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

Second Opinion on “the former Yugoslav Republic of Macedonia” adopted on 23 February 2007

EXECUTIVE SUMMARY

Since the adoption of the Advisory Committee’s first Opinion in May 2004, the authorities of “the former Yugoslav Republic of Macedonia” have made new efforts to improve the implementation of the Framework Convention. Steps taken at legislative and institutional level as part of the implementation of the Ohrid Agreement form a solid basis for increasing the level of protection of persons belonging to national minorities.

The participation of persons belonging to minority communities has progressively increased. The Albanian community, in particular, plays an active role in the country’s political life at national and local level. Significant efforts have been made to extend the use of minority languages in communication with and within public authorities. The opportunities for learning the Albanian language and receiving instruction in this language have been expanded. Some progress is also reported as regards access to the media of persons belonging to minority communities.

Notwithstanding the efforts made to enhance respect and mutual understanding, interethnic dialogue remains limited and manifestations of discrimination against persons belonging to the various ethnic communities are still reported. The increasing separation of children and youth belonging to different communities, in education and leisure activities, is a source of concern.

The needs of smaller communities deserve increased attention. Resolute efforts are needed, in the implementation of the National Strategy for the Roma, to address the serious difficulties and discrimination still faced by many Roma in access to employment, housing, health care and education.

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

SECOND OPINION ON “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

1. The Advisory Committee adopted the present Opinion on 23 February 2007 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 16 June 2006, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Skopje, Tetovo and Struga from 27 to 29 November 2006.

2. Section I below contains the Advisory Committee’s main findings on key issues pertaining to the implementation of the Framework Convention in “the former Yugoslav Republic of Macedonia”. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.

3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee’s first Opinion on “the former Yugoslav Republic of Macedonia” adopted on 27 May 2004, and in the Committee of Ministers’ corresponding Resolution, adopted on 15 June 2005.

4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers’ forthcoming conclusions and recommendations on “the former Yugoslav Republic of Macedonia”.

5. The Advisory Committee looks forward to continuing its dialogue with the authorities of “the former Yugoslav Republic of Macedonia” as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

I. MAIN FINDINGS

Monitoring procedure

6. “The former Yugoslav Republic of Macedonia” has adopted a constructive approach to the Framework Convention’s monitoring process. The authorities opted for an early publication of the Opinion of the Advisory Committee and, in October 2005, held a “follow-up” seminar, to discuss the conclusions of the first monitoring cycle with representatives of national minorities and of the Advisory Committee.

7. The Advisory Committee welcomes the authorities’ willingness to continue their dialogue on the implementation of the Framework Convention in the context of the 2nd cycle of monitoring. It notes however that, while the 2nd State Report contains a detailed description of legislative and policy developments in the sphere of minority protection, it gives limited information on the impact of these measures on the actual situation of the persons and communities concerned. In this regard, more extensive and more effective consultations with civil society in the process of preparing the State report would have been useful. The Advisory Committee notes with satisfaction that the Framework Convention and its monitoring mechanism are known amongst minority organisations and human rights NGOs, including Roma NGOs, which have been actively involved in various awareness raising activities on the Framework Convention organised in the country in recent years.

Scope of application of the Framework Convention

8. The Advisory Committee is pleased to note that “the former Yugoslav Republic of Macedonia” has formally extended the scope of application of the Framework Convention to the Bosniacs and notes that the declaration deposited upon ratification has been amended accordingly. At the same time, the Advisory Committee regrets that the revised declaration, unlike the original one, restricted the scope of the Convention to citizens.

9. The authorities should pursue further their dialogue initiated with the Egyptians traditionally living in the country on measures of support for the preservation and development of their identity and culture. In addition, they might consider, in consultation with those potentially concerned, the possibility of including persons belonging to other groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis.

General legislative and institutional framework

10. Since the first monitoring cycle of the Framework Convention, “the former Yugoslav Republic of Macedonia” has made efforts to develop further its legislative and institutional framework pertaining to the implementation of the Framework Convention. Positive steps include the recent adoption of the law on equal opportunities between men and women and further important initiatives are under discussion, such as the possible adoption of a new law on languages and a new law on religion. It is essential that national minorities are consulted and their concerns duly taken into account in the relevant legislative process.

11. Most developments noted at the legislative and institutional level derive from the Ohrid Framework Peace Agreement¹, which, together with the constitutional changes adopted since 2001, provides a solid basis for increasing the level of protection of persons belonging to national minorities in “the former Yugoslav Republic of Macedonia”. It is essential however that, in all relevant fields, the authorities ensure, in conformity with the Framework Convention, that due attention is paid to the situation and real needs of all ethnic communities, including the smaller ones. This is of utmost importance as the smaller communities in general do not meet the numerical threshold of 20% required in order to be entitled to specific measures of protection, in areas such as education or the use of languages other than Macedonian.

12. Another important development is the on-going implementation of the decentralization process, based on the 2002 Law on Local Self-Government and subsequent legislative changes. The Advisory Committee notes that, while decentralization should help to strengthen the effective participation and protection of national minorities in key sectors, such as education, culture and health, the practical implementation of this process remains today an important challenge for the authorities, both at central and local level.

Combating discrimination

13. “The former Yugoslav Republic of Macedonia” has continued to make efforts to combat discrimination and to improve public awareness of this phenomenon, in particular through the activities of the Ombudsman and its territorial offices. In this respect, the Advisory Committee notes that important measures are being taken to accelerate the implementation of the principle of equitable representation of ethnic communities, in conformity with the requirements of the Ohrid Agreement.

14. Shortcomings remain, however, including at the legislative level, where there is a need to adopt comprehensive legislation on combating discrimination. Although very few cases have been referred to the courts, reports indicate that manifestations of intolerance and discrimination remain a problem. These are targeted at Roma in particular, but also at persons belonging to other national minorities, in such spheres as access to employment, housing, health, education and public services. The situation of women belonging to the different groups deserves particular attention.

Tolerance and inter-ethnic relations

15. Although steps have been taken to increase mutual respect and understanding between all persons living on the territory of “the former Yugoslav Republic of Macedonia”, communication and interaction between Macedonians and Albanians remain limited. The Advisory Committee is particularly concerned that ethnic barriers continue to hamper intercultural dialogue between children belonging to different ethnic communities in education and in their everyday life. Shortcomings are also reported as regards the media’s contribution to the promotion of tolerance and communication between the different groups.

16. It is however encouraging that initiatives are being launched, often by members of civil society, aimed at improving this situation. Positive steps have also been taken to address shortcomings in the treatment of persons belonging to national minorities by the police.

¹ The August 2001 Ohrid Agreement ended the 2001 armed conflict between ethnic Albanian insurgents and Macedonian government forces.

17. The situation of Roma, Ashkaeli and Egyptian who fled from Kosovo, some of whom are confronted with problematic forced return, is also disturbing.

Access to media and presence in the media

18. Positive steps have been taken to improve access to public radio and television programmes for persons belonging to the various ethnic communities and to ensure their participation in public media boards. Improvements have also been made at the regulatory level, including in relation to minorities' access to private media. Increased efforts are needed to broaden access to the media of persons belonging to numerically smaller communities, in particular at the local level, and to improve the image of minorities conveyed to the public.

19. It is particularly disturbing that, as highlighted by various reports, the media in "the former Yugoslav Republic of Macedonia" continue to be largely divided along ethnic lines.

Use of languages of national minorities in communication with public authorities and by such authorities

20. Although shortcomings remain, including in some cases for lack of political will, there have been some positive developments in legislation and practice as regards the use of minority languages for personal names, personal documents and topographical indications. In addition, progress has been noted in the use of these languages in communicating with and within public authorities at local and central levels. This concerns mainly the Albanian language, which, in accordance with the Ohrid Agreement, may be used as an official language at national level and in municipalities where it is spoken by at least 20% of the population.

21. There is less information on the practical use, for topographical indications and in contacts with the local administrative authorities, of the languages spoken by numerically smaller communities, such as the Turks, the Roma and the Serbs, in municipalities where the legal conditions are fulfilled. In this and other respects, the Advisory Committee considers on-going discussions on the possible adoption of a law on the use of languages to be of utmost importance.

Education

22. Although shortcomings are still reported, important steps have been taken to expand teaching of and in the Albanian language, including at university level. Initiatives have also been launched to provide increased opportunities for Serbs, Turks and Bosniacs to study their languages, although more concrete results are still needed in this regard. A range of specific measures has been adopted to improve the educational situation of the Roma.

23. It appears however that the availability of mother-tongue education for the smaller ethnic communities remains limited. More generally, the provision of education to persons belonging to minorities and majorities alike is affected by difficulties resulting from the implementation of the decentralisation process and the lack of resources. Limited contacts among students and teachers of different communities (the Macedonians and the Albanians in particular) represent a serious issue of concern requiring resolute action from the Government. In addition, private primary schools are still not allowed by the domestic legislation.

Participation

24. Due to the gradual implementation of the principle of equitable representation enshrined in the Ohrid Agreement and the amended Constitution, the participation of persons belonging to the ethnic communities in most public institutions has increased progressively. The Albanians in particular play an active role on the political scene, both in government and in opposition.

25. Shortcomings remain in the representation of the different communities in law-enforcement structures as well as in the judiciary, with numerically smaller communities particularly affected. Also, whereas consultative committees for interethnic relations have been set up in a number of municipalities, the impact of these new bodies remains limited. Difficulties are also reported in the participation of persons belonging to the majority in areas where these persons are in a *de facto* minority position.

Situation of the Roma

26. Notwithstanding efforts made by the authorities to improve the situation of the Roma in a range of areas, many Roma still face discrimination and social exclusion, with serious problems noted in the fields of employment, housing, personal documents, health and education. More resolute efforts are needed to ensure the full and effective implementation of the National Strategy for the Roma and the corresponding National Action Plan.

27. Although positive measures have been taken to improve the relations between the Roma and the police, incidents of police abuse against the Roma are still reported. The specific measures launched to prevent and address such problems should be strengthened. Concerted efforts are needed to increase Roma participation in public life.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Findings of the first cycle

28. In its first Opinion, the Advisory Committee welcomed the authorities' move towards a more flexible approach to the personal scope of application of the Framework Convention and thought that consideration might be given to including persons belonging to other groups, including non-citizens as appropriate, within the scope of the Framework Convention on an article-by-article basis.

29. The Advisory Committee also noted that the Egyptians had been dissatisfied with the authorities' refusal to recognise their separate identity and wished to benefit from the protection of the Framework Convention. The authorities were encouraged to ensure that the identity of these persons was respected and to examine the possible inclusion of this group in the personal scope of application of the Framework Convention.

Present situation

a) Positive developments

30. The Advisory Committee notes with satisfaction that in "the former Yugoslav Republic of Macedonia" the personal scope of application of the Framework Convention has been extended beyond the groups listed in the initial declaration made by the Macedonian authorities upon ratification of the Framework Convention, to cover persons belonging to the Bosniac minority. According to the revised declaration sent to the Council of Europe in June 2004, "[t]he term "national minorities" used in the Framework Convention and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniac people."

31. The Advisory Committee noted with interest the discussions currently in progress, both domestically and in connection with bilateral cooperation, on the question of whether to include Croats in protection measures for national minorities further to their request. It welcomes the authorities' open approach and urges them to continue these discussions in consultation with the representatives of those concerned.

b) Outstanding issues

32. During their dialog with the Advisory Committee, the Egyptians² reaffirmed their wish to receive state funding to preserve their culture and be able to participate effectively in public affairs. According to the authorities, a dialogue has already started with their representatives, although the discussions have not really advanced concerning the community's specific expectations and consequently there is no concrete progress to report on this score. The Advisory Committee notes, at the same time, that these persons are still considered by the authorities, as well as most of the population, to be Roma and therefore not constituting a

² According to the latest census, some 4000 people identified themselves as Egyptians. However, according to unofficial estimates, their numbers are higher

distinct ethnic group. In addition, it seems that society's attitude towards them has led to their marginalisation, which amongst other factors influences their self-perception.

33. The Advisory Committee notes with regret that, whilst the Government's revised declaration has extended the scope of the Framework Convention to the Bosniacs, it has at the same time restricted it to persons holding citizenship of "the former Yugoslav Republic of Macedonia". Such a step runs counter to efforts to develop a more nuanced approach to the use of citizenship criteria in minority protection³.

Recommendations

34. The Advisory Committee urges the authorities to continue to display a flexible and dynamic approach to the personal scope of application of the Framework Convention. It encourages them to examine possible inclusion, within the scope of the Framework Convention, of persons belonging to other groups having shown an interest in the protection of this Convention. This should include non-citizens, as appropriate, on an article-by-article basis. In this connection, the authorities should review their recent decision to introduce a new citizenship criterion in the declaration.

35. The authorities should in particular continue their dialogue with the Egyptians in order to review with them the measures needed to preserve their identity and enable them to participate effectively in public affairs.

Data collection

Findings of the first cycle

36. In its first Opinion, the Advisory Committee underlined the importance of having reliable data on the ethnic composition of the population and noted that persons belonging to minorities in particular have disputed the results of the population census. The Advisory Committee therefore encouraged the authorities to consider supplementing this information with other statistical surveys, in keeping with the principles laid down in Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes.

Present situation

a) Positive developments

37. The Advisory Committee notes that the authorities possess a variety of data, differentiated according to criteria such as age, gender, geographical distribution etc., on the numbers and situation of persons belonging to the ethnic communities in different sectors, and that, in order to gather such data, sociological studies and surveys are conducted on a periodical basis.

b) Outstanding issues

38. The Advisory Committee notes that there are still divergent views on the results of the population census⁴. The Advisory Committee considers that these results should be examined in connection with up-to-date information provided by the most recent demographical and

³ See also Venice Commission, Report on non-citizens and minority rights, CDL-AD(2007)001, 18 January 2007.

⁴ According to the 2002 population census, out of 2,022,547 inhabitants, there were 1,297,981 Macedonians (65,2%), 500,983 Albanians (25,2%), 77,959 Turks (3,9%), 53,879 Roma (2,7%), 9,695 Vlachs (0,5%), 35,939 Serbs (1,8%), 17,018 Bosniacs (0,8%), 20,993 others (1,0%).

sociological surveys, in order to ensure a pragmatic and flexible implementation of minority related policies in different sectors.

39. The Advisory Committee also notes that, in the context of the measures taken to implement the principle of equitable representation, the competent authorities are making extensive use of data related to the ethnic origin of individuals, which are regularly collected and made public. The Advisory Committee finds it essential that the authorities ensure, in this context, the optional nature of any questions relating to a person's ethnic origin and that the data collection and processing are fully in line with international norms governing the use and protection of private data.

Recommendation

40. The authorities in charge of collecting and processing data related to ethnic origin should pay due attention to the right of every person belonging to a national minority "freely to choose to be treated or not to be treated as such", enshrined in Article 3 of the Framework Convention, as well as to the principles enshrined in the Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes. When planning policies and allocating resources, census data on the ethnic composition of the population should be supplemented by additional information provided by recent demographical and sociological surveys.

Article 4 of the Framework Convention

Legal and institutional framework for combating discrimination

Findings of the first cycle

41. In its first Opinion, the Advisory Committee found shortcomings in the legal framework offering protection against discrimination and urged the authorities to extend the scope of legal non-discrimination provisions. In addition, the authorities were urged to step up their efforts to provide adequate recognition and support for the Ombudsman's work.

Present situation

a) Positive developments

42. The Advisory Committee welcomes the fact that the Ombudsman is now an established feature of the country's institutional landscape and that information and awareness campaigns have been organised, including by the Ombudsman's local branches, to familiarise the public and the civil service with this institution. It further notes that information and awareness material is also distributed in the languages of the national minorities and these languages can be used when applying to the Ombudsman.

43. The Advisory Committee notes that the Ombudsman is *inter alia* in charge of monitoring the implementation of the principles of non-discrimination and equitable representation of ethnic communities in public bodies, as well as the application, since its entry into force in 2006, of the Gender Equality Act. However, according to information provided by the Ombudsman's Office, the Ombudsman has received very few complaints about ethnic discrimination from persons belonging to national minorities.

b) Outstanding issues

44. The Advisory Committee has taken note of the differing views expressed during its visit to “the former Yugoslav Republic of Macedonia” concerning the need for a special anti-discrimination law, which representatives of some state bodies thought unnecessary. It nevertheless noted that, although Article 9 of the Constitution provided a general safeguard against discrimination, existing legislation laid down no specific penalties for its infringement.

45. Similarly, as stated by various sources,⁵ areas such as housing, health care and access to public services are not covered by specific anti-discrimination legislation, and existing anti-discrimination provisions are often vague, fail to specify the consequences in case of violations, are rarely invoked in court, and some of them stipulate undue citizenship requirements. It has also been pointed out that Article 319 of the Criminal Code, which criminalises incitement to national or religious hatred, discord and intolerance (without, however, providing specific protection against racial or ethnic discrimination), is very rarely, if ever, invoked by the courts.

46. According to non-governmental sources, this situation, as well as the very small number of complaints to the Ombudsman about ethnic discrimination, could reflect the public’s lack of confidence in the existing human rights protection institutions, including the Ombudsman institution, as well as in the legal remedies available. The Advisory Committee notes however that cases of discrimination against persons belonging to national minorities, in particular against Roma, Albanians and Turks, continue to be reported.

47. It is therefore important to ensure that the awareness campaigns have reached all potential complainants and that the public is sufficiently familiar with the principle of non-discrimination and relevant legal standards. Whilst welcoming the efforts already made in this field, the Advisory Committee notes that they are often carried out by NGOs with limited capacities and resources that frequently operate on the basis of projects dependent on international financial support.

Recommendations

48. The authorities should examine existing anti-discrimination provisions and take the necessary legislative steps, including, as appropriate, through the adoption of comprehensive anti-discrimination legislation. This is to ensure that domestic legislation provides adequate safeguards against ethnic discrimination in all fields and makes effective remedies available to potential victims.

49. More determined efforts should be made to raise public awareness of human rights and of action to combat discrimination, including involving and supporting NGOs active in this field in order to increase their capabilities. The Ombudsman’s work in this respect should be supported further. Adequate measures are also needed in order to obtain up-to-date information on cases of discrimination against persons belonging to national minorities, as well as to combat and punish such manifestations.

⁵ See, amongst others, the United Nations Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States Parties under Articles 16 and 17 of the Covenant, Concluding observations, “The former Yugoslav Republic of Macedonia”, 24 November 2006, E/C.12/MKD.CO/1.

Full and effective equality. The situation of the Roma

Findings of the first cycle

50. In its first Opinion, the Advisory Committee noted discriminatory practices against the Roma in most fields and called on the authorities to take appropriate steps to remedy the situation. It further invited the authorities to introduce a national strategy for the Roma, with adequate funding, in order to reduce the socio-economic gap between the Roma and the rest of the population.

51. The Advisory Committee also took note of the problems faced by certain persons belonging to national minorities, in particular the Albanians and the Roma, in acquiring citizenship of the country, with adverse consequences in terms of access to social, political and economic rights. The authorities were invited to devote the requisite attention to the problems facing these persons in the naturalisation procedure.

Present situation

a) Positive developments

52. The Advisory Committee notes with satisfaction that, since its first Opinion, a National Strategy for the Roma has been drawn up in cooperation with the latter, which, after being thrown open to public debate, was adopted by the Government in January 2005. At the same time, a National Action Plan has been adopted to implement this strategy in four priority areas: employment, housing, education and health. Awareness-raising activities have been organised to encourage the relevant local authorities to adopt local action plans in their turn and to earmark special funds in local budgets for this purpose. Provision has also been made for these funds to be supplemented on the basis of projects to be submitted, by sector, to the relevant ministries. Moreover, the authorities are actively involved in the Decade of Roma Inclusion (2005-2015), an initiative launched by eight countries in Central and South-East Europe, aiming to provide a framework for action by governments in order to accelerate social inclusion and improve the economic and social status of Roma across the region.

53. According to representatives of the Ministry of Labour and Social Policy, the evaluation of the first year (2006) of implementation of the strategy and national action plan has shown encouraging results, especially in the fields of education and employment. As regards employment, there have been active measures to help Roma acquire qualifications as well as a drive to provide information and training on starting small family businesses, together with efforts to encourage employers to recruit Roma. Also, various measures have been taken in order to facilitate Roma access to health and social rights (see State Report for further details).

b) Outstanding issues

54. Whilst welcoming the efforts made by the Government over the past few years, the Advisory Committee is still concerned about the persisting gap separating the Roma from the rest of the population and the problems they are facing in almost every field. Owing to the lack of adequate resources and necessary political will at all levels, delays and serious shortcomings have been reported in implementing the national strategy and action plan for the Roma, and the main targets are not always benefiting from the measures adopted. The Advisory Committee notes that, while funds have been allocated by the various ministries concerned, a large part of the resources mobilised comes from international donations, which creates problems in terms of continuity.

55. The Advisory Committee notes with concern reports that 70% of the Roma population are living on illegal sites with the constant threat of eviction and where basic services and infrastructure such as water, electricity and access roads are frequently lacking. Similarly, while the employment problem is general and affects all communities,⁶ whether majority or minority, the Roma⁷ are the worst affected, with approximately 70% currently out of formal employment. With a generally low level of educational attainment (only primary school for many of them) and qualification, as well as discrimination in the labour market, many Roma have little chance of finding jobs.

56. Some of their representatives claim that the Roma are systematically excluded from job-centre databases;⁸ the reason given by some of these employment agencies appears to be the lack of a full primary education, which is apparently a basic requirement for access to the labour market and to social benefits. According to the authorities, however, this is not a requirement for inclusion in the databases in question and such an interpretation of current rules in this field is unjustified. The Advisory Committee has been informed that the Ministry of Labour and Social Policy has issued directives providing the necessary clarification on this matter. Roma NGOs also point out that, while employment programmes and projects have been implemented by the Government for several years with the support of international institutions, the Roma are often excluded from them inasmuch as they are unable to meet the basic educational requirements for participating. Their precarious situation clearly calls for priority and targeted action by the Government.

57. Serious problems are still being reported concerning Roma access to social assistance and health care, where hostile attitudes and discriminatory practices – such as denial of treatment and segregation in hospitals – are frequently reported. Most Roma have no access to basic medicines and treatment and are not in a position to pay the charges, albeit minimal, for medicines and visits to the doctor.

58. The situation of Roma women is particularly worrying. In addition to the problems they face in fields such as education, employment and health, Roma women are often confronted with discrimination outside and inside the Roma community. The Advisory Committee notes that, in order to improve their condition, specific projects have been launched in different sectors. Awareness-raising activities have been conducted on issues related to education, health and reproductive rights, having as targets, in addition to Roma women, the public institutions concerned. Notwithstanding these positive steps, more sustained and more targeted efforts are needed to ensure that the measures taken have a real impact on the situation of the persons concerned.

59. The problems in obtaining access to education, hostile attitudes and practices of separation facing the Roma remain a challenge for the authorities, although substantive efforts have been made and progress has been recorded in this field (in this connection see the comments on Article 12 below).

60. Although several hundred Roma have received support (including financial support) to help them obtain identity documents, a significant number of them still do not have birth certificates or identity documents. They constitute a large proportion of those still unable to

⁶ According to information from both non-official sources and the authorities, some 40% of the country's population is unemployed.

⁷ According to the results of the latest census, the Roma make up 2.7% of the country's population.

⁸ According to representatives of the Ministry of Labour and Social Policy, some 16,000 Roma were registered on job-centre databases in December 2006.

acquire citizenship of the country, despite legislative amendments designed specifically to make it easier for them. Persons belonging to the Albanian community are also concerned by this problem. The Advisory Committee is concerned by this situation, bearing in mind also that, according to the Government's revised declaration, the scope of application of the Framework Convention is limited to those with the citizenship of the country (see also observations under Article 3 above).

61. However, the Roma are not the only community affected by socio-economic difficulties. According to their representatives, many Turks are confronted with serious socio-economic problems, especially in the employment field, together with discriminatory practices and problems of access to education in certain regions. Housing problems are also continuing to have an impact on persons belonging to this community, particularly in rural areas.

62. The difficulties faced by many women belonging to ethnic communities other than the Roma (Albanian and Turkish in particular) in education, employment and health, make these women more vulnerable to discrimination. It appears indeed that these women are often subject to difficulties and multiple discrimination, in their community as well as in society. The Advisory Committee notes that their situation is increasingly becoming a priority for government action, in cooperation with NGOs, and it welcomes the fact that the women themselves are mobilising to address their problems and to increase their participation in society (in this respect, also see the comments under Article 15 below).

Recommendations

63. The authorities should, in close cooperation with the Roma, step up their efforts to ensure full and effective implementation of the National Strategy for the Roma and the Action Plan adopted by the Government. Regular independent evaluations of the Strategy's implementation should be conducted and appropriate steps urgently taken to combat discrimination against the Roma in all fields. In particular, any undue requirements for registration with the employment agencies should be eliminated. They should go further in making it easier to obtain identity documents and in assisting the Roma, as well as other persons concerned, to acquire citizenship.

64. Similarly, stronger measures are needed to deal with the socio-economic problems facing persons belonging to other communities, especially the Turks.

65. The authorities should respond with targeted measures to raise awareness and provide assistance in the relevant fields, to improve the situation of women belonging to different ethnic communities. In particular, the difficulties faced by Roma women in access to employment, health care and education require urgent action. Appropriate resources should be allocated in order to ensure the effective implementation of the Gender Equality Act, also for the benefit of persons belonging to national minorities.

Article 5 of the Framework Convention

Preservation of culture of persons belonging to national minorities

Findings of the first cycle

66. In its first Opinion, the Advisory Committee found that state support for promoting the cultural identity of the different communities, including their historical heritage, was inadequate and urged the authorities to take appropriate steps to correct this.

67. The Advisory Committee noted the concern of the Vlachs' representatives regarding the survival of their cultural identity, which they thought in danger of assimilation, and urged the authorities to provide greater support for the preservation of this community's identity.

Present situation

a) Positive developments

68. The protection of the communities' ethnic, cultural, linguistic and religious identities is guaranteed by Article 48 of the Constitution, together with the right freely to express, foster and develop the various attributes of their identities and to use the symbols of the communities. The Advisory Committee notes that, in compliance with these provisions, a new law on the use of flags was adopted in 2005, safeguarding the right of ethnic communities to use their flags in municipalities where persons belonging to an ethnic community other than the majority represented over 50% of the population. In practice, this law relates to the Albanian community, which is the only one to reach the requisite figure, and applies in 16 out of the country's 84 municipalities.

69. According to the State Report, the 2003 amendments to the Law on Culture have created better conditions for financing cultural projects of national minorities as well as for the latter's representation in the Cultural Council. In addition, annual cultural programmes adopted by the Ministry of Culture are now published in the languages of the communities that represent more than 20% of the population. In institutional terms, the department responsible for promoting and developing the cultures of the ethnic communities, within the Ministry of Culture, is charged with helping to preserve and develop minority cultures by encouraging national minority organisations to submit high-quality cultural projects and making sure that these projects are handled in a non-discriminatory manner. Top officials in the Ministry of Culture and staff include representatives of the different communities, as well as the committees responsible for the projects' selection.

70. The Advisory Committee notes that many cultural activities promoted by national minorities (Albanians, Turks, Vlachs, Serbs, Roma and Bosniacs) have received annual funding from the Ministry of Culture as cultural projects of national interest. The state has also supported projects in research, archaeology, bibliography, research, or others, devoted to the history and culture of minorities and promoted by museums, and research institutes for ethnology, history, etc. (see State Report for details). Attention may be drawn to positive developments in the preservation and restoration of cultural and historical monuments belonging to national minorities, including many examples of Islamic architecture. The Advisory Committee also notes progress in the process of returning religious properties (to the Macedonian Orthodox Church and the Islamic Religious Community).

71. Cultural decentralisation, as ensuing from legislation on local self-government and amendments to the Culture Act, should also provide more favourable conditions for affirming the cultures of the communities and the multicultural nature of the state. Municipalities now have greater responsibility for the institutional and financial support of cultural projects and institutions with special local significance, for decision-making concerning historical monuments and celebrations, etc. Despite the problems inherent in the initial phase of decentralisation, it is to be hoped that the process will be beneficial for the preservation and development of the cultures of the different communities.

b) Outstanding issues

72. Whilst taking note of the numerous minority cultural activities that have received support from the authorities, the Advisory Committee notes that the funds granted by the state are considered by the minorities to be insufficient for their needs, and that the smaller communities seem to be particularly affected, including those not mentioned in the Constitution. According to the latter's representatives, in view of the difficult financial situation which they face, state support is essential for the preservation of these communities' cultures and identities and the authorities should make more resolute efforts to support them.

73. The Roma have expressed their dissatisfaction that the state is not sufficiently committed to encouraging their participation in the country's cultural life and have pointed out, in evidence, the authorities' lack of interest in funding historical research into the culture and traditions of their community. The Vlachs have similarly reported serious problems in finding the resources needed to keep alive their identity, which they consider is at risk of disappearing.

Recommendations

74. In cooperation with representatives of the minorities, the authorities should identify means of improving national minorities' access to financial support from the state for their cultural activities.

75. Appropriate attention should be paid to supporting smaller communities, including those not mentioned in the Constitution, to allow them to preserve and affirm their identities, through clear and transparent procedures.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Findings of the first cycle

76. In its first Opinion, the Advisory Committee urged both central and local authorities to make sustained efforts to promote tolerance and interethnic relations. Noting a low level of interaction between the various ethnic groups, especially between Macedonians and Albanians, it called on the authorities to combat the polarisation of society along ethnic lines, particularly in the field of education.

77. Furthermore, additional measures were needed to encourage the media to ensure balanced reporting of minority issues.

78. The authorities were also urged to pay special attention to Roma, Ashkali and Egyptians who fled from Kosovo, who were still living in "the former Yugoslav Republic of Macedonia" in conditions of extreme poverty, relegating them to the fringe of society.

Present situation

a) Positive developments

79. The Advisory Committee notes a positive evolution of the headway made over the past few years in terms of intercultural understanding and dialogue and also in the relations between the two main communities. The progressive implementation of the equitable representation principle is a factor that, together with the awareness-raising measures adopted at the same time, substantially contributed to this positive trend.

80. As indicated in the State Report, interethnic understanding in education is a priority for the 2005-2015 National Programme for the Development of Education, and school curricula make provision for the promotion of tolerance and mutual respect in primary and secondary education through civic education classes and other subjects. In addition, numerous projects implemented by the Ministry of Education in cooperation with NGOs and, in many cases, with support from international organisations, are devoted to raising awareness of tolerance and respect for diversity.

81. The Advisory Committee notes these positive developments and the initiatives developed within civil society in this field. It takes particular note of the projects implemented by minority women's organisations to promote mutual understanding and dialogue, in particular to ease tensions that have arisen – amongst the children as well – over the introduction of additional classes in Albanian. Also worthy of mention are the awareness-raising activities targeting women local councilors and members of parliament and developed through a multiethnic network of women's organisations.

82. The Advisory Committee notes with satisfaction the information according to which not only persons belonging to minority communities are making efforts to learn the Macedonian language but there is also a tendency within the majority to learn Albanian in regions of mixed population. The Advisory Committee hopes that this will contribute to better mutual understanding and greater dialogue between Macedonians and Albanians.

b) Outstanding issues

83. Whilst welcoming the above progress, the Advisory Committee notes that the society of “the former Yugoslav Republic of Macedonia” remains polarised along ethnic lines and sustained efforts are still necessary to achieve reconciliation between the Macedonians and the Albanians. Overall, the de-politicisation of ethnic issues and the de-ethnicisation of political debate and decision-making would substantially contribute to achieve this aim.

84. The Advisory Committee is deeply concerned by the fact that, as many sources have stated, interaction between persons belonging to the two communities remains limited, and in war-torn regions and municipalities, for example in Tetovo, inward-looking attitudes and lack of trust still have to be overcome. These barriers to interaction are all the more worrying because it still affects young people – in schools, everyday life, public recreation areas and other aspects of their social life. Efforts made by NGOs to bring the youth of different communities together do not always have sufficient support from the authorities and have had little impact (see also observations under Article 12 below).

85. As for persons belonging to the smaller communities (such as the Vlachs, Turks, Serbs and Bosniacs), even if they have had no particular problems in integrating and being socially accepted, they still share the feeling that their contribution to the society's diversity and richness is insufficiently valued.

86. The Advisory Committee was informed that the media, which could play an important role in integration, are still not objective in the coverage of various communities and give sometimes a biased picture of some ethnic groups. Instead of promoting interethnic dialogue and mutual understanding, some media appear to favour ethnic containment and to politicise excessively ethnic issues for political or commercial purposes. The awareness-raising activities and efforts to implement the Code of Conduct among journalists seem to have insufficient impact for preventing the media from spreading ethnic stereotypes and negative attitudes. The

provisions of Article 319 of the Criminal Code, criminalising incitement to hatred, are very rarely used.

87. Although their number has greatly diminished, the country is still having to manage the problems facing Roma, Ashkali and Egyptians who fled from Kosovo whose legal situation has still not been clarified and who find themselves in a very vulnerable position in every respect (precarious living conditions, problems of access to socio-economic rights, education, etc.). The Advisory Committee notes that the authorities are fully aware of and greatly preoccupied by the extent of these problems and that, despite a lack of resources, efforts have been made to tackle them. It further notes reports concerning enforcement by the authorities, in late December 2006, of the first expulsion orders for a significant number of asylum seekers from Kosovo (some 400 people) whose applications had been dismissed on appeal. As none of the decisions at first instance was changed on appeal, some human rights NGOs have questioned the appropriateness of these measures and seriously criticised the appeals procedures. The Advisory Committee considers that the authorities should look into these allegations.

Recommendation

88. The authorities should strengthen their efforts to bring together persons from the different communities, especially in ethnically mixed areas and intensify awareness-raising measures in all relevant environments: schools, local authorities, media, judicial system, etc. Similarly, it is essential to ensure compliance, in all sectors, with existing legislation to combat discrimination, hatred and intolerance.

89. It is important to safeguard neutral and objective coverage of interethnic issues in the media and to avoid pressure of political parties on the media. Awareness in this field should be developed through additional training and self-regulatory measures for media professionals, which should also contribute to improving professionalism and impartiality of journalists. Increased attention should be paid to monitoring the media coverage of minority issues.

90. Special attention should be given to the position of Roma, Ashkali and Egyptians who fled from Kosovo, and the authorities should ensure that all the measures decided in this respect take into account the specific situation of the persons concerned to meet their individual needs.

Police action and respect for human rights

Findings of the first cycle

91. In its first Opinion, the Advisory Committee noted disturbing cases of violence and ill-treatment inflicted by members of the police on persons belonging to minorities, especially Roma and Albanians, and the fact that such cases rarely came to court. The authorities were invited to examine the situation and carry out an inquiry into police handling of complaints relating to such acts.

Present situation

a) Positive developments

92. The Advisory Committee is pleased to note that, following a genuine realisation of the problems and needs in this area, the police is going through a process of far-reaching reform and a new Police Act has been adopted to ensure full compliance with European standards. Human rights is now a subject at the police college, and cooperation has begun with NGOs to identify priorities for action in this field on a regular basis. A code of conduct for police professionals

was adopted in January 2004 and is one of the subjects studied in police-officer training. A new subject, covering special features of policing in a multicultural environment, is in preparation.

93. In practice, multiethnic police patrols have been introduced in areas whose inhabitants belong to different ethnic communities, and initial results appear to be encouraging. The authorities consequently wish to apply this multicultural approach to the whole of the country.

94. The Advisory Committee also notes that the police inspection unit set up within the Ministry of the Interior includes representatives from the different ethnic groups and has also been the object of reform.

b) Outstanding issues

95. Despite the above measures, non-governmental sources are still reporting problems faced by the Roma in their relations with the police. Thus, recent reports mention discriminatory attitudes, hostile behaviour and misconduct on the part of certain police officers towards Roma, actually amounting to ill-treatment in a number of cases.

96. The same sources point to inaction and inadequate handling of these cases by the police and courts and stress that issues of discrimination and intolerance are not sufficiently acknowledged and investigated.

Recommendations

97. The authorities should continue and extend their measures to raise awareness among members of the police forces regarding respect for diversity and human rights and should step up their efforts to recruit Roma to the police.

98. At the same time they should ensure that there are effective and independent supervisory mechanisms to monitor police behaviour and should ensure that appropriate penalties are applied in established cases of human rights violations by the police. In addition, more training and awareness-raising should be provided for members of the courts with regard to tolerance and anti-discrimination issues.

Article 7 of the Framework Convention

The right to freedom of thought, conscience and religion

Present situation

99. The Advisory Committee has taken note with interest of information that the Government is planning to introduce religion as a school subject. It here wishes to emphasise that such a measure should take due account of the needs and sensitivities of persons belonging to national minorities and, whatever the circumstances, the right of these persons to freedom of religion and to manifest their religion and belief.

Recommendation

100. If religious education is introduced in state schools, the authorities should ensure, in the light of the Framework Convention principles and in consultation with families, that this education is provided in full accordance with the right of persons belonging to national minorities to freedom of thought, conscience and religion. In particular, it is essential to ensure that the classes laid down for pupils do not include obligatory courses which emphasise a specific religion or belief (see also observations under Article 12 below).

Article 8 of the Framework Convention

The right to manifest religion or belief and to establish religious institutions, organisations and associations

Findings of the first cycle

101. In its first Opinion, the Advisory Committee noted that there was uncertainty among persons belonging to minorities as to the procedure for registering religious communities under the terms of a constitutional decision amending the 1997 Religious Communities and Groups Act. The authorities were urged to clarify the procedure in question in order to make it easier for the various religious communities to register.

Present situation

a) Positive developments

102. In early December 2006, a Bill on churches, religious communities and religious groups was in the process of finalisation by the Government. Amongst other new features, it appears that the Bill will amend the registration procedure for religious communities, which will henceforth register not with a government body but with the competent courts. According to the authorities, there was prior consultation with the main parties concerned and it is also planned to submit the Bill for appraisal by international organisations.

b) Outstanding issues

103. The Advisory Committee notes that, despite decisions of the Constitutional Court in this respect, confusion remains as to registration procedures and requirements for religious groups under existing legislation (the 1997 Religious Communities and Groups Act). Representatives of some groups (Serbs and Vlachs) have specifically criticised the provisions of the Act under which only one community can be registered within the same denomination. They feel that these provisions are potentially discriminatory inasmuch as registration as a religious community is a pre-condition for building churches and carrying on a number of religious activities. It is not clear at this stage whether the current Bill will answer these concerns.

Recommendation

104. The authorities should make sure that the right of persons belonging to national minorities to manifest their religions or beliefs, and to establish religious institutions, organisations and associations is fully respected both in law and in practice. They should ensure that the new legislation being drafted in this regard will provide all the necessary conditions for exercising this right effectively, in line with Article 8 of the Framework Convention, and that the religious communities' views are adequately taken into account in the legislative process.

Article 9 of the Framework Convention

Access to the media for persons belonging to national minorities

Findings of the first cycle

105. In its first Opinion, the Advisory Committee urged the authorities to address problems with the running of the third public television station, which broadcast in minority languages only, in order to guarantee its quality and viability.

106. The Advisory Committee found that the statutory requirement to broadcast in Macedonian in addition to minority languages made it difficult to obtain licences for private broadcasting in the languages of the various communities. It urged the authorities to address this situation in connection with review of the Broadcasting Act. The authorities were invited to concentrate more on the concerns voiced by the smaller minorities about their access to the media.

a) Positive developments

107. The legal basis for media access for persons belonging to national minorities has been strengthened by the new Broadcasting Act adopted in 2005. The new Act expressly requires public service radio and television and encourages private operators to broadcast programmes on the cultures and concerns of national minorities in languages other than Macedonian that are spoken by over 20% of the population (Albanian) as well as in the languages of the other communities.

108. Under the new law, private operators broadcasting programmes in national minority languages are no longer required to broadcast in Macedonian as well. On the other hand, broadcasting in minority languages is one of the criteria taken into account in the granting of broadcasting licences and is considered to be in the public interest. In addition, the Act requires operators to devote at least 30% of their daily broadcasting time to original programmes produced in Macedonian or in minority languages, this minimum rising to 40% of the daily output of public radio broadcasters. The Advisory Committee has been unable to obtain information, at this stage, on the actual proportion of programmes in the languages of the different communities.

109. The Advisory Committee further notes that the new law contains special provisions to ensure better representation of minorities in the public broadcaster's governing bodies and in decision-making at this level through use of the double majority principle in decisions concerning minorities (see observations under Article 15 below).

110. In practical terms, the Advisory Committee observes that the second public television station (MTV2), covering the whole country, is now entirely devoted to programmes for ethnic communities in their own languages,⁹ and these programmes are produced by teams consisting of persons belonging to the different communities. Public radio similarly broadcasts programmes in the languages of the different communities locally and nationally.¹⁰ The Advisory Committee has also noted that discussions are in progress as to how best to meet the needs of the smaller ethnic groups in the broadcasting strategy for the next five years.

111. In the private-media sphere, it may be positively noted that, in 2004, a private Albanian language television station with national coverage (ALSAT) was established, which also broadcasts the news in Macedonian. As for the Roma, there are two private Roma television stations, mainly commercial in nature, which broadcast programmes in Romani in Skopje. Similarly, a provincial radio station (in Kumanovo) broadcasts programmes in Romani twice a

⁹ There are 65 hours a week of broadcasting in Albanian, 17½ hours in Turkish, and 1½ hours each in Serbian, Romani, Vlach and Bosnian, as well as a 60-minute multicultural programme once a month.

¹⁰ Nationally, public radio broadcasts 56 hours a week in Albanian, 35 hours in Turkish and over 3 hours in Romani, Vlach, Serbian and Bosnian. Locally, a number of public radio stations also broadcast in the languages of the ethnic minorities together with their programmes in Macedonian (Radio Tetovo, Radio Gostivar and Radio Debar in Albanian and Turkish; Radio Kumanovo in Albanian, Romani and Vlach; Radio Kicevo in Albanian, and Radio Krusevo in Vlach)

week. In addition, private radio and television stations broadcast locally in national minority languages. The Advisory Committee also welcomes the recent opening of an Internet multilingual portal of the public service of radio and television, which provides information also in the languages of the different ethnic communities.

112. The Advisory Committee also takes note that, according to the State Report, 28 print publications in Albanian and one in Serbian were registered at the end of 2005. In addition, the Vlachs have a magazine that appears twice a month, and some publications in Romani do exist, although, owing to financial difficulties, are not produced regularly. The Advisory Committee notes that Roma journalists are currently being trained by the Macedonian Media Institute.

b) Outstanding issues

113. The Advisory Committee notes that, according to representatives of the smaller ethnic communities, they have only a limited number of programmes on local radio stations and the media do not pay much attention to their concerns. In the field of print media, these communities are facing serious financial problems, which makes it difficult to ensure their continuity.

114. The Advisory Committee is concerned about information that, in practice, programmes broadcast by the media of the various communities are intended for and devoted to these communities alone and there is little communication and interaction through the media between persons belonging to different groups. This virtual absence of dialogue is particularly obvious and disturbing in relations between Macedonians and Albanians, who have difficulty managing to find common ground for communication in the media. The smaller groups have problems finding their place in this context (see also the comments on Article 6 above).

115. Many sources have pointed out a serious problem regarding the excessive political dependence of media, which also makes it difficult for them to ensure a balanced treatment of minority related issues. In addition, concerns have been raised about journalistic professional standards and the effect of this situation on programme quality and the media's ability to play what should be a positive role as a vehicle of integration and a field of dialogue for the different communities.

Recommendations

116. The Advisory Committee urges the authorities to focus more on the media-access needs of numerically smaller groups and, based on the legislation in force, seek ways of improving the situation of such persons in this area.

117. The authorities should develop and support initiatives to increase mutual understanding and intercultural dialogue through the media. Whilst fully respecting the editorial independence of the media, they should identify means of encouraging the latter to develop multicultural programmes and promote dialogue between the different communities both through content and through a more inclusive choice of participants in media dialogue.

118. Greater attention should be paid to vocational training for journalists and other media professionals, especially those working in a multicultural environment. Efforts made by the media themselves and by associations of media professionals to strengthen their systems of self-regulation and self-monitoring should be encouraged and supported.

Article 10 of the Framework Convention

Use of minority languages in communication with public authorities and by public authorities

Findings of the first cycle

119. In its first Opinion, the Advisory Committee urged the authorities to lay down in law the constitutional guarantees relating to use of minority languages in communication by and with public authorities and by public authorities, including through future legislation on the use of languages and alphabets.

120. The Advisory Committee also noted the shortage of qualified interpreters needed for use of minority languages in court proceedings and called on the authorities to develop special training programmes to address this deficiency.

Present situation

a) Positive developments

121. The Advisory Committee notes that discussions are in progress concerning the possible adoption of a law on language use. It notes, however, that opinions differ on this issue, depending on how the Ohrid Agreement is interpreted, with some people holding that such a law is necessary because required by the Agreement, while others think that the Constitution and existing legislation adequately covers the requirements arising out of the Agreement with regard to languages. Given the particular importance of language issue in “the former Yugoslav Republic of Macedonia”, the Advisory Committee considers that, by adopting a comprehensive language law, the country would dispose of a clear and coherent legal basis in this field, which would also bring solutions to the difficulties so far reported.

122. The Advisory Committee notes that, in accordance with Article 7 of the Constitution¹¹ and the Administrative Procedure Act amended in 2005, municipalities where Albanians represent over 20% of the population are increasingly using Albanian in addition to Macedonian in meetings and work of local councils and committees on interethnic relations, as well as to draft their documents. According to the Ministry for Local Self-Government, use of minority languages within public administration structures has risen significantly (by 16%) in Skopje. In reality, this concerns only Albanian, which is spoken by more than 20% of the inhabitants and therefore is considered the official language, alongside Macedonian, in four Skopje municipalities as well as the city as a whole.

123. According to information received by the Advisory Committee, there is also continuing debate on amending Parliament’s Rules of Procedure to clarify the conditions for using languages other than Macedonian that meet the statutory requirements for such use in the Parliament’s plenary sessions and working bodies.

¹¹ In accordance with this article, any other language spoken by at least 20% of the country’s population is also an official language, written in its own alphabet, as prescribed by law.

124. The Advisory Committee welcomes the efforts made over the past few years to train specialist interpreters, especially for Albanian, which have latterly enabled some 100 interpreters for this language to be recruited into various parts of the judicial system and civil service.

b) Outstanding issues

125. Despite the progress observed in use of Albanian in public institutions, representatives of the Albanians stress the difficulty – or even in some cases the impossibility – of securing interpretation owing to a shortage of qualified interpreters or sometimes lack of will.

126. According to information obtained by the Advisory Committee, use of minority languages other than Albanian in relations with the administrative authorities is quite sporadic. This is due mainly to the fact that the other ethnic communities have attained the 20% threshold only in a few areas. Thus the Turks make up over 20% in five municipalities, the Roma and the Serbs in one municipality each, and their languages are therefore held to be the second official language in the municipalities concerned. The Advisory Committee has been unable to obtain conclusive information on the actual use of these languages in relations with administrative authorities in municipalities meeting the conditions laid down in Article 10, paragraph 2, of the Framework Convention.

127. In accordance with the Constitution and existing legislation, it is up to local authorities to decide on use, within the public administration structures, of minority languages spoken by less than 20% of the local population. As stated in its first Opinion, the Advisory Committee hopes that the authorities concerned will display a flexible and pragmatic approach to implementing the statutory provisions in question with due regard for the requests and actual needs of the local population. This would make it possible to take account in practice of the differences pointed out by some groups between the census results and their own population estimates.

128. Regarding use of minority languages in criminal procedure, the Advisory Committee notes that, despite efforts made over the past few years, problems are still being reported, since the number of qualified interpreters in these languages - Albanian, Romani, Turkish and others - is still short of requirements.

Recommendation

129. The authorities should continue and expand the training and recruitment of qualified interpreters for effective implementation of current statutory provisions regarding use of minority languages in criminal procedure as well as in the work of local and central government and in relations with the latter. In addition, the authorities should favour an inclusive approach to implementing these provisions for persons belonging to the smaller minorities.

Article 11 of the Framework Convention

Use of minority languages for names of persons

Findings of the first cycle

130. In its first Opinion, the Advisory Committee noted problems concerning identity documents, relating to phonetically distorted transliteration of some Turkish names as well as names that were forcibly changed in the past. The authorities were called upon to take appropriate steps to address these problems. They were also urged to ensure effective implementation of the law on identity documents.

Present situation

a) Positive developments

131. The Advisory Committee welcomes the amendments to the law on identity documents in 2004 and 2005 to allow use of languages other than Macedonian spoken by at least 20% of citizens (Albanian being the only language concerned) and of their own alphabets for identity documents. Furthermore, information concerning the names of persons can now, upon request, be entered in identity documents using not only Macedonian and its Cyrillic alphabet but also minority languages that do not meet the above percentage requirement, and their own alphabets.

132. According to the information supplied by the Ministry of the Interior, the technical requirements for effective implementation of these statutory provisions are now in place and from January 2007 identity documents must be issued in conformity with them.

133. Amendments of a similar kind have been made to the legislation governing travel documents. Upon request, these documents can now also be printed in a language (and its alphabet) other than Macedonian, and this concerns not only Albanian but also the languages of the other ethnic communities. Similar measures are envisaged for driving licences and other papers in connection with a “new personal documents” plan.

b) Outstanding issues

134. Whilst welcoming the legislative steps taken to allow use of minority languages and their alphabets for identity papers and other personal documents, the Advisory Committee notes that actual implementation of the new statutes is still at an early stage and hopes that the authorities will find means of expediting the process.

Recommendation

135. The authorities should pursue their efforts to ensure the proper implementation of the new provisions governing use of minority languages in identity papers and certain other personal documents.

Use of minority languages for local place names*Findings of the first cycle*

136. In its first Opinion, the Advisory Committee found that national minority languages were seldom used to display local names and other topographic indications and urged the authorities to look into the situation.

Present situation

a) Positive developments

137. Further to a recent decision, according to information provided by the Ministry of the Interior, Albanian can be used with its alphabet, to show local names. These will now be displayed in Macedonian with the Cyrillic alphabet and in Albanian with the Latin alphabet, as well as with the Albanian name transliterated into Cyrillic. The Advisory Committee notes that, in practice, Albanian is indeed used for such names, together with Macedonian, in municipalities where, being spoken by at least 20% of the local population, it is the second official language.

b) Outstanding issues

138. The Advisory Committee notes that the Government has only recently taken steps to clarify the conditions in which minority languages can be used for place names pursuant to the constitutional provisions governing the use of languages and under existing legislation on local self-government. In the absence of conclusive information at this stage, it hopes that the authorities will make sure that, where the conditions laid down in Article 11, paragraph 2, of the Framework Convention are met, persons belonging to smaller ethnic communities are also able to display local place names in their own languages. The adoption of a law governing the use of languages should provide the necessary clarifications.

Recommendation

139. The Advisory Committee urges the authorities to take determined steps to ensure that persons belonging to the different ethnic communities can use their own languages for local place names as provided for in Article 11, paragraph 3, of the Framework Convention and in accordance with existing legislation.

Article 12 of the Framework Convention

Multicultural and intercultural education

Findings of the first cycle

140. In its first Opinion, the Advisory Committee urged the authorities to step up their efforts to promote and facilitate intercultural understanding and contact in and through schools. The authorities were also invited to make greater efforts to address the shortage of textbooks and qualified teachers in minority languages.

Present situation

a) Positive developments

141. The Advisory Committee notes that efforts have been made over the past few years to promote tolerance and respect for human rights and to use schools to help bring together persons belonging to different communities. It especially welcomes the initiatives launched to this end in municipalities affected by conflict. The Advisory Committee observes, however, that such initiatives are developed above all by NGOs, with support from international organisations, and regrets that the state is not adequately involved in this type of activity (see also the comments on Article 6 above).

b) Outstanding issues

142. While taking note of the efforts made to promote tolerance and interethnic understanding in schools, the Advisory Committee is concerned that the education of children from the majority and minority (especially Albanian) communities is too often separated. Even though the children attend the same school, they often have separate timetables and, in many cases, separate premises. This approach, which does not encourage dialogue and interaction, results in some cases in very limited communication, if any, between children, families and teachers belonging to different communities, and especially affects relations between Macedonians and Albanians.

143. The Advisory Committee recognises that, due to specific needs related to minority language teaching, separate classes or schools may be needed in the context of minority

education. It acknowledges that there are different ways to accommodate such needs, including bilingual education, and notes that different modalities are also in use in “the former Yugoslav Republic of Macedonia” (see observations under Article 14 of the Framework Convention below). Nevertheless, given the specific context of “the former Yugoslav Republic of Macedonia”, the Advisory Committee considers it disconcerting when the separation in education becomes excessive and is extended to extracurricular activities of children and youth from majority and minority communities, including in leisure, sport and cultural activities.

144. According to representatives of the smaller ethnic communities (such as the Vlachs), the new history and literature textbooks used in schools since 2005 contain very little information about groups other than Macedonians and Albanians, and the curriculum leaves teachers free to decide how much time, if any, is to be spent on the culture and history of the smaller communities.

145. Also, a lot of criticism has been levelled at the Ministry of Education for not doing enough to promote integration and dialogue between children from different communities or to meet the specific educational needs of these children.

Recommendations

146. The Advisory Committee calls upon the authorities to take determined steps to promote mutual knowledge and understanding between pupils, teachers and families belonging to different ethnic communities. Textbooks and teaching materials should devote proper attention to the cultures and identities of the different communities, including those which are numerically smaller, and teaching staff should receive training adapted to the goals of multicultural and intercultural education.

147. In addition, the relevant authorities should make sure that extracurricular activities and the way in which schools actually organise their classes promote integration and reconciliation. The state should become more closely involved – by providing the necessary expertise and financial resources – in civil-society activities and initiatives to rebuild mutual trust and intercultural dialogue.

Equal opportunities for access to education

Findings of the first cycle

148. In its first Opinion, the Advisory Committee urged the authorities to strengthen the institutional capacity of the relevant department of the Ministry of Education dealing with minority education and to step up efforts to promote equal opportunities for access to education at all levels for persons belonging to minorities. The authorities were also invited to find ways of reducing the drop-out rate for Turks and Albanians between primary and secondary school.

Present situation

a) Positive developments

149. According to the information provided by the State Report, the authorities have made an effort over the past few years to reinforce the relevant department of the Ministry of Education responsible for minority education with the necessary staff and expertise. The Advisory Committee notes that a woman representative of the Roma community was recently appointed to head this department.

150. There have also been efforts, as part of the broader “Education for All” project, to improve working conditions in schools, especially those operating in a multicultural environment. Thus steps have been taken to equip these schools with the necessary materials and facilities for teaching in the minority languages that are languages of instruction (Albanian, Turkish and Serbian) and for the teaching of Vlach and Romani. Greater attention has also been paid to teacher training for this type of teaching.

151. According to the State Report, special steps have been taken to tackle the plight of Turkish schools (provision of more Turkish-language classes, funding of new textbooks and especially teacher training), and the authorities are confident that the educational problems facing this minority will gradually be eliminated.

152. Similarly, efforts have been made to improve the situation of schools providing instruction in Albanian and experiencing problems because of increased demand and a lack of suitable space and facilities. Numerous projects have been devoted to creating the necessary material conditions – including construction of new schools – for improving the quality of education by means of teacher training and replacing the necessary teaching materials. According to the State Report, the Albanians now have an education system that has gradually developed at all levels. The Advisory Committee notes that, although tensions arose several years ago between pupils and families from the Macedonian and Albanian communities concerning the introduction of Albanian-language classes and schools, these tensions have gradually eased owing, amongst other things, to reconciliation initiatives on the part of civil society.

153. Under the Higher Education Act of July 2003, access to higher education for persons belonging to the various communities is promoted by a quota system guaranteeing fair and proper access to first-year university courses for students belonging to minorities. In accordance with this Act and pursuant to the Ohrid Agreement, these positive measures are intended to reflect the ethnic make-up of the overall population in the student population of the universities. Official statistics show a rise in the number of Albanians able to pursue higher education in their own language over the past few years. This was in particular made possible in the framework of the two universities that operate in parallel in Tetovo, the State University of Tetovo (officially recognised by the Government in 2004 after numerous tensions) and the privately funded South-East European University (which provides education in Albanian, Macedonian and English). The Advisory Committee notes that the two institutions offer a largely similar range of subjects and both indicate, among their priorities, the promotion of dialogue and interaction between students from different communities.

b) Outstanding issues

154. The impact of the implementation of decentralisation on the effective application of the measures aimed for national minorities in the field of education is a major source of concern for representatives of these minorities. Similarly, numerous complaints from local authorities, irrespective of ethnic affiliation, mention confusion in the division of responsibilities and an imbalance between the level of available resources and local authorities’ new responsibilities for the running of schools. At the same time, problems and irregularities have been reported concerning undue interference by central government in the running of schools, including recruitment of teaching staff and appointment of head teachers.

155. According to representatives of the Ministry of Education, a new strategy is being worked out to allocate resources according to the number of pupils on the school roll; this

should also make it possible to meet the needs of minority schools more effectively. At present, despite efforts by the Ministry to prepare new textbooks and update the teaching materials required for this type of education, it has so far been impossible to raise the resources to print this material and train the necessary teachers for all the communities concerned (see the comments on Article 14 of the Framework Convention below).

156. The Advisory Committee notes that these problems particularly affect persons belonging to the smaller communities, who consider that the authorities should pay increased attention to their educational needs. It also appears that Albanian girls are in some areas faced with difficulties in terms of school attainment, high drop-out rate (in many cases at the age of 11 or 12) and consequently, Albanian women can face low levels of literacy, in particular in the Macedonian language. The Advisory Committee notes that, while opening possibilities for a more adequate response to the educational needs of the larger communities, the planned system of financing education on the basis of the numbers of pupils in schools, if not applied in a flexible manner, could further inequalities in access to the minority language education for the smaller groups.

Recommendations

157. As regards the decentralisation process, the authorities should provide the necessary clarification as to the responsibilities of the various players and the practical arrangements for transferring powers in the education field, in order to prevent the education of persons belonging to minorities from being affected. In particular, the question of the resources needed by local authorities to discharge their increased duties in this field should be given urgent attention and dealt with in a transparent manner, and on the basis of clear, objective and equitable rules.

158. The Advisory Committee further encourages the authorities to take a balanced approach to developing and implementing their education policy for persons belonging to national minorities so as to make sure that requisite attention is paid also to the needs of the smaller minorities.

Situation of the Roma

Findings of the first cycle

159. In its first Opinion, the Advisory Committee urged the authorities to address the low school attendance and high drop-out rate of Roma children and to find ways of improving Roma access to higher education, such as checking the operation of the quota system introduced.

Present situation

a) Positive developments

160. The Advisory Committee notes with satisfaction that the State has shown more determination over the past few years to improve the educational situation of the Roma, which is a priority of the national strategy for the Roma and the national action plan adopted by the Government in 2005.

161. In addition to special measures for improving the economic position of this population, there have been numerous initiatives to make authorities, families and members of the education system aware of the specific difficulties faced by the Roma, in particular Roma girls, in the field

of education and of their needs in this sector¹². In particular, the Ministry of Education is seeking progressively to limit the number of Roma dropping out of school by taking steps to guard against this phenomenon, and a strategy to ensure that no child remains outside the education system has been drawn up.¹³ An extra year of pre-school education has also been introduced, one of its objects being to prepare Roma children for starting school.

162. Special arrangements – including grants from the state – have been set up to encourage and facilitate Roma access to secondary education, and programmes to provide Roma pupils in secondary education with individual support and assistance have been developed with international backing. The initial results are promising, and reportedly show that Roma interest in post-primary education is gradually growing.

163. The Advisory Committee welcomes the commendable initiatives of non-governmental organisations that are attempting to make families aware of the importance of education for their children and to raise the awareness of educators in order to train them especially for work with Roma children. It notes, however, that these initiatives are highly dependent on funds from foreign donations and cannot always be continued if the State does not contribute appropriate resources.

b) Outstanding issues

164. Whilst welcoming the above measures, the Advisory Committee observes that Roma children are still facing serious problems in the field of education. Their school attendance is still very low and the drop-out rate remains particularly high, with only a small proportion able to reach secondary education. Thus, according to official data for 2005, out of a total of 8000 Roma children enrolled in primary schools, fewer than 700 completed their primary education. Various sources point out that girls account for over 50% of drop-outs.

165. The economic insecurity of Roma families is largely at the root of this situation and calls for determined measures on the Government's part. Pre-school education is not free-of-charge, which means that Roma children's access to preparation for primary school is even more difficult for them. The fact that most of these children have a poor grasp of Macedonian is a further obstacle calling for appropriate action on the Government's part. The Advisory Committee is pleased to learn that introductory programmes are now being developed to make it easier for these children to receive pre-school education.

166. On top of the particularly difficult socio-economic plight of their families and despite a certain improvement in the situation over the past few years, Roma pupils often face hostile attitudes on the part of teachers, parents and other pupils, as well as practices of discrimination and, in some cases, separation.

167. The Advisory Committee notes that the measures of financial support provided (with substantial international assistance) to facilitate Roma access to secondary and higher education have been particularly useful and are beginning to bear fruit. It wishes to stress, however, that these measures can only have a significant impact if the state firmly commits itself to guaranteeing their continuity and to ensuring that supply, as far as possible, matches a demand which seems to have markedly increased over the past few years. It also appears that

¹² According to a 2004 UNDP study, 31% of Roma had had little or no education and 25% of Roma aged over 18 were illiterate. The same source indicates that school enrolment and literacy were significantly lower amongst the Roma women than within the majority population living in close proximity to Roma.

¹³ See State Report for the various measures planned or adopted by the government.

shortcomings have been noted in the implementation of the quota system for access to higher education in respect of the Roma.

Recommendations

168. The Advisory Committee urges the authorities to show greater determination in continuing and developing the measures provided in the national strategy for the Roma, supporting them with adequate financial resources, in order to guarantee the Roma equal opportunities for access to education, whether they are children or adults.

169. Through appropriate supporting measures and awareness-raising, the authorities should make it a priority to increase the school attendance of Roma children and reduce their drop-out rate. They should continually monitor the situation in this field and take action according to the problems found. Special attention should be devoted to pre-school and secondary education and adequate resources should be allocated for the proper implementation of the adopted measures. In parallel, the measures taken to promote Roma access to higher education should be pursued and developed further and their effective implementation for the benefit of the Roma should be monitored.

170. At the same time the authorities should step up efforts to raise awareness in the school environment in order to forestall and eliminate practices leading to discrimination against and separation of Roma pupils, and any occurrence of such practices should be met with appropriate measures.

171. More determined efforts should also be made to train teachers for work with Roma pupils, which would include attracting persons belonging to the Roma community to the teaching profession.

Article 13 of the Framework Convention

Private education establishments

Findings of the first cycle

172. In its first Opinion, the Advisory Committee noted that the fact that domestic legislation prohibited the establishing of private primary schools might put persons belonging to national minorities at a disadvantage regarding primary education in minority languages and urged the authorities to review the situation so as to allow the establishment of such schools.

Present situation

a) Positive developments

173. The Advisory Committee welcomes the positive developments outlined in the State Report regarding private secondary education. It notes that Turkish pupils now have the opportunity of studying in their own language in a private secondary school in Skopje and Gostivar.

b) Outstanding issues

174. The Advisory Committee notes with regret that no positive evolution has been reported with regard to the possibility of establishing private primary schools. It appears also that there are no plans at this stage to eliminate the existing legal prohibition of private primary education.

Recommendation

175. Noting its first Opinion, the Advisory Committee urges the authorities to review the situation so as to allow private primary education and thus broaden the opportunities for pupils belonging to national minorities to learn their languages and be taught in them.

Article 14 of the Framework Convention

The right to learn the minority language and the conditions for teaching in this language

Findings of the first cycle

176. In its first Opinion, the Advisory Committee took note of the demand from the Turkish and Albanian communities for additional classes providing instruction in their languages and asked the authorities to examine the needs of these communities and specify the criteria for introducing such classes.

177. The Advisory Committee also found shortcomings in the teaching of and in the Vlach, Roma and Serbian languages and urged the authorities to provide adequate support in this respect.

Present situation

a) Positive developments

178. The Advisory Committee notes that, under the Constitution, persons belonging to minorities are entitled to learn their own languages and be taught in them at primary and secondary level. Similarly, under the Higher Education Act, the state must provide higher education in a minority language if this language is spoken by over 20% of the population. The minority languages of communities not meeting this threshold may be studied in higher education, depending on needs and demand, inasmuch as the necessary conditions exist.

179. In practice, primary and secondary education is provided in their own languages for persons belonging to the Albanian, Turkish and Serbian communities, whereas the Vlachs and the Roma have optional classes for studying their languages in a few schools.

180. According to the State Report, teaching in Albanian and the study of this language have spread to all levels of education. There are mixed schools which provide instruction in both Macedonian and Albanian, usually in separate classes, as well as separate schools with just one of the two languages as the language of instruction.

181. The Advisory Committee notes that greater attention has been paid, over the past few years, to the learning of Macedonian by persons belonging to the different ethnic communities, particularly the Albanians. At the same time, it is pleased to take note of encouraging signs of a growing interest in studying Albanian on the part of the Macedonians, especially in ethnically mixed municipalities (see also related observations under Article 6 of the Framework Convention below).

182. The authorities are also endeavouring gradually to meet the demands of the other communities to increase teaching in and of their languages. According to the State Report, a new Serbian-language class has been introduced at secondary level in Kumanovo, and it is planned to open a Serbian language department at the university. Steps have also been taken by the Department of Minority Education to open new classes in Turkish (at pre-school, primary and

secondary levels), and, at the request of the Bosnian community, to introduce instruction in Bosnian in a number of schools.

183. Also, 175 new textbooks have been approved for primary education in minority languages and others are in preparation for approval at secondary level.

b) Outstanding issues

184. Despite the above-mentioned efforts, the opportunities for persons belonging to smaller communities to learn their languages or study in them are at present limited. While the introduction of new classes to study the relevant languages has been requested as mentioned above, these requests have not yet met with a concrete response, and the human and material resources needed (textbooks and qualified teachers) are still lacking. By way of example, the Vlachs have for several years been asking for optional Vlach-language classes in Kicevo, without having received a reply from the authorities. Nor has the promise of an optional Vlach-language course at the Faculty of Pedagogy of Stip been honoured at the date of submission of the State Report. The Serbs, for their part, have been reporting the closure of further Serbian classes and schools every year and reject the authorities' argument that this trend is due to families' lack of interest. According to Serb representatives, the drop in demand is explained by the shortage of textbooks and suitable teaching materials and, above all, the fact that such teaching is not guaranteed to continue.

185. As for the Roma, teaching of their language is confined to a few classes in Skopje and Tetovo and continues to suffer, despite the authorities' recent efforts, from a shortage of qualified staff and appropriate teaching material.

Recommendations

186. The authorities should step up their efforts to broaden the opportunities of persons belonging to minorities for learning their languages and, according to their actual needs and demands, for receiving an education in these languages, where the conditions of the Framework Convention are met.

187. The measures under way for teacher training and preparation of the necessary teaching materials should be finalised as soon as possible, and proper attention should be devoted to the needs of smaller communities.

Article 15 of the Framework Convention

Effective participation of persons belonging to minorities in public affairs

Findings of the first cycle

188. In its first Opinion, the Advisory Committee found that there was limited consultation of national minorities and urged the authorities to examine ways of establishing direct dialogue with organisations representing the various minorities, including through the setting-up of a Council for Minorities.

189. The authorities were further urged to redouble their efforts to apply the principle of equitable representation, including the numerically smaller minorities, in all parts of the civil service. Their attention was specifically drawn to the under-representation or, in the case of the Roma, absence of representation of persons belonging to national minorities in the judiciary.

190. Firmer measures were also recommended to improve the participation of Albanian and Roma women in economic life, including by eliminating remaining undue legal obstacles to their effective participation in the labour market.

Present situation

a) Positive developments

191. The Ohrid Agreement and its implementation process as well as the national Constitution provide safeguards regarding participation of minorities, and especially the Albanians, in public affairs and all parts of the civil service, centrally and locally. Special attention has recently been paid to the more effective application of the principle of equitable representation, which was introduced by the Ohrid Agreement. An equitable representation strategy has been adopted and a special parliamentary committee has been set up to monitor the process.

192. The Advisory Committee notes significant progress in terms of the political participation of ethnic communities, especially the Albanians. The latter are particularly active in the country's political life through their political parties, which are present both in the Government coalition (where they have five ministries) and the opposition.

193. For law-making in Parliament, representatives of national minorities have the double-majority rule¹⁴ in order to make their voices heard on questions of concern to their communities. The Advisory Committee notes that, out of a total of 122 members of the current Parliament, there are 26 Albanians, three Turks, two Bosniacs, two Roma and one Vlach. In addition, a Parliamentary Committee on Relations between Ethnic Communities is responsible for promoting the concerns of the various communities.

194. Generally speaking, there has been an improvement in the representation of the various ethnic groups following the recent elections. Locally, national minorities are represented in the local councils of many municipalities and can also raise their interests in the committees for interethnic relations which advise these councils. The Advisory Committee welcomes the fact that, with international financial support, training and awareness activities have been organised lately in order to rouse the members of these committees to action and to provide information for the population concerned. It notes that these awareness activities include human and minority rights and that televised debates on these issues have been broadcast by local TV stations in Tetovo, Kicevo, Kumanovo and Skopje. The Advisory Committee notes, while taking due account of the difficulties faced in its first stage of implementation, that the decentralisation process has had in general a positive impact on the minorities participation in public life.

195. The Advisory Committee notes with satisfaction the progress achieved and observes that the various minorities are now represented, albeit to differing extents, in the managerial structures and staff of most public institutions (government bodies, parliamentary bodies, the Broadcasting Council, the Judicial Council, the Constitutional Court, etc.). In late 2006 the Government was in the process of finalising new institutional, administrative, awareness and other measures to promote recruitment of persons from different communities to public services,

¹⁴ Pursuant to the Ohrid Agreement, a constitutional amendment was adopted that requires a "double majority" to pass laws related to ethnic communities (laws related to culture, use of languages, education, personal documentation and use of symbols). In concrete terms, this means that the majority of all members of parliament and the majority of all deputies representing ethnic communities must support such a law in order for it to be adopted.

sectors and institutions (such as the police and judiciary) in which there had been failures to apply the principle of equitable representation for ethnic communities.

196. As far as the Roma are concerned, several political parties and two Roma members of Parliament represent them in the political arena. At local level, there are 18 Roma local councillors, and representatives of this population are also members of the local committees for interethnic relations. The special training organised over the past few years to enable their representatives to have a more effective presence in public affairs should also be welcomed. The Advisory Committee notes with satisfaction the initiatives taken by Roma women, who are becoming much more organised with the aim of increasing their participation in public affairs and thus helping to improve the situation of the Roma and combat their marginalisation and social exclusion (in this connection see the comments on Article 4 above). The Advisory Committee is pleased to note that there are members of the Roma community who, being in a better socio-economic position and having completed higher education, are taking an active part in the country's political life, and in the media. They are playing an increasing role, at national and local level, in the efforts that are being made to improve the situation of the Roma population.

197. More generally, the Advisory Committee welcomes the efforts by organisations of women belonging to different communities to improve the participation of women, irrespective of ethnic origin, in public life and especially in social and economic life. It also welcomes their initiatives to build bridges between the different communities across ethnic divisions, as well as their organisations' special interest in the Framework Convention and its monitoring mechanism. In this connection, the Advisory Committee notes that electoral law now provides for a quota system aimed at promoting an increased presence of women in Parliament and that the recent law on equal opportunities between men and women (adopted in May 2006) has established gender equality committees in a number of municipalities.

b) Outstanding issues

198. Whilst welcoming the progress observed in terms of participation by minorities, the Advisory Committee notes that, according to the latter's representatives, this participation does not always have the anticipated impact. Thus, in Parliament, the members of the Committee on Relations between Ethnic Communities feel that their views are not sufficiently taken into consideration, particularly in the drafting or amendment of legislation in various areas of concern to national minorities. They here cite the recent discussions on the laws relating to the police and on the rules of procedure for Parliament (especially the language aspect), in which they found it particularly difficult to make their voices heard.

199. The Advisory Committee also notes that, while the committees for interethnic relations set up at local level are already operational and seem to be working well in some municipalities, efforts have yet to be made to establish these committees in all the municipalities concerned,¹⁵ and to make them more effective.

200. More generally, the Advisory Committee notes significant differences between the situation of the Albanians, who occupy a prominent position in the country's public life and play an important part in decision-making, and the smaller communities, who have a more limited capacity for promoting the preservation of their cultures and identities. For this reason, it is important to identify solutions allowing for better coordination, in elaborating and implementing

¹⁵ At the time of the Advisory Committee's visit, such committees had been set up in only 8 of the 21 municipalities concerned.

policies for minority protection, with the representatives of the different communities and, in this way, contributing to an improved participation of smaller communities.

201. The Advisory Committee notes that, notwithstanding initiatives launched by minority organisations with a view to establishing a representative council of national minorities, this proposal does not, as yet, have the necessary support to be implemented in practice.

202. In this connection, the Advisory Committee notes that, where the Roma are concerned, their participation in decision-making is limited despite progress in terms of political representation locally and centrally. More generally, the Advisory Committee is particularly concerned about the social exclusion and marginalisation of numerous persons belonging to this community. Notwithstanding the efforts made, the situation of Roma women continues to raise concerns in most spheres (see related observations under Article 4 above for details).

203. In addition, the Advisory Committee is worried about the excessive politicisation of all publicly debated ethnic issues. As far as enforcement of the rights of persons belonging to national minorities is concerned, whether locally or centrally, the majority of decisions seem to be dictated more by the will of influential political forces, which define their positions largely on the basis of ethnic affiliation, than by obligations devolving on decision-makers under existing legislation. The additional challenges arising out of the process of administrative and financial decentralisation further complicate the picture, even if, according to the authorities, they should be temporary and disappear after the first stage of the process.

204. The Advisory Committee notes that, notwithstanding the progress made, persons belonging to different minority communities continue to report difficulties in their efforts to participate effectively in social, economic and cultural life, as well as in decision taking, at the local level.

205. The Advisory Committee is also concerned reported problems concerning the effective participation in public life by persons belonging to the majority in municipalities or regions in which they are *de facto* in a minority position. These persons mention problems concerning their representation in the non-elected bodies of local government, their access to local public services and their participation in social and economic life.

206. The Advisory Committee considers it essential that, in the drafting and implementation of minority protection policies, especially in the specific context of “the former Yugoslav Republic of Macedonia”, the approach taken should be based on the norms and standards laid down in the Constitution and existing legislation, in accordance with the Framework Convention and other relevant human-rights instruments and in close cooperation with those concerned.

Recommendations

207. The authorities are urged to continue their efforts to ensure, in accordance with the Ohrid Agreement, the equitable representation of persons belonging to national minorities in public life, centrally and locally, and with due regard also for the needs of numerically smaller communities in this field. In particular, committees for interethnic relations should be established in all municipalities concerned. Ways of improving dialogue between the authorities and the different communities should be examined.

208. Specific measures should be identified to combat the marginalisation and social exclusion of the Roma and help make their participation in public affairs more effective.

209. The Advisory Committee also urges the authorities to provide firm support for the activities of non-governmental organisations set up by women belonging to the different communities in their efforts to improve the participation of women in public life.

Article 16 of the Framework Convention

New territorial divisions and ethnic composition of the territorial units

Findings of the first cycle

210. In its first Opinion, the Advisory Committee took note of the concerns expressed by persons belonging to national minorities as to the possible negative impact of the draft Law on Municipal Boundaries on the ethnic balance of the territorial units. The authorities were encouraged to consult further with persons belonging to minorities during the legislative process and to pay due attention to their concerns.

Present situation

Positive developments

211. The Advisory Committee takes note of the adoption and entry into force, in 2004, of the Law on the territorial organisation of municipalities, which have resulted in changes in the proportion of the ethnic communities within some municipalities. Whilst these changes have produced tensions in some cases, the tensions have declined without major incidents. Despite reports of irregularities and attempts at intimidation, the local elections organised in 2005 were held under relatively peaceful conditions and were considered by international observers to be in line with international norms.

Article 18 of the Framework Convention

Bilateral cooperation in the field of protection of national minorities

Findings of the first cycle

212. In its first Opinion, the Advisory Committee noted that “the former Yugoslav Republic of Macedonia” had concluded bilateral cooperation agreements in the cultural sphere with a number of countries and urged the authorities to consider signing similar agreements with any neighbouring countries for which no such arrangements had yet been put in place.

Present situation

Positive developments

213. The Advisory Committee notes that the Government is promoting and devoting special attention to unrestricted cooperation between domestic municipalities and local administrative units in other countries, including on matters of common interest connected with protection of persons belonging to minorities. In this respect, it notes that a law defining the procedures for such cooperation is in preparation and that the authorities are considering the possibility of signing the Council of Europe’s European Framework Convention on Transfrontier Cooperation.

214. The Advisory Committee notes that there are advanced bilateral talks between “the former Yugoslav Republic of Macedonia” and Croatia, aiming at the adoption of a bilateral agreement on the protection of the Croat and Macedonian minorities in the two countries, respectively.

Recommendation

215. The authorities are urged to maintain their approach to encouraging and promoting cross-border cooperation in the interests of protecting persons belonging to national minorities. They should continue and develop the initiatives taken in relation to minority protection in the context of bilateral cooperation and strengthen the cooperation in this field with all neighbouring countries.

III. CONCLUDING REMARKS

216. The Advisory Committee considers that the present concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to “the former Yugoslav Republic of Macedonia”.

Positive developments

217. “The former Yugoslav Republic of Macedonia” has continued to adopt commendable measures to implement further the Framework Convention. Important normative and practical initiatives have been taken to increase the use of languages of ethnic communities by and with public authorities and the possible adoption of a comprehensive language law is under discussion.

218. Awareness raising and other measures have been taken to help combat discrimination, including the adoption of a law on equal opportunities between men and women, which should have important benefits also for persons belonging to the ethnic communities.

219. Further efforts have been made to promote access of persons belonging to the ethnic communities to public media and to facilitate the creation of their own media.

220. There are increased opportunities for education in and of the Albanian language and recent initiatives have been launched aimed at strengthening minority education for Turks, Serbian and Bosniacs.

221. The authorities have developed and implemented a range of projects in order to address the problems faced by Roma in their access to employment, education, housing, health and social benefits.

222. The participation of persons belonging to the ethnic communities in public life, and of Albanians in particular has gradually increased, including by setting up committees for interethnic relations at local level. The implementation of the principle of equitable representation of ethnic communities in public institutions is at an advanced stage.

Issues of concern

223. In spite of initiatives launched to improve tolerance and mutual understanding, inter-ethnic dialogue remains insufficient, and is in some cases virtually absent, a matter which is particularly disconcerting as it affects school children and teachers belonging to the two largest communities. It is essential that the authorities take a more active part and support the efforts made by civil society actors and international partners in the process of promoting and sustaining a peaceful social climate.

224. Limited intercultural dialogue is also reported in the sphere of media, and media coverage of minorities remains inadequate. The access of smaller communities to public or private media at local level remains limited.

225. Additional anti-discrimination guarantees are needed and there is no comprehensive legislation for combating discrimination. Instances of discrimination are reported against Roma in particular, but also against persons belonging to other national minorities, including Albanians and Turks.

226. Roma continue to face particular difficulties in their access to employment, social benefits, healthcare, personal documents, housing and education. Roma pupils also frequently face hostile attitudes and practices of separation in schools.

227. The authorities' efforts to support minority education, although appreciable, do not adequately meet the needs of the smaller communities, and difficulties are still reported with regard to the Albanians' access to teaching in their language and of this language. Although the decentralisation process is now well underway, minority education is still affected by insufficient clarity in terms of the distribution of competences and allocation of resources. In addition, private primary schools are still not allowed by the domestic legislation.

228. Although important steps have been taken in this area, efforts are still needed as regards the use of the languages of the ethnic communities in communicating with and within public authorities.

229. Participation of persons belonging to the ethnic communities in decision-making could be made more effective, both at central and local level, particularly for smaller communities. The representation of ethnic communities in law-enforcement structures and the judiciary remains unsatisfactory.

230. The politicisation of ethnic issues and the ethnicisation of political debate and decision-making continue to hamper integration of society.

Recommendations

231. In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Take additional steps, at the legislative and practical levels, to ensure adequate safeguards against ethnic discrimination in all fields and effective remedies for the potential victims; intensify efforts to monitor and combat discrimination of persons belonging to the ethnic communities and address with appropriate measures the specific difficulties faced by women belonging to the different ethnic communities;
- Intensify measures aimed at promoting tolerance and respect for diversity and human rights among the public authorities, including the police and the judiciary, and the general public;
- Take effective measures to strengthen interethnic dialogue and mutual understanding, including in areas where persons belonging to the majority are in a minority position;
- With due respect to their editorial independence, encourage the media, at central and local level, to pay increased attention to the various ethnic communities and to play a more effective role in promoting respect, dialogue and cooperation between various groups;
- Address shortcomings encountered in the implementation of the existing legal framework pertaining to the use of the languages of the ethnic communities in communication by and with public authorities, and take steps towards the adoption of comprehensive language legislation;

- Expand opportunities for minority language education, including for numerically smaller communities, taking into account their real needs, and step up efforts to address the various problems faced by Roma in the field of education;
- Ensure that organisation of education and other related activities do not result in lack of interaction and dialogue between children, teachers and families belonging to the two largest ethnic communities;
- Implement more resolute measures to eliminate discrimination and obstacles to full participation encountered by the Roma in various fields, such as employment, housing, health and education; pay due attention to the particular situation of Roma women;
- Pursue further the implementation of the Ohrid Agreement and in particular of the principle of equitable representation of persons belonging to the ethnic communities in public institutions, and increase the effectiveness of these persons' participation in consultative structures at local and central level.