

Universal Periodic Review
(18th session, January – February 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III F, J, K, and P)
The former Yugoslav Republic of Macedonia

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Notification of succession 30/04/1997	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Notification of succession 30/04/1997			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 13/06/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 22/05/2007			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Normative Framework:

2. Constitutional framework: The Constitution of the former Yugoslav Republic of Macedonia of 1991¹, as last amended in 2005, enshrines the right to education in its Article 44 which grants that "Everyone has a right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free."

3. According to Article 45, it is not possible to establish private primary schools. The Article states that "Citizens have a right to establish private at schools at all levels of education, with the exception of primary education, under conditions determined by law." Article 47 adds that "The Republic stimulates and assists technical education and sport." Moreover, according to Article 48, "Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity. Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied."² It is also important to point out that Article 42 explicitly prohibits child labour: "The Republic particularly protects mothers, children and minors. A person under 15 years of age cannot be employed. Minors and mothers have the right to particular protection at work. Minors may not be employed in work which is detrimental to their health or morality."

4. With regard to the principle of non-discrimination, Article 54 provides that "The restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status" and Article 110 states that "The Constitutional Court of the Republic of Macedonia - protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation".

5. Legislative framework: In September 1995, two new laws were adopted: the Law on Elementary Education and the Law on Secondary Education, which also authorizes the establishment of private secondary education establishments. Both laws have been amended several times since 1995.

6. Two important changes in the education system have been introduced in the period September 2007 – September 2008 with amendments to the Laws: (1) According to the amendment to the Law on primary Education adopted on 20 September 2004, primary education is compulsory for all children in the age group 6-15 years and includes: one preparatory pre-primary year, and two four-year cycles (classroom teaching and subject teaching). In accordance with the amendments introduced on 29 May 2007, primary education now lasts nine years divided into three three-year cycles; (2) According to the changes and amendments to the Law on

¹ <http://www.sobranie.mk/en/default-en.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>

² Article 48 was replaced by the AMENDMENT VIII

Secondary Education adopted on 18 April 2007 secondary education is in principle compulsory for every citizen under equal conditions. These measures are expected to improve the enrolment rates, particularly in secondary education, but no official data to support such expectations are available at the moment.

7. On 14 March 2008, a new Law on Higher Education was approved. The previous one, adopted in June 2000 and amended various times was an obstacle to implement the Bologna process. The New Law changed the structure of the university, changed the role and responsibility of the university bodies, changed the quality assurance system and implemented a three cycle based higher education system.

8. The Law on Child Protection was passed in 2000 and amended in 2004.

9. Compulsory education and school attendance: According to the amendment to the Law on primary Education adopted on 20 September 2004, primary education is compulsory for all children in the age group 6-15 years and includes: one preparatory pre-primary year, and two four-year cycles (classroom teaching and subject teaching). In accordance with the amendments introduced on 29 May 2007, primary education now lasts nine years divided into three three-year cycles; (2) According to the changes and amendments to the Law on Secondary Education adopted on 18 April 2007 secondary education is in principle compulsory for every citizen under equal conditions. These measures are expected to improve the enrolment rates, particularly in secondary education, but no official data to support such expectations are available at the moment.

Policy measures:

10. Major policy measures: In the 2009 National Report on the progress towards the Millennium Development Goals , with regard to the MDG 2 on achieving Universal Primary Education, recommendations were made to create, implement and sustain incentives and reward mechanisms to stimulate schools and the community to enrol all children of the relevant age into the primary and secondary education; to ensure sustainable programmes of NGOs implementing activities to raise parents' awareness about the need to have their children educated, as well as activities to support the children in achieving better academic results; to extend and restructure the network of schools in order to meet the needs of the students at the local level; to increase the enrolment of marginalized groups by developing mechanisms that will stimulate teachers' performance in environments with children from vulnerable categories (e.g. children with special education needs, children from socially disadvantaged families or isolated rural areas).

11. In 2005, the Parliament adopted a National Strategy for the Development of Education 2005-2015 , which envisages major reforms at all educational levels and aims at: promoting education for all, increasing social partnerships, supporting activities of NGOs and other associations within the framework of lifelong learning, establishing closer links between formal and non-formal education, increasing the opportunities for educational mobility, and raising adults' professional and social competences.

Cooperation:

12. The former Yugoslav Republic of Macedonia is party to 1960 UNESCO's Convention against Discrimination in Education since 1997. However, it did not report within the framework of the:

- a) Sixth Consultation of Member States (covering the period 1994-1999)
- b) Seventh Consultation of Member States (covering the period 2000-2005)
- c) Eight Consultation of Member States (covering the period 2006-2011)

13. The former Yugoslav Republic of Macedonia did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

14. The former Yugoslav Republic of Macedonia reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

15. The former Yugoslav Republic of Macedonia is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

16. Constitutional and Legislative Framework: The Constitution of the former Yugoslav Republic of Macedonia, in its Article 16, guarantees freedom of opinion and expression, as well as freedom of media and free access to information.

17. Since 2006, a law on freedom of information has existed in the country. However, despite legal guarantees of access to public information, the implementation of the relevant law is unevenly enforced.

18. The new law on Civil Liability for Insult and Defamation was adopted in November 2012 which classified defamation as a matter for civil courts.

19. Media Self-Regulation: Media self-regulatory mechanisms have not been developed yet in the country. Furthermore, state authorities recently increased their power over the media regulation through establishing a new mechanism regulating the Broadcasting Council which diluted its independence: the membership of the Council was increased in July 2011, without consultation with the Parliament, from 9 to 15 members, the new six members being appointed by the government.

20. Safety of Journalists: UNESCO recorded no killings of journalists and media workers in the former Yugoslav Republic of Macedonia between 2008 and 2012.

Right to development and environmental issues³

21. In 1990ies, Southeastern European countries affected by conflict have not only lost lives on a massive scale but also intellectual capacity. Research indicates that two out of three teaching and research jobs have been lost in some university facilities, devastating the research and development (R&D) sectors in many of these countries. Scientists have either taken up positions abroad (external brain drain) or abandoned their professions for better-paid jobs in the private sector (internal brain drain). In the former Yugoslav Republic of Macedonia, the number of scientists and engineers employed in R&D fell by over 70% (from 1,333 per million population to only 387) between 1995 and 2000. The joint UNESCO and Hewlett Packard Piloting Solutions for Alleviating Brain Drain in Southeast Europe project aimed to encourage young scientists to remain in the region and co-operate with the diaspora. In its framework UNESCO provided the Ss. Cyril and Methodius University in Skopje with the state-of-the-art Grid computing technology and seed money for exchange visits abroad to universities. The project was also implemented in Croatia, Bosnia and Herzegovina, and Serbia and Montenegro. UNESCO also contributes to building a sustainable and inclusive society by supporting project of civil society organizations and municipalities, including the city of Çair in the former Yugoslav Republic of Macedonia, in the framework of the European Coalition of Cities against Racism and the World Conference on Dialogue among Religions and Civilizations, held every three years in Ohrid.

22. The establishment in Skopje of the International Institute of Earthquake Engineering and Engineering Seismology (IZIIS), at the University “Ss. Cyril and Methodius” as a category 2 institute under the auspices of UNESCO will be finalized in 2013.

Cultural rights

23. Normative Framework: constitutional and legislative frameworks: In 2007, the Law for Protection of Cultural Heritage was amended in line with EU standards. Moreover, there was a public and parliamentary debate over the Government's proposal to change the Law on Electing Representatives in the Assembly of the former Yugoslav Republic of Macedonia and give the Diaspora the right to vote. According to the former Law on Independent Artists (1982), the legislator acknowledged the special status of freelance (unemployed) artists as distinct from other cultural workers. According to this law, the Ministry of Culture recognized their status as freelance artists and provided budgetary resources to cover monthly health, retirement and disability insurance taxes. In 1998, this law was abolished with the passing of the Law on Culture that distinguishes between freelance professional and amateur artists. Every person, regardless of age, sex, education and religion has the freedom and the right to engage in creative work. The law defines an artist as a person who creates or performs an authored artistic activity.⁴

24. Institutional framework: The Ministry of Culture is in charge of the implementation of the 2005 Convention in cooperation with the Ministry of Foreign Affairs.

³ http://www.unesco.org/science/alba_macedonia.shtml.

⁴ <http://www.culturalpolicies.net/web/monitoring-ssi.php?aid=95&cid=114&lid=en&language=fr&PHPSESSID=ilenpcd2k51vgkhvciiasd4hd5>

25. Policy measures: The 2nd World Conference on Inter-Religious and Inter-Civilisation Dialogue, Religions and Cultures - *Strengthening Links among Nations*, was held from 6-8 May 2010 in Ohrid, and the 3rd World Conference on Inter-Religious and Inter-Civilization Dialogue, was held in Skopje from 10 to 12 May 2013.

III. RECOMMENDATIONS

Right to education

26. The former Yugoslav Republic of Macedonia should be encouraged to submit to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

27. The former Yugoslav Republic of Macedonia should be encouraged to help improve the access to education of women, in particular rural and ethnic minority women.

28. The former Yugoslav Republic of Macedonia could be encouraged to envisage adopting legal provisions to address the phenomenon of school dropouts, particularly among Roma children and children living in rural areas, especially girls.

29. The former Yugoslav Republic of Macedonia could be encouraged to continue its efforts to ensure that minorities have access to suitable and affordable education and to promote the integration of these populations in all areas of social life, without discrimination.

Freedom of opinion and expression

30. The former Yugoslav Republic of Macedonia is encouraged to continue the positive measures already taken to decriminalize defamation and subsequently to incorporate it into the civil code in accordance with international standards.

31. The former Yugoslav Republic of Macedonia is encouraged to promote awareness and better implementation of the law on public access to information.

32. UNESCO recommends the development of self-regulatory mechanisms for the media in the former Yugoslav Republic of Macedonia.

Right to development and environmental issues

33. With regard to contribution of science and technology to development, the former Yugoslav Republic of Macedonia is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.