**Studorium**

**Questionnaire**

**Convention on the Rights of Persons with Disabilities**

**Article 5 - equality and non-discrimination**

**Deadline 30 June 2016**

You are invited to provide input to the study on article 5 (equality and non-discrimination) of the Convention, using the following questionnaire.

1. Has your country adopted legislation establishing disability as a prohibited ground of discrimination, including denial of reasonable accommodation as discrimination? Please provide details on any related legal reforms.

Macedonia has adopted legislation that establishes the disabilities as a prohibited ground of discrimination, but has not included the denial of reasonable accommodation as discrimination. The Discrimination Law[[1]](#footnote-1), Article 3 states that “any direct or indirect discrimination, inciting discrimination and assisting discriminatory treatment on the ground of sex, race, color, gender, belonging to a marginalized group, ethnicity, political affiliation, personal or social status, **mental or** **physical disability**, age, family or marital status, property status, health condition or any other grounds provided by law or ratified international agreement”. Macedonia has signed and ratified the Convention on the Rights of Persons with Disabilities in 2011 and has endorsed a National Strategy for Equal Rights of People with Disabilities, 2010-2017[[2]](#footnote-2).

2. Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the tests and their different elements (500 words).

To the best of our knowledge, Macedonia has not applied an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate. However, there are some cases where children were accommodated in hospital departments that are for different purpose. One such example is when it was reported that a minor with mental disabilities instead of being accommodated in an institution for people with mental disabilities, the child was accommodated in an institution for children / people with physical disabilities[[3]](#footnote-3).

3. Does your country apply affirmative actions for combating structural discrimination against persons with disabilities? If so, please describe how are these measures applied and enforced (500 words).

The country has taken some measures and applied some affirmative actions for combating structural discrimination against persons with disabilities through employment in institutions and providing subsidies i.e. exemptions for paying contributions for pension and disability insurance, health insurance to companies that employing person with disability, awarding grants for the employment of unemployed disable person, adapting the workplace where the disabled person works and if necessary supply of equipment.[[4]](#footnote-4) One such example is the Ministry of Labor and Social Policy which employs people with Down syndrome in positions and under post descriptions appropriately accommodated to their capacities. This demonstrates that the country is taking action on emancipating and integrating people with disabilities in the institutions. Similar cases are present in other ministries and institutions.

4. Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please describe how these policies are reflected in legislation and policy frameworks (500 words).

The existing legislation for prevention of discrimination is equally applicable to all, including women and children, as is the legislation on prevention of discrimination of persons with disabilities.

Regarding policies, there are several strategies, including the National Strategy for Equal Rights of People with Disabilities, 2010-2018, which distinguishes women and girls with disabilities, as well as children and youth with special educational needs as separate groups of interest/attention. The Strategy calls upon several international instruments, in particular the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child. Furthermore, the Strategy provides measures for persons with disabilities such as: enabling more efficient access to justice on an equal basis; ensuring protection and realization of human rights and fundamental freedoms on an equal basis; establishing more effective protection against all forms of violence and abuse. Also, implementation of Article 8 of the Convention on the Rights of Persons with Disability, referring to raising awareness and conditions the countries to take various measures to raise awareness about disability in different contexts; implementation of Article 29 of the Convention, concerning the involvement of persons with disabilities in the public and political life. Promoting participation in all forms of public life and political decision-making processes at local, regional, national and international level; inclusion of persons with disabilities and organizations of persons with disabilities in the preparation of measures of public policies that refer to persons with disabilities; promoting participation of persons with disability in the political structures and to increase the representation of persons with disabilities to representative bodies of local governments and at national level.

5. Is your country monitoring and collecting disaggregated data on discrimination against persons with disabilities, including gender, age and impairment disaggregation?

To the best of our knowledge, Macedonia does not collect data on discrimination against persons with disabilities, but there are other instruments that could provide data regarding the discrimination against persons with disabilities such as the Ombudsman and the Commission for Protection against Discrimination. These institutions could have data on discrimination against persons with disabilities because they respond to citizen’s appeals for discrimination.

Please submit with subject [Art 5 Study CRPD] by **30 June 2016** to: registry@ohchr.org

More about work on the rights of persons with disabilities: <http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx>

*Background*

Human Rights Council resolution 31/6 requested the Office of the UN High Commissioner for Human Rights to prepare a study on article 5 of the Convention on the Rights of Persons with Disabilities.

1. The Discrimination Law (“Official Gazette” no.50/10, 44/14, 150/15), (in Macedonian: Закон за заштита од дискриминација („Службен весник на Република Македонија“ бр.50/10, 44/14, 150/15)), accessed: 29.06.2016, available at: <http://tinyurl.com/hwjkjcs> [↑](#footnote-ref-1)
2. National Strategy for Equal Rights of People with Disabilities, 2010-2018, (in Macedonian: Национална стратегија за изедначување на правата на лицата со инвалидност, 2010-2018 година), accessed at: 30.06.2016, available at: <http://mtsp.gov.mk/WBStorage/Files/FINALNA%20Revidirana%20Nacionalna%20Strategija.pdf> [↑](#footnote-ref-2)
3. Ombudsman of the FYROM., Annual Report on the Level of Respect, Promotion and Protection of Human Rights and Freedoms, 2013, (in Macedonian: Народен правобранител на Р.М., Годишен извештај за степенот на обезбедувањето почитување, унапредување и заштита на човековите слободи и права, 2013 година), accessed at: 30.06.2016, available at: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2013-Ang.pdf> [↑](#footnote-ref-3)
4. Law on Employment of Disabled Persons ("Official Gazette" no.44 / 2000, 16/2004, 62/2005, 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/2011, 129/15 i 147/15), (in Macedonian: Закон за вработување на инвалидни лица („Службен весник на РМ“ бр.44/2000, 16/2004, 62/2005, 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/2011, 129/15 и 147/15)), accessed: 29.06.2016, available at: <http://www.mtsp.gov.mk/content/pdf/zakoni/Zakon%20za%20vrabotuvanje%20na%20invalidni%20lica%20konsolidiran%20tekst%202015%20g.pdf> [↑](#footnote-ref-4)