

Comments of the Republic of Macedonia to the Report of the Commissioner for Human Rights of the Council of Europe following his visit to the Republic of Macedonia from 26 to 29 November 2012

The Ministry of Foreign Affairs of the Republic of Macedonia wishes to thank the Commissioner for Human Rights of the Council of Europe for his visit to the Republic of Macedonia from 26 to 29 November 2012. At the same time, the Ministry of Foreign Affairs encloses herein additional comments on a number of issues taken up in the report, provided by the relevant ministries.

Summary

Introduction and context of the visit

Paragraph 9

The wording “transitional justice” does not correspond to the activities which the Republic of Macedonia undertakes for the reform of the justice system, with a view to advancing human rights, democracy and the rule of law. This is confirmed, *inter alia*, in the European Commission annual reports which note that the Republic of Macedonia achieves progress in advancing the rule of law and human rights.

1. Certain aspects of transitional justice and social cohesion

2. Divisions in public education

Paragraph 29

In order to accelerate the implementation of the Strategy for Integrated Education and to initiate and coordinate interethnic integration projects, during 2011, the Ministry of Education and Science (MoES) strengthened its capacities for the implementation of this policy document. In this respect, the Ministry established a working group with members from different institutions under the umbrella of the Ministry, in order to coordinate and monitor the implementation of the activities in the framework of the Strategy. Apart from this, three staff members have been nominated by the Ministry to be involved in the implementation and coordination of the activities related to integrated education issues within the Ministry.

In June 2011 the MoES and the USAID signed a Memorandum of Understanding for the recruitment of two expert advisors to support the Ministry in coordinating the activities related to interethnic integration issues.

In 2012 MoES received funds by the Norwegian Ministry of Foreign Affairs to implement a project for the implementation of multi-ethnic education activities.

The MoES financially supports the three-year program 2013-2015 of the Nansen Dialogue Centre that actively works in the implementation of integrated education programs in several municipalities in the country.

The MoES (via Ministry of Finance - CFCD unit) financially supports the implementation of IPA EU Twinning project "Support to the integration of ethnic minorities in the education system".

The MoES regularly coordinates with the donor community on the implementation of projects in the field of integrated education.

3. Unresolved human rights issues related to the conflict

Paragraph 47

With regards to the implementation of the Council of Europe Committee of Ministers Guidelines on eradicating impunity for serious human rights violations, the Republic of Macedonia pursues preventive measures relating to: promotion of culture of and guarantees for respect for human rights, trainings and introducing anti-corruption policies, international cooperation and non-judicial mechanisms.

Regarding concerns raised by the Commissioner with respect to the continuing lack of accountability for serious human rights violations, as reflected in the termination of proceedings related to the war-crimes cases returned from the ICTY, the Ministry of Justice would like to emphasize the following:

On 31 October 2012, the Constitutional Court of the Republic of Macedonia adopted a ruling rejecting petitions for institution of a procedure for assessment of the constitutionality of Article 1 of the Law on Amnesty (Official Gazette of the Republic of Macedonia No. 18/2002) and of the Authentic interpretation of Article 1 of the Law on Amnesty (Official Gazette of the Republic of Macedonia No. 99/2011).

The main arguments of the Court were the following:

- The Constitutional Court already deliberated upon the issue of assessing the constitutionality of Article 1 of the Law on Amnesty, i.e. the Court already adopted rulings on the same matter in 2003 and in 2007, rejecting the petitions. According to the Rules of Procedure of the Constitutional Court, the Constitutional Court shall reject the petition if the Court has already decided on the matter, and there are no grounds for a different ruling of the Court.

As regards the arguments in the petition disputing the authentic interpretation of Article 1 of the Law on Amnesty, the Constitutional Court took into consideration the following:

According to Article 68, paragraph 1, subparagraph 2 of the Constitution, the Assembly of the Republic of Macedonia adopts laws and gives the authentic interpretation of laws. The authentic opinion of Article 1 of the Law on Amnesty was adopted by the Assembly of the Republic of Macedonia on 19 July 2011.

According to the Court, the contents of the Authentic interpretation in fact represented a rewording of the Article 1 of the Law and did not introduce any new substantive contents that should serve the purpose of interpreting the provision under consideration, i.e. that should serve the purpose of clarifying an unclear provision and that was not done under the Authentic interpretation. Therefore, any different interpretation of the Authentic interpretation and giving an answer to the arguments contained in the petition would lead the Court to establish norms on relations that are beyond its competences as prescribed by the Constitution.

Lustration Paragraph 62

With respect to the temporal scope of the Law, the Ministry of Justice would like to underline that in the process of drafting the Law, recommendations on lustration legislation were taken into consideration, including recommendations of international factors, which led to the conclusion that the temporal scope should cover not only the period until 1990, but also the period until the adoption of the Law on Free Access to Information.

Paragraph 65

As regards, the opinion of the Venice Commission according to which lustration measures are applied to positions in private or semi-private organizations it is important to underline that Article 26 of the Law determining conditions limiting the performance of a public office, access to documents and publishing the fact of cooperation with the state security bodies (Official Gazette of the Republic of Macedonia No. 86/2012) of July 2012, regulates the scope of application to persons for whom it is examined whether they have cooperated with the state security bodies, these being: candidates for holders of a public office or public authorization, holders of public offices or of public authorization and persons who were holders of a public office or of public authorization in the period set forth in the Law.

Article 30 of the same Law contains a provision which envisages that the examination of the fact whether a person has cooperation with the state security bodies, may be conducted by the Commission, *inter alia*, upon a request submitted by: 1) a commercial broadcaster, a licensed non-profit broadcaster and by printed media with respect to their founders, holders of managerial positions and their employed journalists; 2) political parties with respect to their party leaders, deputy leaders, members of their managerial bodies and; 3) religious communities and religious groups with respect to their leaders and members of managerial bodies and 4) organizations of public character registered in accordance with the law with respect to their founders and holders of managerial functions and members of managerial bodies.

This provision leads to the conclusion that the above-mentioned entities are subject to legal provisions regulating the examinations of the fact whether a person has cooperated with state security bodies by the Commission, i.e. that the Commission will examine this fact upon the request of these entities and no *ex officio* as it is the case with entities referred to in Article 26. In this respect, the Ministry of Justice considers that the above stated should have been reflected in the Report of Commissioner for Human Rights.

Paragraph 67

As regards conclusions and recommendations expressing concern over the constitutionality of the lustration process, the Ministry of Justice would like to underscore the following:

In drafting and in adopting the Law determining conditions limiting the performance of a public office, access to documents and publishing the fact of cooperation with the state security, the commitment of the legislator was to consistently incorporate the two resolutions of the Council of Europe Parliamentary Assembly: 1096 and 1481, of 1996 and 2006 respectively, which are related to this issue. Another commitment has been that the text of the law does not run contrary to Rulings of the Constitutional Court on the same issue. The Ministry of Justice considers that the provisions of the Law in question are complementary both with the rulings of the Constitutional Court and with the above referred to Council of Europe Parliamentary Assembly Resolutions. Thus, the Ministry of Justice believes that issues regarding the temporal scope of the Law, then those regarding the publications of the names of persons covered by the lustration process (an issue which has been elaborated in paragraph 65 of the Report) and the overall text of the Law have been regulated, i.e. drafted in manner that ensures a legislative framework fully harmonized with international standards in this area, as well as with the internal constitutional order of the Republic of Macedonia.

II Protection of the Human Rights of Roma

1 .General context and policy framework

Paragraph 73

The Government of the Republic of Macedonia adopted the National Action Plan for Enhancement of the Social Status of Roma Women in the Republic of Macedonia 2011-2013. The NAP is aimed to promote equal opportunities and equal access in the enjoyment of human rights of the Roma women.

Paragraph 74

The main activities of the Roma Information Centers include:

- sharing information and filling in the documentation required for applying for scholarships;

- sharing information regarding the current calls for enrolment in secondary and higher education;
- providing assistance in the preparation of applications and documentation for renewal of the documentation of the social financial welfare beneficiaries;
- collecting data on persons without documents directly in the field, and visiting the Roma communities and families in order to identify the persons that are not registered in the registries of birth.

Paragraph 77

Within the Operational Plan for the Active Employment Measures prepared in cooperation of the Ministry of Labor and Social Policy and the Employment Service Agency, the Roma were included as a target group in all measures of the Operational Plan.

The support to the employment of Roma started with the commencement of the implementation of the sixth operational plan for active employment programmes and measures for the period 2012–2013.

- in relation to the Self-Employment Programme, a total of 128 persons submitted their applications, of which 18 completed the training. A total of 14 persons prepared their Business Plan, and grants were approved for a total of 14 Roma persons;
- in relation to the Programme 6.3 Training for meeting the need for specific occupations on the labor market, a total of 105 Roma persons applied, 19 of them completed the training, and 16 of them received a certificate;
- in relation to the Self-Employment with Crediting Programme (for all three public announcements), in the year of 2012, a total of 31 persons applied, and contracts were concluded with 7 Roma persons;
- in relation to the Programme for Subsidized Employment, a total of 81 Roma submitted their applications, and 31 persons were employed;
- in relation to the Education for Starting a Business Programme, a total of 64 Roma persons were included;
- in relation to the Pilot Programme 9 for Community Useful Work, a total of two persons submitted their applications, but no contracts were concluded;
- in relation to the Pilot Programme 8.1 Through Training to Sustainable Self-Employment, no Roma persons applied;
- in relation to Public Affairs Organizing Programme, a total of 171 contracts with Roma were signed until 21 December 2012.

Paragraphs 78 and 79

With the funds provided from the Budget of the Republic of Macedonia in the amount of **10,986,000.00** MKD, as participation of the Republic of Macedonia in the realization of communal infrastructure projects for nine municipalities for settlements with a majority of Roma population, the following projects have been carried out:

Municipality of Shtip –1,500,000.00 MKD for the implementation of the Project: “Construction of sewage line in part of Shirok Dol Street” and “Reconstruction of the water supply and sewage line in part of Kosovska Street”.

Municipality of Bitola –2,086,000.00 MKD for the implementation of the Project: “Reconstruction of the roadway of Ljubojno Street – branch lines 1, 2, 3 settlement Bair”.

Municipality of Prilep –900,000.00 MKD for the implementation of the Project: “Construction of sewage line for a branch line of the Berovska Street”.

Municipality of Kochani –1,000,000.00 MKD for the implementation of the Project: “Construction of abutment on Stamen Manov Street – branch line 2 in Kochani”.

Municipality of Delchevo –800,000.00 MKD for the implementation of the Project: “Reconstruction of part of the distribution network in the town of Delchevo, zone roundabout pipeline BRANCH LINE 2 chain age 1+596,60-1+929,94”.

Municipality of Kichevo – 1,000,000.00 MKD for the implementation of the Project: “Reconstruction of a riverbed and streets”.

Municipality of Chair –1,700,000.00 MKD for the implementation of the Project: “Reconstruction of streets 376/1 and 376/2 in the settlement of Stara Topana”.

Municipality of Gazi Baba –1,500,000.00 MKD for the implementation of the Project: “Construction of sewage system in Street 12 in the settlement of Jurumleri”.

Municipality of Gjorche Petrov –500,000.00 MKD for the implementation of the Project: “Completing the construction of the water supply system in the region of the village of Volkovo – Przhina”.

The housing for socially vulnerable groups of citizens project - F/P1674 is partially financed with a loan from the Council of Europe Development Bank, in the amount of 25,350,000.00 EUR, in accordance with the Loan Agreement F/P 1674 (2009), and 25,350,000.00 EUR from the Budget of the Republic of Macedonia for building a total of 1,754 social housing units in 26 towns in the Republic of Macedonia.

Since 2011, eight buildings with 339 social housing units were built under this project, and 61 of them were awarded to families from the Roma community.

On the grounds of the announcement published in 2010 for allocation of apartments built under the same project, out of the total number of social housing

units built (specifically, 71 in Ohrid, 32 in Kichevo, 30 in Kavadarci, 29 in Kochani, and 46 in the town of Kriva Palanka), 10 social housing units located in Ohrid, 4 in Kichevo, 9 in Kavadarci, and 7 in Kochani were granted to Roma families, who moved in them in 2011. 12 Roma families who were granted an apartment under lease in accordance with the lease contracts moved in 12 out of the total number of 46 social housing units built and allocated in the town of Kriva Palanka during the reporting period.

2. Over-representation of Roma children in special-needs schools and classes

Paragraphs 84 to 88

The process of categorization of children with developmental disabilities, the redefining of which began last year, was finalized with the preparation of the new Rulebook for assessing the specific needs of persons with mental or physical disabilities. The Minister of Labor and Social Policy endorses the Rulebook in cooperation with the Minister of Education and Science and the Minister of Health, that is to say, the Rulebook presents an instrument for inter-ministerial coordination in this field.

Furthermore, the Rulebook prescribes the functioning of the four regional commissions for implementation of the process for categorization of children with disabilities at the first instance level, which functioned on that same level and in that same number in the past (in Skopje, Shtip, Tetovo, and Bitola). A Commission composed of experts was established at the second instance level, and began to provide expert reports on the existing issued findings on the type and degree of disability, with a special emphasis on the findings concerning the Roma children.

Moreover, a new project in cooperation with the UNICEF Office in Skopje was launched this year, which will continue and improve the redesign of this process in which emphasis will be placed on the functional diagnostics, that is to say, what a child with disabilities can do by using other abilities and capacities, in order to improve his/her psychophysical condition.

Paragraphs 89, 90 and 91

The Ministry of Labor and Social Policy, in cooperation with the Roma Education Fund and 18 Local Self-Government Units, has been implementing the “Inclusion of Roma Children in Public Preschool Education” project for six years now, with the purpose of realizing some of the measures and activities arising from the Decade of Roma Inclusion 2005–2015 and the Strategy for the Roma in the Republic of Macedonia.

The main objective of the project is to improve and support the integration of Roma children by increasing the number of Roma children enrolled in preschool institutions one year prior to their enrolment in primary education.

Direct project beneficiaries:

- 425 Roma children aged between 4.8 and 5.7, or between 3.8 and 4.7 years of age (one or two years prior to their enrolment in primary education);
- At least 820 Roma parents, as well as close family members, whose children were supported during the implementation of the project;
- The project activities were implemented in 18 municipalities throughout Macedonia;
- For the purposes of the project, 17 Roma kindergarten teacher assistants and 15 Roma NGOs, partners in the implementation of the project, were engaged.

Within the activities arising from the National Strategy for the Roma in the Republic of Macedonia and the Action and Operational Plan for Education, the Ministry of Education and Science carried out the following two activities:

- Policy for introduction of Roma education mediators in primary education;
- Open competition and selection of 600 Roma scholarship beneficiaries for the academic year of 2011/2012.

The specific objectives of the Roma education mediators project are:

- training and employment of the Roma education mediators;
- training of the Roma education mediators for their further involvement in the educational process;
- increasing the number of Roma included in the educational process, i.e. in the schools;
- reducing the number of students that drop out of the educational process;
- reducing the number of Roma students enrolled in schools for children with disabilities;
- strengthening the relations between the Roma community and parents with the schools;
- combating social exclusion (desegregation of Roma students, discrimination);
- inclusion of Roma students with disabilities in the regular educational process;
- respecting the diversity and promotion of intercultural education.

The Ministry of Education and Science/Directorate for Development and Enhancement of the Education of the members of the communities has been implementing the Project for Scholarship and Mentoring of Secondary Education Roma Students since the year of 2006.

Out of the total number of 823 applications submitted by Roma students in the academic 2011-2012 year, a total of 600 scholarships were awarded. Specifically, according to students' achievements, 400 scholarships were awarded to students of the **first category** with achieved average grade from 5.00 to 3.58, in the monthly amount of 2,200 MKD, and 200 scholarships were awarded to students of the **second category** with achieved average grade from

3.58 to 3.08, in the monthly amount of 1,500 MKD per student. Due to the high competition, the application limit for the open competition was raised to the average grade of 3.08, which presents a success and an indicator not only for the improved achievements of Roma students, but also for the interest in further improvement.

3. Exit control measures and their impact on the human rights of Roma

Paragraph 98

The Ministry of the Interior underlies that one of the measures aimed at preventing false asylum seekers was the adoption of the Law Amending and Supplementing the Law on Travel Documents of Nationals of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 135, dated 3 October 2011). According to these amendments, the passport issuance application will be rejected and the passport will not be issued if the person has been forcibly returned or deported from another country on grounds of acting contrary to the regulations for entry and stay in the concerned country. It will be considered that the grounds for rejecting the application for passport issuance, in accordance with the amendments and supplements contained in Article 37, paragraph 1, sub-paragraph 6 of the above referred to Law, will cease to exist after one year as of the adoption of the decision to reject the passport application. As of the entry into force of this Law until February 2013, a total number of 1,370 persons were forcibly returned or deported and they have been issued a ban on traveling abroad.

Paragraph 101

The Law on Border Surveillance explicitly prohibits racial profiling. Article 15 prescribes that checks are performed on non-discriminatory basis and Article 8, sub-paragraph 3 states: "while performing border control police officers shall not discriminate on the basis of gender, racial or ethnic affiliation, color of skin, age..."

The border exit controls are not intended for particular ethnic group but are equally applied to all citizens of the Republic of Macedonia, irrespective of ethnic affiliation, leaving the country and traveling to the EU.

In addition to the valid biometric passport citizens of the Republic of Macedonia traveling abroad may be required additional documents justifying or proving the motives and aims of their travel in accordance with the EU Regulation 562 of 16 March 2006 and in accordance with the practical guidelines and Schengen catalogue 7864/2009. Persons refused exit from the country are advised how to acquire necessary documentation for unimpeded exit from the Republic of Macedonia and entry into another state. All persons who acquired additional documentation are allowed unimpeded exit from the Republic of Macedonia.

Paragraph 102

The Law on Border Surveillance and related exit control measures are not in breach of article 2 of Protocol 4 of the European Convention on Human Rights, since paragraph 3 of article 2 stipulates that “No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of *ordre public*, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

All measures undertaken so far are legally based and the Ministry of Interior implements them in a non-selective manner.

4. Lack of personal identity documents and statelessness

Paragraphs 109, 110, 111, 112,113,114 and 115

In respect of issuance of personal identity documents, public documents and procedures for acquisition of nationality of the Republic of Macedonia, as well as in respect of other procedures under its competencies, the Ministry of Interior always acts in accordance with applicable legal provisions and does not differentiate on any grounds, including on the ground of ethnic affiliation of citizens.

In the context of issuance of travel documents its is underlined that throughout the procedure, i.e. starting with the filing of the application over to the issuance of travel documents legal provisions are fully respected and applied and upon the request of the applicant provisions on the use of the language and alphabet of citizens speaking an official language different from the Macedonian language are also fully respected, as prescribed by law.

Furthermore, upon request of citizens who speak a language different from the official language (Roma, Bosniacs, Turks, Serbs and Vlachs) their name and surname are entered in the passport in their mother tongue and alphabet.

As of the start of issuance of biometric travel documents, i.e. 2 April 2007 until February 2013, a total number of 4,158 travel documents were issued on which the personal names were entered in the Roma language as well. The same legal provisions also apply to the procedure for issuance of personal identity cards. Hence, from 1 October 2007 until February 2013, a total number of 1,897 personal identity cards were issued in which the personal names were entered in the Roma language as well.

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identity cards. Hence, from 1 October 2007 until February 2013, a total number of 1,897 personal identity cards were issued in which the personal names were entered in the Roma language as well.

The Law on Nationality of the Republic of Macedonia, adopted in 1992, was revised in 2004, with a view to its full harmonization with the European Convention on Nationality, which the Republic of Macedonia signed on 6 November 1997 and ratified in 2002.

Aiming at harmonizing the Law on Nationality of the Republic of Macedonia with Chapter VI of the European Convention on Nationality– “State Succession and Nationality” and with the purpose of establishing lasting solutions for problems of *de jure* and of *de facto* statelessness following the dissolution of the former SFRY, similar to the previous legal solution (Article 26, paragraph 3), the Law Amending and Supplementing the Law on Nationality of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 08/2004) was supplemented with a transitional provision, according to which nationals of other republics of the former SFRY and nationals of the former SFRY who on 8 September 1991 had a registered residence in and until the filing of the nationality application permanently resided on the territory of the Republic of Macedonia and who had a genuine and effective link with the Republic of Macedonia could acquire the nationality of the Republic of Macedonia if within two years following the entry into force of the Law they file a nationality application and provided that they are not criminally prosecuted in the Republic of Macedonia for crimes which threaten the security and defense of the Republic of Macedonia and who fulfill conditions set forth under Article 7, paragraph 1, item 1 (to be 18 years of age) and item 6 (to be proficient in the Macedonian language) of the Law.

Thus, this category of citizens was not required to submit additional evidence that they had ensured permanent source of livelihood income, and evidence that they had provided housing, etc.

This was another possibility for persons originating from the former SFRY and who had lived for years, including at the time of succession, who continued to live in the Republic of Macedonia and who owing to various objective or subjective reasons have not regulated their stays in the country, to exercise their right to acquire nationality under especially facilitated conditions. In cooperation with the Office of the UN High Commissioner for Refugees (UNHCR) in Skopje, brochures, published in the Macedonian, English, Albanian, in the Roma and in the Turkish languages and intended for informing citizens, were amended and supplemented with more detailed information about the procedures and manners of acquiring nationality of the Republic of Macedonia, with the aim of facilitating the procedure and offering correct and detailed information to concerned citizens.

In accordance with the expectations of the Ministry of the Interior, the consistent application of this Law enabled that all persons- nationals of other republics of

the former SFRY and nationals of the former SFRY to regulate their nationality status in the Republic of Macedonia, i.e. acquire nationality of the Republic of Macedonia regardless of their ethnic affiliation and who following the state succession continued residing in the Republic of Macedonia.

The Ministry of the Interior applied provisions of Article 14 in a consistent and wide-scope manner and made efforts to inform citizens directly prompting them to acquaint themselves and use the possibilities to acquire nationality.

In cooperation with the UNHCR Office, the Council of Europe, the OSCE and non-governmental organizations working on issues relating to the civil or nationality status of citizens, in the period of application of the transitional provision (2 March 2004 to 2 March 2006), the Ministry of the Interior made maximum efforts in order to inform the public at large about the amendments and supplements to the Law on Nationality in order that persons for whom in fact these provisions were intended are informed as best as possible about the possibilities this provision offers.

The efforts of the Ministry of the Interior to provide relevant and timely information are confirmed with the published brochures, the website of the Ministry which offers information about the amendments, then with the infomercial about nationality, press-release by the Ministry broadcast and published in all media outlets, as well as with the readiness of the Ministry to participate in meetings and debates organized by the NGO sector, by political parties, by the media, etc.

In light of the above stated, the Ministry considers that it is important to underline that according to the legislation regulating nationality, applicable at the time of the former SFRY, there was duality of nationality. According to those provisions, in addition to the federal nationality, each national of the former SFRY obligatorily possessed one republic nationality and vice versa, each national of one of the republics obligatorily possessed federal nationality as well. The possession of a republic nationality was not linked with the place of residence of the citizen. This more precisely meant that a national of any of the republics of the former SFRY could have registered residence in, i.e. a personal identity card from another republic. At that time, a national of the SFRY could possess only one republic nationality and only one personal identification card. The above referred to provisions of the Law on Nationality of the Republic of Macedonia served exactly the purpose of resolving the status of persons-nationals of the former SFRY who possessed personal identity cards issued in the Republic of Macedonia, i.e. who lived prior to the state succession in the Republic of Macedonia and who were nationals of another republic of the former SFRY.

Despite the fact that the Republic of Macedonia provided especially facilitated conditions for this category of citizens (nationals of the former SFRY who following the state succession continued living in the Republic of Macedonia)

enabling them to acquire nationality of the Republic of Macedonia, the principle of free will of citizen must be obligatorily taken into consideration in this respect.

This means that the Ministry of the Interior may act upon only filed applications for nationality, in line with the legally prescribed conditions.

The Law on Nationality of the Republic of Macedonia is, *inter alia*, founded on the principle of equality and non-discrimination on any grounds. The provisions of this Law do not discriminate on any grounds, i.e. not only as regards the Roma but also as regards any other population in the country. According to information available to the Ministry of the Interior, from 1992 until February 2013 more than 2,600 Roma who applied with the Ministry for nationality were granted nationality of the Republic of Macedonia.

In addition to other principles, the provisions of the Law on Nationality incorporate the principle of preventing statelessness. In this respect, it is underlined that one of the grounds for acquiring nationality of the Republic of Macedonia is birth on the territory of the Republic of Macedonia. Under this provision, children found or born on the territory of the Republic of Macedonia may acquire nationality of the Republic of Macedonia, regardless whether their parents are unknown or are of unknown nationality or are stateless. The Macedonian nationality of a child, who has acquired nationality by birth on the territory of the Republic of Macedonia, will cease if until the child has reached 15 years of age it will have been established that his/her parents are foreign nationals, provided that the cessation of the nationality does not lead to statelessness of the child. This provision fully applies the principles of preventing statelessness.

The Law on Nationality of the Republic of Macedonia defines stateless persons and recognized refugees as separate categories. Thus, the Law stipulates that these persons may acquire the nationality of the Republic of Macedonia if from the establishment of statelessness or from the recognition of the refugee status until the filing of the nationality application, they have legally and permanently resided on the territory of the Republic of Macedonia for at least 6 years, and provided that they have not been punished with a prison sentence of at least one year, then if they are not criminally prosecuted in the Republic of Macedonia and if they fulfill conditions set forth under Article 7, relating to having provided livelihood means and housing, their proficiency in the Macedonian language, their not posing a threat for the security and their taking an oath.

With regard to the recommendation to proceed with the accession to the 1961 Convention on the Reduction of Statelessness and to the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, the issue of state succession and nationality has been settled down and a series of legal measures are in place in order to prevent succession becoming the reason that any person originating from the predecessor state and who has an

effective link with the Republic of Macedonia is left stateless. As stated above, the Law has similar provisions in respect of statelessness. Therefore, the Republic of Macedonia has acceded to the 1954 Convention Relating to the Status of Stateless Persons and to the European Convention on Nationality of the Council of Europe.

Together with the Ministry of Labor and Social Policy, the Ministry of Justice-Department for Records of Births, Marriages and Deaths, the UNHCR Office and Roma NGO's, the Ministry is actively involved in the action for registering persons who have not been entered in the Register of Births, being also actively involved in the door-to-door activities undertaken with respect to persons who have not been entered in the Register of Births, which started in October 2011.

Furthermore, as a partner of the UNHCR Office in the Republic of Macedonia, in pursuance with its competences, the Ministry of the Interior actively participated in the European Commission regional project, which started in February 2008 - Regional project on social inclusion of and access to human rights for Roma, Ashkali and Egyptians in the Western Balkans. This first stage of this project was successfully completed in the Republic of Macedonia, while the second project stage "Social inclusion: Regional Support to Marginalized Communities", was completed on 31 October 2011.

In pursuance with the commitments of the Government of the Republic of Macedonia to public admission reform and to improving the quality of services for citizens, the Ministry of the Interior is also actively involved in several projects, such as "The citizens comes first", "One stop-shop System", "Ex officio Exchange of Documents" and other projects, which have to a great extent simplified procedures for acquiring certain documents, improving as well the access to rights.

In the course of implementing the project for ex officio exchange of documents and for introduction of one-stop-shop system, the Ministry of the Interior has concluded Memorandums of Cooperation with the Department for Registers of Births, Marriages and Deaths, the Ministry of Labor and Social Policy and with other institutions.

As regards administrative fees, the Ministry of the Interior underlines that the Law on Administrative Fees defines strictly in which cases and which categories of citizens are exempt from payment of administrative fees, underprivileged citizens being one of the exempt categories. In the context of costs for registering place of residence or place of stay and for issuance of personal identity card, the Ministry of the Interior points out that in these procedures no administrative fees are paid, instead a fee is paid for the form of the personal identity card only. Taking into consideration all the above stated, it can be concluded that the Republic of Macedonia is evidently committed to consistently implementing the

principles of the October 2011 Zagreb Declaration, in the drafting of which a delegation of the Republic of Macedonia also took part.

5. Situation of Roma refugees from Kosovo

Paragraphs 116, 117 and 119

With regard to the situation of Roma- refugees from Kosovo, as a country that acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, the Republic of Macedonia adopted a Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 49/03, 66/07, 142/08, 146/09 and 166/12), having adopted under this Law relevant secondary legislation as well. The Republic of Macedonia continually works on harmonizing the domestic legislations with the European Union acquis in this area.

The Law offers a solution to certain issues with a view to improving the first instance asylum procedures, as well as decisions determining the status of a refugee.

As regards this category of persons, they stay in the Republic of Macedonia on grounds of having a recognized refugee status or on grounds of being granted subsidiary protection and as stated in the Report most of them stay in the settlement of Shuto Orizari, in Skopje. In the past years, some of these persons have voluntarily left the Republic of Macedonia settling permanently in their country of origin.

As regards paragraph 117 of the Report, which states that the unresolved legal status of the majority of these refugees is a major impediment to their access to basic human rights, including economic and social rights, it is underlined that in accordance with the Law on Asylum and Temporary Protection of the Republic of Macedonia, every person registered as an asylum seeker, or every person having a recognized refugee status or a person having been granted subsidiary protection is registered at the Department for Asylum, along with their family members. Hence, they are holders of identity documents, i.e. personal identity card for a recognized refugee or a person under subsidiary protection, issued by the Asylum Department at the Ministry of the Interior, in accordance with a relevant decision. They may use such documents to exercise their rights in the Republic of Macedonia.

Furthermore, according to the latest amendments to the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 166/12) if one of the parents acquires the status of a recognized refugee or the status of a person under subsidiary protection, the same status will be granted to concerned person's minor child, if the child was born and lives on the territory of the Republic of Macedonia, (i.e. there is a legal possibility that new born children

whose parents have a relevant status and reside in the Republic of Macedonia in accordance with the Law on Asylum and Temporary Protection, the same as their parents, are granted access to health care services or to education).

Considering the social and humanitarian nature of the issue of refugees, the Law implements European standards and utilizes comparative experiences in providing for respect for procedural guarantees in the procedure for the exercise of the right to refugee status in the Republic of Macedonia, brought in line with the interests and economic possibilities of the Republic of Macedonia and its legal and political system.

According to the Ministry of Labor and Social Policy, as of 1 September 2012 the total number of persons under protection was 1683, which includes 734 persons under subsidiary protection, 24 recognized refugees, 591 asylum seekers and 334 persons in refugee-like situation (e.g. temporary residence, persons without refugee status).