etc.

According the time until employment, 39.9% (383441) of the total unemployed wait for employment up to 11 months, 29.7% (28646) wait for employment from one to three years, and 30.4% (29210) of the unemployed wait four or more years.

The structure of the registered unemployed according the ethnicity is as follows: 80.1% (77003) of the registered unemployed people are Macedonians, 13.7% (13209) - Albanians, 1.7% (1653) - Turkish, 1.8% (1773) – Roma, 0.9% (837) - Serbians, 0.3% (273) Vlachs, 0.2% (206) - Bosnians, and the remaining 1.3% (1246) of the unemployed are from other ethnical communities.

According the place of living, the unemployment is more present in urban area, where 72.8% (70111) of the unemployed people are registered, and 27.2% (26089) of the unemployed are people with a place of living in a rural area.

Proportionally with the number of citizens, the largest number of unemployed people, i.e. 16.1% (15450) of the total unemployed are registered in the Employment Service Centre of the City of Skopje. 10.3% (9947) of the total unemployed are registered in the Employment Service Centre of Tetovo, 7.2% (6880) Employment Service Centre of Bitola, 7.0% (6748) Employment Service Centre of Prilep, 6.9% (6670) Employment Service Centre of Kumanovo, 4.1% (3906) of the total unemployed are registered in the Employment Service Centre of Ohrid.

As of 31.12.2014, ESA records:

- 123 661 unemployed people and
- 100 147 other job-seekers.

Table 13 shows the condition of the unemployed people (active job-seekers) and other job-seekers (passive job-seekers) by months in 2014.

Table 13. Registered unemployed persons in 2014		
Month	Unemployed people	Other job-seekers
January	97458	122563
February	101854	119787
March	104067	116944
April	103250	115668
May	102209	114954
June	100176	115266
July	97838	116076
August	100458	114515
September	114487	105814
October	120741	102100
November	123607	100819
December	123661	100147

Source: Employment Service Agency of Republic of Macedonia

Unemployed people – Active job-seekers

As of 31.12.2014, 123661 unemployed (active job-seekers) were registered in ESA.

Table 14. Registered unemployed persons in 2014	
Unemployed persons – women	48996
Unemployed persons aged 15 to 24	14916
Unemployed persons aged 15 to 29	30611
Unemployed persons aged 55 and over	28713
Unemployed persons who wait for employment more than one year	56845
Unemployed persons with disabilities	1443
Unemployed persons beneficiaries of monetary compensation	12869
Total	123661

Source: Employment Service Agency of Republic of Macedonia

The structure of unemployed people, by gender, is featured with larger participation of men in the total number of unemployed with 60.4% (74665) compared to women who participate in the total unemployment with 39,6% (48996).

In terms of the age structure, the unemployed up to the age of 29 participate in the total number of registered unemployed people with 24.8% (30611), aged 30-39 with 20.3% (25137), aged 40-49 with 28.8% (25706) and unemployed aged 50 and over participate with 34.1% (42207) in the total number of registered unemployed people.

The structure of the unemployed people by school preparedness is featured with relatively high participation of persons without education and elementary education in the total number of unemployed people, i.e. 39.8% (49214), unemployed with incomplete secondary education participate with 14.8% (18287), unemployed persons with finished secondary education with 29.8% (36814) and the unemployed with higher education with 2.0% (2454), i.e. 13.6% (16892) in the total number of registered unemployed people.

Having in mind the degree of education, unemployed from the following occupational profiles are the most present in the unemployed record: graduated economist, graduated lawyer, elementary professor on Macedonian language, graduated teacher, graduated social worker, graduated psychologist (professor), pre-school professor, graduated tourism and hospitality manager, gymnasium graduates are most present among the unemployed with finished secondary education, economic technician, machine technician, agricultural technician – agronomist, confection technician, food technician, chemical technician etc.

According the time until employment, as of 31.12.2014, 54.0% (66816) of the total unemployed wait for employment up to 11 months, 26.0% (32102) wait for employment from one to three years, and 20.0% (24743) of the unemployed wait four or more years.

The structure of the registered unemployed according the ethnicity, as of 31.12.2014, is as follows: 67.0% (82796) of the registered unemployed people are Macedonians, 21.0% (26010) - Albanians, 3.3% (4038) - Turkish, 5.7% (6996) – Roma, 0.8% (972) - Serbians, 0.2% (280) Vlachs, 0.2% (246) - Bosnians, and the remaining 1.9% (2323) of the unemployed are from other ethnical communities.

According the place of living, the unemployment is more present in urban area, where 69.7% (86225) of the unemployed people are registered, and 30.3% (37436) of the unemployed are people with a place of living in a rural area.

Proportionally with the number of citizens, the largest number of unemployed people, i.e. 17.2% (21331) of the total unemployed are registered in the Employment Service Centre of the City of Skopje. 10.6% (13074) of the total unemployed people are registered in the Employment Service Centre of Tetovo, 8.7 (10815) in the Employment Service Centre of Kumanovo, 7.2 (8890) in the Employment Service Centre of Prilep, 6.2% (7704) in the Employment Service Centre of Bitola, 5.3% (6589) of the total unemployed people are registered in the Employment Service Centre of Gostivar.

Unemployed persons with disabilities

On 31.12.2011, 2165 unemployed people with disabilities were recorded in the Employment Service Agency of Republic of Macedonia, 35.9% (777) of which are women.

The unemployed people with disabilities are included in the total number of unemployed registered in ESA.

According to the age groups, 23.6% (512) of the unemployed with disabilities are aged 15 to 29, 48.1% (1041) are aged 30 to 49, and 28.3% (612) of the unemployed with disabilities are aged 50 and over.

According to the level of education, the largest number of unemployed with disabilities, 65.4% (1415) have no or elementary education, 20.1% (435) have incomplete secondary education, 12.7% (275) have finished secondary education, and the unemployed with disabilities with higher education participate with 1.8% (40) of the total number of unemployed with disabilities.

As of 31.12.2012, 2034 unemployed with disabilities were registered in the Employment Service Agency, 37.0% (753) of which were women, and 63.0% (1281) were men.

According to the age groups, 22.1% (450) of the unemployed with disabilities are aged 15 to 29, 48.9% (995) are aged 30 to 49, and 29.0% (589) of the unemployed with disabilities are aged 50 and over.

According to the level of education, the largest number of the unemployed with disabilities are unqualified and semi-qualified persons, (64.1%), qualified unemployed persons with disabilities participate with 20.0% in the total number of the unemployed persons with disabilities, with secondary education with 13.6% and the unemployed persons with disabilities with higher education participate with 2.2% in the total number of the unemployed persons with disabilities.

On 31.12.2013, 1208 unemployed people with disabilities – active job-seekers were recorded in the Employment Service Agency of Republic of Macedonia, 44.6% (438) of which were women and 55.4% were men.

According to the age groups, 24.0% (290) of the unemployed with disabilities are aged 15 to 29, 47.5% (573) are aged 30 to 49, and 28.6% (345) of the unemployed with disabilities are aged 50 and over.

According to the level of education, the largest number of unemployed with disabilities, 47.7% (577) have no or elementary education, 22.8% (275) have incomplete secondary education, 24.0% (289) have finished secondary education, and the unemployed with disabilities with higher education participate with 5.5% (67) of the total number of unemployed with disabilities.

On 31.12.2014, 1443 unemployed people with disabilities – active job-seekers were recorded, 33.8% (488) of which were women and 66.2% (955) were men.

According to the age groups, 18.8% (271) of the unemployed with disabilities are aged 15 to 29, 52.0% (751) are aged 30 to 49, and 29.2% (421) of the unemployed with disabilities are aged 50 and over.

According to the level of education, the largest number of unemployed with disabilities, 56.0% (809) have no or elementary education, 20.0% (288) have incomplete secondary education, 20.2% (291) have finished secondary education, and the

unemployed with disabilities with higher education participate with 3.8% (55) of the total number of unemployed with disabilities.

Employment Policies

The employment policies are regulated in more strategic documents of the Government of Republic of Macedonia such as the 2015 National Employment Strategy, National Employment Action Plan 2014-2015, 2015 Youth Employment Action Plan, Annuals Operative Plans on Active Employment Programmes and Measures (the 2015 Annual Operative Plans also covers the employment services).

There are several amendments made in the legal regulations, especially in the part referring to employment and insurance in case of unemployment, during the reporting period. Starting since 2013, ESA keeps records of:

- unemployed persons – persons registered in ESA who are unemployed but are actively seeking employment and met the conditions envisaged with the Law on Employment and Insurance in Case of Unemployment; and
- other job-seekers – economic active and inactive persons who are registered in ESA but are not actively seeking employment and/or are not prepared to accept employment.

The purpose of the amendments in the legal regulation is to accurately establish the true job-seekers, establish the structure of the job-seekers, and create appropriate active employment policies and measures adjusted to the needs of the job-seekers and labour market opportunities, comprehensive utilisation of human and financial resources for work with persons who are truly seeking employment. The re-registration of the unemployed reasons recorded in ESA was implemented in the first five months of 2013. The unemployed persons, by completing the Registration Application, declared and signed a statement for registering in the Unemployed People (active job-seekers) Register or in Other Job-Seekers Register (passive job-seekers). These law amendments:

- define the “unemployed person” and a person who is not considered an unemployed categories as well as the "working-age person” and "unemployed who is temporary disabled to work” categories;
- establish the terms and conditions for active job-seeking and referring of the unemployed due to employment (appropriate, convenient or other job position which is not considered appropriate or convenient);
- introduce more registries which differentiate different groups of unemployed registered in ESA;
- establish the manner of collecting data necessary for achieving the competence of ESA and their protection as well as specific deadlines for keeping those data in the registries.
- establish the reasons for deleting the registries and the possibility for transitioning from one registry to another;

- envisage mandatory preparing of Individual Employment Plan for active job-seekers by regulating the preparation, content, follow-up and revision;
- envisage different time period for registration in ESA for different groups of registered unemployed and other job-seekers;
- regulate the suspending and revoking of the right to monetary compensation on the basis of unemployment;
- introduce equal treatment of private employment service agency as with ESA in terms of mediation and access to the unemployed persons database;
- envisage participation in the expenses of the employer for work force, if he/she employs a welfare beneficiary (80% from the amount of social monetary welfare paid to a person/household for the previous month, since the month of employment) as well as when employing persons up to the age of 29 (exemption from paying contributions from the mandatory social insurance in a period of 12 months from the day of employment).

By the amendments in the Law on Employment and Insurance in Case of Unemployment of 2012, the period for using the right to monetary compensation in case of unemployment has been reduced, i.e. unemployed person who has over 15 years of service and has lack of mostly 18 months (previous decision was 5 years) before fulfilling the conditions to acquire a right to age pension, shall be paid with monetary compensation until his/her employment i.e. occurrence of some of the grounds for termination of the right to monetary compensation.

In cooperation with the International Labour Organization, in 2012 was prepared an Action Plan for Youth Employment 2015 which covers the period 2013-2015 which determined four strategic goals and large number of key results that should be met in order to promote a complete, productive and freely selected employment of young persons:

1. Strengthening the labour market management system (for young people), by improving the competencies of the labour market department at the Ministry of Labour and Social Policy for coordination and monitoring the employments of young people; integration of the Employment Service Agency of Republic of Macedonia's reforms in all local employment centres and strengthening the State Labour Inspectorate in connection to overcoming the informal employment).
2. Improving the opportunities for youth employment (including reform in the education and training system; career counselling and guidance; introduction of flexible training system that leads towards employment with greater incomes; and more and better services for youth career guidance).
3. Encouraging the employment of young people through private sector development (establishing system with incentives to promote the employment of young people and human capital development as well as establishing directed services for entrepreneurship among the young people).

4. Providing inclusion of young people in less favourable condition on the labour market (improving the targeting and financing of active policies on the labour market; extending the promotional measures on transferring of the companies founded by young people to the formal economy; raising the awareness among young people for their rights to work; integrating the employment and social services for overcoming the obstacles).

As of 2007, the Government of Republic of Macedonia adopts annual Operational Plans of Active Employment Programmes and Measures, whose implementation is in competency of the Employment Service Agency of Republic of Macedonia. Mainly, programmes and measures of the operational plans can be divided in two groups:

- Programmes and measures that lead towards direct employments (self-employment, employment subsidizing); and
- Programmes and measures that increase the employability of the unemployed persons, allowing them easier access to the labour market (internship, trainings).

Regarding the European Committee of Social Rights' request for this report to contain the while rate of activation i.e. the average number of participants in the active measures as percent of all unemployed persons⁶, we inform you that pursuant to the Law on Employment and Insurance in Case of Unemployment, ESA shall keep two records of unemployed persons, such as:

- records of unemployed persons who are active job-seekers;
- records of other job-seekers (passive job-seekers).

In addition, the persons themselves shall sign a statement by which they declare in which records of unemployed persons they want to be registered.

Right to participation in the active employment programmes and measures have only the unemployed persons who are active job-seekers.

As of 2007, ESA conducts annual Operational Plans for Active Employment Programmes and Measures. Also, as of 2008, ESA implements the Self-Employment Crediting Project, as project of the Government of Republic of Macedonia. Simultaneously, ESA continuously provides services for the unemployed persons and employer who are provided for in the legal regulation (informing, counselling, motivational trainings, and support for active job-seeking and professional orientation).

In 2011, all abovementioned activities covered approximately 6400 persons (2.3% of the total number of unemployed persons in 2011), 5200 of whom completed the same (1.8% of the total number of unemployed).

⁶ European Committee for Social Rights, Conclusions XX-1 (2012), ("Republic of Macedonia", Articles 1 and 15 of the Charter, (European Council, January 2013), page 5

In 2012, the same activities included approximately 13000 persons (5.3% of the total number of unemployed persons in 2012), 6800 of whom successfully completed the same (2.8% of the total number of unemployed persons).

In 2013, in accordance with the amendments in the legal regulation, the unemployed persons shall be divided in 2 categories, active and passive job-seekers. The abovementioned activities covered approximately 15200 unemployed persons i.e. 15.8% of the active job-seekers or 7% of the total number of unemployed persons (active and passive) in 2013. Of them, 13100 persons successfully completed the same (13.6% of the active job-seekers i.e. 6% of the total number of unemployed persons).

In 2014 approximately 23000 unemployed persons were covered by these activities, i.e. 18.6% of the recorded active job-seekers or 10.2% of the total number of recorded unemployed persons (active and passive). Of them, 19600 persons successfully completed the same (15.8% of the active job-seekers i.e. 8.8% of the total number of unemployed persons).

Regarding the Committee's request for this report to state whether the employment policies are monitored and how their effectiveness is evaluated⁷, we inform you that the implementation of the active employment programmes and measures is monitored by the employees in the Employment Service Agency of Republic of Macedonia and the Ministry of Labour and Social Policy. Regarding the effectiveness of the policies, the International Labour Organization performed impact evaluation of the active programmes on the labour market, as well as assessment on the implementation of the services and active employment programmes for young people. Findings of the documents shall be taken into consideration in further realization of the programmes.

⁷ European Committee for Social Rights, Conclusions XX-1 (2012), ("Republic of Macedonia", Articles 1 and 15 of the Charter, (European Council, January 2013), page 5

Article 1§2

With a view to ensuring the effective exercise of the right to work, the Parties undertake to protect effectively the right of the worker to earn his living in an occupation freely entered upon.

Prohibition of discrimination in employment

In accordance with the national legal regulations in Republic of Macedonia, there are several institutions and bodies where all discriminated natural persons and legal entities that are brought in an unequal position can seek protection. These are extrajudicial bodies known as bodies of equality and judicial bodies.

Extrajudicial bodies that provide protection against discrimination in Republic of Macedonia are:

1. Constitutional Court of Republic of Macedonia;
2. The ombudsman;
3. Commission for Protection against Discrimination;
4. Representative for determining unequal treatment of women and men;
5. Standing Inquiry Committee for Protection of Civil Freedoms and Rights;
6. Inter-Ethnic Relations Committee.

Judicial protection against discrimination is provided before:

1. Basic courts in Republic of Macedonia;
2. Constitutional Court of Republic of Macedonia.

Constitutional Court of Republic of Macedonia;

The Constitution envisages protective mechanism from any type of discrimination based on gender, race, religion, nationality, social and political affiliation by submitting initiative/request to the Constitutional Court for protection against discrimination.

The initiative may determine if certain decision, practice/condition violates the principle of equality and non-discrimination.

The practice of the Constitutional Court shows that the citizens submitted very low number of requests for protection against discrimination where the court said that it is not competent and did not decided upon them.

The Ombudsman of Republic of Macedonia is independent and self-governing in the performance of his/her function. This is a body that protects the constitutional and legal rights of the citizens and all other persons when their rights are violated with acts, actions and failure to act by the state administration bodies, other public authorities and organizations and takes measures for protection of the anti-discriminatory principles and appropriate just representation of the communities in

the state administration bodies, bodies of the self-government units and public institutions and services.

The Commission on Protection against Discrimination is independent and self-governing body with a capacity of a legal entity seated in Skopje.

The Commission has wide range of competences in the area of prevention and protection against discrimination, affirmation and promotion of the equal treatment and non-discrimination.

Representative for determining unequal treatment of women and men is a person employed as a state official within the Ministry of Labour and Social Policy responsible to initiate a procedure for establishing unequal treatment of women and men.

Standing Inquiry Committee for Protection of Civil Freedoms and Rights within the Assembly of Republic of Macedonia reviews key questions gives proposals and opinions regarding the further promotion of protection of civil freedoms and rights and the citizens can turn to it.

Inter-Ethnic Relations Committee as a standing working body within the Assembly of Republic of Macedonia reviews question from the area of inter-ethnic relations and provides opinion and proposals for their resolving.

The Ombudsman of Republic of Macedonia has a role of national, preventive mechanism and acts upon individual complaints by natural persons and legal entities, acts on its own initiative in the case regarding violation of the constitutional and legal rights by the **bodies of the state administration, other public authorities and organizations**.

If after the implemented procedure the ombudsman concludes violation, he/she can issue a recommendation, proposal, opinion, and indications in view of the manner of elimination of those violations, to once again suggest certain procedure to the implemented and to raise an initiative for implementation of disciplinary or other type of procedure.

The Commission for Protection against Discrimination acts upon a submitted complaint by all **natural persons and legal entities from the private and state sector** when a person is discriminated against any ground as stated in Article 3 of the Law on Prevention and Protection against Discrimination. The Commission provide opinion for the established discrimination which recommends a manner of elimination of violations of a certain right. The Commission may raise an initiative for initiation of a procedure before a competent authority for establishing of the responsibility.

The Representative for determining unequal treatment of women and men acts upon a lodged complaints by a natural persons, civil associations, trade unions and other legal entities from the public and private sector as well as upon its own initiative when a person **is discriminated against gender**.

The representative provides an opinion of the case in view of if there is unequal treatment or not. The written opinion may also cover the irregularities which are determined in the case in question as well as provide recommendations for their removal and may request the party that carried out those irregularities to take

measures for their removal and to notify the representative whose measure he/she implemented. The recommendations are not legally binding for the perpetrator of the violation – discrimination.

The person who lodged the complaint is free of paying taxes or any other charge for the complaint submitted before the Ombudsman, Commission on Protection against Discrimination and the Representative.

The complaint should be signed, should contain personal data of the submitter and the circumstances, facts and evidence which the complaint is based on.

The complaint should list the body, organization, institution and the person lodging the complaint as well as if the complainant has previously turned to other bodies.

The complaint procedure shall end within 90 days from the day of its lodging.

An opinion is prepared; recommendation and indications on how to eliminate the established violations are issued.

The following question is asked: Is someone of these bodies has a primary jurisdiction and other secondary one and is there a specific order in terms of acting on a procedure? The person who thinks that is a victim of unequal treatment and discrimination on any ground independently decides to which competent bodies and authorities he/she will turn to or directly will seek judicial protection before the basic courts or the Constitutional Court of Republic of Macedonia. This kind of pluralism and complementarity of the competences is known and present in many European countries and it is considered for usual consequence of the dynamic development and the on-going trend of enriching and widening of the mechanisms for and efficient combat against discrimination and respecting of the human rights. This kind of condition should not be considered as clash of jurisdiction by to the contrary, this condition should be considered as advantage and resolve through mutual consultations and dialog between the bodies/authorities in question and that should be in the best interest of the citizens and their equality.

Court protection

Basic courts

Civil and legal protection

This civil and legal protection from illegal discrimination is put on disposal of the discriminated people, where the citizens should turn to and what type of claims are envisaged is provided in the following part:

The person who thinks that some right is violated has the opportunity to initiate a court procedure by filing a lawsuit to the competent court.

One of the competences of the Commission on Protection against Discrimination is to provide information to the complainant about his/her rights and opportunity to initiate a court procedure or another type of protection procedure.

The Law on Prevention and Protection against Discrimination envisages special civil court procedure for the case of violation of the right to equal treatment on one or more discriminatory grounds. The procedure is initiated by filing a lawsuit before the

competent court which is considered as emergency procedure and it is conducted according the provisions from the Law on Criminal Procedure. That means that the court, after the lawsuit is filed, should act on it in the shortest possible period of time (there are no specific deadlines), however the speed of reaching a decision in terms of this kind of lawsuits depends from case to case and depending of the complexity of the case the entire procedure should end within a reasonable deadline.⁸

Administrative Court

The administrative court protection covers the protection of the right of citizens against violation carried out with individual, illegal acts by the state administration and other public bodies and organizations.

The Administrative Court is competent to decide upon individual acts of the bodies of the state administration, other state bodies, municipalities and the City of Skopje, organization established by law and legal entities and other persons that carry out public authorisations (holders of public authorisation) when there is no other legal protection for resolving against that act in a second instance.

Court procedure in discrimination cases

The Law on Prevention and Protection against Discrimination envisages judicial protection of every person who thinks that some his/her right is violated due to discrimination by filling an appropriate lawsuit before the competent court. Here we have the first specific feature of the court procedure and that is the co-called accessory role of the discrimination. This means that the persons who claims that he/she is discriminated against, must prove that some other specific right has been violated due to discrimination manifested through that acts, behaviour, failure to act and like by the defendant. This principle is also present in the European Human Rights Convention.

The second important feature of the court procedure, in the cases of protection against discrimination, is that during the procedure the provisions from the Law on Criminal Procedure are appropriately applied. This is envisaged with Article 34 of the Law whose paragraph 3 prescribes that the procedure is urgent, which is the third important feature of the judicial protection in this kind of cases.

The basic civil courts have the jurisdiction in terms of the subject-matter jurisdiction but having in mind the possibility for a person to seek indemnity with certain lawsuits, where the discrimination determines or forbids. In some case the basic courts with widen jurisdiction can have the jurisdiction is the lawsuit claim is higher than €50,000.00. In terms of the regional jurisdiction, and in accordance with Article 35 of the Law, in the protection against discrimination procedure, despite the Court of General Regional Jurisdiction, the court in whose are the seat, i.e. the place of living of the plaintiff is also competent.

⁸ Court Manual on Prevention and Protection against Discrimination, Skopje 2013

Next important feature of the court procedure, which also is one of the most important, is in terms of the burden of proof. In this case, the burden of proof is different than the “regular” one envisaged with the Law on Criminal Procedure. Namely, the plaintiff must provide all evidence at his/her disposal in order to prove the grounds of the claim or the obligation of the defendant to provide all evidence which might oppose or completely reject the lawsuit claim. In accordance with Article 38 of the Law, if one party in the court procedure claims that, pursuant to the provisions of this Law, some of his/her rights to equal treatment is violated, the party is obliged to present all facts and evidence which justify her/his claim. But the burden of proof that there was no discrimination falls on the opposite party after a *prima facie* discrimination case is built. This means that the plaintiff needs to prove that the existence of discrimination was probably and to convince the court that in this specific case there is a possibility for discrimination. In that moment, the burden of proof transfers to the other party (defendant) that should prove that he/she did not cause different treatment towards the plaintiff in terms of other people in the same or similar situation, i.e. that there was no discrimination in this specific case with his/her act, action or failure to act.

The lawsuit might seek protection of the violated right due to the existence of discrimination, i.e. protection as a result of every unjustified, legal or actual, direct or indirect difference or unequal treatment, i.e. failure to act (exclusion, limitation or giving priority) in terms of people or groups which is based on gender, race, colour of skin, belonging to marginalised group, ethnicity, language, citizenship, social background, religion or religious beliefs, education, political belonging, personal or social status, mental or body disability, age, family or marital status, property status, health or any other grounds.

Article 36 of the Law precisely envisages what specifically may be requested as right to protection with the discrimination lawsuit. Therefore, in accordance with this Law provisions, the plaintiff may request the following with the lawsuit:

- To determine if the defendant violated the right to equal treatment of the plaintiff, i.e. action that the plaintiff took or failed to take immediately that could have led to violation of the equality rights;
- To forbidden taking actions which violate or might violate the right to equal treatment of the plaintiff, i.e. to take actions to eliminate the discrimination or its consequences;
- To indemnify the material and non-material damage caused by violating the rights protected with this Law; and
- To publish the verdict, that determines the violation of the rights to equal treatment, in the press at the cost of the defendant.

All these requests might be made together with the requests for protection against other rights for which it is decided in the criminal procedure, if these request are inter-connected and if the same court is competent to decide upon them.

Article 36 of the Law on Prevention and Protection against Discrimination introduced new manner of protection of the right to equal treatment by filing special individual lawsuit, determining four type of lawsuit as follows:

- Lawsuit for determining discrimination (declaratory – antidiscrimination);
- Lawsuit for compensation of damage (condemnatory);
- - Lawsuit to prohibit i.e. to omit (restrictive - reparative - anti-discriminatory lawsuit)
- Lawsuit for publishing a verdict (publication);
- Set of lawsuit claims.

Taking into consideration that the provisions from the Law on Criminal Procedure are applied, on the protection against discrimination procedure, after the court reaches its decision, the parties have the regular and extraordinary legal remedies, envisaged with this Law, at their disposal:

1. Appeal against the decision of the court of first instance as a regular legal remedy;
2. Review and repetition of the procedure as an extraordinary legal remedies.

Regular legal remedy – Appeal against a verdict (right to an appeal)

The parties may lodge an appeal against the decision reached by the court of first instance within 15 days of the day of delivery of the verdict unless different deadline is established by this law. The timely lodged appeal prevents the effectiveness of the verdict in view of the part that is appealed. Court of second instance shall decide upon the appeal.

The party may deny the right to appeal from the moment of publication of the verdict or from the moment when the verdict is delivered. The party might withdraw the already lodged appeal until the reaching of decision by the court of second instance. The denying or the withdrawing of the appeal cannot be revoked.

Extraordinary legal remedies

1. Review

In accordance with the Law on Criminal Procedure (Article 372), the parties may request a review against the effective verdict of second instance within 30 days of the day on delivery a copy of the verdict (paragraph 1). The parties may request a review of the verdict of second instance if the value of the case, of the disputed part is over 1,000,000 MKD denar (paragraph 2). As an exception of paragraph 2, regardless the value of the dispute, review is always allowed:

- in support disputes;
- in disputes for indemnity for lost support due to death of the person who provided the support;
- in labour relations cases in view of termination of employment;

- in cases of protection of the copyrights except for monetary claims on that ground; 5) in cases which refer to protection and usage of inventions and technical developments, samples, models and seals and the right to use a firm or title as well as in disputes of unfair competition and monopoly behaviours except in monetary claims on those grounds; and
- in disputes in which during the appeal procedure the court of second instance redirected the verdict of first instance.

As an exception, a review is also allowed against the verdict of second instance against which a review cannot be requested in accordance with paragraph (2) of this Article, if the court of second instance allowed with the verdict he/she reached. The court of second instance may allow review by specifying the scope of the legal issue which may rise before the Supreme Court of Republic of Macedonia, if it deems that the decision in the dispute depends on resolving a material and legal issue or procedure and legal issue important for securing the application of the law and standardization of the judicial practice. The court of second instance, in the rationale of the verdict, is obliged to state due to which legal issue he/she allowed the review and to state the decisions which refer to non-standard application of the law as well as to explain the reason due to which he/she thinks that this is important for ensuring application of the law and standardization of the judicial practice.

The provision of paragraphs (2) and (4) of this Article shall not apply in those disputes for which this or some other law explicitly determines that a review is not allowed for them.

The Supreme Court of Republic of Macedonia shall decide on the review.

The Supreme Court of Republic of Macedonia shall reach a decision regarding the review within eight months from the day of receiving the case at the latest.

2. Repeating of a procedure

The procedure which ended effectively with a court decision may, upon a proposal by the party, may be repeated if:

- A judge, i.e. judge-juror which according the law must have been exempted, i.e. who was exempted with a decision by the court participated in the decision-making;
- One of the parties with illegal acting, and especially failure to deliver was not presented with the opportunity to deliberate before the court;
- In the procedure as plaintiff or defendant participated a person who could not have been a party in the procedure or if the party which is a legal entity was not represented by an authorised people or if the party incompetent for litigation procedure was not represented by a legal representative, or if the legal representative, i.e. the proxy of the party did not have the necessary authorization for running the procedure or for separate actions in the procedure when the procedure, i.e. performing of individual actions in the procedure was not additionally approved;

- The decision of the court is based on false statement of the witness or expert;
- The decision of the court is based on a document which is falsified or a document that contains incorrect content;
- The court reached the decision due to criminal act of the judge, i.e. of the judge-juror, legal representative or the proxy of the party, the opposite party or a third person;
- The party may have the opportunity to use the effective decision of the court which is already reached for the same parties and for the same request;
- The decision of the court is based on other decision of the court and a decision of some other body and that decision will be effectively altered, revoked, i.e. nulled;
- The party come to knowledge of new facts or find or gain an opportunity to use new evidence on the basis on which more favourable decision may have been reached for the party for those facts and evidence to be used in the further procedure; and
- A decision of a competent body is additionally and effectively decided on the previous issue which the court's decision is based on.

The procedure effectively executed with a verdict on the basis of confession, verdict on the basis of denying, verdict as a result of failure to submit a response to a lawsuit and a verdict due to absence cannot be repeated as a result of the reasons from paragraph (1) items 8, 9 and 10 of this Article.

The procedure effectively executed with a verdict on the basis of confession and a verdict on the basis of denying can be repeated because the statement of confession, i.e. denying is given in misbelief or under the influence of force or deception.

The respecting of the human rights and freedoms, non-discrimination and equality are the basic values of one democratic society. Taking this a starting point, Republic of Macedonia adopted the Law on Prevention and Protection against Discrimination (Official Gazette of Republic of Macedonia No. 50/2010 dated 13.04.2010).

The law envisages establishing of an independent and self-governing body obliged to provide legal protection of discrimination victims and as a result the Commission on Protection against Discrimination was established in accordance with the law.

The Commission on Protection against Discrimination started with operation as an independent and self-governing body on January 1, 2011. It is comprised of seven members, appointed by the Assembly of Republic of Macedonia with a term of five years and a possibility for one repeated election. The Commission on Protection against Discrimination is central national authority for prevention and protection against discrimination in Macedonia and also an institution for affirmation and promotion of equality, non-discrimination and tolerance. During its operation, despite discrimination

complaints, the Commission participated in the implementation of large number of discrimination project, signed memoranda of cooperation with institutions, studies, guides and reports, preparation of Communication Strategy of the Commission, members of the Commission were present on large number of trainings, conferences, study visits etc. During its operation, the Commission faced with a lot of challenges such as the non-existence of the administrative expert service and limited budget. The Commission continuously cooperates with numerous organizations and association and has concluded memoranda of cooperation with part of them such as: Organization for Security and Cooperation in Europe (OBCE Mission in Skopje), Ministry of Labour and Social Policy, Academy of Judges and Public Prosecutors, Federation of Trade Unions of Republic of Macedonia as well as with large number of civil associations: Helsinki Committee for Human Rights, Civil Association H.E.R.A. - Association of Health Education and Research, Polio plus – Movement against Handicap and Association of Citizens for Social and Multicultural development – Zhenska Alijansa.

In the period from January 2011 to December 2014, the Commission on Protection against Discrimination, except in deciding in cases for discrimination, implemented several activities for reducing the discrimination in the area of employment and labour relations. With the support of the Mission of the Organization for Safety and Cooperation in Europe in Skopje, the Commission on Protection against Discrimination carried out a research of discrimination in the employment advertisements. The research was carried out in accordance with the Methodology on Research which was prepared by the research expert of discrimination in the advertisements and covered the period of 6 months, i.e. from April 15 to September 15, 2013. The subject of analyses of this research was the ads in the printed newspapers and web-sites where they are published such as Dnevnik, Utrinski vesnik, Lajm, the web-sites of Najdi rabota and Administration Agency which were delivered to the Commission on everyday basis by the OBCE Mission with purpose to be analysed and the research to be prepared. The research findings were presented in April 2014 on a conference organized by the Mission of the Organization for Safety and Cooperation in Europe.

The Commission on Protection against Discrimination, together with the Mission of the Organization for Safety and Cooperation in Europe in Skopje, on May 30 and June 6, 2014 held two working meetings with title: The Commission on Protection against Discrimination and the Social Partners – Presentation of the Findings from the Report on Discrimination in the Employment Advertisements. In the presentation the Commission pointed out that 27% of the advertisements from the private sector contain discriminatory assertions and this percentage is higher for 18.5% compared to the public sector (where the percentage is 8.5%) in the analysed advertisements that cover 4 newspapers, two Macedonian and two Albanian, and one web-site (from April to September 2013) In terms of the discrimination grounds, accent was put on that the gender based discrimination is highly dominant with 55%, then the personal status (that includes the marital status, pregnancy and if the person is a parent) with 21% and age with 17%.

The goal of these meetings was the participants to get familiar with the current situation and to see the specific findings from the research report on discrimination in the employment ads which serve as preparation of the document – Instruction and Recommendation for the Employers which refer to non-publishing of discriminatory contents in the employment ads (<http://kzd.mk/mk/dokumenti/2014>).

In the reference period of this Report (2011-2014), total of 139 complaints were received by the Commission from the area of employment and labour relations. In 7 cases, the Commission established discrimination on the grounds of gender, age, political admiration, ethnicity and personal and social status. One of the cases was about firing of a group of people from the Roma ethnic community by a private company in Republic of Macedonia. In other case where the Commission established discrimination on the grounds of political admiration, the female teacher initiated a discrimination court procedure after the 30 days deadline for the discriminator to act according the Opinion and recommendation by the Commission, or this case failure to act, where the Commission was included as intermediary.

In the period from January 2011 to December 2014, total of 331 discrimination complaints were submitted to the Commission on Protection against Discrimination. The largest part of the submitted complaints were from the area of employment and labour relations, total of 139 complaints, then 50 complaints from the area of social security, 48 complaints from the area of access to goods and services, 36 complaints from the area of public informing and media, 7 complaints from the area of housing, 5 complaints from the area of membership and acting in trade unions, political parties, civil associations and foundations or other organisations based of Article 100, 3 complaints from the area of culture, 17 complaints from other areas established by law, and 11 complaints where the grounds for discrimination was not listed.

In 2011 total of 60 discrimination complaints were submitted, 74 complaints were submitted in 2012, 84 complaints were submitted in 2013 and 106 complaints were submitted in 2014.

The Commission, regarding the complaints submitted in this period, established direct discrimination in 14 cases, indirect discrimination in 2 cases and harassment in 5 cases, and in 4 cases it resolved the complaints amicably. On the basis of Article 31 of the Rules of Procedure on Operation of the Commission, in certain number of cases, by mediating between the parties, the Commission managed to reach **amicable solutions** of the problems which the complainants were facing with. In these cases, the Commission stops the further acting with a Conclusion, which explains the undertaken measures, as well as their results which eliminate the violation of the right.

The remaining part of the complaints was submitted during the reference period of this Report, and is being processed in 2015.

The Commission on Protection against Discrimination notes the largest number of complaints from the area of employment and labour relations. Every day it is a witness of employment ads which contain discriminatory elements and continuously refers to

their elimination. As a consequence of the Research on Discrimination in the Employment Advertisements (<http://kzd.mk/mk/dokumenti/2014>), the Commission continuously follows the employment procedure in the ads since 2015 in order to establish a practice within the media who publish ads and employers who create them. From January to September 2015, the Commission acted in 6 cases in terms of discrimination in employment ads by informing on and indicating of the irregularity. Commission sends the prepared Instruction and recommendation to the employers which refers to not to publish discriminatory contents in the employment ads.

Regarding the Committee's request for the following report to contain precise description of the situation in relation to discrimination based on the sexual orientation, and the discrimination based on age in the employment as well, i.e. description for both the legislation and the practice⁹, we inform you that the legal regulation of Republic of Macedonia has a clear prohibition for discrimination based on sexual orientation in:

- Law on Labour Relations (Official Gazette of Republic of Macedonia No. 158 dated 9 December 2010), Article 6 prohibits discrimination based on sexual orientation;
 - Law on Public Health (Official Gazette of Republic of Macedonia No. 22 dated 15 February 2010) in the part of the Institute of Public Health and the centres' activities, Article 16;
 - Law on the Protection of Patients' rights (Official Gazette of Republic of Macedonia No. 82 dated 8 July 2008) in the part of patients' rights, Article 5;
 - Family Law (Official Gazette of Republic of Macedonia No. 157/08 dated 12 December 2008), in the part of victims of human trafficking and their families, Article 177-1;
 - Law Establishing the National Agency for European Educational Programmes and Mobility (Official Gazette of Republic of Macedonia No. 133 dated 20 September 2008) in the part of the Youth in Action programme, Articles 7 and 8;
 - Law on Higher Education (Official Gazette of Republic of Macedonia No. 35/2008) in the part for regulating the terms and conditions and the manner of enrolment and the procedure for selection of the candidate, Article 108, paragraph 5.

⁹ European Committee for Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 5

Supervision over the Law on Labour Relations shall be performed by the State Labour Inspectorate. This authority performs its function by conducting regular and extraordinary inspection supervision at the employers. Regarding the establishment of the labour relation, the Inspectorate shall act upon the complaints submitted by candidates, after an employment advertisement, who consider that their rights foreseen by the law have been violated, among which the rights foreseen by Article 6 of the Law on Labour Relations likewise (already stated in the previous Report of Republic of Macedonia regarding this issue i.e. all discrimination basis). Thus, in 2011 there were 308 complaints which refer to the employment procedure, in 2012 there were 293, in 2013 there were 349 and in 2014 – 276 complaints. In 2011, the State Labour Inspectorate, following the submitted complaints, noticed irregularities in the employment and adopted 68 decisions to remove irregularities, in 2012 the Inspectorate adopted 179 decisions, in 2013 adopted 192 decisions and in 2014 the State Labour Inspectorate adopted 96 decisions to remove irregularities.

The Law stipulates that if the employer does not act upon the decision, the Inspectorate shall submit a request for initiation of a misdemeanour procedure to the misdemeanour commission. For this misdemeanour – not acting upon the Inspectorate’s decision, the Law on Labour Relations stipulates fines in the amount of 2000-3000 euro in denar counter value for the legal entity and 500-1000 euro in denar counter value for the responsible person at the legal entity.

Regarding the court protection for the candidates who responded to an employment advertisement, in accordance with Article 181 (paragraph 7) of the Law on Labour Relations, the not selected candidate who considers that, in the selection for employment, the discrimination prohibition has been violated by the employer, shall be entitled to request a compensation of damage before a competent court.

All abovementioned acts by the State Labour Inspectorate, and in relation to the employment procedure, shall be applied to all submitted complaints for violations of rights of candidates who responded to employment advertisements, among which are included all rights foreseen by Article 6 of the Law on Labour Relations, the right to an equal treatment irrespective the sexual orientation (sexual orientation in the Law) and the age.

Sexual orientation as a basis for discrimination shall be covered by the Law on Prevention and Protection from Discrimination, in Article 3 and under the term “or any other bases which is provided by law or ratified international agreement”. The Law shall prohibit any direct or indirect discrimination, call for and encouraging discrimination and assistance in discriminatory behaviour based on: sex, race, colour, gender, belonging to a marginalized group, ethnicity, language, nationality, social background, religion or religious belief, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or any other basis provided by law or ratified international agreement. At the same time, the Law shall define and prohibit the severe forms such as discrimination towards certain person on more discriminatory grounds i.e. multiple discrimination.

In cooperation with the Organization for Security and Cooperation in Europe (OSCE Mission in Skopje) in 2013 were held several trainings to strengthen the capacities of the Discrimination Commission, including training for discrimination on the grounds of sexual orientation.

In November, 2014, the Commission signed a memorandum of cooperation with the Civic Association HERA – Health Education and Research Association – Skopje to implement the project “Strengthening of the Rule of Law of the LGBT Community (Lesbian, Gay population, Bisexuals, Transsexuals)”. The project’s implementation began from November, 2014 and shall last until December, 2015; it is focused on strengthening the capacities of the members of the Commission for Protection against Discrimination and the professional service. According to this project, 5 activities were realized:

- Assessment of the needs for building of the Commission for Protection against Discrimination’s capacities for solving cases of discrimination based on sexual orientation and gender identity in relation to subjects submitted by the LGBT community;
- Training for strengthening the commission’s members’ capacities;
- Study visit of the equality bodies in Netherlands;
- Developing an internal working protocol to accelerate the process of removing the discrimination against the LGBT community; and
- Campaign to raise the awareness of the citizens for greater tolerance and non-discrimination of the LGBT community.

In the period between January, 2011 and December, 2014, the Commission received a total of 18 complaints related to sexual orientation and gender identity. Most of the complaints were submitted by legal entities, i.e. Civic Associations. The Commission for Protection against Discrimination determined discrimination and harassment in 3 cases, in 9 cases it did not determine any discrimination, in 3 cases it did not initiate procedure pursuant to the Law on Prevention and Protection against Discrimination while in one case it resolved the complaint by an agreement, because the violation in the same case has been removed.

Regarding the Committee's question for age-based discrimination, in addition to the information for discrimination based on sexual orientation¹⁰, we inform you that the Law on Prevention and Protection against Discrimination, Article 6, as one of the

¹⁰ European Committee for Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 6

discriminatory grounds, also mentions the age, which is treated in the same manner as the other discriminatory grounds. Likewise, the Law on Equal Opportunities of Men and Women (Official Gazette of republic of Macedonia No. 6/2012) in Article 3 paragraph 6, in accordance with the equal treatment principle in employment, besides the other grounds, also prohibits the age-based discrimination. Additionally, the Law on Labour Relations (Official Gazette of Republic of Macedonia No. 158 dated December, 2010), by Article 6, prohibits age-based discrimination, while the Law on Higher Education (Official Gazette of Republic of Macedonia No. 35/2008), prohibits discrimination in the part for regulation of the conditions and manner of enrolment and the procedure for selection of candidates (Article 108).

Provisions of the abovementioned laws shall be conducted in the same manner as stipulated above, for all discrimination grounds.

In the period between January, 2011 and December, 2014, the Commission for Protection against Discrimination received a total of 19 complaints on age-based discrimination. In two cases the Commission for Protection against Discrimination determined a direct discrimination based on age in the area of labour relations. Both cases of discrimination were to move from one job position to another, by providing new or annexed agreement. This distribution, for which the reason has been the age of the person, shall represent harassment and violation of the age-based dignity. The Commission for Protection against Discrimination in both cases submitted an Opinion and Recommendation to the discriminator for removal of the right violation in a manner in which the same will adopt a decision to conclude new changed agreement by which the person will be returned to the same job position. The Commission's recommendations shall be mandatory and the discriminator should act upon the same within 30 days. If the person to whom the recommendation has been referred does not act upon the same i.e. does not remove the violation of the right, the Commission shall initiate a procedure before a competent authority in order to determine his responsibility.

Note: Complainants, in submitting the discrimination complaint, can state more than one ground of discrimination i.e. more than one area of discrimination.

Regarding the question of the Committee on whether there is a national strategy to combat all forms of discrimination in employment¹¹, we inform you the Government of Republic of Macedonia, on a proposal of the Ministry of Labour and Social Policy in 2012, adopted the National Equality and Non-Discrimination Strategy based on sex, age, ethnicity, mental and physical disability, whose main goal is to improve the status of the most vulnerable categories of citizens in the society and to provide continuous development in the achievement of equality and non-discrimination. The strategy determines 3 general strategic goals:

¹¹ European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 6

a) Promotion of the legal framework on equal opportunities and non-discrimination;

b) Strengthening the capacities of the institutional mechanisms for prevention and protection against discrimination and promotion of equal opportunities;

c) Raising the public awareness to recognize the forms of discrimination and raising the awareness to promote the concept on non-discrimination and equal opportunities.

This Strategy and the strategic goals regulate the measures and activities that will be implemented in order to provide inter-ministerial and interdepartmental cooperation as well as cooperation with the civic sector and the social partners in the realization of the Law on Equal Opportunities of Men and Women, the Law on Prevention and protection against discrimination, as well as other laws and programmes which refer to this area, to coordinate the performance and to perform monitoring of the policy, measure and activity implementation.

In relation to the Committee's question on whether there are procedures initiated by the citizens for determining the constitutionality and legality of a law, legal provision, collective agreement or employment agreement from aspect of discrimination in employment, in order to demand their annulment by the Constitutional Court¹², here is some information by the Constitution of Republic of Macedonia:

In the period between 2011 and 2015, the Constitutional Court of Republic of Macedonia, in several occasions i.e. in several cases assessed the constitutionality of the laws in the light of allegations of the existence of discriminatory provisions i.e. in the light of Article 9 of the Constitution of Republic of Macedonia. As more significant cases considered by the Constitutional Court, we state the following cases i.e. decisions of the Constitutional Court:

1. The Constitutional Court by the **Decision U. No. 173/2010 dated 22 June, 2011**, repealed Article 53 paragraph 1 line 6 of the Law on Employment and Insurance in Case of Unemployment (Official Gazette of Republic of Macedonia No. 37/1997, 25/2000, 101/2000, 50/2001, 25/2003, 37/2004, 4/2005, 50/2006, 29/2007, 102/2008, 161/2008, 50/2010 and 88/2010).

The initiative has been submitted by the Magna Carta Association from Veles and the Movement for Social Justice "Lenka" from Skopje. The repealed decision prescribed that an unemployed person is a person whose labour relation did not terminated by his own will.

The Constitutional Court, considering the constitutionally guaranteed right to

¹² European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 6

work, as primary economic social right manifested through the right to access to employment and exercising the right to labour relation, in its Decision indicated that: “the allegations in the initiative are justified, from the reason that the disputed legal decision according to which a status of unemployed person shall have only the person whose labour relation did not terminated by his/her will, and not the person whose labour relation terminated by his/her will as well, brings into question the right to work and free choice of employment determined by Article 32 of the Constitution.

The right to work and free choice of employment shall be regulated by the Law on Labour Relations according to which the labour relation shall be agreed by voluntary relation between the employer and the employee, in which the employee shall be included in the organizational process of work at an employer for a salary and other income. The employment agreement as two-party relation can be terminated by an agreement, in accordance with the terms and conditions determined by the Law, can be terminated by the employer under terms and conditions determined by Law and the labour relation can be terminated by the employee under the terms and conditions determined by Law (Article 100).

Accordingly, if the labour relation can be terminated by an agreement or by the will of the employer and in such cases the employee acquires the status of unemployed person and will be registered in Employment Service Agency as such, but if the labour relation is terminated by the will of the employee, the same cannot acquire the status unemployed person, i.e. he/she cannot register in the Employment Service agency, here comes the question - what was the legislator’s purpose to give a right to the employee to terminate the employment agreement by his/her will, and on the other hand, exercising this right represents a constrain to acquire the status of unemployed person i.e. to be registered in the Employment Service agency, and in such case to exercise the rights in case of temporary unemployment, if the same meets certain requirements. Therefore, having into consideration that the Employment Service agency, among other things, keeps records of employers and their needs of employees and records of unemployed persons according to their qualifications, knowledge and experience in order to help the employers in filling the vacancies, and to help the unemployed persons to find a job, the Court assessed that the disputed provision, in certain manner, affects both, the persons who cannot offer their labour on the labour market due to the inability to register in the Agency, and the employers who cannot see i.e. are not able to know that there are persons for who they would be interested to find a job or, more precisely said, the disputed provision in an indirect manner limits the right to movement – fluctuation of the labour force i.e. it limits the labour market”.

2. The Constitutional Court by a Decision U. No. 114/2014 dated 1 April, 2015, initiated a procedure to assess the constitutionality of Article 104 paragraph 2, in the part: “(man), i.e. up to 65 years of age (woman)” and paragraph 4, in the part: “(man), i.e. up to 65 years of age (woman) mostly” of the Law on Labour Relations (Official Gazette of Republic of Macedonia No. 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/2010,

52/2010, 124/2010, 47/2011, 11/2012, 39/2012, 13/2013, 25/2013, 170/2013, 187/2013, 113/2014, 20/2015 and 33/2015).

The initiative has been submitted by several submitters: “Union-National Council for Gender Equality” and “Macedonian Women's Lobby”, both associations from Skopje, six professors from the Ss. Cyril and Methodius University from Skopje: Elena Gradishki Lazarevski, Ljiljana Hadzi-Pecova, Kostandina Korneti-Pekevaska, Biljana Sidovska-Ivanovska Snezhana Efremova Aaron and Miljana Stojanovikj Toloska and group of employees at the Higher Medical School in Bitola. The initiative submitters considered that the disputed provision directly violates by the Constitution the guaranteed equality among the citizens, irrespective their gender, and represents ground for including gender discrimination in the area of labour relations, putting women in more unfavourable position than men, in their exercising the right to pension in Republic of Macedonia. Namely, the legal opportunity that the legislator in Republic of Macedonia provides to the men to extend the employment agreement to 67 years of age mostly versus 65 years of age of women is in contrary to the gender equality which is constitutionally guaranteed category.

In the specific case, the Court assessed that: “the disputed parts of Article 104 paragraphs 2 and 4 of the Law, stipulate that the male employee can request from the employer to extent his employment agreement to 67 years of age, while the female employee can request extension of such agreement to 65 years of age, where the employer shall be obliged to extend the employment agreement for the period requested by the male or female employee, unable to go outside of the established legal framework. Accordingly, such legal provisions shall be mandatory and impose a termination of the labour relation of the female worker under different conditions than the male worker, i.e. her employment relation and the right to work shall terminate with completed 65 years of age, while his with completed 67 years of age.

Considering the above, the Court assessed that there are grounds to impose the question for the conformity of the disputed legal provisions with the constitutionally determined principle of equality among the citizens based on gender, determined by Article 9 of the Constitution.

The Court considers that other issue is the right of the female insured to acquire age pension earlier than the male insured if that is her choice, having into consideration that the right has a justification in the affirmative action principle i.e. the female positive discrimination principle. But, that right of the woman in the area of pension and disability insurance cannot be applied automatically in other areas, especially if it leads towards limitation of the gender-based rights. In this specific case, the Court assessed that the extension of the employment agreement, actually, means extension of the employment relation i.e. exercising the right to work which differs from exercising the right to age pension”.

Note: in this case, the Court has not yet reached a final decision on annulations or termination of the disputed provisions.

Regarding the Committee's request to clarify the issue for the possibility of collective groupings in the interest of disclosure of the breach of the prohibition of discrimination¹³, we inform you that the Law on Prevention and Protection against Discrimination, in Article 41 stipulates the issue for joint lawsuit for protection against discrimination. Thus, associations and foundation, institutions or other organizations from the civil society, which have justified interest in the protection of the collective interests of certain group or, within its activity, they work on the protection of rights to equal treatment, can fill a lawsuit and in the procedure before the court can act as co-litigants against the person who breached the right to equal treatment, if they make possible that the actions of the defendant violated the right to equal treatment of a larger number of persons. That shall mean that such organizations not only can appear as third parties in single lawsuit (Article 39), but to initiate collective actions as well.

By the end of 2014, the Commission for Protection against Discrimination received a total of 11 collective complaints. Most of the collective complains are submitted by associations of citizens, such as the Network for Protection against Discrimination. Complainants can state more than one potential discriminator.

Regarding the Committee's question on whether after the transposition of the EU directives in the national legislation in the field of equal opportunities and non-discrimination, the provision on the obligation of proofing in disputes involving allegations of discrimination in employment and work for issues covered by the Charter¹⁴ has been changed, we inform you that the proofing is equal for the both sides. In the Law on Labour Relations, in the Law on Equal Possibilities of Men and Women and in the Law on Prevention and Protection against Discrimination, the burden of proofing shall fall on the defendant, i.e. he/she shall proof that there was no any discrimination. While an obligation of the plaintiff shall be to make it believable that discrimination has been made, by presenting all the facts and evidence justifying him/her. Namely, according to the Law on Labour Relations, if the employment candidate i.e. the worker, in case of dispute, presents facts that the employer acted in contrary to the Articles 6 and 9 of this Law, the employer shall be obliged to prove that there was not any discrimination i.e. that he acted in accordance with Articles 6 and 9 of this Law, unless otherwise proven by the different treatment made due to exceptions under Article 8 of this Law.

The Law on Prevention and Protection against Discrimination also regulates appropriate procedure before the Commission for Protection against Discrimination available for any person who considers that suffered discrimination, without having the

¹³European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 6

¹⁴European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 6

obligation to pay fee or any compensation. The procedure shall commence by submitting a complaint which can be either in written form or given orally in minutes. Along with the complaint, the person shall submit the evidence that support the facts which show that in the specific case there was discrimination.

The Commission for Protection against Discrimination shall determine the factual condition based on the review of presented written evidence, by taking statements from the complainant and the person against who the complaint has been submitted (Article 27). If the Commission determines that the evidence are not sufficient for proper and complete determination of the factual condition, the same can also take statements and to acquire evidence from other entities who possess data on the specific case for discrimination. When the complainant will prove that there is discrimination (prima facie case), than the obligation of proving shall shift from the complainant to the potential discriminator.

Regarding the Committee's question on whether the legislation allows the authorities to stop, revoke, terminate or change any provision in the collective agreements, employment agreements and internal regulations of the enterprises not compatible with the equal treatment principle, we inform you that the Law on Labour Relations contains built-in provisions that prohibit discrimination (Article 6 of the Law), where they determine invalidity of the provisions in collective agreements and employment agreements which provide discrimination on any basis of this article. Direct and indirect discrimination and the exceptions to the prohibition of discrimination shall be determined, and the harassment and sexual harassment notion shall also be defined. In the discrimination cases under Article 6 of this Law, the candidate for employment or the worker shall be entitled to a compensation of damage in accordance with the provisions of the Law on Obligations.

In addition, pursuant to Article 29 of the Law on Labour Relations, the provisions of the employment agreement which are inconsistent with the general provisions on rights, obligations and responsibilities of the contracting parties determined by law, collective agreement or act of the employer shall be invalid as of the moment of conclusion of the agreement.

Regarding the conclusion of the European Committee of Social Rights in relation to the existence of discrimination in the access to job positions in the public sector for foreign citizens, i.e. citizens of the Contractual States, we would like to highlight that we believe that such assessment is not completely correct and precise.

Generally, we believe that Article 1§2 of the Charter, in the part related to the protection of the workers against any form of discrimination in employment, is strongly absolved in the Macedonian legislation.

Additionally, in accordance with the intentions for protection of the domestic labour market, we would like to emphasise that each member state has established a

mechanism where the first priority in offering vacancies is provided to the domestic population. In the areas where the states have an interest to hire foreign workers, in these sectors the existing laws provide exceptions. Such an example in Republic of Macedonia is the Law on Health Protection where besides the basic condition for a person to be employed in Public Health Institution is be a citizen of Republic of Macedonia, the law itself provides exceptions under what conditions an access of foreign citizens in the public health sector shall be allowed.

In support to that statement is the statistics of the Employment Service Agency of Republic of Macedonia according to which during 2012 were issued 16 work permits for university professors who were hired on the state universities.

The Law on Employment and Work of Foreigners provides the possibility to suspend the provisions of this law, if an international agreement provides reciprocity in terms of free access on the labour market, employment and free flow of services by foreign workers, as well as in relation to other forms of work subjected to this law.

As regards the access of foreigners to the state sector where there is a limitation that the hired persons must be citizens of Republic of Macedonia, we would like to emphasise that each bilateral agreement that would regulate the issue of access to the state sector of the signatories, based on certain reciprocity which will be ratified by the assemblies of the signatory countries, the same shall become part of the legal system of the state.

We would like to highlight that having into consideration the trends of increased mobility of the labour force and in search of quality labour force, Republic of Macedonia is ready to consider the issue with each shareholder, within bilateral agreements based on the reciprocity principle, to provide access to the vacancies of their citizens to the public and state sector in the signatory countries of such bilateral agreement.

Regarding the presence of foreign citizens on the labour market in Republic of Macedonia, the terms and conditions under which foreigners can be employed and work in Republic of Macedonia, unless otherwise stated by an international agreement, shall be regulated by the Law on Employment and Work of Foreigners which entered into force in September, 2007.

It shall stipulate the basis of the policy for employment and work of foreigners, terms and conditions for issuing work permits, types of working days as well as the procedure for their issuance. Besides, the Law regulates the terms and conditions for cross-border provision of services by foreign companies, by referring workers in branch offices and associations of foreign companies in Republic of Macedonia, than the seasonal work of foreigners as well as the work of foreign representatives in companies and self-employment of foreigners in Republic of Macedonia.

The Law also stipulates limitation of the number of employments and work of foreigners on the domestic labour market. Grounds to determine these limitations arise of the legislation of the European Union, according to which the member countries can establish quotas of work permits on annual level in order to protect the national labour

market. Based on the identified needs of labour force in 2014, it was approved issuance of a total of 3,250 work permits on all grounds, which does not represent more than 5% of the population of Republic of Macedonia who, in accordance with the data of the State Statistical Office, is legally employed.

Pursuant to the Law on Employment and Work of Foreigners, the bylaws and the Decision on Determining the Quotas of Work Permits for 2014 in a total amount of 3250 permits distributed by groups, the Employment Service Agency of Republic of Macedonia shall be competent for issuing work permits.

For 2011 there was a quota determined of 3,000 work permits distributed by groups, where there were:

- 1871 positive work permits on all grounds, issued by person (this number also includes applications submitted in 2010 and issued and realized in 2011);
- 66 positive work permits (delivered to the competent institutions on time) that are not taken i.e. realized;
- 71 negative decisions were issued due to failure to meet the conditions for issuing working permits;
- 14 applications for issuing a work permit have been withdrawn.

From the total of 1871 issued work permits, there were:

- 966 employment permits
- 586 personal work permits and
- 319 work permits.

On the same grounds were issued:

- work permits for 319 persons;
- employment – 971 persons;
- marriage – 271 persons;
- self-employment – 233 persons;
- family reunion - 15 persons;
- permanent stay – 23 persons;
- by origin – 11 persons;
- asylum seekers – 19 persons;
- persons under subsidiary protection – 9 persons.

Thereby, 869 work permits have been extended on all grounds, while 1002 are new working permits.

According to the occupation of the foreign citizens there are work permits issued as:

- Company managers – 385 persons;
- Company directors – 74 persons;
- Managers – 118 persons;

- Professors – 97 persons;
- Heads – 67 persons;
- Football players – 15 persons;
- Handball players – 13 persons;
- Programmers – 14 persons;
- Chefs – 21 persons; and
- Other occupations (craftsmen, counsellors, controllers etc.) – 1076 persons.

According to vocational education of foreigners:

- 71 persons are doctors and masters;
- 857 are with university degree;
- 22 are with advanced specialist's training;
- 664 are with higher education;
- 213 persons are low-skilled and highly-skilled;
- 44 persons are without education.

According to the origin country of foreign citizens, largest number of work permits is issued for persons who come from Turkey - 581; Serbia - 250; Greece - 145; Bulgaria - 120; Germany - 68; Russia - 36; China - 15; USA - 40; Kosovo - 69; Albania - 54 and other countries - 493

According to the cities for which the foreign citizens received work permits, greatest number of work permits are issued for Skopje - 1319; Gevgelija - 126; Bitola - 50; Tetovo - 54; Ohrid – 36; Gostivar - 26; Prilep - 30; Strumica - 22; Kumanovo - 17 and other cities - 191

In 2012 was also determined a quota of a total number of 3000 work permits distributed by groups, where 2569 work permits were issued by person of a total of 2261 application submitted, such as:

- 2218 positive work permits on all grounds, issued by person;
- 175 positive work permits (forwarded to the competent institution on time) which are not taken;
- 56 negative decision were issued due to failure to meet the conditions for issuing a work permit;

Of the total 2218 work permits issued, there were:

- 1115 employment permits;
- 693 personal work permits, and
- 410 work permits.

Of the total number of issued work permits, 1498 were new work permits, while 720 were for extension.

According to the country of origin of foreign citizens, greatest number of work permits is issued for persons who come from: Turkey 543 persons, Serbia 265 persons;

Greece 216 persons; Bulgaria 139 persons; Germany 99 persons; Russia 67 persons; Kosovo 104 persons; Albania 62 persons and other states 862 persons.

Largest number of the issued work permits is in Skopje, followed by Gevgelija (166), Bitola (67), Tetovo (55), Ohrid (47), Prilep (40), Strumica (26), Shtip (30) permits and other cities with a total of 183 work permits.

For 2013 there was a quota of 2600 work permits distributed by groups.

Total number of issued work permits amounts 3102, of which:

- 2623 positive work permits on all grounds;
- 278 positive work permits (sent to the competent institutions on time) which are not taken i.e. realized.
- 201 negative decisions issued due to failure to meet the conditions for issuing a work permit.

Of the total 2623 positive work permits issued in the reporting period, there were:

- 1400 employment permits;
- 727 personal work permits; and
- 496 work permits.

From them, 867 were issued as extension of work permit on all grounds, and 1756 were new permits on all grounds:

Table 15. Issued work permits to foreigners according occupation for 2013	
Occupations for which foreigners received work permits	Number of persons (foreign citizens)
Worker for simple works, not distributed to other place	12
Chef	9
Salesman	13
Baker	16
Baker, craftsman	8
Electrical Technician	8
Mechanical Technician	12
Textile Technician	8
Manager	43
Economist	22
Other	2472

Source: Employment Service Agency of Republic of Macedonia

Table 16. issued work permits to foreigners according to education for 2013	
Vocational training of foreign citizens	Number of persons (foreign citizens)
Third cycle of studies: doctoral studies	27
Second cycle of studies: Master academic studies	96
Second cycle of studies: specialized studies	20
First cycle of studies: university 240, vocational 240	989
First cycle of studies: university 180, vocational 180	56
Vocational studies of 60 to 120 credits	33
Vocational education related to the first cycle of studies up to 60 ECTS	7
Higher education	852
Secondary vocational education	171
Primary education	352
Basic primary education	13
No education	7

Source: Employment Service Agency of Republic of Macedonia

Table 17. Issued work permits to foreigners according to country of origin for 2013	
Country of origin of foreign citizens	Number of persons (foreign citizens)
Albania	85
Bosnia and Herzegovina	65
Bulgaria	201
Croatia	108
Germany	97
Greece	480
Slovenia	60
Turkey	551
Serbia	356
Kosovo	103
Other	718

Source: Employment Service Agency of Republic of Macedonia

Table 18. Issued work permits to foreigners by cities for 2013	
Cities for which foreigners received work permit	Number of persons (foreign citizens)
Skopje	1903
Gevgelija	149
Bitola	66
Ohrid	60
Tetovo	54
Prilep	53
Kavadarci	45
Kumanovo	29
Shtip	28
Other	236

Source: Employment Service Agency of Republic of Macedonia

For 2014 was determined a quota of 3250 work permits distributed by groups, where was issued a total of 3504 work permits, of which for 241 of the applications were submitted before 01.01.2014. From them there were issued:

- 3382 positive work permits on all grounds;
- 196 positive work permits (delivered to the competent institutions on time) which are not taken i.e. realized.
- 122 negative decisions issued due to failure to meet the conditions for issuing a work permit.

Of the total of 3382 positive work permits issued in the reporting period, there were:

- 1945 employment permits;
- 922 personal work permits; and
- 515 work permits.

Of those 1187 were for extension of the work permits on all grounds, and 2195 were new work permits on all grounds.

Table 19. Issued work permits to foreigners according occupations for 2014	
Occupation of foreign citizens to which work permits were issued	Number of persons (foreign citizens)
Manager	56
Fitter of steel ropes and wires	36
Economist	28
Baker	21
Tailor	17
Worker for simple works, not distributed to other place	15
Mechanical Engineer	14
Mechanical Technician	14
Management Economist	12
Salesman	12
Other	3157

Source: Employment Service Agency Republic of Macedonia

Table 20. issued work permits to foreigners according vocational training for 2014	
Vocational training of foreign citizens to whom work permits have been issued	Number of persons (foreign citizens)
Third cycle of studies: doctoral studies	28
Second cycle of studies: master academic studies	93
Second cycle of studies: specialized studies	6
First cycle of studies: university 240, vocational 240	1175
First cycle of studies: university 180, vocational 180	42
Vocational studies from 60 to 120 credits	19
Vocational education related to the first cycle of studies to 60 ECTS	7
Secondary education	1160
Secondary education	174
Primary education	640
Basic primary education	17
No education	21

Source: Employment Service Agency of Republic of Macedonia

Table 21. Issued work permits to foreigners according county of origin for 2014	
Country of origin of foreign citizens to whom work permits have been issued	Number of persons (foreign citizens)
Greece	800
Turkey	609
Serbia	340
Albania	250
Bulgaria	186
Kosovo	164
Croatia	121
Germany	103
Romania	90
Italy	76
Other	643

Source: Employment Service Agency of Republic of Macedonia

Table 22. Issued work permits of foreigners by cities for 2014	
Cities for which foreign citizens received work permits	Number of persons (foreign citizens)
Skopje	2361
Gevgelija	247
Kavadarci	109
Bitola	95
Tetovo	89
Ohrid	57
Prilep	49
Shtip	41
Gostivar	40
Other	294

Source: Employment Service Agency of Republic of Macedonia

Prohibition on Forced labour

Regarding the European Committee for Social Rights' question on how the prohibition on forced labour under Article 11 of the Constitution of Republic of Macedonia is implemented in practice¹⁵, we inform you that the question on forced labour in the Macedonian legislation, above all, is reviewed from human freedoms and rights point of view. Thus, in accordance with the Criminal Code of Republic of Macedonia, deprivation and limitation of some of the human and citizen rights determined by the Constitution, law or by ratified international agreement shall be punished with imprisonment of three months to three years (Article 137). If such act has been committed by an official in performance of duty, the same shall be punished with imprisonment of six months to five years, and if the act is committed by a legal entity, the same shall be punished with fine. In addition, the Criminal Code provides for fine or imprisonment of one year if some person by force or serious threats will force another person to commit or not to commit or suffer something (Article 139). The prosecution of this criminal act shall be undertaken upon private lawsuit.

Chapter seventeen of the Criminal Code, titled Criminal Acts against Labour Relations provides for fine or imprisonment for the person who knowingly fails to comply with the law, other regulation or collective agreement, having into consideration that pursuant to the Law on Labour relations, the labour relation shall be agreed relation between the worker and the employer in which the worker voluntarily joins the organized working process at the employer. Law on Labour Relations aims to include the employees in the working process and to provide harmonized development of the working process where the right of the employees to have freedom at work, dignity and protection of interests shall be respected (Article 2 of the Law on Labour Relations).

Forced labour in Republic of Macedonia shall represent a criminal act contained in: Article 418: Founding a slave relationship and transportation of persons in slavery, 418-a: Human trafficking and 418-d: Child trafficking.

Thus, Article 418-a of the Criminal Code, among other things, envisages imprisonment of at least four years for anyone who by force, serious threat misleads or by other forms of coercion, abduction, fraud, abuse of position or pregnancy, infirmity or physical or mental disability of another person, or by giving or receiving money or other benefits in order to achieve the consent of a person having control over another person or otherwise recruits, transports, transfers, buys, sells, harbours or accepts persons for exploitation through prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriage, forced pregnancy, illegal adoption or similar relationship, begging or exploitation due to activities prohibited by law or by illegal transplantation of human organs. The person who will

¹⁵European Committee for Social Rights, Conclusions XX-1 (2012), ("Republic of Macedonia", Articles 1 and 15 of the Charter, (European Council, January 2013), page 7.

take or destroy personal identity card, passport or other another person's identification document in order to commit the crime shall be punished with imprisonment of at least four years. If such crime is committed by an official in performance of his job, the same shall be punished with imprisonment of at least eight years. The victim's consent to human trafficking for the purpose of exploitation is of no importance of the existence of the crime.

Article 418-d incriminates activities of child trafficking, where shall be punished: "The person who will take a child to perform sexual acts or will provide performing sexual acts with a child, or recruits, transports, transfers, buys, sells or offers for sale, acquires, harbours or receives a child for exploitation by way of his/her use in sexual activities for money or other compensation or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced fertilization, illegal adoption or extortion as a mediator pursuant to adopt a child, illegal transplantation of human organs, shall be punished with an imprisonment of at least eight years.

Labour in Prisons

Regarding the European Committee of Social Rights' request for this Report to contain the compensation rates for work performed in prisons and comparison of these amounts with the amount of work by hour of work with the minimum salary in Republic of Macedonia, as well as explanation for the differences in the amounts¹⁶, the Directorate for Execution of Sanctions shall notify the following:

Establishment of comprehensive regulation and improvement of the conditions for hiring the inmates shall be covered by the strategic goals of the National strategy for development of the penitentiary system with Action Plan 2015-2019, which is adopted by the Government of Republic of Macedonia on 12.05.2015. Pursuant to the Strategy's Action Plan, it shall be expected the envisaged activities within the Strategic Goal 4: Improving the treatment and care for the inmates in prisons, to contribute to improved conditions for hiring inmates (Result 4.5). Specifically, it is foreseen the planned improvement of the conditions for hiring the inmates to cover: using the existing capacities and increasing the range of activities in the institutions, equipping workshops according to the assessment of needs, determining cost of compensation for hours of work according to the type and complexity of the tasks, provision of cooperation with relevant external institutions in order to acquire knowledge certificates as well as training of professional instructors for efficient implementation of the working process of the hired persons in the prisons.

¹⁶European Committee on Social rights, Conclusions XX-1 (2012),(Republic of Macedonia, Article 1 and 15 of the Charter, (Council of Europe, January 2013), p. 7.

Conditions of hiring inmates outside the institutions shall be regulated by the **Guidelines on the Conditions, Manner and Procedure for Labour Engagement of Inmates Outside of the Institution**. These Guidelines proscribes the procedure of labour engagement of inmates outside of the institution. Regarding the protection of inmates' rights, it contains criteria under which an inmate can be hired outside of the institution, the contract's content as well as the procedure of supervision.

Coercion Related to Home Labour

Regarding the Committee's question on whether the homes of the private persons who employ house workers are subjected to inspection visits¹⁷, we inform you that the State Labour Inspectorate's competencies are determined by the Law on Labour Inspection and the Law on Labour Relations. Pursuant to these two laws, this authority shall perform supervision over the application of the regulations which regulate the labour relations at employers who employ workers based on employment agreement. But, pursuant to Article 26 of the Constitution of Republic of Macedonia, the inviolability of the home shall be guaranteed i.e. the right to inviolability of the home can be limited only by a court decision when it comes to disclosing or preventing crimes or protection of the humans' health. Accordingly, the labour inspection shall not be competent to perform inspections in relation to homework.

Additionally, pursuant to the Law on Labour Relations, worker shall mean natural person who is in labour relation based on concluded employment agreement, while employer shall mean legal or natural person or other entity who employs workers based on employment agreement. Accordingly, the members of family household do not represent workers, nor the household represents an employer, so the State Labour Inspectorate cannot perform supervision in the homes. However, in Article 53 of the Law on Labour Relations that reads "Employment Agreement for Housekeepers", if housekeepers/house workers concluded an employment agreement, the same shall be entitled to submit a request (a complaint) to the State LABOUR Inspectorate to perform a supervision in connection to the exercise of the rights to labour relation provided by law and by their employment agreement. In that case, the Inspectorate shall act upon all its powers as well as for workers who do not work at home, but at legal entities.

Regarding the Committee's question on whether the regulations offer protection from abuse upon request, for example - migrant workers recruited in one country to perform homework receive written offer for employment or forced employment agreement in another country, we inform you that the employer who, in accordance with the regulations for employment and insurance in case of unemployment, possesses a permit to refer workers at other employers – users, based on concession agreement, cannot conclude employment agreement with foreigners

¹⁷European Committee on Social rights, Conclusions XX-1 (2012),(Republic of Macedonia, Article 1 and 15 of the Charter, (Council of Europe, January 2013), p. 7.

who do not possess work permit, valid for certain period of time.

In employment or work of foreigner, the employer must not put the job-seeker in unequal position where the prohibition of direct or indirect discrimination shall be completely determined by the provisions Law on Labour Relations.

Regarding the question whether the foreign domestic workers are entitled to change the employer in case of abuse or they would lose their right to stay if they leave their employer, we inform you that, pursuant to the Law on Employment and Work of Foreigners, the transfer of foreigners who already have established a labour relation at a legal entity in Republic of Macedonia, from one to another legal entity, will not be linked with the labour market.

Employment permits of foreigners in such cases shall be issued without previous check on whether the domestic job seekers do not look for that particular job, or the persons who regarding the employment rights enjoy equal status with the citizens of Republic of Macedonia. The issued work permit of foreigner for his previous working arrangement at a legal entity in Macedonia shall be terminated, while the new work permit for hiring the foreigner will be with validity date until the expiration of the previously issued work permit, and at the same time the foreigner must deliver evidence that all charges as of the last accounting month at the employer he was previously hired are paid.

The worker shall be entitled to change the employer and at the same time there shall not be a systematic disruption in the Employment Service Agency of Republic of Macedonia performed, but it shall be checked whether all duties for the same have been paid by the previous employer and than new work license shall be issued at the new employer, a decision that the previous one shall no longer be valid shall be adopted, and his stay shall remain the same in accordance with the previously issued work permit i.e. he shall not lose the stay that was previously awarded to him based on the previously working arrangement. One month before the expiration of the stay, the employer should submit a request for issuing new work permit.

Right to the Opportunity to Gain a Living by Work Freely Chosen

Regarding the Committee's request to provide information related to the loss of aid or compensation when the unemployed person refuses a job¹⁸, we inform you that in accordance with the Law on Employment and Insurance in Case of Unemployment, the beneficiaries of monetary compensation must be recorded as active job seekers and to be recorded in the competent employment centre on every 30 days. Accordingly, all provisions that regulate the rights and obligations of the unemployed persons – active job seekers – shall be applied to them.

The right to monetary compensation of the unemployed person shall terminate if:

¹⁸European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 7

- the person establishes employment relation;
- he/she founds a trade company, enterprise or other legal entity;
- he/she performs craftsman or other professional activity;
- he/she refuses to appear at the employer if the same is notified by the Agency for the employment;
- he/she refuses to establish a labour relation at the employer referred by the Agency;
- he/she refuses a full or part-time employment which is not shorter than half working hours, and is appropriate to his/her education, knowledge and possibilities;
- he/she rejects training, requalification or further qualification that corresponds to his/her vocational education, knowledge and capabilities or by his own fault terminates the training, requalification or the further qualification;
- he/she meets the conditions for acquiring a right to pension or exercises a right to pension;
- the unemployed person by a competent authority is found at work, hired or performing activity contrary to the law;
- He/she loses the working ability on the day of determining the lost working ability;
- he/she unjustifiably refuses temporary employment in exceptional cases (floods, earthquakes, it performing agricultural work, etc.) by the competent authority that organizes action to remove the consequences or to prevent them;
- he/she refuses a working arrangement to perform public works;
- he/she refuses employment on a workplace for which is required lower vocational education than the one he/she possesses, and if immediately before he/she becomes unemployed, by his/her consent, he/she worked on such workplace or stated that he/she accepts employment with a lower degree of vocational education;
- he/she begins serving his/her prison sentence, longer than six months;
- he/she does not appear in the Agency in the determined term;
- he/she does not respond to the invitation of the Agency due to unjustified reasons; and
- within eight days he/she does not notify the Agency for each change that represents condition or basis for acquiring, achieving or losing the right to monetary compensation.

The unemployed person whose right to monetary compensation has been terminated, can exercise that right if the same re-meets the conditions for acquiring the right to monetary compensation, by the means that in his years of service the time spent in labour relation before the last received monetary compensation shall not be calculated, except to the unemployed persons who following the termination of the last employment have over 15 years of service, and who lack of mostly 18 months before meeting the conditions for acquiring the right to age pension.

The unemployed person to whom, due to establishment of labour relation, the right to monetary compensation has been terminated before the expiration of the time for which he/she was entitled to, and he/she becomes unemployed again, he/she shall continue to use that right if the same is favourable for him/her.

Regarding the employment that can be offered to the unemployed persons, the Law foresees that the unemployed person can be offered with appropriate, suitable and other employment.

Appropriate employment can be offered to the unemployed person in the period from the day of entering of the person in the records of unemployed persons until the expiration of 12 months. The Agency can offer suitable employment of 12 months until 24 months from the day of entering the person in the records.

Following the expiration of 24 months from the recording, the unemployed person can be offered with other job position which is not considered as appropriate or suitable in terms of this law.

As appropriate shall be deemed the employment that meets the following conditions:

- fixed-term or permanent employment with full or shorter than full working hours, in accordance with the Law on Labour Relations or the regulation on professional rehabilitation and employment of persons with disabilities;

- a workplace which is distanced mostly two hours of travelling with public transport or transport organized by the employer from the place of residence of the person to the workplace and vice versa, i.e. one hour for unemployed person who lives independently with a child younger than 15 years of age within a household, and

- which is in accordance with the type and degree of completed education of the person and the acquired skills stated in the filled form he/she delivered to the Agency in order to be recorded in the records of unemployed persons, if the person looks for a job for a first time or if he/she looks for a job again after a break in the employment of at least two years.

By consent of the unemployed person, he/she can be immediately offered with a job which is with lower level of education and/or qualifications in relation to the completed education of the person and the skills he/she has acquired.

As suitable shall be considered the employment which:

- is on definite or indefinite time with shorter time than full working hours, in accordance with the Law on Labour Relations or the regulation on professional rehabilitation and employment of persons with disabilities;

- a workplace which is distanced mostly two hours of travelling with public transport or transport organized by the employer from the place of residence of the person to the workplace and vice versa, i.e. one hour for unemployed person who lives independently with a child younger than 15 years of age within a household, and

- For which is required education or skills mostly one degree lower than the education or skills of the persons, stated in the filed form delivered to the Agency for recording in the records of unemployed persons.

Regarding the loss of the right to monetary compensation in case when the person will refuse to participate in training, requalification or further qualification, the Law stipulates that the right to monetary compensation of the unemployed person shall be terminated if, among other basis, the person refuses training, requalification or further qualification which corresponds to his/her vocational education, knowledge and capabilities or, by his/her own fault, the person terminates the training, requalification or further qualification.

On the other hand, the Law stipulates that the unemployed person is also a person who is attending training at employer, education course or other training and during that time the same exercises the right to monetary compensation for preparation for employment, during the time of using the monetary compensation. This means that the unemployed person – monetary compensation beneficiary – shall be entitled to that right if he/she is additionally included in training by the Agency as well, i.e. the monetary compensation shall be also paid for the period while the person is attending training. With this, the Agency is focused on encouraging the unemployed persons who are monetary compensation beneficiaries to activate in order to provide further qualification, skills and knowledge for their faster inclusion on the labour market, rather than passively receiving monetary compensation. In this part, the condition for losing the right shall apply only to those persons who will refuse participation in training or will terminate the same by their fault. At the same time, the law also stipulates that the monetary compensation of the unemployed person shall continue to be paid following the expiration of the time for which the same is entitled to a monetary compensation, if the Agency referred him/her to a training, requalification or further qualification until the expiration of the time determined for that.

Article 1§3

With a view to ensuring the effective exercise of the right to work, the Parties undertake to establish or maintain free employment services for all workers.

During the reporting period, as previously, several amendments and supplements to the Law on Employment and Insurance in Case of Unemployment were performed.

In 2012 were performed two amendments and supplements to the Law, by which different issues and aspects of the law were amended and supplemented. Namely, by the first amendment, to the Law were added 22 articles that regulate and supplement the issues which already refer to the organization and functioning of the Employment Service Agency of Republic of Macedonia, i.e. to acquiring the status of public servants of the employees in the Agency and in direction of changing the procedures for selection and employment, disciplinary procedures, employee evaluation etc.

The second amendment of the Law involved large number of novelties regarding the existing provisions of the law i.e. some issues were completely differently regulated and amended, and, at the same time, certain provisions were introduced which, for the first time, can be encountered in this law and drastically differ from the existing legislation which were applied in this area so far.

First of all, the novelties introduced by these amendments shall be the following:

- Introduction of two categories of persons which recorded in the Agency, such as: “unemployed person” and “other person seeking employment”. In connection to this, several articles of the law were subjected to amendment in order to harmonize the same with two categories of persons introduced.
- Introduction of Individual Employment Plan.
- Other novelties:

article 2 containing a list of terms shall be amended, where besides the existing list of terms now to the same shall be added some new terms for which there is appropriate definition as well; amending and supplementing the mediation in employment; introduction of appropriate, suitable employment and other employment; amendments in the part of stopping the payment of monetary compensation; introduction of inactive right to monetary compensation; amendments in relation to the Registers kept by the Employment Service Agency of Republic of Macedonia, etc.

Also, in 2012 was adopted the Law on Public Servants by which the employees in ESA acquired the status of “public servants”, and consequently, amendments in the Statute of the Employment Service Agency of Republic of Macedonia and the Law on Employment and Insurance in Case of Unemployment were performed in order to comply with the Law on Public Servants.

Employment Service Agency of Republic of Macedonia, as public institution, is in continuous process of modernization of its services and undertakes activities for their easier access and bringing the same closer to the end users – unemployed persons and employers.

Employment policies implanted in the period 2011-2014 are directed towards increasing the participation on the labour market and reducing the structural unemployment by stimulating the demand on the labour market and promoting entrepreneurship, harmonizing the supply and demand of labour force according to the needs of the labour market, improving the supply of labour force, facilitating the process of transformation from school to work as well as reducing the grey economy.

As a result, in this period were noticed positive trends in relation to the basic statistic indicators of the labour market, i.e. increasing in the employment rate and reducing the unemployment rate.

Employment Service Agency of Republic of Macedonia implements different types of services to support the unemployed persons for successful integration on the labour market. Their number is constantly increasing, there are persons that specialize and new ones introduced, according to the needs and amendments on the labour market.

The Agency realizes services in the working clubs in the employment centres. All categories of unemployed persons and employers use this kind of services. The number of activities in the working clubs is continuously increasing with new individualized approach according to the needs of the unemployed persons. Besides the enrichment of the service contents, the number of service users is increasing as well.

On 18 December 2013, new redesigned web portal on the Employment Service Agency of Republic of Macedonia was promoted, by which the steps for searching the active job advertisements published through the Agency were reduced. By means of the basic searching, the published advertisements can be searched according occupation, employment centre in which the advertisement has been published and municipality to which the employer belongs. Besides basic, there is also an advanced search of the advertisements, by different criteria. The access to the required information on the job-seekers and employers has been facilitated likewise.

Starting from 2014, the Employment Service Agency of Republic of Macedonia leased a service for SMS flooders. By SMS messages, ESA notifies its clients for notification on expiration of work permits, notification on active measure advertisement, notification on vacancy – PPR, general invitation, invitation for event outside the employment centre, invitation for training in working club, invitation for training at known employer, invitation for mediation, invitation for mediation for participation in active measure and various information messages. The aim of introducing SMS messages as a manner of notifying shall be to keep the unemployed persons and employers continuously and currently informed on the activities and services offered by the Agency, and at the same time it represents the most economic

manner of information, from financial point of view, having into consideration that the price of a SMS message is lower than 1 MKD denar.

As a result of the efforts that the Employment Service Agency of Republic of Macedonia invests to meet the needs of its clients who live in greater distance to the nearest employment centre, in order to allow easier use of its services, in previous years the same opened 16 dispersed offices of the employment centres such as in Pehchevo, Lozovo, Macedonska Kamenica, Rostushe, Demir Kapija, Ilinden, Drachevo, Jegunovce, Lipkovo, Gradsko, Krivogashtani, Novaci, Dolneni, Gazi Baba, Bogdanci, Staro Nagorichane.

In 2014, within the “Open Day for New Job Positions” Project were realized employment fairs in Skopje, Negotino, Shtip, Ohrid, Strumica, Bitola, Kumanovo and Tetovo. On these fairs participated 436 employers and more than 63.000 persons, and part of the unemployed persons who participated were called for an interview at the employers and were employed. According to the recent positive experiences, it is expected the Employment Fairs to result in long-term effects such as increased interest among the employers for opening new job positions, inclusion of larger number of employers and unemployed persons in the active employment programmes and measures and further increase of employment of the unemployed persons.

Regarding the Committee’s conclusion that the number of staff in the Employment Agency of the Republic of Macedonia in terms of the number of unemployed persons is very small, and in view of the question whether there are plans to increase the staff working on the deployment activities¹⁹, we inform you that the total number of employees in the Employment Agency of the Republic of Macedonia amounts 474 employees on indefinite period (Status 31 December 2014). The employee structure in ESA according duties and tasks they perform is as follows:

- Managers – 53 employees (11.2%);
- Employees in active policies – 242 employees (51%);
- Employees in passive policies – 151 employees (31.9%);
- Assistants – 28 employees (5.9%).

On 31 December, 2013, the Agency had a total of 492 workers employed permanently. The structure of employees in the Agency according to the duties and tasks they perform has been as follows:

- Managers – 47 employees (9.5%);
- Employees in active policies – 266 employees (54.1%);
- Employees in passive policies – 151 employees (30.7%);

¹⁹European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 9

- Assistants – 28 employees (5.7%).

On 31 December, 2012, the Agency had a total of 490 workers employed permanently. The structure of employees in the Agency according to the duties and tasks they perform has been as follows:

- Managers – 46 employees (9.4%);
- Employees in active policies – 262 employees (53.5%);
- Employees in passive policies – 153 employees (31.2%);
- Assistants – 29 employees (5.9%).

On 31 December, 2011, the Agency had a total of 511 workers employed permanently. The structure of employees in the Agency according to the duties and tasks they perform has been as follows:

- Managers – 47 employees (8%);
- Employees in active policies – 279 employees (55%);
- Employees in passive policies – 151 employees (30%);
- Assistants – 35 (7%).

In order successfully implementation of the active employment measures, some of the employees in the passive policies have been engaged with tasks in the active employment policies and measures through additional duties in that field, as needed.

The Employment Service Agency of Republic of Macedonia continuously focuses on the development, strengthening and upgrading the human capacities i.e. human resources.

In the part that refers to the operation of the Management Board of the Agency, there are no amendments in connection to the previous Report.

Article 1§4

With a view to ensuring the effective exercise of the right to work, the Parties undertake to provide or promote appropriate vocational guidance, training and rehabilitation.

Vocational Guidance

Employment Service Agency of Republic of Macedonia continuously works to increase the number and quality of services for the unemployed persons and employers (individual employment plans, employment counselling in the work clubs, trainings for skills, motivational trainings, employment mediation and strengthening the cooperation with employers by introducing job position in the employment centres for contact with employers, etc.).

Motivational trainings of the long-term unemployed persons shall be conducted continuously in the work clubs of the employment centres, where the unemployed persons can be motivated to use the services of the Agency through several activities, such as: information on the types of services, information on the manner of providing the services that can be obtained by the Agency, training for preparation of CV, training for interview for better presentation before the employer, etc., in order to increase the confidence and incentives for employment in this category of unemployed persons.

Besides, the Employment Service Agency leased a service for SMS flooding, through which the same notifies its clients on advertisements for the current active employment programmes and measures, it sends invitations for mediation in employment and participation in trainings, advertisements on vacancies on request and with consent of the employers, notifications on expiration of work permits of foreigners as well as other information contents from its operation domain.

During the reporting period, the Employment Service Agency of Republic of Macedonia implemented redesign of its webpage as a result of the need of easier access to the contents and information of interest of the citizens. The tool e-work has been introduced, by which the employers from the private sector have the possibility to perform electronic registration/deregistration of the employment of their employees, while the unemployed persons have the possibility to leave their curriculum vitae, to view the advertisements for vacancies and to check their years of service.

As a result of the Agency's efforts to meet the needs of its clients who live on greater distance to the nearest employment centre, in the past period it opened 21 dispersed offices of the employment centres.

In 2014, the Employment Service Agency of Republic of Macedonia started to implement the "Open day for New Job Positions" Project by organizing Employment Fairs realized by support of the Government of Republic of Macedonia and the Ministry

of Labour and Social Policy. The goal of these events is to provide the employers quality labour force, according their needs, as well as to provide an opportunity for successful representation on the labour market for the unemployed persons and their employment. At the same time, through direct contacts with the companies, the students from final grades in the primary and secondary schools had the opportunity to meet with different occupations and in this way, it was intended, to influent their professional orientation. On the fairs there also are Forums with employers on which positive experiences of the employers from using the active employment programmes and measures are presented. Besides, special info meetings with young people are also organized.

Within the Employment Service Agency was established Council of Employers, as an advisory body for direct and easier understanding of the needs of the business community on the labour market, their development plans and the need of labour force. Members of the Council are representatives of the largest employers in Republic of Macedonia from different activities, crafts chambers, economic chambers etc.

Special attention is paid to the promotion of the Employment Service Agency to the public, by presenting the different services, possibilities and activities which it provides to its clients.

One of the significant activities implemented by the Employment Services Agency which is directed towards provision of certain relevant short-term indicators on the expectations of the employers regarding new employments and needs of skills which shall be possessed by the persons in order to be able to compete on the labour market, shall be the implementation of research and analysis of the needs of skills on the labour market. This research it is intended to increase the awareness about the situation and expected changes in the labour market, by obtaining information directly on the needs of new employments in the next 6 to 12 months from the employers themselves, on the needs of occupations and skills that should be possessed by the candidates for the planned new employments, as well as on the needs of workers with specific occupations for which employers felt lack in filling the vacancies.

The data obtained from this research, shall represent basis for creation of active programs and measures for preparation of employment by strengthening the skills of the unemployed persons in order to increase their competitiveness in the labour market and faster employment. These data shall also represent base for preparation of local action employment plans, and the same can also serve in conceptualization of enrolment policy, in creation of new educational programmes, harmonized with the needs on the labour market. Research shall contribute to the increase in the cooperation and confidence between the employers and the Agency.

In this part, it is necessary to continuously work on harmonization in the education system and educational curriculums, in accordance with the requirements of the labour market, and to put greater emphasis on informing the public, but above all the students from the final years of school and their parents, on the occupations and professions that are perspective and required on the labour market.

In the following period as well, the Employment Service Agency of Republic of Macedonia will continue to further strengthen its physical, IT facilities and human resources by activities for further strengthening of the capacity to monitor and predict trends in the labour market, planning, design, implementation of employment measures, improvement of the monitoring and evaluation, strengthening the inter-institutional cooperation, as well as provision of more active involvement of social partners in the development and implementation of employment policies.

Continuous Vocational Training

In the reference period for this Report, there are no amendments or supplements to the existing laws - Law on Primary Education, Law on Secondary Education and Law on Adult Education in terms of appropriate vocational guidance, training and rehabilitation.

Regarding the Committee's request for providing information on the implementation of the Law on Adult Education and the Strategy on Adult Education 2010-2015²⁰, we inform you for the following:

After the adoption of the Law on Adult Education, as given in the previous report, Centre for Adult Education has been established and we approached to strengthening the capacities on the same and preparation and adoption of strategic documents and bylaws for enforcement of the Law.

In the reporting period, the EU project "Support to the capacity building of the Adult Education Centre, development of programmes for adult education and programmes for literacy and fulfilment of elementary education for excluded persons" IPA OPHRD (2007-2013) Measure 2.3 Twinning project of the Centre for Adult Education, has been realized. The envisaged activities are conducted in partnership with the Group of public interest for the development of technical assistance and international cooperation from Paris, France (GIP International) and the International Latin American Foundation for Public Administration and Public Policy from Madrid, Spain (FIIAPP). Within the Twinning project "Support to the capacity building of the Adult Education Centre, development of programmes for adult education and programmes for literacy and fulfilment of elementary education for excluded persons" were realized three components:

- Strengthening the capacities and training of the employees in the Centre for Adult Education;
- Developing adult education programmes; and

²⁰European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 11

- Developing literacy programmes and completing the elementary education for socially excluded persons.

Within the first component was performed strengthening of the capacities of the Centre for Adult Education. For that purpose, the employees were trained for different aspects of the work tasks, such as strategic planning, monitoring and evaluation, trainer training, programme verification and certification based on the experiences of the European Union countries, especially France and Italy. Also in cooperation with the twinning partners, an integrated system for managing data on existing programmes for adult education and their enforcers has been established; a tool for monitoring specific programmes for adults has been developed and verified by the Centre, which will contribute to ensuring quality of the programs for adult education. During 2012, employees of the Centre for Adult Education were to a study visit to France and Spain.

Within the second component, the Centre, by applying methodology on learning through working, developed and implemented 6 pilot adult programmes, such as: educational programs for adults under previous analysis performed on the labour market (servicer of sewing machines, assistants for care of elderly people, a construction worker for reconstruction of traditional dwellings with traditional materials, trainer to work with adults, wine industry expert and plumber). Total number of trained persons amounts 99.

In the third component, Developing literacy programmes and completion of the elementary education for socially excluded persons, the Centre for Adult Education developed and implemented 6 pilot programmes for literacy and completion of elementary education of the excluded persons based on need assessment. The trainings were realized in Shuto Orizari, Topaana-Skopje, Bitola, Veles (for minors who committed crimes), Prilep (for single parents) and Dolneni village (for rural population). Total number of trained persons amounts 95.

In order to achieve sustainability of results, all providers of education for adults who are interested in the implementation of these programs that are publicly accessible, should first apply at the Centre for Adult Education to verify the program, and then to the Ministry of Education and Science to implement the procedure of provider certification. IPA project was worth 1,725,655 euro and the same was realized in collaboration with the Franco-Spanish consortium through twinning agreement in duration of 2 years.

Vocational Education and Adult Education

- Pursuant to Article 21-b and Article 22 of the Law on Adult Education, the Centre for Adult Education and the Ministry of Education and Science, in the period between 01.01.2012 and 27.07.2015 verified 120 special programmes that lead towards qualifications and 8 special programmes that lead to acquiring skills. So far, 39 companies verified a total of 129 special programmes, 90 of which have verified the institution for adult education.

- Centre for Adult Education – Skopje in cooperation with the Ministry of Education and Science in 2010 commenced with realization of the Project on Establishing Secondary Vocational Adult Education, for persons with completed primary education only. The goal of this project shall be reducing the unemployment rate and providing employment of citizens as well as increasing their competitiveness on the labour market.

In the realization of this project were engaged secondary vocational schools that enrol the students as part-time students.

The curriculums based on which teaching is implemented are the same as based on which teaching in the formal secondary education is realized.

Table 22. Number of students by municipalities in the Project on Establishing Secondary Vocational Adult Education, for persons with completed primary education only

Municipality	Period of enrolment	Number of students	Status of realization	Profile	Occupation	School
Arachinovo I generation	August 2010	107	Ended in June 2012	Trade and marketing technician (four years)	Economic	S.U.G.S.“Cvetan Dimov” - Skopje in the premises of OU “Gjergj Kastrioti Skenderbeu” Arachinovo
Arachinovo II generation	December 2011	254	Ended in March 2014	Trade and marketing technician (four years)	Economic	
Arachinovo III generation	January 2015	154	II year in progress	Economic technician (four years)	Economic	
Chair I generation	October 2012	100	Ended in May 2014	Trade and marketing technician (four years)	Economic	S.U.G.S.“Cvetan Dimov” - Skopje
Chair II generation	September 2013	400	Ended in April 2015	Trade and marketing technician (four years)	Economic	
Prilep I generation	October 2012	33	Ended in July 2014	Mechanical technician (four years)	Mechanical engineering	SOU “Riste Risteski – Richko” - Prilep
Prilep I generation	October 2012	34	Ended in July 2014	Transport and freight forwarding technician (four years)	Road traffic	

Prilep I generation	October 2012	33	Ended in July 2014	Electrical technician - energetician (four years)	Electrotechnical	
Prilep II generation	January 2015	50	II year in progress	Mechanical technician (four years)	Mechanical engineering	SOU "Riste Risteski - Richko" - Prilep
Prilep II generation	January 2015	50	II year in progress	Transport and freight forwarding technician (four years)	Road traffic	
Prilep II generation	January 2015	50	II year in progress	Electrical technician - energetician (four years)	Electrotechnical	
Tearce I generation	September 2013	45	Ended in May 2015	Mechanical technician (four years)	Mechanical engineering	SSOU "Mosha Pijade" - Tetovo in the premises of the "Kiril Pejchinovik j" Primary School - Tearce
Tearce I generation	September 2013	34	Ended in May 2015	Electrical technician for computer technique and automatics (four years)	Electrotechnical	
Tearce I generation	September 2013	27	Ended in May 2015	Construction technician (four years)	Civil engineering	
Tearce I generation	September 2013	14	Ended in November 2014	Waiter (three years)	Catering and tourism	
Tearce I generation	September 2013	50	Ended in November 2014	Chef (three years)		
Tetovo I generation	In September 2015 will start the I year	30	In September 2015 will start the I year	Technician of computer science and automation	Mechanical engineering	SSOU "Mosha Pijade" - Tetovo
Tetovo I generation	In September 2015 will start the I year	30	In September 2015 will start the I year	Auto technician - mechatronician	Mechanical engineering	
Tetovo I generation	In September 2015 will start the I year	20	In September 2015 will start the I	Hotel and tourist technician (Macedonian language)	Catering and tourism	

			year			
Tetovo I generation	In September 2015 will start the I year	30	In September 2015 will start the I year	Hotel and tourist technician (Albanian language)	Catering and tourism	
Tetovo I generation	In September 2015 will start the I year	30	In September 2015 will start the I year	Mechanical technician	Mechanical engineering	
Total		1575				

Source: Centre for Adult Education

In the period between 2010 and 2015, secondary vocation education has been successfully completed by 1131 students and in the same period the project covered 444 students.

Pursuant to the Law on Primary Education in the school year 2014/2015, primary education was attended by 307 participants in municipalities Bitola – 3, Kichevo – 8, Kumanovo – 17 and Chair – 279 persons.

Career Counselling and Guidance

In terms of professional orientation and career counselling and guidance, the Ministry of Education in collaboration with USAID has taken the following measures:

Within the YES Network Project were opened career centres in 49 secondary vocational schools. In order for equality in education for all students was also included the Centre for Special Secondary Vocational Education ISKRA Shtip. Training of 110 teachers from 7 municipalities for career counsellors was conducted and 987 students passed the process of career counselling. Training of teachers in 11 vocational schools is in progress. Part of the career centres' programme shall be establishing cooperation with the Employment Centres in appropriate municipalities.

Career counselling data

1. Open career centres in 49 secondary vocational schools;
2. 110 teachers trained;
3. 987 students covered by trainings.

In the school year 2014/2015, primary adult education was attended by 307 participants in the municipalities of Bitola – 3, Kichevo – 8, Kumanovo – 17 and Chair – 279 persons.

In the school year 2013/2014, primary adult education was attended by 324 participants in the municipalities of Kichevo – 23, Kumanovo – 23, Struga - 22 and Chair – 269 persons.

In the school year 2012/2013, primary adult education was attended by 411 participants in the municipalities of Kichevo – 11, Kumanovo – 23, Radovish – 10, Struga - 32 and Chair – 335 persons.

Regarding the Committee's request to explain why there is reduction in the number of unemployed persons who were covered by trainings organized by the Employment Services Agency of Republic of Macedonia²¹, we inform you that the Agency conducts an employment preparation (training, requalification or further qualification) of unemployed persons upon request submitted by an employer. Interest in participation in this active employment measure among the employer, from year to year, declines. One of the reasons is that since 2007 were introduced large number of active employment programmes and measures provided by the annual operational plans, as well as by the legal regulations, which offers the employers greater opportunity to participate in the same.

Pursuant the existing legislation in Republic of Macedonia, the Agency conducts trainings only for unemployed persons, not for employed as well.

Participation of the unemployed persons in the Training, Requalification or Further Qualification Programme by years shall be as follows:

- In 2014 – 401 persons, (0.3% of the recorded unemployed persons on 31.12.2014), 352 of which were employed; For that purpose a total of 9,902,506.00 denars were spent;
- ²²In 2013 – 386 persons, (0.4% of the recorded unemployed persons on 31.12.2013), 369 of which were employed; A total of 10,203,074.00 denars were spent;
- In 2012 – 130 persons, (0.1% of the recorded unemployed persons on 31.12.2012), 120 of which were employed; For the realization of this measure, 3,212, 459.00 denars were spent;
- In 2011 – 246 persons, (0.1% of the recorded unemployed persons on 31.12.2012), 219 of which were employed; A total of 3,728,191.00 denars were spent;

²¹European Committee for Social Rights, Conclusions XX-1 (2012),(Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 11

²²As of 2013, unemployed persons shall be the persons recorded as active job seekers (pursuant to the Law on Employment and Insurance in Case of Unemployment). This is the reason why there is difference in the data shown until 2013 and after it.

The programme shall last up to 3 months, pursuant to the delivered training, requalification or further qualification plan, with an obligation for the employer to employ at least 50% of the included persons, not to reduce the total number of full-time employees within 6 months and to deliver the Employment Services Agency of Republic of Macedonia monthly lists of records for attendance. The amount of assets for the unemployed person included in the preparation for employment shall amount 5,700.00 denars monthly, with included insurance in case of accident and occupational disease. During the preparation for employment, the employer shall be paid with assets for mentorship and material costs which on monthly basis shall amount:

- 4,000.00 MKD denar for hiring 1 to 3 persons;
- 7,000.00 MKD denar for hiring 4 to 6 persons;
- 13,600.00 MKD denar for hiring 7 to 10 persons;
- 18,000.00 MKD denar for hiring 11 to 15 persons;
- 21,600.00 MKD denar for hiring 16 to 20 persons;
- 25,000.00 MKD denar for hiring 20 to persons;

As of 2013, the measure - training at known employer with subsidized employment is also implemented, by which the priority for participation is given to:

- Persons of 50-59 years of age;
- Young people up to 29 years of age with completed primary or secondary education; and
- Long-term recorded unemployed persons.

The employer shall not reduce the number of full-time employees, 6 months before publication of the public call.

The measure shall last up to 3 months with an obligation to the employer to employ at least 50% of the included persons. The amount of assets for unemployed persons included in the preparation for employment shall amount 5,700.00 denars per month, with covered insurance in case of accident at work and occupational disease. Following the completion of the training, the employed persons will receive subsidy through financial support for gross salary in the amount of 13,000.00 denars per month, in period of 3 months. The employer shall be obliged to keep the person at work for the following 12 months after the expiration of the subsidy, or to employ other person from the same target group on his/her place.

Besides the abovementioned trainings, the Employment Services Agency of Republic of Macedonia shall conduct other kinds of trainings, determined by the annual operational plans for active employment programmes and measures (trainings for advanced IT skills, training for deficient occupations).By years, the participation shall be as follows:

- 2014 – a total of 647 persons, including the persons from the training at known employer (0.5% of the recorded unemployed persons on 31.12.2014), 431 of which were employed;
- 2013 – a total of 607 persons, including the persons from the training at known employer (0.6% of the recorded unemployed persons on 31.12.2013), 432 of which were employed;
- ²³2012 – a total of 4254 persons, including the persons from training at known employer (1.7% of the recorded unemployed persons on 31.12.2012), 1870 of which were employed, and
- 2011 – a total of 1179 persons, including the persons from the training at known employer (0.4% of the recorded unemployed persons on 31.12.2011), 476 of which were employed;

In 2011 and 2012 the IPA project “Support for the Employment of Young People, Long-term Unemployed and Women” was implemented, which was comprised of 3 components: 1. Internship as support to employment of young people up to the age of 29; 2. General skills training, and 3. Training for skills according to the needs of the labour market. Persons included in these measures are numbered in the abovementioned data.

²³In 2011 and 2012 was implemented the IPA Project „Support to the employment of young people, long-term unemployed and women“, which comprised of 3 components: 1. Internship as support to the employment of young people up to age of 29; 2. General skill training and 3. Skill training, according to the needs on the labour market. Persons included in these measures are included in the abovementioned data.

ARTICLE 15 - The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 15§1

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private.

Anti-discrimination legislation

The European Committee on Social Rights in its Conclusions XX-1 (2012) which refer to the previous report of Republic of Macedonia (reference period 2007-2010) concluded that although the new **Law on Prevention and Protection against Discrimination** meets the requirements from Article 15, paragraph 1 of the Charter, it remains outside the reference period of the Report because it became effective from January 1, 2011 and as a result it was concluded that the current and positive anti-discrimination legislation, especially in the part of education of persons with special needs it is not in compliance with the Charter.

In this part we would first like to explain the entire system of protection against discrimination, before to go on to the Law on Prevention and Protection against Discrimination:

In accordance with the national regulation in Republic of Macedonia there are several institutions and bodies where all discriminated natural persons and legal entities that are brought in an unequal position can seek protection. These are extrajudicial bodies known as bodies of equality and judicial bodies.

Extrajudicial bodies that provide protection against discrimination in Republic of Macedonia are:

7. Constitutional Court of Republic of Macedonia;
8. The ombudsman;
9. Commission for Protection against Discrimination;
10. Representative for determining unequal treatment of women and men;
11. Standing Inquiry Committee for Protection of Civil Freedoms and Rights;
12. Inter-Ethnic Relations Committee.

Judicial protection against discrimination is provided before:

3. Basic courts in Republic of Macedonia;
4. Constitutional Court of Republic of Macedonia.

Constitutional Court of Republic of Macedonia;

The Constitution envisages protective mechanism from any type of discrimination based on gender, race, religion, nationality, social and political affiliation by submitting initiative/request to the Constitutional Court for protection against discrimination.

The initiative may determine if certain decision, practice/condition violates the principle of equality and non-discrimination.

The practice of the Constitutional Court shows that the citizens submitted very low number of requests for protection against discrimination where the court said that it is not competent and did not decided upon them.

The Ombudsman of Republic of Macedonia is independent and self-governing in the performance of his/her function. This is a body that protects the constitutional and legal rights of the citizens and all other persons when their rights are violated with acts, actions and failure to act by the state administration bodies, other public authorities and organizations and takes measures for protection of the anti-discriminatory principles and appropriate just representation of the communities in the state administration bodies, bodies of the self-government units and public institutions and services.

The Commission on Protection against Discrimination is independent and self-governing body with a capacity of a legal entity seated in Skopje.

The Commission has wide range of competences in the area of prevention and protection against discrimination, affirmation and promotion of the equal treatment and non-discrimination.

Representative for determining unequal treatment of women and men is a person employed as a state official within the Ministry of Labour and Social Policy responsible to initiate a procedure for establishing unequal treatment of women and men.

Standing Inquiry Committee for Protection of Civil Freedoms and Rights within the Assembly of Republic of Macedonia reviews key questions gives proposals and opinions regarding the further promotion of protection of civil freedoms and rights and the citizens can turn to it.

Inter-Ethnic Relations Committee as a standing working body within the Assembly of Republic of Macedonia reviews question from the area of inter-ethnic relations and provides opinion and proposals for their resolving.

The Ombudsman of Republic of Macedonia has a role of national, preventive mechanism and acts upon individual complaints by natural persons and legal entities, acts on its own initiative in the case regarding violation of the constitutional and legal rights by the **bodies of the state administration, other public authorities and organizations.**

If after the implemented procedure the ombudsman concludes violation, he/she can issue a recommendation, proposal, opinion, and indications in view of the manner of elimination of those violations, to once again suggest certain procedure to the implemented and to raise an initiative for implementation of disciplinary or other type of procedure.

The Commission for Protection against Discrimination acts upon a submitted complaint by all **natural persons and legal entities from the private and state sector** when a person is discriminated against any ground as stated in Article 3 of the Law on Prevention and Protection against Discrimination. The Commission provide opinion for the established discrimination which recommends a manner of elimination of violations of a certain right. The Commission may raise an initiative for initiation of a procedure before a competent authority for establishing of the responsibility.

The Representative for determining unequal treatment of women and men acts upon a lodged complaints by a natural persons, civil associations, trade unions and other legal entities from the public and private sector as well as upon its own initiative when a person is **discriminated against gender**.

The representative provides an opinion of the case in view of if there is unequal treatment or not. The written opinion may also cover the irregularities which are determined in the case in question as well as provide recommendations for their removal and may request the party that carried out those irregularities to take measures for their removal and to notify the representative whose measure he/she implemented. The recommendations are not legally binding for the perpetrator of the violation – discrimination.

The person who lodged the complaint is free of paying taxes or any other charge for the complaint submitted before the Ombudsman, Commission on Protection against Discrimination and the Representative.

The complaint should be signed, should contain personal data of the submitter and the circumstances, facts and evidence which the complaint is based on.

The complaint should list the body, organization, institution and the person lodging the complaint as well as if the complainant has previously turned to other bodies.

The complaint procedure shall end within 90 days from the day of its lodging.

An opinion is prepared; recommendation and indications on how to eliminate the established violations are issued.

The following question is asked: Is someone of these bodies has a primary jurisdiction and other secondary one and is there a specific order in terms of acting on a procedure? The person who thinks that is a victim of unequal treatment and discrimination on any ground independently decides to which competent bodies and authorities he/she will turn to or directly will seek judicial protection before the basic courts or the Constitutional Court of Republic of Macedonia. This kind of pluralism and complementarity of the competences is known and present in many European countries and it is considered for usual consequence of the dynamic development and the on-going trend of enriching and widening of the mechanisms for and efficient combat against discrimination and respecting of the human rights. This kind of condition should not be considered as clash of jurisdiction by to the contrary, this

condition should be considered as advantage and resolve through mutual consultations and dialog between the bodies/authorities in question and that should be in the best interest of the citizens and their equality.

Court protection

Basic courts

Civil and legal protection

This civil and legal protection from illegal discrimination is put on disposal of the discriminated people, where the citizens should turn to and what type of claims are envisaged is provided in the following part:

The person who thinks that some right is violated has the opportunity to initiate a court procedure by filing a lawsuit to the competent court.

One of the competences of the Commission on Protection against Discrimination is to provide information to the complainant about his/her rights and opportunity to initiate a court procedure or another type of protection procedure.

The Law on Prevention and Protection against Discrimination envisages special civil court procedure for the case of violation of the right to equal treatment on one or more discriminatory grounds. The procedure is initiated by filing a lawsuit before the competent court which is considered as emergency procedure and it is conducted according the provisions from the Law on Criminal Procedure. That means that the court, after the lawsuit is filed, should act on it in the shortest possible period of time (there are no specific deadlines), however the speed of reaching a decision in terms of this kind of lawsuits depends from case to case and depending of the complexity of the case the entire procedure should end within a reasonable deadline.²⁴

Administrative Court

The administrative court protection covers the protection of the right of citizens against violation carried out with individual, illegal acts by the state administration and other public bodies and organizations.

The Administrative Court is competent to decide upon individual acts of the bodies of the state administration, other state bodies, municipalities and the City of Skopje, organization established by law and legal entities and other persons that carry out public authorisations (holders of public authorisation) when there is no other legal protection for resolving against that act in a second instance.

As it is clearly stated and explained in the Conclusions of the European Committee on Social Rights in relation to the first ground of non-compliance with Article 15, paragraph 1 of the European Social Charter, the Law on Prevention and Protection against Discrimination was adopted in April 2010 by the Assembly of

²⁴ Court Manual on Prevention and Protection against Discrimination, Skopje 2013

Republic of Macedonia and become effective on January 1, 2011. By preparing and adopting this law, a compliance (harmonization) with the relevant legislation of the European Union as well as the remaining current international legislation in the area of anti-discrimination was performed.

Law on Prevention and Protection against Discrimination prohibits all discrimination, direct and indirect, calling and encouraging discrimination and aiding in discriminatory act on grounds of sex, race, skin colour, gender, participation in marginalized group, ethnicity, language, citizenship, social origin, religion or faith, other convictions, education, political orientation, personal or social status, mental or body impairments, age, family or marital status, property status and health condition or any other grounds envisaged with the law or ratified international agreement.

This ban of discrimination on the above mentioned grounds is applied by all state bodies, bodies of the local self-government, public legal entities and private legal entities and natural persons in:

1. employment and labour relations;
2. education, science and sport;
3. social security including the area of social protection, pension and disability insurance, health insurance and health protection;
4. judiciary system and administration;
5. Housing;
6. public informing and media;
7. access to goods and services;
8. membership and acting in trade unions, political parties, civil associations and foundations or other membership based organizations;
9. culture; and
10. other areas envisaged by law.

Despite this, it is important to be noticed that the Law on Prevention and Protection against Discrimination pays special attention to the discrimination of persons with mental and body disability (covered with Article 8 of the Law) where the discrimination of persons with mental and body disabilities is defined as deliberate disabling or difficult access to health care, rehabilitation means and measures in accordance with their needs, infringement of the right to marriage and creating a family, infringement of the right to education, work and rights which arise from labour relations.

Number of activities were taken and realized after the adoption and effectiveness of this especially significant law in order its adequate implementation. Among other, this part, in accordance with the provisions of the law, establishes the Commission on Protection against Discrimination which started with operation from January 1, 2011.

The commission is autonomous and independent body with wide legal competences in the part of prevention and protection against discrimination, affirmation and promotion of the right to equal treatment as one of fundamental

human rights. The commission is comprised from seven members, selected and appointed by the Assembly of Republic of Macedonia.

In this part it is important to be emphasized that, in accordance with the Law on Prevention and Protection against Discrimination, the persons who think that was discriminated against may file a complaint to the Commission on Protection against Discrimination, accompanied with evidence and facts on the basis of which the act or action of discrimination can be determined. The person may file the complaint in written or oral with a minute without an obligation to pay a tax or some other compensation. The commission is obliged to provide an opinion within 90 days in terms of the alleged discrimination and recommendation to eliminate the violations of the rights. If the offender of the violation of the right does not in accordance with the recommendations of the Commission, it can initiate a procedure before a competent body for establishing his/her responsibilities. When carrying out its competence, the Commission cooperates with the Ombudsman in view of specific discrimination cases.

The person who thinks that it is discriminated against may request judicial protection, i.e. to file a lawsuit before the competent court where the provisions from the Law on Criminal Procedure are appropriately applied. The procedure is deemed urgent.

In accordance with Article 38 of the Law on Prevention and Protection against Discrimination, if the party, in a court procedure, claims that according the provisions of this Law, his/her right to equal treatment is violated, that party is obliged to present all facts and evidence which justify his/her claim. The burden of proof that there was no discrimination falls on the opposite side. This provision does not apply in the misdemeanour and penalty procedure.

The Misdemeanour Provisions part of the Law on Prevention and Protection against Discrimination envisages a fine to the amount of 400 to 600 euros in denar equivalent for misdemeanour executed by every person who calls on or encourages discrimination and aids in a discriminatory action on the basis of a discriminatory grounds (among other, grounds contained in Article 3 of this law are the mental and body disability). Fine to the amount of 600 to 800 euros in denar equivalent is envisaged for the previous stated offence by the person responsible at the legal entity, state body, body of the local self-government or body with public authorisations or individual who performs certain activity as registered profession, and a fine to the amount of 800 to 1000 euros in denar equivalent for the same offence made by a legal entity.

The law envisaged fine to the amount of 400 to 600 euros in denar equivalent for an offence made against a person who will bring the person who reported discrimination to an unfavourable position or on any manner participated in the discrimination procedure. The same fine is envisaged for anyone who intentionally will bring a person who was a witness into a unfavourable position or refused an order for discriminatory behaviour. Fine to the amount of 600 to 800 euros in denar equivalent is envisaged for this king of offences by the person responsible at the legal entity, state body, body of the local self-government or body with public authorisations or individual

who performs certain activity as registered profession, and a fine to the amount of 800 to 1000 euros in denar equivalent for the same offence made by a legal entity.

In terms of the basic competence and function of the Commission on Protection against Discrimination (acting upon submitted discrimination complaints), in the current operation of the Commission, it can be noted that from the total of 331 complaints submitted to the Commission in the period of 2011-2014, 34 complaints are on the grounds of mental or body disability. The Commission determined direct discrimination on the basis of handicap in 3 cases in the following areas: access to goods and services, housing and education, science and sport. In one case where the Commission determined discrimination in the area of access and services and the violation was not eliminated by the discriminator (in this case a municipality in Republic of Macedonia), the complainant initiated a court procedure for discrimination with a support of a civil association. The Basic Court of Delchevo determined discrimination due to failure to take actions (construction of a sidewalk and curbs) and indebted the defendant – Municipality of Delchevo – to remove the violation of the right and to adjust the infrastructure and space by building a sidewalk and curbs in accordance with the technical standards for accessibility of the plaintiff as a person with special needs. Additionally the Court obliged the defendant to non-materially compensate the plaintiff for the caused fear and spiritual pain. Since no appeal was lodged against the verdict of first instance by the plaintiff in the legally envisaged deadline, it became effective.

In the case where the Commission established discrimination in the education on the grounds of a handicap, the complainant, in this case a parent of a child with special needs, think that the child is being discriminated by the Ministry of Education and calls on Article 2 paragraph 1 of the Law on Elementary Education and the Constitution of Republic of Macedonia which envisage that everyone has a right to education under equal conditions. The Commission on Protection against Discrimination issued an Opinion that there is discrimination on the grounds of mental and/or body disability in accordance with Article 3 of the Law on Prevention and Protection against Discrimination because his child was unable to be educated under equal conditions and pursuant to the Law on Elementary Education (Article 6), the Ministry of Education is obliged to provide suitable condition for students with special needs. The Commission issued a recommendation to the Ministry of Education and Science, Municipality of Kratovo and the Elementary Municipal School "Kocho Racin" - Kratovo to jointly cooperate and find a way to create condition for the minor so to be able to enjoy the right to education in accordance with the law.

During 2013, the Commission for Protection against Discrimination in cooperation with the Macedonian Centre on International Cooperation Polio Plus (non-government organization for protection of the rights of people with special needs) and the Ministry of Labour and Social Policy implemented From Norm to Practice Project within the EU PROGRESS Programme.

The main goal of the project was to contribute to respecting of equality as well as to encourage the combat against discrimination by rising the awareness of the wide

public but also of the key actors in the society. Furthermore, this project promoted the national legal instruments and mechanisms in order the larger challenges in addressing the discrimination in practice to be overcome.

The Commission was an active partner and participated in larger part of the realized activities within this project. One project component referred to the strengthening of the capacities and improving of the visibility of the Commission by preparing the promotional materials, researches, study visits and other events. Furthermore, the Commission was financially supported in implementation of the current activities, maintenance of the web-site and a special telephone line of the Commission on Protection against Discrimination was opened.

Special guide named Commission on Protection against Discrimination in a Role of Protection against Discrimination was prepared, where the Commission, its role and competence are presented in one part, and another special covers the consideration of the procedure from lodging a complaint by the person who is allegedly discriminated against in view of systematization and experience, then the manner of processing the case in question to finally issuing an opinion by the Commission on Protection against Discrimination.

In view of the implementation of the Law on Prevention and Protection against Discrimination, it is necessary to be stated that during 2013 a Report on the Evaluation of the Implementation of the Law on Prevention and Protection against Discrimination was prepared. The goal of the report was to present the findings which aroused from the analyses of the data collected within the evaluation procession on the implementation of the law which the Ministry of the Labour and Social Policy implemented in the period from June to November 2013. The main goal of this process was to evaluate the success of the process and the results from the implementation of the law and also to identify the area for further promotion of its application with special accent on the effectiveness of the established mechanism for acting in the discrimination complaints – Commission on Protection against Discrimination.

As one of the most important results listed in the Report in the first two years from implementation of the law is the establishing of the Commission on Protection against Discrimination and its operation and generally overall implemented activities for building the public awareness in terms of the legal framework, mechanisms for prevention and protection and the manners/procedure on protection against discrimination undertaken by the Ministry of Labour and Social Policy in cooperation with the Commission and other partner organizations.

In accordance with the recommendation from the Report on Evaluation of the Implementation of the Law on Prevention and Protection against Discrimination, the Ministry of Labour and Social Policy in 2014 prepared an Action Plan on Implementation of the Law in order to realize its two main functions, i.e. to contribute towards prevention of discrimination and protection against discrimination. The Action Plan contains specific tasks and activities for the period of 5 years with quality and quantity indicators for achieving the expected results. The implementation of the National Action Plan is a primary responsibility of the Government of Republic of

Macedonia and all institution defined with the Law on Prevention and Protection against Discrimination. System on Coordination of the activities for prevention and protection against discrimination is envisaged and established within the frames of the Action Plan. For that purpose, during 2014 and 2015, the Ministry of Labour and Social Policy held several coordination meetings with representatives from the government institutions, non-government and international organizations. The goal of these meetings was presentation of the activities for 2014 and 2015 in the area of prevention and protection against discrimination and mutual coordination in the implementation of the activities as well as avoiding overlapping of same projects in this area. The main goal of these meetings is establishment of coordination body which will monitor the condition of non-discrimination that is implemented by all relevant institutions.

Court procedure in cases of discrimination

The Law on Prevention and Protection against Discrimination, despite the procedure before the Commission on Protection against Discrimination, envisages judicial protection of every person who thinks that some right has been violated on the basis of discrimination by filing appropriate lawsuit before the competent court. Here we have the first specific feature of the court procedure and that is the co-called accessory role of the discrimination. This means that the persons who claims that he/she is discriminated against, must prove that some other specific right has been violated due to discrimination manifested through that acts, behaviour, failure to act and like by the defendant. This principle is also present in the European Human Rights Convention.

The second important feature of the court procedure, in the cases of protection against discrimination, is that during the procedure the provisions from the Law on Criminal Procedure are appropriately applied. This is envisaged with Article 34 of the Law whose paragraph 3 prescribes that the procedure is urgent, which is the third important feature of the judicial protection in this kind of cases.

The basic civil courts have the jurisdiction in terms of the subject-matter jurisdiction but having in mind the possibility for a person to seek indemnity with certain lawsuits, where the discrimination determines or forbids. In some case the basic courts with widen jurisdiction can have the jurisdiction is the lawsuit claim is higher than 50,000.00 euros. In terms of the regional jurisdiction, and in accordance with Article 35 of the Law, in the protection against discrimination procedure, despite the Court of General Regional Jurisdiction, the court where the seat, i.e. the place of living of the plaintiff is located is also competent.

Next important feature of the court procedure, which also is one of the most important, is in terms of the burden of proof. In these cases, the burden of proof is different than the “regular” one envisaged with the Law on Criminal Procedure. Namely, the plaintiff must provide all evidence at his/her disposal in order to prove the grounds of the claim or the obligation of the defendant to provide all evidence which might oppose or completely reject the lawsuit claim. In accordance with Article 38 of

the Law, if one party in the court procedure claims that, pursuant to the provisions of this Law, some of his/her rights to equal treatment is violated, the party is obliged to present all facts and evidence which justify her/his claim. But the burden of proof that there was no discrimination falls on the opposite party after a *prima facie* discrimination case is built. This means that the plaintiff needs to prove that the existence of discrimination was probably and to convince the court that in this specific case there is a possibility for discrimination. In that moment, the burden of proof transfers to the other party (defendant) that should prove that he/she did not cause different treatment towards the plaintiff in terms of other people in the same or similar situation, i.e. that there was no discrimination in this specific case with his/her act, action or failure to act.

The lawsuit might seek protection of the violated right due to the existence of discrimination, i.e. protection as a result of every unjustified, legal or actual, direct or indirect difference or unequal treatment, i.e. failure to act (exclusion, limitation or giving priority) in terms of people or groups which is based on gender, race, colour of skin, belonging to marginalised group, ethnicity, language, citizenship, social background, religion or religious beliefs, education, political belonging, personal or social status, mental or body disability, age, family or marital status, property status, health or any other grounds.

Article 36 of the Law precisely envisages what specifically may be requested as right to protection with the discrimination lawsuit. Therefore, in accordance with this Law provisions, the plaintiff may request the following with the lawsuit:

- To determine if the defendant violated the right to equal treatment of the plaintiff, i.e. action that the plaintiff took or failed to take immediately that could have led to violation of the equality rights;
- To forbidden taking actions which violate or might violate the right to equal treatment of the plaintiff, i.e. to take actions to eliminate the discrimination or its consequences;
- To indemnify the material and non-material damage caused by violating the rights protected with this Law; and
- To publish the verdict, that determines the violation of the rights to equal treatment, in the press at the cost of the defendant.

All these requests might be made together with the requests for protection against other rights for which it is decided in the criminal procedure, if these request are inter-connected and if the same court is competent to decide upon them.

Article 36 of the Law on Prevention and Protection against Discrimination introduced new manner of protection of the right to equal treatment by filing special individual lawsuit, determining four type of lawsuit as follows:

- Lawsuit for determining discrimination (declaratory – antidiscrimination);

- Lawsuit for compensation of damage (condemnatory);
- - Lawsuit to prohibit i.e. to omit (restrictive - reparative - anti-discriminatory lawsuit)
- Lawsuit for publishing a verdict (publication);
- Set of lawsuit claims.

Taking into consideration that the provisions from the Law on Criminal Procedure are applied, on the protection against discrimination procedure, after the court reaches its decision, the parties have the regular and extraordinary legal remedies, envisaged with this Law, at their disposal:

3. Appeal against the decision of the court of first instance as a regular legal remedy;
4. Review and repetition of the procedure as an extraordinary legal remedies.

* * *

Having in mind all of the above information and explanation and the novelties and activities realized in the time period after the reference period of the past Report (2007-2010), we think that the condition in Republic of Macedonia in this part is relatively improved and that the legislation and practice in this area are in compliance with the requests from the European Social Charter. We expect the same with this opportunity, i.e. that the European Committee on Social Rights will confirm this in this year evaluation of the condition of the country.

* * *

The Ministry of Labour and Social Policy together with this Ministry of Health and the Ministry of Education and Science during 2014 and 2015 undertook activities for reforming the evaluation process of the needs of children and youth with disorders in the development in order to provide enjoying of the same rights by all other citizens.

The early identification of a child with disorders in the development enables early intervention which can prevent handicap of second instance and to promote healthy development. The timely identification is of the biggest importance so the children can fully develop their potential and equally participate in the social life.

For that purpose, a new draft model on evaluation of the needs of the persons with disorders in development is prepared in order adequate social, health and educational services to be provided. The model is prepared in accordance with the International Classification of Functioning with accompanied Version for children and youth. Also, legal amendments are drafted which should enable establishing of new commission on evaluation as well as to define the additional educational and social support of children.

The new model focuses on the evaluation of the developmental level which one person can reach if the restrictions for their participation are eliminated as for example the unreachable environment, prejudices and negative attitudes. Accent is placed on the evaluation of two key aspects from the functioning (body functions and participation) and overcoming of the identified limitations.

In view of the question of the European Committee on Social rights if the assessment on the status of disability takes into consideration the socio-economic factors²⁵, we inform that in accordance with the Law on Employment of Handicapped Persons, regarding the evaluation of the remaining working ability of the persons over the age of 26, the Commission makes its evaluation of the disability on the basis of a medical check-up, objective status of the socio-economic condition of the person, education, his/her abilities and medical condition (illness) of the person and his/her ability to obtain employment.

Law on National Database of Persons with Disabilities is adopted and it is published in the Official Gazette of Republic of Macedonia No. 143/15. The Law will enable establishment of single electronic records, i.e. national database of persons with handicap. The National Database of Persons with Disabilities is part of the integrated health information system that enables processing, usage and exchange of data between the competent bodies in order establishing single record of the data and realization of the rights on the grounds of disabilities. This law regulates the processing of the data in the database, updating and usage of the data by the competent bodies, safety of the data and the supervision over the functioning of the database.

By adopting this new law and its practical application, it is expected significant improvement of the conditions in Republic of Macedonia in terms of existing and availability of the relevant record and statistical data for the persons with disabilities.

Education

The European Committee on Social Rights in its Conclusions XX-1 (2012) which refer to the previous Report of Republic of Macedonia (reference period 2007-2010) reached a conclusion that the situation in Republic of Macedonia is not in accordance with Article 15 paragraph 1 of the Charter due to failure to establish that right of the persons with special needs to “regular” (general/mainstream) education and training is effectively guaranteed.

²⁵ European Committee on Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of Charter, (Council of Europe, January 2013), p. 13.

One of the most important goals of the elementary and secondary education in Republic of Macedonia is introducing of the general flows, inclusion and taking care of the development of pupils and students with special educational needs. In accordance with the legal framework, appropriate conditions and assistance is provided for the pupils and students with special needs in their educational process in the regular and special schools. Their education is carried out with assistance of curricula which are adjusted to their special educational needs.

In the past years, Republic of Macedonia accepted and implemented the principle of enabling and providing education to children with special needs in the regular schools close to their homes, and when it comes to children with bigger disabilities – in special classes in the regular schools and finally according to the seriousness and degree of the special needs – in special schools.

The fact that the education of children with special need in the country shows increase of the trend of inclusion in the education, in accordance with the current modern developments and tendencies in the education, should be noted and emphasised. The data show that the number of students in the special elementary and secondary schools drops which leads to the fact that the number of students with special educational needs, who are educated in the regular schools within the inclusive processes, increase. The experience shows that the inclusive education of the children with special needs provides them the best educational environment but also helps in eliminating the prejudices and overcoming the stereotypes.

The definition used in the Concept on Nine Years Elementary Education and Upbringing reads as follows: Children with special needs shall be children with impediments in the psychological development, damages sight, hearing and speech impediments, children with difficulties to move, long-term ill children as well as children with disorders in the behaviour and character who are of need of additional professional help and adjusted, i.e. special educational programmes. This term also refers to students with difficulty in studying.

The education of students with special educational needs is integral part of the educational system, educational philosophies, strategies as well as educational policies which are promoted in Republic of Macedonia. Republic of Macedonia works, in a long-term and strategically, towards modernization of the education and strengthening of the inclusion of the educational system. For that purpose the following is carried out: researches, strengthening of awareness, training of teachers, strengthening of the school teams for working with students with special needs, introducing of information and communication technologies in the educational process, implementation of the project activities on a pilot basis which are analysed and depending on the results, become part of the systematic solutions for educational reforms.

Suitable conditions for obtaining elementary education and education in the regular and special elementary schools are provided in accordance with the Law on

Elementary Education of Students with Special Educational Needs. Also the students with special educational needs have right to individual assistance in order to obtain elementary education and upbringing.

The students with special needs are included in the regular schools in regular classes, in the regular school in special classes and in the special elementary schools.

The enrolling of students in the regular or special schools is a decision made by the parent, and in certain cases the students makes personal decisions if his/her conditions allows that. This democratic principal should provide maximum respect and provision of conditions for high degree of practice of the integrative and inclusive processes in Republic of Macedonia.

In order provision and respecting of the protection of the right to privacy as well as due to avoiding of labelling and stigmatization of the students with special educational needs, they can obtain their education in the regular schools, and not to own a certificate from the categorization commissions and/or not to be obliged to present such certificate in the school where they obtain their education. Therefore, we can conclude that there is not possibility for exact data on the number of students with special educational needs included in the regular schools to be obtained.

In accordance with the established procedure but also the principles for respecting the privacy and dignity of the students and the Law on Protection of Personal Data, the schools deliver the data to the Ministry of Education and Science which further processes and uses.

Table 24. Students with special educational needs in the special elementary schools and offices			
School year	Male	Female	Total number of students
2011/2012	433	230	663
2012/2013	400	194	594
2013/2014	353	161	514
2014/2015	280	142	422

Source: Ministry of Education and Science

Table 25. Students with special educational needs included in the regular elementary schools		
School year	Total number of schools	Total number of students
2011/2012	40	548
2012/2013	52	654
2013/2014	45	523
2014/2015	62	725

Source: Ministry of Education and Science

Table 26. Students with special educational needs included in the regular classes in elementary schools		
School year	Total number of schools	Total number of students
2011/2012	29	321
2012/2013	39	416
2013/2014	31	314
2014/2015	46	471

Source: Ministry of Education and Science

Table 27. Students with special educational needs included in the special classes in the regular elementary schools		
School year	Total number of schools	Total number of students
2011/2012	11	227
2012/2013	13	238
2013/2014	14	209
2014/2015	16	254

Source: Ministry of Education and Science

In accordance with the Law on Secondary Education, the students with special needs are enrolled in the regular secondary schools (gymnasiums and vocational secondary schools) and in the state secondary schools - art schools and schools for students with special needs.

Table 28. Students with special education need in special secondary schools in the school year of 2014-2015										
Secondary school	I year		II year		III year		IV year		Total	
	Students	Classes								
Education and Rehabilitation Centre	8	3	6	2	9	2	17	4	40	11

Partenija Zografski										
State School for Rehabilitation of Children and Youth with Damaged Sight Dimitar Vlahov	6	3	2	1	9	3	1	1	18	8
State Secondary School for Rehabilitation and Education St. Naum Ohridski	42	8	55	9	45	7	0	0	142	24
Centre for Special Secondary Vocational Education and Upbringing Iskra	34	4	26	4	25	4	0	0	85	12
TOTAL	90	18	89	16	88	16	18	5	285	55

Source: Ministry of Education and Science

Table 29. Students with special education need in special secondary schools in the school year of 2014-2015										
Secondary school	I year		II year		III year		IV year		Total	
	Students	Classes	Students	Classes	Students	Classes	Students	Classes	Students	Classes
Education and Rehabilitation Centre Partenija Zografski	8	2	9	3	6	2	17	4	40	11
State School for Rehabilitation of Children and Youth with Damaged Sight Dimitar Vlahov	6	3	6	3	3	2	5	1	20	9
State Secondary School for Rehabilitation and Education St. Naum Ohridski	50	8	45	9	45	8	0	0	140	25
Centre for Special Secondary Vocational Education and Upbringing Iskra	33	5	32	5	23	4	0	0	88	14
TOTAL	97	18	92	20	77	16	22	5	288	59

Source: Ministry of Education and Science

Table 30. Students with special education need in special secondary schools in the school year of 2014-2015

Secondary school	I year		II year		III year		IV year		Total	
	Students	Classes	Students	Classes	Students	Classes	Students	Classes	Students	Classes
Education and Rehabilitation Centre Partenija Zografski	7	2	9	2	6	3	10	5	32	12
State School for Rehabilitation of Children and Youth with Damaged Sight Dimitar Vlahov	2	1	6	3	4	2	2	1	14	7
State Secondary School for Rehabilitation and Education St. Naum Ohridski	66	10	51	9	37	7	0	0	154	26
Centre for Special Secondary Vocational Education and Upbringing Iskra	24	5	31	5	29	4	0	0	84	14
TOTAL	99	18	97	19	76	16	12	6	284	59

Source: Ministry of Education and Science

Table 31. Students with special education need in special secondary schools in the school year of 2014-2015

Secondary school	I year		II year		III year		IV year		Total	
	Students	Classes								
Education and Rehabilitation Centre Partenija Zografski	10	2	9	3	10	3	11	5	40	13
State School for Rehabilitation of Children and Youth with Damaged Sight Dimitar Vlahov	9	4	2	1	4	2	2	1	17	8
State Secondary School for	43	9	45	9	38	8	0	0	126	26

Rehabilitation and Education St. Naum Ohridski										
Centre for Special Secondary Vocational Education and Upbringing Iskra	24	5	31	5	29	4	0	0	84	14
TOTAL	86	20	87	18	81	17	13	6	267	61

Source: Ministry of Education and Science

In accordance with Article 87 of the Law on Higher Education, a public university, upon a proposal of a university unit, may introduce participation regarding the studying expenses, i.e. an institution for higher education does not impose participation for persons with first and second degree of disability. The participation funds for these persons are covered by the Budget of Republic of Macedonia.

In accordance with the Law on Student Standard (Article 32 paragraphs 4 and 5) and the Rulebook on Accommodation in the Student Homes and as published in the Accommodation Call, right to free accommodation in all state student homes have students, children with special needs. The participation funds for these students are covered by the Ministry of Education and Science.

In view of the request of the Committee on Percentage of Students with Special Needs who are included in the labour market, we inform that according the positive legal regulations, or more exactly pursuant to the Law on Secondary Education, the secondary education in Republic of Macedonia is mandatory, so therefore all students who regularly visit classes are not part of the supply on the labour market. Furthermore, in accordance with the Law on Employment and Insurance in Case of Unemployment, an unemployed person shall be considered any person with status of a student in a secondary education, regular student, intern and a person who participates in education for adults but is younger than 26 years of age (Article 53, paragraph 4).

In terms of the percentage of students with special needs who are included in the labour market after finishing their education, the Ministry of Education and Science does not keep any records at this moment. The need to improve the condition is noticed in the Action Plan of the Strategy on Vocational Education and Training in Context of Life-Long Learning 2013-2020 “Better Skills for Better Tomorrow“ which envisaged the following measure: establishing of the systematic cooperation between the Employment Service Agency of Republic of Macedonia, Centre for Vocational Education and Training and Higher Education due to continuous monitoring of the needs for skills and sharing of information regarding the needs on the labour market and employability of the graduated students and their future education with the following activities: preparation of mechanisms for continuous availability of the information for knowledge and skills necessary for the labour market and preparation of mechanisms for continuous availability of the information for transition of the graduated students to the labour market and future education.

Modernization of the curricula and programmes

In terms of elementary education, the plans and programmes are reformed in accordance with the Concept on Nine Years Elementary Education.

It should be mentioned that the adapted curricula and programmes according to which the students with special educational needs obtain their education, arise from the curricula for the “regular” elementary and secondary schools.

We can conclude from the above that the education of children with special needs follows all changes, reforms and novelties in the planning and realization of the educational process and also provides continuous horizontal transfer of students with special educational needs from regular to special schools and of course from special to "regular schools" as vertical transfer.

Reforms are introduced in the secondary vocational education, especially in the three and two year vocational education, in 13 vocations with total of 13 profiles, which cover new curricula, training of the professors, strengthening of the cooperation with the social partners and improvement of the quality of the practical classes which will positively influence on the education of the students. New vocations and profiles are opened in the secondary schools for students with special needs in accordance with the needs of the labour market which positively will influence the employment of the students after they finish their education (new profiles are introduced on the textile and leather profession, health profession, traffic profession, electrical profession, construction and geodetic profession, hospitality and tourism, agriculture and veterinary profession, machine profession etc.).

In order the practical training to be improved in the three year vocational education, a project for equipping the schools with the newest technology is being implemented. Also, the evaluation process of a PA project to continue with the reforms in the three year vocational education is on the way.

New curricula are implemented in the four year vocational education reformed with the PHARE Project. An analysis is made on the four year vocational education and on the basis of that analysis and other appropriate studies in 2015/2016 is planned for new activities for reforming the technical education (four year vocational education) to begin within the Skills Project. The project will carry out activities for directing the students, will increase the relevancy of the curricula towards the needs of the labour market and will increase the cooperation between the school and the industry in question. The project covers two components: quality and relevancy of the technical education in terms of the labour market and grants for cooperation of the schools with the industry.

The Rulebook on the Manner of Taking and Grading the Results of the Students from the State Graduation Exams in Gymnasium, Vocational and Secondary Art Education has been amended by adjusting the state graduation exam for the candidates with special educational needs in the gymnasium, vocational and art education.

The Ministry of Education and Science, despite the regular scholarship calls for all students in the secondary schools regardless the type of secondary education, publishes a call for scholarships for students with special needs from the public and private secondary schools in Republic of Macedonia. 50 scholarships are awarded to students with special needs every school year.

The students with special needs are accommodated in the student homes free of charge. Every student has free transportation and free transportation for the person who is accompanying his/her, if needed, as well as free school books.

Rulebook on the Basic Professional Competences of the Teachers in the Elementary and Secondary Schools according to Areas (01-1015/1 from 2015) has been adopted, where one of the six areas is the social and educational inclusion. The basic professional competences from the area of social and educational inclusion refers to the teacher to know different concepts and models of inclusive education, conventions on the rights of children and anti-discrimination, different types of students who need additional support in the education, special educational needs, difficulties in learning and shortcomings from socio-economic reasons as well as understanding of the social and cultural factors and how they influence the education and the social cohesion.

The Centre for Vocational Education and Training in cooperation with the British Council implemented a project on inclusive education within which a Guide on Working with Children with Special Needs for the professors from the vocational schools was designed in order strengthening of the capacities of the professors who work with students with special needs.

Within the Regional Support of the Inclusive Education Project of the European Union and the Council of Europe, 3 elementary schools, 2 gymnasiums and 2 secondary vocational schools were selected with the published Call for Interest for Participation from Republic of Macedonia. The general goal of the project is to promote the social inclusion and cohesion in the region by promoting the inclusive education and upbringing.

The project also contributed for increase of the understanding and benefit from the inclusive education through support and establishing inclusive school net. The selected school received technical and financial support. Regional inclusive school net for joint learning and sharing of experiences supported by relevant web platform was established. The selected schools were provided with grants in average amount of €9,500 for implementation of the principles of the inclusive education.

Achieving of Quality Education through Inclusivity and Intercultural Learning Environment Project is planned to be realized through the Instrument Pre-Accession Assistance of the European Union and within the Development of Human Resources

2007-2013 Operative Programme from IPA Component IV – Development of Human Resources. The purpose of this project is to support the reform system in the pre-school, elementary and secondary education by providing inclusivity and intercultural learning environment for all children regardless their abilities and origin and focusing on the most vulnerable groups. The implementation period is three years, starting from 2014.

The project which is in its final phase of programming/preparation, despite the activities for support of the inter-culturalism and resolving of conflicts as well as strengthening of the capacities of relevant education institution, envisages specific activities for development and application of inclusive practices in the educational system such as: proving better access to quality and inclusive pre-school education for the most vulnerable groups of children (Roma children and children from other ethnic communities, children with special needs and children from families with low socio-economic status); development of effective models of good practices for inclusivity in the kindergartens and early development centres in specific municipalities; development and implementation of inclusive programmes in the elementary education and training of teacher and principles for application of the programmes as well as training of the parents and children from the marginalised groups. Certain schools are planned to be equipped with sports equipment and items within the project in order to achieve inclusivity, which will be supplement of the project for 145 sports halls of the Ministry of Education and Science funded by the Development Bank of the Council of Europe.

Within IPA Component IV, for the programme period of 2012-2013, the Ministry of Education and Science planned activities for modernization of the school with equipment for inclusion of children with physical and mental disability, including assistive technology. Additionally, for the new programme period of 2014-2020, i.e. IPA 2, the Ministry of Education and Science also made its special priority which refers to support of the reforms for providing special access to quality education and training in terms of all educational levels based on inclusivity.

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Accessibility of the educational institutions

In terms of improving the accessibility of the educational institution by building access ramps, lifts and movable platforms for persons with special need and in accordance with the Law on Construction, the Ministry of Education and Science is obliged to build access ramps in the newly built schools. The procedure is also the same in the reconstruction of the old and for building new schools.

E-education

The long-term commitments of the Ministry of Education and Science for encouraging of the inclusion by promoting the e-education and application of assistive technology in the educational process created a basis for implementation of the following initiatives:

- Implementation of a research called Application of Assistive Information Technology in the Elementary Schools in Republic of Macedonia - Current Condition and Needs;
- Implementation of the e-education project.

The Ministry of Education and Science in partnership with the Bureau for Development of Education and the Open the Windows civil association for support and promotion of accessibility of new technologies for persons with handicap, in 2010 started to implement the e-education project, financial supported by the American Agency for International Development.

The goal of the project is to encourage the inclusion and active participation of the students with special needs in the regular education by promoting the application of the assistive technology.

The assistive technology covers devices, aids and adjustment of the standard computer equipment which enable and facilitate the use of computers by the students with special educational needs.

The project was realized in two phases. First phase of the project was implemented in the period from 2010 to 2012. By providing equipment and trainings, the assistive technology was introduced in 21 regular elementary schools. The second phase covered the period up to 2014 and encompassed resources, support of the schools and public policies.

Some of the key achievements of the project are:

- The following types of assistive devices were distributed in 31 elementary and 2 secondary schools: large button keyboard, joystick, trackball, separate clicks and touch monitors. Except the monitors which were distributed to the quantity of 1 in each school, the remaining devices were distributed according the needs of the schools (1-10 pieces from each device). Part of the equipment was procured by the Ministry of Information Society and Administration with total value of around 20,000 euros.

- More than 1200 teaches and members of the expert teams in the partner schools were trained for application of the assistive technology and in their everyday work with students with special educational needs. Some of the key topics were: individual assessment of the needs of assistive technology of students, connecting with the assistive technology and individual educational plans, application of the software options for accessibility etc.

- Several manual for application of the assistive technology were designed for teaching on Macedonian and Albanian language for the teachers.

- Two software applications were designed: one for reading and one for basic mathematical skills as well as games which are used in the schools from this school year. Teachers were included in the design of the games in order to be provided that the games follow the pedagogical access which they apply and that they match the curricula and plans.

- There are e-versions of 20 school books for elementary education. Namely, the electronic files offered on the side for school books does not have any features which can be easily used by the children with special educational needs. E-versions offer exactly that: for example, the new files (which are completely same by content and outlook) can be read by a screen reader (special software for blind persons), have the option for automatic search, are easy to copy, the font can be largely increased etc.

- School teams for assistive technology were formed in 21 schools, comprised of teachers and members of the expert teams (in specific cases also parents of students with special needs) that coordinate and encourage the use of the assistive technology in the schools.

- Four regional and two national events (round tables and conferences) were organized in the past year so the schools can exchange and cooperation on this field.

Table 32. Elementary schools equipped with assistive technology	
1.	Dimo Hadzi Dimov, Skopje
2.	Mustafa Kemal Ataturk, Gostivar
3.	Gjorgjija Pulevski, Skopje
4.	Jan Amos Komenski, Skopje
5.	Johan Hajnrih Pestaloci, Skopje
6.	Bratstvo-edinstvo, Debar
7.	Vasil Glavinov, Veles
8.	St. Cyril and Methodius, Veles
9.	Slavcho Stojmenski, Vinica
10.	Magdalena Anteva, Kumanovo
11.	St. Cyril and Methodius, Kochani
12.	Diturija, Lipkovo
13.	Cyril and Methodius, Sveti Nikole
14.	Josip Broz Tito, Valandovo
15.	Ilinden, Kriva Palanka
16.	St. Cyril and Methodius, village of Buchin
17.	Simche Nastovski, village of Vratnica
18.	Bratstvo-edinstvo, Ohrid
19.	Goce Delchev, Prilep

20.	Vancho Prke, Delchevo
21.	Clavko Lumbarskovski, village of Novaci
22.	Dane Krapchec, Skopje
23.	Vlado Kantardziev, Gevgelija
24.	Andreja Savevski Kjikjish, Tetovo
25.	St. Kliment Ohridski, Prilep
26.	Video Podgorec, Strumica
27.	Dimitar Pop-Georgiev Berovski, Skopje
28.	Naim Frasheri, Skopje
29.	Krste Misirkov, Kumanovo
30.	Lazo Angelovski, Skopje
31.	St. Kliment Ohridski, Bitola

Source: Ministry of Education and Science

Table 33. Secondary schools equipped with assistive technology	
1.	SSCS Brakja Miladinovski, Skopje
2.	SMS Orde Chopela, Prilep

Source: Ministry of Education and Science

Activities towards increase of the inclusion of persons with special needs

The Ministry of Labour and Social Policy in terms of the inclusion of children with special needs undertakes activities for inclusion of these children in the process of pre-school education (kindergartens). 198 children with developmental disabilities are included in the regular groups in the kindergartens in Republic of Macedonia, who have certain categorization of the type of disability at the moment. In order increase of the number of children with disabilities in the pre-school education, the Ministry of Labour and Social Policy amended the Rulebook on Conditions, Criteria and Manner of Realization of the Right to Participation on the Expenses for Care, Upbringing, Holiday and Recreation of Children in the Public Institutions for Children, i.e. 30% decrease of the participation for children with disabilities who attend kindergartens, and their parents are materially weak will have the advantage during enrolment.

The Ministry for Labour and Social Policy prepared specialized programmes on work with these children in order proper development and work with children with special needs within the pre-school education (kindergartens).

In 2013, the Ministry of Labour and Social Policy made an initiative for improvement of the social life of children with impediments in the development and possibility for their proper growth and development through construction of inclusive children playgrounds on the territory of Republic of Macedonia. 9 such playgrounds are built so far in several municipalities.

According to the Law on Broadcasting Activity, the Macedonia Radio Television is obliged to develop, plan and broadcast programmes, information shows and new intended for deaf persons, which will be translated to sign language. Therefore, the central news are translated to sign language on the national television every day. Also a half hour show called From our English is broadcasted once a week which is adapted to sign language and a specialised programme intended for the deaf persons called The World of Silence is broadcasted once a month.

The Government of Republic of Macedonia in cooperation with the City of Skopje undertakes measures for provision of better public transportation of persons with physical disability, which is realized in the reality, i.e. the infrastructure of the vehicles in the public transportation became available for the persons with physical disability by procuring new buses in the city transportation which are adjusted to the need of the people in wheelchairs, and also there are specialized vehicles for transportation of these persons in accordance with their needs.

The Ministry of Labour and Social Policy from 2009 to September 2015 opened 28 daily centres as social services for children with disabilities up to the age of 18. The activities of the daily centres are directed towards realization of three key goals:

1. Implementation of policies and development of appropriate and efficient programmes for addressing the problems related to social exclusion of children with special needs, through development of forms of non-institutional social protection;
2. Providing family support and education of parents in order to prevent institutionalization of their children with special needs; and
3. Training of the children in the daily centre on how to live independently, by developing their practical, cognitive and social skills.

Table 34. Daily centres for children with special needs opened up to May 2015

	Daily centres	Number of users
1.	Kriva Palanka	26
2.	Kumanovo	26
3.	Kavadarci	17
4.	Delchevo	17
5.	Tetovo	22
6.	Probishtip	13
Skopje		
7.	Daily centre for persons with cerebral paralyses - Kapishtec	44
8.	Daily centre for persons with mental or body disability - Zhelezara	14
9.	Daily centre for children with autism - Chair	15

10.	Daily centre for children with damaged sight – Kisela Voda	5
11	Daily center for children with intellectual disability over the age of 18 – Kapishtec	15
12.	Daily center for adults – Topansko pole	30
13.	Gevgelija	19
14.	Shtip	13
15.	Kichevo	18
16.	Krushevo	12
17.	Debar	7
18.	Resen	7
19.	Vinica	12
20.	Bitola	24
21.	Veles	16
22.	Gostivar	18
23.	Prilep	22
24.	Berovo	12
25.	Makedonski Brod (Manastirec)	10
26.	Kratovo	11
27.	Strumica	9
28.	Sveti Nikole	15

Source: Ministry of Labour and Social Policy

In the part of the realized activities directed towards improvement of the condition of people with disabilities and creation of more favourable conditions for their easier inclusion in the society, we can note the adopted amendments of the Law on Construction (August 2014) which established the obligation for the residential building as well as residential and business building with ten or more apartments should be designed and built so to be adapted for access, movement, accommodation and work of people with disabilities in at least one apartment of every ten apartment but not more than 4 apartments and at least 3% of the total number of parking spaces of these building should be for the persons with disabilities. When building new and reconstructing existing public surfaces – foot paths in the central city core and in the parks, public surface – a foot path should be designed and built so to have a path for moving of people with body disabilities and persons with damaged sight.

Addressing of the problem with overrepresentation of Roma children in the special schools

In the past period in Republic of Macedonia, we concluded the existence of a problem in terms of the big representation of the Roma children in the special schools due to which several activities were undertaken and some of them and on-going for

addressing this situation, i.e. perceiving and establishing of the real condition in this part and taking of appropriate measures for its improvement.

So on the initiative of the Ministry of Labour and Social Policy, the Commission on Review of the Medical Documentation in the Special School in Republic of Macedonia was formed. The Commission is comprised by the three competent ministries – the Ministry of Labour and Social Policy, Ministry of Education and Science and the Ministry of Health as well as an expert team of doctors. The goal of this Commission was to perform an infight in the documentation and to establish the action condition of the Roma children in the schools for children with special needs. The Commission started with operation in October 2014.

The review covered all elementary and secondary special schools in Republic of Macedonia. Within these activities, all special schools in Republic of Macedonian have been visited and the condition regarding the inclusion of the Roma children in them has been scanned. On the basis of the data and the established conditions from the visits in the special schools, an accurate database, i.e. record of all Roma children enrolled in the special schools has been prepared. Then, a detail information with complete report from the performed visits and concluded findings was prepared which contains statistical data about the representation of Roma children in the special schools, problems detected on the field as well as specific proposals and recommendations for overcoming of the established shortcomings. The information has been considered and adopted by the Government of Republic of Macedonia in July 2015.

The realization of the specific envisaged measures and activities which will enable improvements of the conditions and overcoming of the established weaknesses and shortcomings in this part will start in the following period.

In terms of the statistical data on the Roma children in the special and regular school, the Ministry of Labour and Social Policy has the following data:

Table 35. Number of students with special educational needs by ethnicity in the regular elementary schools				
	School year 2012/13		School year 2013/14	
	Total	Roma	Total	Roma
Number of students with special needs in the regular classes	398	30	444	44
Number of students with special needs in the special classes	266	91	259	71

Source: Ministry of Labour and Social Policy

Table 36. Number of students in the special schools for students with special educational needs in the elementary education				
	School year 2012/13		School year 2013/14	
	Total	Roma	Total	Roma
Number of students with special educational needs	512	122	437	77

Source: Ministry of Labour and Social Policy

Table 37. Number of students in the special schools for students with special educational needs in the secondary education				
	School year 2012/13		School year 2013/14	
	Total	Roma	Total	Roma
Number of students with special educational needs	408	144	437	164

Source: Ministry of Labour and Social Policy

During the reference period, total number of enrolled Roma children in the regular elementary schools in Republic of Macedonia is 5.07% and in the regular secondary schools 2.66%, while the total number of enrolled Roma children in the special elementary schools is 17.6% in the school year of 2013/2014 and in the special secondary schools in Republic of Macedonia – 37.5% for the same school year.

Article 15§2

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialized placement and support services.

Employment of persons with disabilities

As of 31.12.2014, 1443 unemployed disabled people - active job seekers were registered in the Employment Service Agency of Republic of Macedonia, 33.8% (488) of which are women, and 66.2% (955) are men. 1208 unemployed people with disabilities were registered in 2013, 438 of which were women; 2034 unemployed people with disabilities were registered in 2012, 753 of which were women; and 2165 unemployed people with disabilities were registered in 2011, 777 of which were women.

The unemployed people with disabilities are included in the total number of unemployed people, recorded in the Employment Service Agency of Republic of Macedonia.

Table 38. Registered unemployed people with special needs

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Number of people	2577	2216	2251	1941	2089	2326	2165	2034	1208	1443

Source: Employment Service Agency of Republic of Macedonia

Table 39. Registered employment of persons with special needs

	2007	2008	2009	2010	2011	2012	2013	2014
Total employments	636	705	784	687	616	609	602	615
Number of employments in protected companies	340	307	312	273	249	231	223	187
Other employments	296	398	472	414	367	378	379	428
Number of employments in protected companies in %	53%	44%	40%	40%	40%	38%	37%	30%
Other employments in %	47%	56%	60%	60%	60%	62%	63%	70%

Source: Employment Service Agency of Republic of Macedonia

In accordance with the Law on Employment of Persons with Disabilities, the subsidized employment of these persons with means from the Special Fund in under the Agency. In 2014, financial means for employment were awarded to 295 persons, and total of 4415 people with disabilities (2001-2014) are employed on this manner.

When it comes to employment at employers who do not used funds from the Special Fund, ESA does not have any data on the employments of people with disabilities, if they previously were not recorded as unemployed people with disabilities in ESA. The discretion right of the employer is to report if the person who he/she is hiring is a person with disabilities.

According the data from the Central Registry of Republic of Macedonia, 291 protected trade companies are active, that have employed total of 6721 people, 2730 of which are people with disabilities.

During November 2013, through the public enterprise Makedonski Shumi a public announcement for employment of 300 persons with different type of disabilities and degree on indefinite period of time was published, expecting a higher representation of this category of persons in the public sector and, at the same time, significant improvement of their social and economic integration in the society.

The implementation of the Programme of Self-employment of Persons with Disabilities began, which is planned to cover total of 360 people, 120 of whom are persons with disabilities who will start their own business and additional 240 unemployed people who will be employed in the newly established enterprises. The Government of Republic of Macedonia provided around 59 million denars for realization of this Programme, and a right to participation have all unemployed people with disability.

**Table 40. Funds from the Special Fund
For employment of persons with special needs**

Year	2007	2008	2009	2010
Number of employers	168	131	311	264
Number of people with special needs for whose employment funds from the Special Fund are used	297	156	432	357
Total of approved (awarded) means on the ground of employment in denars	71.717.700	39.792.160,	115.579.500	103.232.160
Total of approved (awarded) means on the ground of adaptation of the work place	200.000	/	/	299.120,
Total of approved (awarded) means on the ground of procurement of equipment	12.507.412	56.322.301,	82.795.829	42.755.072,
Total of approved (awarded) means on the ground of working enabling of employed and unemployed people with disabilities	102.000	/	75.000	/
Total approved (awarded) in euros	1,369,969	1,557,771	3,216,375	2,370,930
Special means (10% of the employment contribution) to the sub-account of the Special Fund in denars MKD	83,488,233	116,207,010	185,715,184	167,514,300
Transferred means (10% of the employment contribution) to the sub-account of the Special Fund in euros	1,353,132	1,883,420	3,009,971	2,714,981

Source: Employment Service Agency of Republic of Macedonia

**Table 41. Funds from the Special Fund
for employment of persons with special needs**

Year	2011	2012	2013	2014
Number of employers	230	342	210	210
Number of people with special needs for whose employment funds from the Special Fund are used	337	428	219	295
Total of approved (awarded) means on the ground of employment in denars	94.932.520,	150,832,060,	85.946.980,	118.437.340,
Total of approved (awarded) means on the ground of adaptation of the work place	/	200.000,	/	100.000,
Total of approved (awarded) means on the ground of procurement of equipment	46.643.080,	101.417.171,	64.021.977,	11.909.592,
Total of approved (awarded) means on the ground of working enabling of employed and unemployed people with disabilities	/	222.000,	/	/
Total approved (awarded) in euros	1,538,615	2,444,604	??	??
Special means (10% of the employment contribution) to the sub-account of the Special Fund in denars MKD	169,335,688	173,715,296	179.405.843,	187.278.094,
Transferred means (10% of the employment contribution) to the sub-account of the Special Fund in euros	2,744,501	2,815,483	2,908,184	3,035,793

Source: Employment Service Agency of Republic of Macedonia

Anti-Discrimination Legislation

Regarding the Committee's question on what legal remedies are available for the persons who have been subject of discrimination based on disability in employment, including promotion in the career, employment relations, equal salary and worker rights etc.²⁶, in the following part we will provide information on the court procedure in case of discrimination.

Law on Prevention and Protection against Discrimination, besides the procedure before the Commission for Protection against Discrimination, shall also provide court protection for each person for who it deems that, due to discrimination, any of his/her rights has been violated, by submitting appropriate lawsuit before competent court. Here we approach to the first specificity of the court procedure, and that is the so called accessory role of the discrimination. This means that the person who claims that he/she was discriminated must prove that some other specific right has been violated due to discrimination, manifested by any act, conduct, failure or similar, by the defendant This principle is also present in the European Human Rights Convention.

Second important characteristic of the court procedure in the cases for protection against discrimination is that the same shall be initiated and, therefore, shall appropriately apply the provisions under the Law on Litigation Procedure. This is provided in Article 34 of the Law, which, in turn, in paragraph 3 provides for that the procedure shall be urgent, which is third important characteristic of the court protection in these cases.

Regarding the actual effective authority, competent shall be the basic civil courts, but having into consideration the possibility that certain lawsuits, where discrimination shall be determined or prohibited, can request compensation of damage, in certain cases competent can also be the basic courts with extended authority if it comes to claim higher than 50,000 EURO. As to the territorial jurisdiction, pursuant to Article 35 of the Law, in the procedure for protection against discrimination, besides the Court for general territorial jurisdiction, competent shall also be the court on which region is the seat i.e. residence of the plaintiff.

Next important characteristic of court procedure, as one of the most important, is in connection to the burden of proof. In these cases the burden of proof shall be different from the "regular" one, foreseen by the Law on Litigation Procedure. Namely, the plaintiff must provide all available proofs in order to prove the grounds of the claim, or the liability of the defendant towards the response of the lawsuit to deliver all proofs which would challenge or would completely shot down the claim. Pursuant to Article 38 of the Law, if the party in the court procedure claims that in accordance with the provisions of this Law her/his right to equal procedure has been violated, than the same shall be obliged to present all facts and proofs that justify her/his claim. But,

²⁶European Committee for Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 16

proving that there was no discrimination shall be borne by the opposite party upon creating *prima facie* case of discrimination. This means that the plaintiff only needs to make believable the existence of discrimination and to convince the court that in the particular case it is possible to have discrimination. At that moment, the burden of proof shall be transferred to the other party (defendant) who will have to prove that by his/her act, commitment or non-commitment he/she did not cause different treatment of the plaintiff in relation to other persons in same or similar situation i.e. that in the particular case there was no discrimination.

The lawsuit may require to protect the violated right due to the discrimination occurred, or protection against any unjustified legal or factual, direct or indirect distinction or unequal treatment or omission (exclusion, restriction or preference) with regard to individuals or groups which is based on the grounds of sex, race, colour, gender, belonging to a marginalized group, ethnicity, language, nationality, social background, religion or religious belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health status or any other basis.

The Law, by Article 36, precisely prescribes what can be specifically required as right to protection by the lawsuit due to the discrimination occurred. Thus, in accordance with such provision of the Law, the plaintiff can, by a lawsuit, request as follows:

- to determine that the defendant violated the plaintiff's right to equal treatment, i.e. action he/she immediately undertook or failed to undertake, could lead to violation of the rights to equal treatment;
- to prohibit undertaking activities which can violate the plaintiff's right to equal treatment, i.e. to perform activities by which the discrimination or consequences of the same can be removed;
- To compensate the material and immaterial damage caused by the violation of the rights protected by this Law; and
- to publish in the media the verdict which determined the violation of the rights to equal treatment at the expense of the defendant.

All these requests can be listed along with the requests for protection of other rights for which it is decided upon by the litigation procedure, if all requests are interrelated and if the same court is actually competent to decide upon the same.

The Law on Prevention and Protection against Discrimination, in the provision under Article 36, shall introduce new way of protection of the right to equal treatment by establishing special individual lawsuit, thereby, determining four types of lawsuits, such as:

- Lawsuit for identifying discrimination (declaratory – anti-discriminatory);

- Lawsuit for compensation of damage (condemnatory);
- Lawsuit to prohibit i.e. to omit (restrictive - reparative - anti-discriminatory lawsuit)
- Lawsuit to publish a verdict (publication);
- Accumulation of claims.

Given that the provisions of the Law on Litigation Procedure has been applied, in the procedure for protection against discrimination, following the adoption of the decision by the court, the parties will have the regular and extraordinary legal remedies, provided by this Law, on disposal:

- Complaint against decision of court of first instance as regular legal remedy;
- Reviewing and repeating the procedure as extraordinary legal remedies.

Regular Legal Remedy – Complaint against Verdict (Right to Complaint)

Against a verdict adopted at first instance, the parties can submit a complaint within 15 days from the day of delivery of the verdict's transcript, unless this Law determined other deadline. Timely submitted complaint shall prevent the verdict to become effective in the part it is disputed by the complaint. Upon the complaint against the verdict shall decide the court of second instance.

The party can waive the right to complaint, from the moment the verdict is announced, or from the moment the verdict's transcript is delivered to the same. Until the adoption of the decision by the court of second instance, the party can cancel the already submitted complaint. Cancellation or withdrawal of the complaint cannot be revoked.

Extraordinary Legal Remedies

1. Revision

Pursuant to the Law on Litigation Procedure (Article 372), parties can file for a revision of the effective verdict adopted by court of second instance within 30 days from the day of delivery of transcript of the verdict (paragraph 1). Parties can file for revision against the verdict of second instance if the value of the subject of dispute of the verdict's opposed part exceeds 1,000,000 MKD denar (paragraph 2). Notwithstanding paragraph 2, irrespective the value of the dispute, the revision shall always be allowed:

- in alimony disputes;
- in disputes for compensation of damage for lost alimony due to death of the alimony provider;

- in disputes arising from the labour relations regarding termination of labour relation;
- in disputes for protection of copyright, except for cash receivables on that ground; 5) in disputes referring to protection and use of inventions and technical improvements, samples, models and marks and the right to use a firm or title, as well as disputes of unfair competition and monopolistic behaviour except for cash receivables by those grounds; and
- in disputes in which in procedure upon complaint the court of second instance changed the first instance verdict.

By an exception, revision shall also be allowed against second instance verdict against which a revision pursuant to paragraph (2) cannot be filled, if the court of second instance in the announcement of the verdict allowed it. The court of first instance can allow revision by specifying the scope of the legal issue which would be initiated before the Supreme Court of Republic of Macedonia, if the same assesses that the decision in the dispute depends on resolving some material-law-related or process-law-related issue important to provide unique application of the law and unification of the court practice. In the rationale of the verdict, the court of second instance shall be obliged to state for which legal issue it allowed the revision and to state the decisions that indicate uneven application of the law as well as to explain the reasons for which it deems that this is important to provide unique application of law and unification of the court practice.

Provisions under paragraphs (2) and (4) of this Article shall not be applied to those disputes for which this or other law clearly provides that no revision shall be allowed for them.

For the revision shall decide the Supreme Court of Republic of Macedonia.

The Supreme Court of Republic of Macedonia shall adopt the decision on revision no later than eight months from the date of reception of the case.

2. Repeating a Procedure

Procedure which has been effectively completed by a decision of the court, can, on a proposal of the party, be repeated, if:

- in the adoption of the decision a judge i.e. lay judge has been present, who by law had to be excluded i.e. who by a decision has been exempted.
- some other party, by illegal action, and especially by failure to delivery, has been deprived of the possibility to discuss before the court;
- in the procedure as plaintiff or defendant participated person who cannot be party in the procedure or if the party which is a legal entity was not represented by authorized person, or if the litigation incompetent party was not represented by legal representative, or if the legal representative i.e. attorney-at-law of the party did not possess appropriate authorization to conduct the procedure or separate actions in the procedure, if the conduction of the procedure i.e. performance of certain action in the procedure is not additionally approved;

- the court's decision is based on false statement of a witness or expert;
- the court's decision is based on falsified document or in which untrue content was certified;
- the court's decision was caused by crime of the judge i.e. lay judge, legal representative or proxy of the party, the opposite party or other third person;
- the party obtains an opportunity to use the effective decision of the court which has been adopted for the same claim between the same parties earlier;
- the court's decision is based on other court decision or based on other authority, and that decision will be effectively changed, cancelled i.e. annulled.
- the party becomes aware of new facts or finds or obtains an opportunity to use new evidence based on which for the party could be have been adopted more favourable decision these facts or evidence to be used in earlier procedure; and
- by a decision of a competent authority it is additionally and effectively decided upon previous issue on which the court decision has been based.

Procedure effectively completed by a verdict based on confession, verdict based on denial, verdict for failure to submit a reply to lawsuit and verdict due to absence cannot be repeated due to the reasons under paragraph (1) items 8, 9 and 10 of this Article.

Procedure effectively completed by a verdict based on confession and verdict based on denial can be repeated because the confession or denial statement is given in deception or influenced by coercion or deception.

Regarding the Committee's request for more information in relation to the implementation of the obligation for the employers to create adequate working conditions and to adapt the workplace for the persons with disabilities employed in their companies²⁷, we inform you that in accordance with the Law on Employment of Persons with Disabilities, in the employment of person with disability, the employer shall be obliged to create appropriate working conditions and adaptation of the workplace depending on the workplace, type and degree of education and type and degree of disability of the employing person. For workplace adaptation there are 100,000 denars awarded and the same can be reused if it is required by the changes of the technical and technological process or the type and degree of person's disability. In practice, largest numbers of applications for awarding assets from the Special Fund are

²⁷European Committee for Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 16

submitted by the employers for employment of persons with disabilities, than for procurement of equipment, while very small number of application are submitted for workplace adaptation (in 2014 were submitted 2 application, for 1 of which was positively decided).

Regarding the question whether the workplaces adaptation increased the employment of persons with disabilities on the open labour market, we inform you that since the adoption of the Law on Employment of Persons with Disabilities in 2000, the increase in the number of employments of persons of disabilities is evident. Of course, it is affected by the benefits offered by the Law which exempts the employers to pay contributions for pension and disability insurance and health insurance, than the subsidies in employment of persons with disabilities, for workplace adaptation and equipment procurement.

The Law on Employment of Persons with Disabilities provides benefits for the employers in the employment of persons of disabilities (tax reliefs and financial subsidies). In the implementation of the law so far, there are 4415 persons with disabilities employed in the period between 2001 and 2014. On the other hand, by covering the employers' costs for procurement of equipment and workplace adaptation, employment of persons with disabilities and establishment of protective companied shall be stimulated.

Regarding the comment by the European Committee for Social Rights in connection to the measured under the Law on Employment of Persons with Disabilities can be used only by the persons whose disability has been recognized by the Commission for Assessment of the Working Capacity which is part of the Pension and Disability Insurance Fund of Republic of Macedonia, i.e. that only limited group of people with disabilities can claim disorders of adjustments to working conditions within the measure of the Law²⁸, we inform you that in order to adjust the working conditions and the workplace of the person with disability it is necessary to determine the degree and type of disability of the employed disabled person. By issuing finding, assessment and opinion for specific person with disability with specific disability, the Commission allows the persons with disabilities to work in appropriate workplaces, according to their disability.

Measures to Encourage Employment of Persons with Disabilities

In order to support the employment of persons with disabilities, in the period between January 2012 and August 2013 was successfully implemented the project "Encouraging Social Inclusion and Inclusive Labour Market", co-financed by the

²⁸European Committee for Social Rights, Conclusions XX-1 (2012), (Republic of Macedonia, Articles 1 and 15 of the Charter, (European Council, January 2013), page 16

Instrument for Pre-Accession Assistance (IPA) 2007-2013, component IV “Human Resources Development” of the European Union.

The project was directed towards improving the quality of the services on the labour market and the social services intended for the persons in unfavourable condition on the labour market, with special focus on the persons with disabilities, by building the capacities, knowledge and skills of all relevant institutions as well as improving the inter-institutional and inter-sector cooperation and introduction of innovative service models.

Within the project, in the initial phase, a complete review of the existing employment policies and existing legislation in that part has been performed, the conditions in the country in the field of social inclusion of vulnerable groups on the labour market has been analysed, and analysis of the services and assessment of the needs of training, mapping of the shareholders and end users have been prepared, according to which an appropriate methodology and programme for the trainings realized within the project activities have been also developed.

Through the project was realized large number of trainings which covered 325 professionals from several institutions and organizations (from the Ministry of Labour and Social Policy, the centres for social work, the Agency and the employment centres, civic associations etc.). Pursuant to the developed programmes, there were trainings for work with the vulnerable groups, occupational therapy, basics of the social economy, business plan development, establishing local partnerships conducted. With the support within the Project, a documentary titled “Labour Market for All” (<http://www.youtube.com/user/FosteringSI?feature=watch>) was recorded and aired, in which were presented good practices from the inclusion of the persons in unfavourable condition on the labour market, but above all the persons with disabilities in the working process, and there was a Practice Guideline prepared in this area for further dissemination,

Besides, there was also a campaign whose goal was to contribute to raising the public awareness for the need the labour market to be opened for the marginalized groups, raising the awareness among the business community that the employment of persons belonging to these groups bears number of benefits, and they will receive the message that they should fight for their rights and self-realization.

In this regard there were 5 thematic seminars held to promote the benefits of the integration of the persons with disabilities and in general – the persons with unfavourable condition on the labour market, and there were also thematic groups in several municipalities of the country formed, composed of representatives of the central and local authority for preparation of action plans for employment of vulnerable groups. There was also a brochure for cooperation and coordination prepared on local level with the goal to encourage the social economy.

Within the project activities a pilot project in the Municipality of Ohrid has been conducted, which covered 18 persons with disabilities and through which was tested the existing system for employment of persons with disabilities.

Regarding the promotion of the employment of the persons with disabilities, the implementation of the Project “Improving the Services for Social Inclusion” should be also emphasized, which was co-financed by the Instrument for Pre-Accession Assistance (IPA) 2007-2013, component IV “Human Resources Development” of the European Union.

The implementation of this Project started on 15 July, 2015, and will run for 24 months. The project will implement activities to introduce and develop a system of vocational rehabilitation in order to enable persons with disabilities to appropriate occupations and their inclusion in the open labour market, introduction of personal assistance services for people with disabilities, as well as upgrading the existing IT monitoring software system for social services in centres for social work and social protection institutions.

By the project it is planned to develop draft models of vocational rehabilitation and personal assistance to ensure the definition of service standards, testing of proposed service models, adjusting the legal framework and appropriate promotion of services among users. Also, part of the project is planned to develop draft standardized models and services for vocational rehabilitation and personal assistance to persons with disabilities for their successful inclusion in the labour market, to ensure the definition of service standards, testing of proposed service models, adjusting the legal framework, strengthening the capacity of the experts in the field of vocational rehabilitation and personal assistance to people with disabilities, establishing a system of cooperation and exchange of information between the relevant institutions in this regard, appropriate promotion of services among users and improving the implementation and monitoring of services for vulnerable groups.

In 2014 was signed a Cooperation Memorandum between the Ministry of Labour and Social Policy and the Economic Chamber of Republic of Macedonia for establishing a Fund to Support the Persons with Disabilities, in accordance with the programme activities for cooperation with the business community in order to promote appropriate representation of certain groups of workers such as the persons with disabilities, with particular emphasis on providing appropriate measures for vocational rehabilitation of persons with disabilities and promoting employment opportunities for them on the free labour market, thus creating conditions for their full integration into society. In this regard, the Ministry of Labour and Social Policy opened a special account for donations from members of the Economic Chamber of Macedonia, and the funds will be used for persons with disabilities.

ARTICLE 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Article 20

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognize that right and to take appropriate measure to ensure or promote its application in the following fields:

- a) access to employment, protection against dismissal and occupational reintegration;
- b) vocational guidance, training, retraining and rehabilitation;
- c) terms of employment and working conditions, including remuneration;
- d) career development, including promotion.

Exercise of the right to equal opportunities and equal treatment for issues related to employment and occupation without any gender discrimination shall be performed by Article 6 of the Law on Labour Relations. The same provides for that the employer must not put the job seeker or worker in unequal position due to racial or ethnic origin, skin colour, gender, age, health condition or disability, religious, political or other beliefs, trade union membership, national or social origin, family status, economic status, sexual orientation or other personal circumstances.

Paragraph 2 of Article 6 prescribes that women and men must be provided with equal opportunities and equal treatment in connection to:

1. access to employment, including promotion and vocational and professional training in the work;
2. work conditions;
3. equal payment for equal work;
4. professional social security patterns;
5. absence from work;
6. working hours; and
7. employment agreement termination.

Equal treatment principle shall mean prohibition of direct and/or indirect discrimination.

Prohibition of direct or indirect discrimination in the cases under Article 6 of the Law shall refer to discrimination of the employment candidate and the worker. Direct discrimination shall be any actions motivated by any of the grounds mentioned in Article 6 of this Law with any person who has been put, is put or could have been put in less favourable condition than other persons in comparable cases.

Indirect discrimination, in terms of this Law, shall exist when certain seemingly neutral provision, criteria or practice, puts or would put in less favourable condition than the other persons, an employment candidate or worker due to certain capacity, status, commitment or belief under Article 6 of this Law.

Discrimination, in terms of Article 6 of this Law, at an employer shall be prohibited in relation to:

1. employment terms and conditions, including the criteria and condition for selection of candidates to perform certain work, in any branch or department, pursuant to the National Activity Classification and on all levels of professional hierarchy;
2. promotion at work;
3. access to all types and levels of vocational qualification, requalification and further qualification;
4. terms and conditions for work and labour and all rights arising of employment relation and regarding the employment relation, including equal payments;
5. employment agreement termination; and
6. rights of the members and acting in the worker and employer associations or in any professional organization, including the benefits arising from membership.

Provisions of collective agreements and employment agreements that regulate discrimination on some of the grounds of Article 6 of this Law shall be invalid (Article 7 of the Law on Labour Relation). However, in making a difference, excluding or giving preference in connection to certain work, when the nature of the work requires it or the work shall be performed in such conditions in which the characteristics related to some of the cases of Article 6 of this Law represent real and decisive condition to perform the work, provided that the goal to be achieved is justified and the condition is reasonable, shall not be considered as discrimination.

All measures provided by the Law on Labour Relation or other law and the provisions of this or other law, collective agreements or employment agreements that are related to special protection and assistance in certain category of workers, especially to those for protection of people with disabilities, elder workers, pregnant women and women who exercise some of the maternity protection rights, as well as the provisions that refer to special rights of parents, adoptive parents and foster parents shall not be deemed as discrimination, nor shall be grounds for discrimination.

Gender equality is also preserved in publishing the vacancies by which the employer must not publish the vacancy for only for men or only for women, except certain gender is required to perform the work. Also, publishing of vacancies must not indicate that the employer gives advantage to certain gender in the employment.

Law on Labour Relations provides prohibition of any kind of mental harassment at the workplace – mobbing. This kind of harassment is defined in separate Law on Protection from Harassment at the Workplace (Official Gazette of Republic of Macedonia No. 79/2013).

Regarding the employment terms and conditions, the workers with fixed-term employment shall not be treated in less favourable manner than the workers with permanent employment only because they are with fixed-term contract, unless the different treatment is justified by objective reasons, where it is important to mention

that in this Law all terms “worker” and “employer” used in male gender have neutral meaning and refer both to men and women.

Period to acquire qualifications in relation to certain conditions shall be the same in the employment of both, the workers with permanent employment and the workers with fixed-term employment, unless the period of acquiring qualification is no longer than the duration of the fixed-term employment agreement.

In the discrimination cases under Article 6 of this Law, the candidate for employment or the worker shall be entitled to a compensation of damage in accordance with the provisions of the Law on Obligations. The amount of the damage shall be determined for each case individually, so the compensation would be efficient and proportional and to influence deterring employers from discrimination. In the previous version of the Law on Labour Relations there was an upper limit in the amount of damage compensation determined for the cases of discrimination, but such limitation in the existing Law, in Article 10, does not exist i.e. the amendments of the Law dated August, 2008, abolished that limitation.

Law on Labour Relations with separate article (Article 11) also regulates the issue in connection to the burden of proof in case of a dispute about discrimination. Namely, pursuant to Article 11, if the employment candidate i.e. the worker, in case of dispute, presents facts that the employer acted in contrary to the Articles 6, the employer shall be obliged to prove that there was not any discrimination i.e. that he acted in accordance with the provisions that prohibit discrimination, unless otherwise proven by the different treatment made due to exceptions under Article 8 of the Law.

Pursuant to Article 93 paragraph 5 of the Law on Labour Relations, the trade union can represent the worker in procedure upon a complaint, on request of the worker.

The issue on the burden of proof is also appropriately regulated by Law on Prevention and Protection against Discrimination (Article 38). Law on Prevention and Protection against Discrimination also provides for an appropriate procedure before the Commission for Protection against Discrimination for any person who considers that suffered discrimination, without having the obligation to pay fee or any compensation. The procedure shall commence by submitting a complaint which can be either in written form or given orally in minutes. Along with the complaint, the person shall submit the evidence that support the facts which show that in the specific case there was discrimination.

The Commission for Protection against Discrimination shall determine the factual condition based on the review of presented written evidence, by taking statements from the complainant and the person against who the complaint has been submitted (Article 27). If the Commission determines that the evidence are not sufficient for proper and complete determination of the factual condition, the same can also take statements and to acquire evidence from other entities who possess data on the specific case for discrimination. When the complainant will prove that there is *prima facie* case, than the obligation of proving shall shift from the complainant to the potential discriminator.

Pursuant to Article 39 of the Law on Prevention and Protection against Discrimination, the litigation regarding the lawsuit filed before competent court by the person who considers that, due to discrimination, certain right of his has been violated, can be joined by body, organization, institution, association or other person who within its activity performs protection of rights of equal treatment, as third party on the side of the persons who claims that has been discriminated. For participation of the third party shall decide the court by applying the provisions of the Law on Litigation Procedure. The court will allow participation of a third party only by consent of the persons on whose party the third party wants to be involved. The third party can undertake activities in the procedure, and the same shall have all the rights in the procedure belonging to it.

Termination of the employment agreement which, directly or indirectly, puts the worker in less favourable condition on any ground of Article 6, shall be invalid from the moment of reception of the notice (Article 71).

Existing Law on Labour Relations also regulates the issue, i.e. the obligation of equal payment of men and women (Article 108). It provides that the employer shall be obliged to pay equal salary for equal work with equal requirements to the workers regardless their gender. If the employment agreement, the collective agreement i.e. the general act of the employer, provide for provisions that envisage different payment of men and women, the same shall be invalid. For violation of this provision, the worker shall be entitled to initiate an administrative procedure. Regarding the salary, this legal provision provides adequate legal remedy in the national legislation for discrimination based on gender.

In practice, there are no legal provisions, collective agreements, employment agreements, which foresee different payment of men and women for equal work with equal requirements of the job position. Therefore, there are no statistical data on difference in salaries.

For data on the employment and unemployment rates according to gender, please refer to the information contained as response under Article 1 paragraph 1.

State Labour Inspectorate has not received a complaint, nor in the regular controls has found violation of this provision i.e. for same job position women and men to receive different salary.

Social insurance is right guaranteed by the Constitution and the same is covered by the following laws:

- Law on Pension and Disability Insurance
- Law on Health Insurance
- Law on Employment and Insurance in Case of Unemployment, and
- Law on Contributions from Mandatory Social Insurance.

By the mentioned laws, the social insurance shall be exercised based on obtaining the status of insured person, irrespective the gender of the insured. This

refers to the scope of the mandatory social insurance and the exercise of the rights to this insurance.

In the part of exercising the right to age pension, different conditions regarding the age shall be regulated. Namely, women are entitled to exercise the right to age pension on 62 years of age. In the creation of this decision, demographic and social and economic conditions that influent the working ability of the woman were taken into consideration. Namely, in the modern society, the role of the woman is double. Besides the traditional family obligation on which, according to the natural biological and social characteristics, the woman must respond, she is more frequently involved on the labour market. From that reason, each modern labour legislation, hence the Macedonian legislation, tends to special protection of the woman during her working life, i.e. in the introduction of the possibility to exercise right to age pension likewise. This is especially important for the women who work in labour-intensive activities which, in essence, are physically difficult for women and, most frequently, they do not delay the retiring under the same conditions as for men, 65 years.

Regarding the other rights from mandatory social insurance, the principle of equal treatment between men and women shall be applied.

Special rights of women, guaranteed by Article 8 of the Charter (right of employed women to maternity protection), as well as other rights referred to woman protection, not considered as discrimination (night shift work, work in mines etc.) shall be presented in the Second Report for Implementation of the Revised European Social Charter submitted to the Council of Europe in December, 2014, as well as the First Report for Implementation of the Revised European Social Charter submitted to the Council of Europe in January, 2014.

Equal opportunities between men and women in Republic of Macedonia shall be regulated by one comprehensive law (*lexspecialis*) which shall treat the rights and obligations towards promotion of gender equality, and through other law as well (*lexgeneralis*) where the equal rights of men and women are regulated.

Law on Equal Opportunities of Men and Women was adopted for the first time in 2006, which regulated the issue of establishing the equal treatment of men and women. In 2008, the same was aligned with the EU Directives, and in 2012 was adopted new Law on the Equal Opportunities of Men and Women (Official Gazette of Republic of Macedonia) No. 6/2012 dated 13.1.2012) which additionally promoted the issue of establishing equal opportunities and equal treatment of men and women. The new law preserved the main provisions which provided adoption of basic and special measures for establishing equal opportunities of men and women, but also foresaw new provisions that strengthened the obligations of responsible entities to provide equal opportunities of men and women. Thus, the law provided precise obligations of the responsible entities and responsible persons (coordinators and deputy coordinators in State Authorities and Local Government Units) and takes care for entering the gender perspective in the strategic plans and budgets; to acquire statistical data divided by gender and to monitor the effects and influence of their programmes on men and

women, as well as to report on the same within their annual statements (article 11, 12, 14).

Additionally, the Ministry of Labour and Social Policy, through the Equal Opportunity Sector, in accordance of the Law on Equal Opportunities of Men and Women, shall be responsible institution for coordination of all other entities responsible for its implementation in order to meet the obligations of the same and promotion of gender equality on central and local level. The Law also provided establishing of inter-ministerial consultative and advisory group for equal opportunities of men and women. Inter-ministerial group was established in 2013; it is composed of representatives of the ministries (civil servants), of civic organizations, associations of employers and experts, and has its own rules of procedure.

In 2014 was adopted the Law on Amending and Supplementing the Law on Equal Opportunities of Men and Women. The goal of the adoption of the Law shall be establishing legal grounds for preparation and adoption of bylaws which will provide successful realization of the foreseen legal solutions and implementation of the obligations arising of the law by the responsible entities for establishing equal opportunities of men and women on national and local level. Pursuant to these amendments, 4 rulebooks were adopted, such as:

1. Rulebook on the form and content of the form for reporting the results of the application of special measures and the manner of implementation of the Plan for implementation of special measures (in addition to the Rulebook is given Form on the form for preparation of the Annual Report);

2. Rulebook on the form and content of the form for reporting for the work of the equal opportunities of men and women coordinator in the local government units (in addition to the Rulebook is given Form on the form for preparation of Annual Report);

3. Rulebook on the form and content of the form for reporting for the work of the equal opportunities of men and women coordinator and deputy coordinator in the local government units (in addition to the Rulebook is given Form on the form for preparation of Annual Report);

4. Rulebook on the manner of performing the analysis of contents of curriculums, programmes and textbooks in terms of promoting equal opportunities for men and women.

In Macedonian legislation most of the laws regulate the prohibition of discrimination based on gender and contribute to improving the situation of women in certain areas of the social life, among which is the **Law on Prevention and Protection against Discrimination** (Official Gazette of Republic of Macedonia No. 50 dated 13.4.2010) which entered into force on 01.01.2011. The need of adopting Law on Prevention and Protection against Discrimination was determined by the need of creating a completed legal framework for prevention and protection against discrimination. Grounds given in the Law on which the discrimination shall be prohibited include gender and sex.

Adopted Strategic Documents and Strengthening the Mechanisms for Gender Equality

In accordance with the legal regulation were also adopted Strategic Documents that have the goal to contribute to the realization of the equal opportunities of men and women and to provide equal participation of men and women in all areas of the public and private sector, equal status and treatment in exercising their rights, as well as equal benefits from the gained results. Government of Republic of Macedonia adopted the following strategic documents from the area of equal opportunities of men and women:

Gender Equality Strategy for the period 2013-2020, adopted by the Assembly of Republic of Macedonia on 20.02.2013. The strategy was developed based on the findings and recommendation of the assessment of the National Action Plan on Gender Equality (2007-2012)'s implementation and contains the national priorities in the field of equal opportunities of men and women for the next eight years.

The strategy is based on the gender equality and human rights principles as cross-sectoral issues, it provides specific goals regarding integration of gender perspective in the national processes of policy creation (through strengthening the gender equality mechanisms, through developing harmonized indicators for measuring the progress of gender equality in accordance with the national laws and international conventions), and interventions in sectoral priority areas as well, such as: education, employment, agriculture, health, gender-based violence, human trafficking, media, human rights and peacekeeping activities. Assembly of Republic of Macedonia adopted the Gender Equality Strategy, but is also responsible for monitoring its enforcement.

Strategy on Gender Responsive Budgeting 2012-2015, adopted in order to incorporate the gender perspective in the budgetary policies of the Government of Republic of Macedonia, arose in accordance with the provision of the Law on Equal Opportunities of Men and Women, according to which the state authorities shall be obliged to incorporate the equal opportunity principle of men and women into their strategic plans and budgets.

Besides these two strategies which directly arise from the Law on Equal Opportunities of Men and Women, the gender perspective is incorporated in specific strategies, such as: **-National Equality and Non-Discrimination Strategy 2012-2015 based on ethnicity, age, persons with mental or physical disability and gender.** Within the strategy, the discrimination based on sex is a horizontal issue and takes into account the relation of the sex with the other grounds treated in the strategy.

National Employment Strategy 2015 and National Action Employment Plan of Republic of Macedonia 2011-2013. Based on the strategy and national action plan, operational programmes on annual level in which as target group are included women shall be performed. Women from minor ethnicities and women from rural areas are also targeted by special measures.

National Strategy for Poverty Reduction and Social Exclusion 2011-2020 is a document whose general strategic goal is reduction of poverty and social exclusion in Republic of Macedonia through better use of the disposable human

and material resources, improving the conditions for living, work and social conditions of all citizens, systemic and institutional collaboration aimed at faster development, higher living standards and better life. One of the 14 special areas to which this document is directed is the Equal Opportunities of Men and Women, where the main goal is to promote the position of women and reduction of poverty rate and risk of social exclusion.

Pursuant to the law and the strategic documents, Republic of Macedonia has established national machinery for equal opportunities of men and women on central and local level. Within the structure of the national gender equality mechanisms, a significant role also plays the Commission on Equal Opportunities of Men and Women in the Assembly of Republic of Macedonia and together with the Women Parliamentarians' Club these bodies represent mechanism for implementation of the gender perspective in the highest representative body for policy creation and decision adoption. Task of this commission is to review the draft-laws, other regulations, budgets, strategic documents and reports in terms of gender perspective. It cooperates with all parliamentary commission and commissions for equal opportunities of men and women on local level, with the civil sector and international organizations.

Pursuant to the Law on Equal Opportunities of Men and Women in all ministries within the Government of Republic of Macedonia from among the civil servants there are coordinator and deputy coordinator for equal opportunities of men and women assigned, who have obligations and responsibilities determined by law.

Gender mechanisms on local level within the institutions are composed of the following structures: Commissions of equal opportunities of men and women (within the councils of the local government, composed of councillors for a term of 4 years) and coordinators for equal opportunities of men and women (civil servants, employed in the local government unit). Pursuant to the recent data of the Ministry of Labour and Social Policy, in all 81 municipalities there are Commission for Equal Opportunities of Men and Women established and there are coordinators for equal opportunities of men and women appointed.

Law on Equal Opportunities of Men and Women also foresees legal protection in case of unequal treatment based on gender. The procedure shall be kept by legal representative – employee in the Ministry of Labour and Social Policy.

Besides the progress made in certain areas, as direct result of the arrangement and commitment on the gender equality mechanisms, it was, however, concluded that the capacities of the institutional mechanisms are not yet on a satisfactory level to respond to the obligation that arise of the Law on Equal Opportunities of Men and Women. For that purpose, the Ministry of Labour and Social Policy – through the Equal Opportunities Sector – in cooperation with the Inter-Ministerial Advisory Group and with the support of the UN Women undertook specific measures towards systemizing the approach in upgrading the capacities of the institutional mechanisms. As a first step was performed an analysis of the process of national policy creation, planning and budgeting in terms of gender equality in order to identify entry points for integration of the gender perspective pursuant, to law. Manual on the civil servants for gender

responsive policy creating and budgeting has been prepared, and an e-module for continuous training and specialization of the state administration is in phase of preparation and development, which will be integrated in the mandatory training by the Ministry of Administration and Information Society.

Women and Employment and Economic Development

Activity rate in 2010 amounts 50.4% and is lower for 27.3% compared to men. Employment rate in the same period was 34% i.e. 18.8% lower compared to men, while the unemployment rate 32.2% i.e. 0.3% higher compared to men. This, above all, can be explained by the traditional role of women in the family, especially among the ethnicities and rural environments.

To overcome the conditions, the goal of the policies on the labour market is greater integration of women by increasing their employability for achieving an employment rate of 42% by 2015, through:

- Increasing the competencies (knowledge, skills and access to employment);
- Developing and providing employment services and training adjusted to the individual needs and conditions of women; and
- Overcoming the barriers for labour market integration.

Employment rate of women in 2013 amounted 32.5%, while the unemployment rate was 29%. Activity rate among women in 2013 amounted 45.8.

Until April, 2014, in Republic of Macedonia were recorded 103.250 unemployed persons, while the number of job seekers was 115.668. 50094 of them were women.

In the period 2009-2013 were created and implemented active employment programmes and measures intended only for women – victims of domestic violence, through which was provided a financial support for self-employment/subsidy of women – victims of domestic violence in order their integration on the labour market.

Agency for Promotion of the Entrepreneurship, as part of the project for “Self-Employment Grant” during the implementation of the project 2007-2013, and through defining a special target group – women entrepreneurs, involved the women in this project. The data show that each year the number of newly opened businesses through this project by women varies between 35-40%.

In 2010, the Agency for Promotion of the Entrepreneurship of Republic of Macedonia, in cooperation with the project financed by the Austrian Development Agency – building capacities for creation a knowledge-based economy, whose implementer was the Centre for Development of New Businesses at the Faculty of Mechanical Engineering and the Ss. Cyril and Methodius University, prepared a report for the women entrepreneurs in Republic of Macedonia by researching whose goal was to gain an image for the female entrepreneurship by using official secondary data obtained from the State Statistical Office and other institutions for the period between 2004 and 2009.

The Agency for Promotion of the Entrepreneurship of Republic of Macedonia implemented the project – European Network of Mentors for Women Entrepreneurs in Macedonia, which was focused on establishing a national network of women entrepreneurs in Macedonia directed towards support of development of female entrepreneurship and assistance for successful overcoming of challenges in the first years of their businesses. National network of mentors was part of the European Network established and managed by the European Commission.

Regarding the economic strengthening of women, in the past year were performed positive changes, above all, regarding the introduction of gender perspective in the policies and strategies on the labour market. There was a progress made in the legal definition of the prohibition of discrimination based on gender in the employment and at the workplace, and there were also provisions which enable the worker to align the work with the family obligations.

Female entrepreneurship, as an important issue, especially from the aspect of strengthening the position of women entrepreneurs on the labour market by the required knowledge and skills for doing business as well as raising the awareness for entrepreneurship among women, represents one of the areas on which in past period we have put particular emphasis. Therefore, within the programme of competitiveness, innovations and entrepreneurship for 2015, in the part for support and development of small and medium enterprises, the Ministry of Economy provided for and will realize special measure to support the female entrepreneurship.

Ministry of Labour and Social Policy in cooperation with the Employment Service Agency also began an implementation a Self-Employment Programme which is part of the Operational Plan for Services on the Labour Market and Active Employment Programmes and Measures for 2015. More specifically, the goal of the programme is to support the unemployed persons in founding their own enterprises, formalizing already existing (informal) activity and to create additional employments. Self-employment programme shall include training for entrepreneurship, assistance in developing sustainable business plan and registering an activity, irrecoverable grants in the form of equipment and materials, and mentorship at the time of starting the business, by covering 960 unemployed persons. By the means of encouraging measures, this programme will include women, by which it is expected to increase the number of self-employed women as well.

National youth Action Plan

In 2012 the participation of the young people in the working population (15-24 years) was increased from 32.1 to 33.6 percent. Employment of young people also increased (from 14.4 to 15.5 percent), with greater employment among women than men (1.8 and 0.4 percent increase, appropriately).

Table 43. Key Indicators for the Labour Market (2011-2012)			
	2011	2012	EU27 (2012)
Young people 15-24			
Labour force participation	32.1	33.6	42.6
Employment rate	14.4	15.5	32.9
Unemployment rate	55.3	53.9	22.8
Young people 15-29			
Labour force participation	48.1	49.1	57.0
Employment rate	25.5	26.1	46.4
Unemployment rate	47.0	47.0	18.1
Adults 25-64			
Labour force participation	73.0	71.8	77.8
Employment rate	52.1	51.4	70.7
Unemployment rate	28.7	28.4	9.2

Source: State Statistical Office, Labour Force Survey (2011-2012).

Part of these increases are due to demographic factors (for example, overall young population at the age of 15-24 years is increased for 3.5 percent), but also to actual employment of the younger group of workers. In 2012, the employment of working population (15-64 years of age) became mainly unchanged, 44 percent. If we take into consideration the group between 15 and 29 years of age, the review will be positive in relation to the participation of the labour market and employment, while the unemployment rate, in essence, remains the same as the rate noted in 2011. In absolute terms, employment of young people between 15 and 24 years of age increased for 4 percent. Total number of employed young men (15-24 years of age) was reduced (from 28,700 to 28,300), while the number of employed young women was increase from 16,500 to 18,700. By this, the gender gap in employment of young people (15-24 years f age) was reduced from 7 to 5 percent.

Regarding the **improvement of the status of Romani women** and their integration in the social flows, the Government of Republic of Macedonia on its 139 session held on 23.3.2008 adopted the first National Action Plan for Promoting the Status of Romani Women with Operational Plans for the period between 2008-2010 and the second National Action Plan for Promoting the Social Status of Romani Women in Republic of Macedonia 2001-2013, adopted on 28.12.2010.

The Action Plan on the Specific Need of Romani Women covers five action sectors, such as:

- Education;
- Employment;
- Health, Public and Political Participation of Romani Women;

- Anti-Discrimination; and
- Human Rights.

Participation of Romani women in the labour market is very low. Almost seven of ten Romani women who look for a job, do not find one, while more than eight of ten Romani women in working age are not included in the education process or are unemployed. Among these women who are in labour relation, the ethnic separation and gender gap in the incomes are greater for the Romani women (among non-Romani population, average salary for women amounts 83% of the salary of men, while in the Romani population it is 63%).

Participation in the labour market of the women from rural areas and their economic activity is 37% versus the activity of men from rural areas which amounts 71%, while the gender gap amounts 34%.

Groups defined as marginalized from the aspect of sex and other grounds to which special attention should be paid, shall be women from ethnicities, rural areas and women with physical and mental disabilities as especially vulnerable category.

Women from rural areas²⁹ are facing with lower education and high rate of unemployment, uncertain and low income. In average, the women from rural areas mainly have only primary education and stay behind the women from urban areas who, in average, have secondary education, and behind the men from rural areas who are between these two levels. Besides the notable progress, among other things, as a result of introduction of mandatory secondary education, the transfer of girls from primary to secondary school in several regions remains the same. South Eastern Region has largest percent of females with completed three year or four year secondary education (63%) and largest percent of females with completed university degree. North Eastern Region has lowest share of female persons with completed secondary education (18.5%). Social norms and traditional values do not determine only the level of education, but the selection of study fields as well, and as result the main interest of females remain the social and medical sciences.

Three of four women in rural areas are unemployed. With unemployment rate of 59% of the groups between 20 and 24 years of age, and 43% of groups between 25 and 29 years of age, the highest unemployment rates are found to be among young women from rural areas. Unemployment percent is highest in the Skopje Region, 89%, and lowest in South Eastern Region, 46.7%. In the South Eastern Region solely, greatest part of unemployed female persons look for a job and are registered in the Employment Services Agency (52.4%). Mostly of women in rural areas, 63%, remain economically inactive. The most common reason for such high rates of economic inactivity is that the rural women are preoccupied by the care of children and by household obligations.

²⁹Center for Research and Policy Making, UNWomen, Perspectives of Women in Rural Areas, Skopje 2012, <http://www.unifer.sk/uploads/doc/MKDweb2.pdf>

In the Vardar and Pelagonia Regions solely, additional activity to the majority of women, 66.7% i.e. 60%, is the agriculture i.e. agricultural market, while in Polog region (73.7%) and in North Eastern (66.7%), the households live mainly from agriculture. In average, rural women comprise the part of 38% of the persons who are active in the agriculture, hunting and forestry, including the seasonal workers, but still, it is estimated that 20% of the economically inactive women work on agricultural lands without being paid for it. Very few women are registered as farmers also.

Rural women, in most cases, have no ownership of the property or the assets from the production realized in the family, so they have no access to the financing assets, which reduces their chances of economic recovery. In average, in less than 6% of the families within the country, women are owners of agricultural land or house. Largest percent of house ownership, which varies between 8.3% and 8.9%, is noticed among married rural women in the Eastern and South Eastern Region.

Pursuant to the national strategic priorities, the Government, through the Ministry of Agriculture, Forestry and Water Management, made efforts to improve the status and opportunities of rural women. Rural women are subjected to strategic gender equality documents (National Gender Equality Action Plan) and to the Rural Development Programme which includes two affirmative measures i.e. two gender sensitive measures. Namely, through this programme, women from rural areas will be encouraged to submit application on subsidies which aim to encourage the economic activity of women in agriculture and rural tourism. In 2009, 575 male farmers and 264 female farmers appear as subsidy users, in 2010 that number amounted 364 for the first and 310 for the latter. Ministry of Agriculture, Forestry and Water Management performed an assessment of the rural development programme from gender perspective and examined the opinions of rural women regarding the access and use of subsidies.³⁰ Through the voice and recommendation of women from rural areas, the Ministry of Agriculture, Forestry and Water Management works on the development of the future Rural Development Programme, for which gender sensitive indicators to measure the progress will be developed.

³⁰Ministry of Agriculture, Forestry and Water Management, *Strengthening rural women*, UNWomen, Skopje, 2013

ARTICLE 24 – The right to protection in cases of termination of employment

Article 24

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognize:

a) the right of all workers not to have their employment terminated without valid reasons for such termination connection with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;

b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Law on Labour Relations defines the labour relation as contractual relation between the worker and employer, in which the worker shall voluntarily join the employer's organized process of work, for salary and other incomes, shall personally and uninterruptedly perform the work according the instructions and under supervision of the employer.

Additionally, the law states that "worker" shall mean each natural person who is employed based on concluded employment agreement.

Employment agreement as an apprentice, who for the first time starts to perform work appropriate to the type and degree of his/her vocational education in order to be able to perform the work independently, can be concluded or determined by law, other regulation or collective agreement on the activity level, and cannot last more than one year, unless otherwise stated by law. For the duration of the apprentice service period, the employer must not terminate his/her employment agreement, except in case of implementing a procedure for termination of the employer, in case of violation of the working order and discipline or working tasks, pursuant to law.

The law foresees an opportunity for probation work as well. Namely, in concluding employment agreement, the worker and employer can agree on probation work, which cannot last longer than six months. Based on the assessment of unsuccessfully completed work, the employer can cancel the employment agreement upon the expiration of the probation work.

For performing seasonal work, the probation work can last three working days and in this case, the employer can terminate the employment agreement with probation work for performing seasonal work within three days from the day of conclusion of the probation work employment agreement.

Pursuant the Law on Labour Relations, the worker can terminate the employment agreement if he/she notifies in written that he/she wants to terminate the employment agreement.

While the employer can terminate the employment agreement only if there is a justified reason for dismissal related to the worker's behaviours (personal reason by the worker), due to violation of the working order and discipline or labour relations (cause of fault) or if the reason is based on the needs of employer's functioning (business reason).

Worker and employer can terminate the employment agreement in cases i.e. for reasons determined by law, collective agreement, rules of working order and discipline and employment agreement.

Termination of the employment agreement which, directly or indirectly, puts the worker in less favourable condition on any grounds referring to discrimination of worker, shall be invalid from the moment of reception of the notice. (Article 71)

If the employer terminates the employment agreement, the same shall be obliged to state the reason for the dismissal, determined by law, collective agreement or employer's act, to prove the reasonability of the reason which justifies the dismissal and to list the same in the rationale (Article 72).

Before termination of the employment agreement due to fault of the worker, the employer must warn the worker in written for the failure to fulfil the obligations and the opportunity of dismissal in case of further violation of the same (Article 73).

Employer shall be obliged to explain the termination of the agreement in written, as well as to indicate the worker on the legal protection and to introduce his/her rights arising of insurance in case of unemployment, pursuant to law (Article 74).

Law on Labour relations shall determine the reasonable grounds for dismissal, such as:

- the worker shall not be able to perform the contractual or other obligations arising of the labour relation (personal cause) due to its behaviour, lack of knowledge or opportunities or due to failure to meet the special requirements determined by law.
- the worker violates the contractual obligations or other obligations arising of the labour relation (cause of fault); and
- if the need of performing certain work under the conditions stated in the employment agreement stops due to economic, organizational, technological, structural or similar reasons by the employer (business reasons). (Article 76)

In addition, the Law also determines the unjustified reasons for dismissal, which are exhaustively listed, including:

1. membership of the worker in trade union or participation in trade union activities in accordance with law and collective agreement;
2. submission of lawsuit or participation in procedure against the employer to verify the violation of contractual and other obligations arising of the employment agreement before arbitrary, court and administrative authorities;

3. approved absence due to sickness or injury, pregnancy, childbirth and parenting, care of member of the family and unpaid parental leave;
4. using approved absence from work and vacation;
5. serving or further serving in the military or military exercise; and
6. other cases of suspension of the employment agreement determined by this law.

Against the decision on terminating the employment agreement without notice period or the decision on removal from the employer, the worker shall be entitled to submit complain to the management or the employer. That complaint shall be submitted within eight days from the day of adoption of the decision on terminating the employment agreement or the decision on removal from the employer.

The decision upon the complaint shall be adopted within eight days from the day of submission of the complaint.

Complaint against the decision on termination of the employment agreement without notice period or the decision on removal from the employer shall not keep from executing the dismissal decision, i.e. the written order.

When there is not a decision adopted upon the complaint or when the worker is not satisfied with the decision adopted upon the complaint, the same shall be entitled to initiate a dispute before the competent court within 15 days.

On request of the worker, the trade union can represent the worker in the procedure upon complaint (Article 91).

During the notice period, the employer shall be obliged to allow the worker an absence of four hours during the working week to seek another employment.

During the stated absence from work, the employer shall be entitled to a compensation of salary, pursuant to collective agreement (article 92).

Against the decision for terminating the employment agreement with notice period, the worker shall be entitled to submit complain to the management or the employer.

The complaint shall be submitted within eight days from the day of reception of the decision on termination of the employment agreement.

The complaint shall delay the execution of the decision on dismissal until the adoption of the final decision upon the complaint, which shall be adopted within eight days from the day of submission of the complaint.

When there is not a decision adopted upon the complaint or when the worker is not satisfied with the decision adopted upon the complaint, the same shall be entitled to initiate a dispute before the competent court.

On request of the worker, the trade union can represent the worker in the procedure upon complaint (Article 93).

If the court adopts a decision by which it is determined that the worker's employment has been illegally terminated, the worker shall be entitled to return at work following the effectiveness of the decision, if he/she requested it. Besides the return at work, the employer shall be obliged to pay the worker a gross salary which he/she would take if he/she was at work, pursuant to law, collective agreement and employment agreement, reduced for the amount of the income that the worker realized based in work, following the termination of the labour relation. The worker who disputes the dismissal can request from the court to order his/her return at work temporarily, until the completion of the dispute. If the court determined by a decision that the worker's employment has been illegally terminated, and for the worker it is unacceptable to stay in labour relation, the court shall determine the day of termination of the labour relation and will determine compensation of damage, on request of the worker.

The court can adopt the decision on request of the employer too if there are circumstances that indicate that the continuation of the labour relation, with respect to interests of both parties, is not possible.

Employer and worker can submit the request for termination of the employment agreement until the completion of the main hearing before the court of first instance. (Article 102).

Workers can submit an application for protection of the rights in termination of the employment agreement by the employer to the State Labour Inspectorate, as an authority performing supervision of the application of the Law on Labour Relations, collective agreements and employment agreements.

In 2011, the State Labour Inspectorate received 459 applications from workers on protection of the rights in connection to the termination of the employment agreement. In 2012, 386 such applications were submitted, while in 2013 – 513. If the labour inspector, before the finalization of the decision, concludes that the same is adopted in contrary to the law, the collective agreement or the employment agreement, he shall order the employer, by a resolution, to remove the determined shortcomings and irregularities i.e. to annul the dismissal decision. If by the adoption of the decision a violation of the Law has been performed, the Inspector shall submit a request for initiation a misdemeanour procedure.

Pursuant to Article 262 of the Law on Labour Relations, if the labour inspector determines that the final decision of the employer violated a right of the worker, on request of the worker, the same, by a decision, will delay the execution of that decision, if the worker filed a labour dispute pending a final court decision. In 2011 and 2013, the State Labour Inspectorate received one such request in each year, while in 2012 there were 5 requests to delay the execution of the final decision.

ADENDUM
TO THE THIRD REPORT ON THE IMPLEMENTATION OF THE
REVISED EUROPEAN SOCIAL CHARTER
submitted by the Republic of Macedonia (Articles 1, 15, 20, 24)

Concerning the requested information on **Article 6§1**
and related to the conclusions of non-conformity for lack of information,
published in the ECSR's Conclusions 2014

January 2016

In accordance with the conclusions 2014 of the European Committee of Social Rights related to article **6§1** of the ESC regarding the report submitted by Republic of Macedonia, we are providing the following information:

Regarding the request of the Committee for relevant consultation framework and process in practice, including examples and data related to the conclusion of collective agreements at sectoral and enterprise level, we are referring to the information provided in the report(s) of Republic of Macedonia for article 6§1 concerning the Economic and Social Council¹ and the given legal framework for its functioning (the Third Report on the implementation of the ESC (2009), and the First report on the implementation of the ESC-revised (2014))

In addition to the provided information and in connection with the conclusion that the situation is not in conformity with Article 6§1 of the Charter, as regards joint consultation in the public sector, we are informing that concerning bipartite consultations as from the end of 2014, negotiations for renewing of the General Collective Agreement for the public sector have been started between the Government and the two representative trade unions. Within the negotiation board the Government is represented by the Ministry of labour and social policy and the Ministry of finance and the two representative trade unions - by the representatives from The Federation of Trade Unions of Macedonia and The Confederation of Free Trade Unions of Republic of Macedonia. The negotiation board, logistically and technically is followed and supported by bipartite working group comprised of members from both sides.

¹ web page of the Economic and Social Council : www.ess.mk

Regarding tripartite consultations we are referring to the above mentioned report from 2009 and the Report from 2014 concerning the tripartite consultations in the public sectors, recalling that a number of Draft Laws and strategic documents of mutual interests are subjects to tripartite consultations through the Economic and Social Council. Even more, in accordance with the article 3, paragraph 1 of the Agreement on the establishment of the ESC, it is mandatory to seek the opinion of the ESC on the matters related to and regulated specifically by the laws in the field of labour relations, employment, pension and disability insurance, and occupational safety and health, before the laws are submitted and relieved by the Government.

In addition to this, we would like to inform that there is also a provision in the Law on Minimum Wage, stating that it is mandatory, the announcement of the annual amount of the minimum wage, previously to be passed for opinion in the Economic and Social Council.

Adopting and drafting of strategic policy documents is also done in consultancy with the organization of employers and trade unions, members of the Economic and Social Council.

Thereby, in 2015 the following documents in the process of adoption passed (were reviewed and discussed) at the Economic and Social Council:

- Action plan for reducing the gray economy 2015
- National action plan for youth employment 2016-2020

In 2014 and 2015 in consultancy with the trade unions and employers the National employment strategy 2016-2020, Action plan for youth employment 2015 and Decent Work Country Programme 2015-2018 were developed and drafted.

The following Draft Laws passed for opinions at Economic and Social Council:

In 2014

- Draft Law for amending the Health and safety at work Law
- Draft Law for amending the Law on Minimum Wage
- Draft Law for amending the Labour Relations Law
- Draft Laws for amending the Law for employment and insurance in case of unemployment
- Draft Law for amending the Health Insurance Law
- Draft Law for amending the Compulsory social insurance contribution Law
- Draft Laws for amending the Pension and Disability Insurance Law

In 2015

- Draft Law for amending the Law for employment and insurance in case of unemployment
- Draft Law for amending the Health insurance Law
- Draft Law for amending the Pension and disability insurance Law

- Draft Law for writing off interests of compulsory social insurance contributions based due liabilities
- Draft Law for amending the Law on Minimum Wage

Furthermore, the Government undertakes continuous efforts to promote tripartite consultation. In this regard, in order to give a new, important contribution to further improving the cooperation and exchange of experience in the field of employment, labor and social dialogue on a reciprocal basis, on January 21st, 2013 a Memorandum for bilateral cooperation between the Macedonian Ministry of Labour and Social Policy and the corresponding authority in Belgium was signed.

According to the signed memorandum, a specific proposals for cooperation in specific areas were proposed by the side of the Government and the social partners, such as:

- Harmonization of labour regulations with the labour standards of the European Union;
- Promoting and development of social dialogue;
- Methods of achieving and boosting social dialogue at local and national level;
- Implementation of a collective bargaining and agreement policy with a special emphasis on its implementation, the method of using certain benefits from the inclusion of collective agreements for trade unions and employers, with particular focus on the benefits for those who are members of trade unions;
- Transfer of experience about works councils;
- Establishing criteria and standards on the issues and laws that should be raised and reviewed at the meetings of the Economic and Social Council, in order to build a better quality of social dialogue.

In addition to this, in 2013 the Economic and Social Council co-organized with the ILO the thematic conference on minimum wage. At this conference the effects of the establishment of the system of minimum wage in Macedonia were evaluated and reviewed. International experience on setting the minimum wage were shared and discussed.

Numerous training sessions for strengthening the capacities of the social partners were held, such as a study visit to Ireland which was related to the peaceful resolution of labor disputes and training on the same matter that was held at the International Training Centre of the ILO in Turin. Social partners were also trained on the formulation of national employment policies.

Related to the joint consultations on bipartite basis between workers and employers in the private sector and eventual participation of public authorities' representatives, we like to inform and confirm that no such framework or practice cases exists that indicates participation of representatives from public authorities in this type of joint consultations (except, of course, when such consultation are related with the public sector, for example in the sector of education, culture, health, police, army. In addition to this, the frameworks for Economic and Social Council provided in the above mentioned reports defines, as one of the competences of the Council, the promotion of collective bargaining and agreements and in this case the Council

only promotes and initiates joint consultations related to collective agreements and doesn't facilitate bipartite joint consultations.

In respect to the question related to the representativeness which might limit the possibility of trade unions participating effectively in the consultations, mentioned in the conclusions, please be informed that since the new requirements entered in the force the current threshold for representativeness was significantly decreased, as stated in our previous Report² for article 6§2, thus not imposing any limits to the trade unions to participate in the mentioned consultations.

Since entering in the force of the new requirements, as referred in the report, 5 branch, sectoral collective agreements were signed beside renewing or amending the existing ones already in force, from which 1 agreement in 2010, 2 in 2011 and 2 agreements in 2012. In the period for 2014-2015, 7 branch, sectoral collective agreements were signed, from which 2 agreements in 2014 and 5 agreements in 2015, where 1 agreement in the public sector and 6 in the private sector.

Furthermore, we inform that there is possibility given in the Labour relations Law stating that if none of the trade unions doesn't meet the requirements for representativeness, they can conclude an association agreement for the purpose of participating in the negotiations for collective agreements. Additionally, the Law provides another possibility in case none of the trade unions fulfill the requirements for representativeness, the trade union with the highest count of membership to gain temporary representativeness for the purpose of the negotiating and concluding collective agreement until such requirements are met.

Currently there are 47 Trade Unions registered in the Ministry's Register, 43 of them are branch, sectoral trade unions and 4 are associations of branch, sectoral trade unions, of which 17 with branch, sectoral representativeness covering 22 sectors, 2 associations of trade unions with representativeness in the public sector, 1 association in the private sector and 2 associations of trade unions with representativeness on national level for the territory of Republic of Macedonia.

Besides many already mentioned efforts, activities and initiatives for improving the social dialogue at all levels and also for improving the capacities of all relevant stakeholders in this respect, it is worthwhile to mention that since October 2014, the two year project on "Promotion of social dialogue" is being implemented, co-financed under the IPA Component 4, and implemented by the International Labour Organization - ILO. The main goal of this project is specifically to contribute to strengthening the capacity of the social partners and the tripartite and bipartite social dialogue. Many activities have already been implemented, and will be implemented during the lifetime of this particular project, various trainings, seminars,

² First report for implementation of the revised ESC submitted by Republic of Macedonia 2014

workshops, analyses, expert assistance, exchange of experience etc. for the purpose of strengthening the capacities of national authorities and mainly the social partners on issues related to the functioning of the social dialogue at all levels, and promoting tripartite and the bipartite social dialogue, as a means of achieving economic growth and social progress.

With the support provided within this Project, few initial analyses and assessments were being carried out and the reports/findings were published in March 2015 under the title “*Assessment of the functioning of the tripartite social dialogue*³”. Many additional information on the above mentioned issues could also be found in this Publication.

³ <http://promotingsocialdialogue.mk/wp-content/uploads/2015/10/Assessment-of-the-Functioning-of-the-Tripartite-Social-Dialogue.pdf>

In relation to the received comments and remarks related to the Report submitted by the Republic of Macedonia (*Article 6 – Right to bargain collectively*), the **Federation of Trade Unions of Macedonia⁴ (FTUM)** would like to emphasise the following :

The amendments to the Law on Labour Relations and the strict legal regulation of the provisions for determining the representativeness of workers' and employers' organizations in the Republic of Macedonia in the period after 2010 have improved the social dialogue and collective bargaining at all levels.

The proposal put forward by the Federation of Trade Unions of Macedonia (FTUM) and other social partners for tripartite participation of the social partners within the Commission for Determining of the Representativeness, allowed for autonomy and independence of the Commission in determining the representativeness of trade unions and employers, exclusively based on conditions stipulated in the Law on Labour Relations.

The signature of the Agreement on Establishment of the Economic and Social Council on national level (2010) is of particular importance as it has contributed to active involvement of social partners in development of national policies and strategies in all areas of social life.

Over the past years, several important pieces of legislation in the country were adopted, that had been initiated by the social partners and following the discussion in the ESC: Law on Minimum Wage, Law on Protection against Mobbing at Work Place, Law on European Works Councils, the Law on Prevention and Protection against Discrimination, Law on Amicable Resolution of Labor Disputes, etc. Several conventions have been ratified which contributed to significant improvement of workers' rights.

Non-representative trade unions have been involved in the work of the FTUM and were invited to meetings which tackled issues of common interest. Trade unions in the Republic of Macedonia signed a memorandum of cooperation which promotes the need for joint action aimed at promoting and protecting workers' rights.

The idea for setting up local economic and social councils has been promoted at the initiative of FTUM and in agreement with the social partners in the country to enable active participation of the social partners in the creation of local and regional policies based on comparative advantages and opportunities of the municipalities in the country.

Thus, local economic and social councils were established and they are functioning in Skopje, Kumanovo, Bitola, Prilep, Stip, Tetovo, Gostivar, Strumica, Gazi Baba, Kavadarci, Resen, Veles and Sveti Nikole.

FTUM as a representative trade union and social partner in the country is a signatory to the General Collective Agreement for the private sector of the economy. Negotiations about signature of this General Collective Agreement and the agreements for its extension or

⁴ <http://www.ssm.org.mk/index.php?lang=mk>

amendment always take place between the representative workers' and employers' organizations without any interference by the government.

Branch trade unions of the FTUM signed 15 branch collective agreements on the basis of negotiations that had taken place between the representative organizations workers' and employers' without any interference or influence by the government.

The following branch collective agreements were signed:

1. Collective Agreement for the medical activity of the Republic of Macedonia;
2. Collective Agreement on social protection of the Republic of Macedonia;
3. Collective agreement for the textile industry of the Republic of Macedonia;
4. Collective Agreement for the leather and shoe industry of the Republic of Macedonia;
5. Collective Agreement for employees of the agriculture and food industry;
6. Collective Agreement for employees in the tobacco industry;
7. Collective Agreement for Energy;
8. Collective Agreement for the Defense Ministry;
9. Collective Agreement for chemical industry;
10. Collective Agreement for the Ministry of Interior;
11. Collective Agreement for public utilities
12. Collective Agreement for shelter companies of Macedonia;
13. Collective Agreement for catering;
14. Collective Agreement of the state, judicial bodies and the local government of the Republic of Macedonia;
15. Collective Agreement of the workers in the Forestry Public Enterprise.

Regarding the signature of the General collective agreement for public sector, negotiations stalled as a result of the difficulties of Confederation of Free Trade Unions of Macedonia (CFTUM) in relation to its representativeness; however, after resolving the issues within the CFTUM this year, the conditions have been created for continuation of negotiations for signature of the general collective agreement for the public sector.

Federation of Trade Unions of Macedonia and its affiliated trade unions in the public sector actively participated in the procedure for adoption of the Law on Administrative Staff (Servants) and the Law on Public Sector Employees. In relation with the adoption of these laws negotiations and meetings were organized among the public sector trade unions members of FTUM and the Ministry of Information Society and Administration. Among others, during the negotiations, at the initiative of FTUM it was insured that these laws reflect the role and importance of collective agreements in the regulation of labor relations.