

Appendix 6

(Item 4.2b)

**Resolution CM/ResCMN(2008)6
on the implementation of the Framework Convention for the Protection of National Minorities
by “the former Yugoslav Republic of Macedonia”**

*(Adopted by the Committee of Ministers on 9 July 2008
at the 1032nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by “the former Yugoslav Republic of Macedonia” on 10 April 1997;

Recalling that the Government of “the former Yugoslav Republic of Macedonia” transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 16 June 2006;

Having examined the Advisory Committee’s second opinion on “the former Yugoslav Republic of Macedonia”, adopted on 23 February 2007, and the written comments of the Government of “the former Yugoslav Republic of Macedonia”, received on 5 September 2007;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of “the former Yugoslav Republic of Macedonia”:

a) Positive developments

“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.

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.

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.

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.

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.

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

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

implementation of the principle of equitable representation of ethnic communities in public institutions is at an advanced stage.

b) Issues of concern

In spite of initiatives launched to improve tolerance and mutual understanding, resolute efforts are needed to strengthen inter-ethnic dialogue, which in some cases is particularly problematic, as it affects school children and teachers belonging to different communities. The authorities should 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.

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

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.

In spite of the legislative and practical measures taken by authorities in recent years, the 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.

The authorities' efforts to support minority education, although appreciable, do not fully 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.

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.

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 certain sectors, such as the judiciary, remains unsatisfactory.

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

2. Adopts the following recommendations in respect of "the former Yugoslav Republic of Macedonia":

In addition to the measures to be taken to implement the detailed recommendations contained in sections 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 co-operation 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 make sure that both legislation and practice in this field are fully in line with the relevant principles of the Framework Convention;
- expand opportunities for teaching of or in minority languages 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 different 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 the implementation of the Ohrid Agreement as appropriate, including in respect of equitable representation and participation of persons belonging to the ethnic communities in public institutions and consultative structures.

3. Invites the Government of “the former Yugoslav Republic of Macedonia”, in accordance with Resolution (97) 10:

- a.* to continue the dialogue in progress with the Advisory Committee;
- b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.