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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. The Committee on Economic, Social and Cultural Rights considered the initial report of The former Yugoslav Republic of Macedonia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/MKD/1) at its 42nd, 43rd and 44th meetings, held on 13 and 14 November 2006, and adopted, at its 56th meeting, held on 22 November 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report, albeit late, of the State party which was prepared in conformity with the Committee's guidelines, and of the written replies to its list of issues.

3. The Committee welcomes the open and constructive dialogue with the delegation of the State party, which included a number of experts from various Government departments, as well as the detailed, well-structured and frank answers to the questions asked by the Committee.

B. Positive aspects

4. The Committee notes with satisfaction the recent adoption of an Electoral Law introducing a quota system requiring one-third representation of women in Parliament and of a Law on Equal

Opportunities of Men and Women establishing Gender Equality Commissions in several cities and providing for the appointment of gender coordinators in all local self-government units in the State party.

5. The Committee notes the proposed constitutional amendment envisaging compulsory secondary education, as well as the recent introduction of one year of compulsory preschooling.

6. The Committee welcomes the favourable position of the State party concerning the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. The Committee notes with appreciation the State party's recent ratification of several human rights treaties, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the European Social Charter and Protocol No. 12 to the European Convention on Human Rights.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

9. The Committee is concerned that, although the Human Rights Ombudsman is competent to investigate complaints about alleged violations of economic, social and cultural rights, the Ombudsman's requests for information and recommendations relating to such complaints have not always been acted upon.

10. The Committee regrets the absence of court decisions directly applying the rights recognized in the Covenant.

11. The Committee notes with concern that areas such as housing, health care and access to services are not covered by specific anti-discrimination legislation and that existing anti-discrimination provisions are often vague, fail to specify the consequences in case of violations, are rarely invoked in court, or stipulate undue citizenship requirements.

12. The Committee is concerned at reports that Roma face widespread discrimination in access to employment, social assistance, health care and education, that Roma and Albanian applicants sometimes experience difficulties in obtaining citizenship, and that a certain number of Roma lack personal documents, such as identity cards, birth certificates and medical insurance or employment cards, which are necessary for them to access social insurance, health care and other benefits.

13. The Committee notes with concern that women, in particular Roma women and women living in rural areas, only have limited economic opportunities and frequently work in the informal or low-paid sectors or are employed in lower positions and receive lower salaries than men, irrespective of their qualifications.

14. The Committee notes the absence of a law specifically addressing sexual harassment, as well as the lack of information on registered cases of sexual harassment in the workplace.
15. The Committee is deeply concerned at the exceptionally high unemployment rate in the State party, in particular among women, Roma and other minorities and persons with disabilities, and about the large number of persons working in the informal sector.
16. The Committee notes with concern that, although the Law on Labour Relations provides that the salary of a full-time employee may not be lower than the lowest salary established by law or by collective agreement, no national minimum wage has been established by the State party for the private sector.
17. The Committee is concerned at the far-reaching limitations on the right to strike in the State party and about the possibility under the Law on Labour Relations for employers to temporarily release up to 2 per cent of their workers during a strike if they are considered to be potentially violent or disruptive.
18. The Committee notes with concern that unemployment benefits and the minimum levels of pensions and social assistance are insufficient to ensure an adequate standard of living and that, under the Law on Social Protection, unemployed persons can be excluded from receiving unemployment benefits on excessive grounds.
19. The Committee is deeply concerned at the high incidence of domestic violence against women and children in the State party, the reluctance of victims to report cases of domestic violence and spousal rape, the frequent failure of the police to investigate complaints and prosecute perpetrators of such violence, and the requirement of proof of penetration and active resistance by victims for convictions of rape.
20. The Committee is concerned that, in spite of the State party's efforts to address this problem, the number of internally trafficked women and girls has increased, assistance for victims of trafficking is reportedly inadequate, court procedures are lengthy and sentences for perpetrators lenient, and that the funds allocated to support anti-trafficking activities are insufficient.
21. The Committee is deeply concerned at the fact that hundreds of children in cities, primarily Roma, live on the streets and do not attend school or benefit from adequate health care.
22. The Committee notes with deep concern that 30 per cent of the population live below the poverty line in the State party.
23. The Committee is deeply concerned at reports that 70 per cent of the Roma live in informal settlements, which often lack basic infrastructure and services such as electricity, adequate water, sewage removal, garbage collection or paved roads, and that most Roma are without legal title to the places where they reside and are exposed to a constant threat of eviction.
24. While acknowledging that most internally displaced persons (IDPs) have returned to their pre-conflict places of residence, the Committee is concerned that many remaining IDPs are

unable to return to their homes on account of, inter alia, their difficult economic situation and security concerns, live in collective centres often under inadequate hygienic conditions and face constant pressure to leave these centres.

25. The Committee notes with concern that the infant mortality rate has increased over the last years and that the perinatal mortality rate remains high in the State party.

26. The Committee expresses concern at the limited access of young persons to sexual and reproductive health services, especially in rural areas, the limited use of contraceptives and the significant number of abortions and undesired teenage pregnancies, in particular among Roma girls.

27. The Committee is deeply concerned at the high dropout rate in primary and secondary education, especially at the stage of transition from primary to secondary school, low school enrolment and attendance in rural areas and among Roma children, Roma and Ashkali refugee children, girls from certain Albanian communities, and children with disabilities, as well as about the high illiteracy rate in the State party.

28. The Committee notes with concern reports on the refusal of parents to send their children to ethnically mixed schools, clashes between Macedonian and Albanian pupils over the introduction of additional classes in Albanian and the functioning of ethnically mixed schools, segregation of Roma and other minority or refugee children in separate schools, the lack or poor quality of classes in minority languages and the lack of textbooks, as well as inadequate training of teachers in minority languages.

E. Suggestions and recommendations

29. The Committee recommends that the State party respond to information requests and act on all recommendations of the Ombudsman's Office relating to the investigation of complaints about alleged violations of economic, social and cultural rights. It invites the State party to provide detailed information in its next periodic report on the outcome of, and follow-up to, such complaints, including complaints about the failure of State ministries and mayors to sign "take-over contracts" for public employees, the allocation of housing for persons with low income, and the denial of access to health insurance and health-care facilities.

30. The Committee recommends that the State party ensure that the provisions of the Covenant are given effect by its domestic courts, that legal and judicial training take full account of all Covenant rights, as defined in the Committee's general comments, and that it promote the use of the Covenant as a source of domestic law. It draws the attention of the State party to general comment No. 9 (1998) on the domestic application of the Covenant and invites the State party to include, in its next periodic report, information on court decisions giving effect to Covenant rights.

31. The Committee recommends that the State party consider the adoption of comprehensive anti-discrimination legislation covering also indirect discrimination and without undue citizenship requirements. It requests the State party to provide, in its next periodic report, information on court decisions applying anti-discrimination provisions in the fields of civil, administrative and criminal law.

32. The Committee recommends that the State party intensify its efforts to combat discrimination against Roma in all fields covered by the Covenant, urgently process pending citizenship claims from Roma, Albanian and other minority applicants, and take immediate steps, e.g. by removing administrative obstacles, to issue all Roma applicants with personal documents, with a view to ensuring their equal access to social insurance, health care and other benefits.
33. The Committee recommends that the State party adopt temporary special measures to ensure that women, in particular Roma and other minority women as well as women living in rural areas, have the same access to the regular labour market as men, including to senior positions, and that the principle of equal remuneration for work of equal value is implemented in practice.
34. The Committee recommends that the State party consider adopting a special law on sexual harassment and include, in its next periodic report, detailed information on the number of registered complaints about sexual harassment in the workplace, as well as on the measures taken to investigate and pursue such complaints and their effectiveness.
35. The Committee urges the State party to increase its efforts to combat unemployment through specifically targeted measures, including programmes aimed at reducing unemployment among women and disadvantaged and marginalized groups, and to gradually regularize the situation of persons working in the informal sector. It requests the State party to include, in its next periodic report, updated statistical data on unemployment, disaggregated by gender, age, ethnic group, disability or other status and urban/rural population, as well as on the concrete measures taken to create employment, and their effectiveness, including measures taken under the National Action Plans on Employment, Gender Equality and Roma Employment and under the Law on Employment of Disabled Persons.
36. The Committee recommends that the State party ensure that a national minimum wage for the private sector be established by law or by collective agreement. It further recommends that the minimum wages for the private and public sectors be determined at a sufficient level to provide workers with a decent standard of living for themselves and their families, in accordance with article 7 (a) (ii) of the Covenant.
37. The Committee recommends that the State party consider repealing any limitations on the right to strike which are incompatible with article 8 of the Covenant, as well as the possibility for employers to temporarily release potentially violent or disruptive workers during a strike.
38. The Committee urges the State party to strengthen its efforts and use all available resources to increase, to the extent possible, the amount of unemployment benefits, minimum pensions, including disability pensions, and social assistance benefits, with a view to ensuring an adequate standard of living for recipients of such pensions and benefits. It also recommends that the State party consider repealing its existing legislation regarding excessive grounds for excluding unemployed persons from receiving unemployment benefits.
39. The Committee urges the State party to enact a specific law criminalizing domestic violence; provide mandatory training for police, prosecutors, judges and staff of the Social Work Centres on the application of provisions relating to domestic violence and civil restraining orders; encourage reporting of domestic violence through enhanced victim assistance and

sensitization of health and other professionals working with victims of domestic violence, in particular women and children; broaden the definition of violence against children and establish a system for identifying, recording and referring cases; and provide updated data on the number and nature of reported cases of domestic violence, convictions and the type of sanctions imposed in its next periodic report. The Committee also recommends that the State party consider amending its Criminal Code, with a view to removing the requirement of proof of penetration and active resistance by victims for convictions of rape.

40. The Committee recommends that the State party intensify its efforts to combat trafficking in persons, especially women and girls, by allocating sufficient funds for assisting and rehabilitating victims, as well as for witness protection programmes, providing mandatory training on trafficking for police, prosecutors and judges, and by effectively implementing the National Strategy and Action Plan on Human Trafficking and the proposed National Trafficking in Children Action Plan.

41. The Committee urges the State party to take all necessary measures to combat the phenomenon of street children and to protect their families, inter alia, by constructing low-cost housing and providing basic infrastructure and amenities; relocating waste disposal sites from Roma settlements; providing job opportunities; opening additional day centres for street children, in cooperation with non-governmental organizations, as well as outpatient clinics; and providing medical counselling and basic medication to these children and their families.

42. The Committee recommends that the State party urgently proceed with the revision of, and ensure the integration of economic, social and cultural rights in, its poverty reduction strategy, specifically address the needs of disadvantaged and marginalized individuals and groups, and allocate sufficient funds for the implementation of the strategy. In this regard, the State party is referred to the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

43. The Committee urges the State party to ensure, by legalizing and improving the infrastructure and amenities of existing Roma settlements or through social housing programmes, that all Roma have access to adequate and affordable housing, security of tenure, electricity, adequate drinking water, sanitation and other essential services, including safe access to roads. It also urges the State party to ensure that adequate alternative housing is provided whenever forced evictions take place, in line with the Committee's general comment No. 7 (1997) on adequate housing (article 11 (1) of the Covenant): forced evictions, and to include updated statistical data on an annual basis on the number of forced evictions, arrangements for alternative housing and the extent of homelessness, as well as information on the measures taken to legalize and improve the infrastructure and amenities of Roma settlements, in its next periodic report.

44. The Committee recommends that the State party provide financial assistance to internally displaced persons (IDPs) in order to replace basic household and farming items that were destroyed during the conflict, ensure the safety and sustainability of the return of IDPs, provide adequate alternative housing to IDPs when collective centres are vacated, and settle pending compensation claims of IDPs.

45. The Committee recommends that the State party increase the number of mandatory visits of patronage nurses per child, incorporate a family nursing approach in its national health strategy, and allocate sufficient funds towards the implementation of the national preventive programme on mother and child health.

46. The Committee recommends that the State party intensify its efforts to educate children and adolescents on sexual and reproductive health and to enhance the accessibility of sexual and reproductive health services, including gynaecological and counselling services, in particular in rural areas and in communities where Roma and other disadvantaged and marginalized individuals or groups live.

47. The Committee urges the State party to ensure free primary education for all children and gradually reduce the costs of secondary education, e.g. through subsidies for textbooks, school kits and aids, and increased scholarships, in particular for disadvantaged and marginalized children, in accordance with the Committee's general comment No. 13 (1999) on the right to education (art. 13); promote universal school attendance through intensified awareness-raising campaigns for parents on the importance of education and their obligation to send their children, including girls, to school and catch-up classes and other special programmes to address the specific needs of less performing pupils; and conduct literacy campaigns for adults.

48. The Committee recommends that the State party end the practice of segregating Roma and other minority and refugee children in separate schools; ensure, to the extent possible, adequate opportunities for minority children to receive instruction in their native languages by effectively monitoring the quality of minority language instruction; providing textbooks and increasing the number of teachers instructing in minority languages; and intensify its efforts to promote respect for the cultural values of ethnic communities and the right of everyone to take part in cultural life, in order to enhance understanding, tolerance and mutual respect among the different ethnic groups in the State party.

49. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among government officials and judicial authorities, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

50. The Committee invites the State party to update its core document in accordance with the 2006 harmonized guidelines on reporting under the international human rights treaties.

51. Finally, the Committee requests the State party to submit its combined second to fourth periodic reports by 30 June 2008.
