

Submission for the Consideration of Macedonia

9th Pre-Sessional Working to the UN Committee on the Rights of Persons with Disabilities

Introduction

This joint submission was prepared by a coalition of organisation of persons with disabilities and human rights organisations, coordinated by the National Council of Disability Organisations of Macedonia, including: the Republic Centre for Support of Persons with Intellectual Disability – PORAKA, the National Association of Persons with Physical Disability - Mobilnost Makedonija, the National Union of Blind People of Republic Macedonia, the National Association of the Deaf and Hard of Hearing of Macedonia, the Association Polio Plus – Movement against Disability, the Association for Promotion of Accessible New Technologies for Persons with Disabilities - Open the Windows, and the Helsinki Committee for Human Rights of the Republic of Macedonia and the Health Education and Research Association – HERA.

The purpose of this submission is to underline the areas of the Initial Report (CRPD/C/MKD/1) that haven't been comprehensively reported and to assist the Committee in formulating the key questions for the upcoming consideration. More detailed information will be contained in the upcoming Alternative report on the implementation of the UNCRPD.

ARTICLE 1 - 4

Proposed questions:

1. Please indicate the steps taken towards conducting a comprehensive, cross-cutting review of its legislation and policies and fully harmonizing the existing and draft legislation and relevant strategies with the obligations under the UNCRPD?
2. Please report on the outcomes, including relevant data, of the National Strategy for Equalization of the Rights of Persons with Disabilities (Revised) 2010-2018 and the timetable for the revision of laws, policies, legal definitions and terminology on disability and different impairments.
3. Please indicate to which extent persons with disability enjoy at least the minimum acceptable level of realisation of civic, political, economic, social and cultural rights?
4. Please describe the measures taken to ensure single definition of persons with disabilities, based on the human rights approach to disability, which is to be applied in all sectors and to all groups of citizens with disabilities.
5. Please indicate to what extent is the Government involving DPOs in the legislation and policy drafting processes and also please report on the structures, mechanisms and public resources available to ensure full and inclusive participation of, and consultation with, organizations representing persons with disabilities, including the National Council of Disabilities Organisations of Macedonia and organisations that are not part of the National Council. What support is available for the organisations that are not affiliated with the National Council?

ARTICLE 5 - Non-discrimination

Proposed questions:

6. Please report on the outcomes, including relevant data, of the National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability 2012–2015. Please elaborate whether the protection against discrimination on the ground of disability is part of all relevant legislation in the country.
7. Please inform the Committee on how discrimination on the basis of disability is defined and the procedures and sanctions available. Please provide information on reasonable accommodation and affirmative actions, and specify if the denial of reasonable accommodation constitutes discrimination.
8. Please provide information for the mechanisms for protection from discrimination, such as the Commission against discrimination and the Courts, and their level of effectiveness and accessibility for people with disabilities? Please provide data about the procedures initiated before the Commission against discrimination and the courts for protection from discrimination based on disability and the outcomes of these procedures. Please explain what measures have been taken to support access to justice for people with disabilities in cases of discrimination.
9. Please elaborate on measures to eliminate multiple and intersectional discrimination. Include particular data on people with disability from other minorities and ethnical groups, people with disabilities living in institutional care settings, women and children with disability.
10. Please provide detailed information on the measures taken to provide reasonable accommodation and data on violations reported, investigations conducted and the nature of resulting sanctions.

ARTICLE 6 - Women with disabilities

Proposed questions:

11. Please inform the Committee how the rights of women and girls with disabilities are included in the State's gender equality and the disability policies and action plans, and how women and girls with disabilities and their representative organizations are consulted in the preparation of such policies and plans?
12. Please provide statistical information on the situation of women and girls with disabilities and information on specific measures adopted, including affirmative actions, to empower them and to combat the multiple and intersectional discrimination.

ARTICLE 7 - Children with disability

Proposed questions:

13. Please provide information on the national programmes providing support for children with disabilities, including early intervention services and other forms of social services at local level.
14. Please indicate how the rights of children with disabilities are included in the national children and youth policies and elaborate the measures taken to assist children with disabilities to enjoy their human rights on an equal basis with others, including specific budgetary lines and programs.
15. Please provide information on:

- (a) The steps taken to monitor disability-related discrimination and/or harassment in all schools and the remedies available;
- (b) How children with disabilities and their families are included in decision-making processes regarding the assessment and allocation of their support.

ARTICLE 8 – Awareness raising

Proposed questions:

- 16. Please provide information on the measures commenced on national and local level to address prejudices against and negative attitudes towards persons with disabilities, and to promote the Convention, including the rights of persons with disability to: equal recognition before the law, accessibility, rights of women and girls with disabilities, inclusive education, independent living and being included in the community.
- 17. Please provide information on the rights based campaigns and awareness-raising programmes targeting the general population, media personnel, personnel of public mainstream schools, health professionals and social sector professionals, that are compliant with the Convention.

ARTICLE 9 – Accessibility

Proposed questions:

- 18. Please provide information on the measures taken to mainstream the concept of universal design in accessibility standards.
- 19. Please indicate what measures are taken to regularly monitor and increase the accessibility of public buildings, the wider built environment, transportation and information and communications technology, including by providing all persons with disabilities with support technologies and live assistance, such as guides, readers, Braille-related services and professional and qualified sign-language interpreters.
- 20. What compliance and sanction mechanisms have been put in place to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, and to other facilities and services open or provided to the public at all levels?
- 21. Please provide more information on the measures taken to fully implement the accessibility provisions within existing legislation.
- 22. Please inform the Committee on the efforts being made to extend accessibility standards to all areas with legally enforceable sanctions and to remove existing barriers. Please elaborate on any plans to ensure the provision of information in accessible formats across all sectors (education, justice, health, etc.).
- 23. Please inform the Committee about the steps taken to increase the capacity of the regulatory bodies and institutions considering the article 9 of the UNCRPD.

ARTICLE 10 - Right to life

Proposed questions:

- 24. Please inform the Committee on the steps taken by the State party to safeguard and to protect the life of persons with disabilities, particularly in institutionalised settings.

25. Please provide information on the number of people with disability that have passed away in the special residential institutions and community based small group homes in the last three years?

ARTICLE 11 - Situations of risk and humanitarian emergencies

Proposed questions:

26. Please provide information about the accessibility of information relating to situations of risk, humanitarian emergencies, natural disasters and evacuation plans, in accordance with the national policies. Please include specific information on the use of accessible communication measures or formats such as Braille, sign language and easy-to-read versions.
27. Please provide details about the measures in place to ensure the accessibility of humanitarian and emergency legislation and services available to persons with disabilities, particularly with respect to assistive devices, shelters, relief and other services and facilities, including social support and health services.
28. Please inform the Committee about mainstreaming measures for educating citizens with disabilities as well as other citizens without disabilities about disaster risk reduction and early warning systems. Please also inform the Committee about specific measures relating to delivery of services for citizens with disabilities in emergency situations.

ARTICLE 12 - Equal recognition before the law

Proposed questions:

29. Please provide updated information on the planned legal reforms, including in the area of family legislation and mental health, and other initiatives, with a view to replacing guardianship with supported decision-making regimes, in accordance with article 12 of the Convention, as set out in the Committee's general comment No. 1 (2014) on article 12: equal recognition before the law.
30. Please provide information on the number of persons with deprived legal capacity and under guardianship, disaggregated by full and partial guardianship, since the ratification of the Convention. Please include information on the steps that have been taken to decrease the number of people under guardianship and to move to a supported decision-making system, with special regards to the right to marry and to vote.
31. Please inform the Committee about the denial of legal capacity of persons with disability by their parents and relatives and provide data for the last three years.

ARTICLE 13 - Access to justice

Proposed questions:

32. Please provide data on the outcomes of the implementation of the Law on Free Legal Assistance in regard to persons with disabilities.
33. Please provide updated information on improvements of the procedural accommodations and accessibility including physical access, accessible legal aid and registered qualified sign-language interpreters, in both the civil and the criminal systems, and in police investigation and public prosecution procedures.
34. Please provide information on the steps taken to secure the maximum support for persons with intellectual disabilities to exercise their legal capacity relating the access to justice through

effective and efficient procedures, and to ensure that no costs are incurred by them which would not be incurred by others.

35. Please elaborate the available training of the judiciary personnel for provision of reasonable accommodation to persons with disabilities for accessing the justice system.

36. Please provide information on whether persons with disabilities living in specialised residential institutions have access to complaint mechanisms.

ARTICLE 14 - Liberty and security of the person

Proposed questions:

37. Please provide information on measures taken to abolish, under all circumstances, any involuntary placement and treatment of persons with disabilities in specialized residential institutions and psychiatric facilities.

38. Please provide information on the number of persons with disabilities deprived of their liberty, including those in psychiatric institutions and special residential institutions, the reasons and legal basis for being deprived of their liberty and whether legal remedies are available to the persons.

39. Please provide information about the number of persons with disabilities in prisons and how many of them are provided with reasonable accommodation.

ARTICLE 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

Proposed questions:

40. Please provide information on the specific measures taken to prevent treatment without consent, seclusion and the use of chemical and physical restraints for persons with disabilities and forced sterilisation, especially those with psychosocial and/or intellectual disabilities.

ARTICLE 16 - Freedom from violence and abuse

Proposed questions:

41. Please provide information on legislative, administrative and other measures to eliminate and to prevent physical, emotional and sexual violence, exploitation and abuse of persons with disabilities, with a particular focus on women and children with disabilities and persons that have been placed in special residential institutions. Please inform about the measure taken to assist the affected persons with disabilities.

42. Please provide information on the measures to tackle hate crimes, on the measures to address and explain the underreporting of disability hate crimes and harassment, and on the measures to secure prosecution of such incidents, including within the special residential institutions and those under guardianship.

43. Please explain on specific measures taken to ensure equity of access to effective, integrated violence protection services and systems. Include details on women with disability who are: from other minorities; living in institutional and other care and service settings, including prisons.

44. Please inform the Committee on accessibility status of the crisis accommodation services, helplines, shelters and services and also on the measures taken to improve the sensibility and the skills of police professionals working with victims of violence.

ARTICLE 17 - Protecting the integrity of the person

Proposed questions:

45. Please explain the measures to eliminate forced treatment, forced sterilisation, forced contraception and restrictive practices and indicate the number of persons with disabilities who have been forcibly sterilized in Macedonia over the past three years especially in the special institutions.
46. Please provide information on the conditions under which guardians may authorise medical intervention, in particular with respect to reproductive rights and the practice of forced sterilisation, without the consent of the person concerned.

ARTICLE 19 - Living independently and being included in the community

Proposed questions:

47. Please provide updated information on the outcomes of the National Strategy for Deinstitutionalization in Social Sector 2010-2018 and indicate the number and percentage of persons with disabilities, disaggregated by sex, age and disability within each institution.
48. Please indicate the progress made towards decentralisation and pluralism of the social support service provision.
49. Please specify whether the State party is considering adopting a new comprehensive national deinstitutionalization strategy with standardized care and services, with the involvement of persons with disabilities and their representative organizations, as well as local authorities.
50. Please provide information on the development of community – based support services, including personal assistance, to ensure the possibility of independent living within communities, with the involvement of persons with disabilities and their representative organizations, as well as local authorities.
51. Please explain what steps are being taken to ensure comprehensive personal assistance in all aspects of life, i.e. personal assistance for all persons with disabilities (including children and persons with psychosocial disabilities) that is accessible, demand-driven, irrespective of income, freely chosen in its organizational form and independent of place of residence, also including support groups.
52. Please provide details about the budgetary amount spent on institutionalised services compared with those spent on independent living and community base services.
53. Please provide information on:
 - (a) The measures taken to ensure that the right to live independently in all forms, regardless of where and with whom one lives, and to be included in the community is recognized as a statutory right;
 - (b) How persons with disabilities can claim protection of their right to independent living;
 - (c) How the State party calculates the costs of independent living vis-à-vis institutionalization of persons with disabilities.

ARTICLE 20 - Personal mobility

Proposed questions:

54. Please inform the Committee about the possibilities and the conditions for persons with disabilities to obtain assistive devices for mobility and communication.
55. Please provide the percentage and the mechanism of the public budget allocated to support persons with disabilities to obtain mobility aids, devices and other assistive technologies and forms of life assistance and intermediaries, in order to enhance the personal autonomy and mobility.
56. Please provide updated information on the procedures and the eligibility criteria for persons with disabilities to obtain mobility aids, in terms of age and level of impairment.
57. Please provide details of the legal possibilities for free public transport for persons with disabilities and indicate which types of transport are available in this regard.

ARTICLE 21 - Freedom of expression and opinion, and access to information

Proposed questions:

58. Please inform the Committee about measures taken to guarantee the accessibility of information for persons with disabilities and whether the information for the general public is accessible to persons with disabilities, including in Braille, sign language, Easy-to-Read and other alternative and augmentative means and modes of communication. Also, please inform whether the information is accessible in available formats in the languages of ethnic minorities.
59. Please inform the Committee about current situation in regard to the accessibility of information that public broadcasters are obliged to fulfil under the Law on Broadcasting (para.134).
60. Please elaborate the measures undertaken to promote the use of sign language in line with the Law on Sign Language. Please indicate the number of sign language interpreters in the country and the steps taken to increase the number for better coverage on national and local level.
61. Please explain the communication channel established by the public governmental institutions with people with disabilities (i.e. special persons appointed from the public institutions for communication with persons with disabilities).
62. Please provide information what measures are taken to regulate and stimulate the use of the Braille alphabet.
63. Please inform whether the text of the Convention has been made available in accessible formats.

ARTICLE 22 - Respect for privacy

Proposed questions:

64. Please provide updated information on the procedures and safeguards for the protection of the right to privacy of persons with disabilities living in institutions and those who live in the community based facilities.

ARTICLE 23 - Respect for home and the family (art. 23)

Proposed questions:

65. Please give details on the effective and appropriate measures being taken to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships.
66. Please describe the measures that prevent people with intellectual disabilities to get married (para. 149).
67. Please inform the Committee about the measures being taken to prevent children with disabilities from being separated from their families and placed in institutions and to provide the necessary support for families with members with disabilities.

ARTICLE 24 - Education

Proposed questions:

68. Please inform the Committee on the measures introduced to promote the practice of inclusive education at primary, secondary and tertiary education, with special regard to professional involvement of pedagogical assistants in classes by deploying a diversity of appropriate instructional methods and technologies in inclusive settings.
69. What are the key strategical approaches and outcomes envisaged in the new Comprehensive National Strategy on Education? Please provide information on the budgetary and other measures introduced to ensure inclusive education at all levels throughout the country.
70. Please provide data on:
 - a) The number and percentage of children with disabilities accessing primary, secondary and tertiary education, disaggregated by mainstream education, special classes and special schools, and their disabilities.
 - b) The measures taken to ensure physical accessibility of the mainstream schools and adapting the schools' environment and the curriculum to the needs of each student individually (providing didactic aids, assistive technology, creating individual educational plans (IEP), monitoring, documenting and grading students' achievements).
 - c) The steps taken to ensure an adequate training on disability issues to professionals in the mainstream education, including certification of training providers, training topics and the number of trained professionals.
 - d) The measures taken to regulate the status of the pedagogical assistants of students with disabilities in mainstream education.
71. Please also provide additional information on:
 - (a) The progress made in mainstreaming inclusive education at all levels for pupils with disabilities, on how the system is geared to cope with the demands of inclusive education, including pedagogical capabilities.
 - (b) The initiatives to inform and raise awareness among parents of children with disabilities relating the right to and the potential of the inclusive education. Please explain what measures are available, including counselling, to assist parents when accepting or rejecting this choice for their child with disability.

- (c) The education and/or training enabling teachers to teach children with disabilities within the mainstream education system, to make it become inclusive and give pupils with disabilities an optimal outcome.
72. Please provide information about reasonable accommodation and support measures for students with disabilities, including blind, deaf and deaf blind learners at all levels of the mainstream education system.
73. Please explain what efforts are being made to increase the completion rates of persons with disabilities in secondary and in tertiary inclusive education.
74. Please explain why disability as a ground for protection from discrimination is not included in the legislation on primary and secondary education.
75. Please explain why the disability issues and the principle for accessibility are not included in the Law for tertiary education.
76. Please provide information the number of accessible primary and secondary schools and universities for students with disability.
77. Please explain what steps are being taken to increase the quality of the implementation of inclusive education, including sufficient and adequate individual support measures (i.e., materials and human resources, availability of all-day care, classes comprising different levels, use of sign language interpreters, compulsory training within the curriculum of all teachers (beyond special education teachers) and allocation of budget for all of the above.

ARTICLE 25 - Health

Proposed questions:

78. Please provide information on the measures aimed at ensuring accessible health care, including physical accessibility to facilities, high-quality medical equipment, medicines and materials, as well as training, information and communications;
79. Please explain why children with disabilities (up to 26 years of age) are entitled to health services free of charge, while adults with disabilities are obliged to pay participation fee.
80. Please specify the safeguards in place to protect the sexual and reproductive rights of women and girls with disabilities, including those in institutionalized settings. Also, please inform on the step taken to ensure accessibility of services for sexual and reproductive health of persons with disabilities to birth centres and primary healthcare gynaecological cabinets.
81. Please inform about the measures taken to educate and train health-care personnel on the rights of persons with disabilities, especially concerning persons with more complex disabilities, including those living in group homes and institutions, and how the impact is measured?
82. What measures are in place to ensure that all education, information, health care and services relating to sexual and reproductive health, HIV and sexually transmitted infections are made accessible to women and girls with disabilities in age-appropriate formats?
83. Please explain why disability as a ground for protection of discrimination is not part of the Law for patients' rights.

ARTICLE 26 - Habilitation and rehabilitation

Proposed questions:

84. What steps have been taken to increase the availability and accessibility of habilitation and rehabilitation services, including assistive technologies, relevant to independent living?
85. Please inform the Committee about the on-going legal reforms regarding rehabilitation programmes, aimed at fostering independent living of persons with disabilities in the community.
86. Please inform the Committee how “habilitation” is defined in the national legislation, and what measures are taken to promote and implement habilitation services.
87. Please explain to which extent the medical rehabilitation is available for persons with disabilities. Please provide information on the level of accessibility of the medical rehabilitation facilities including the spa rehabilitation centres.

ARTICLE 27 - Work and employment

Proposed questions:

88. Please inform the Committee about the affirmative action measures, including effective incentives to employers, taken to promote the employment of persons with disabilities in the open labour market and in the public sector. Please indicate the effectiveness of the affirmative action measures.
89. Please provide relevant data for persons with disabilities, disaggregated by type and level of disability and sex, in terms of employment in open labour market, sheltered employment and within the public institutions. Also, please provide data on unemployment, inactive status and access to support and provision of reasonable accommodation.
90. Please report on the measures, including specified targets, to ensure non-discrimination, affirmative action and reasonable accommodation at the workplace to reduce unemployment among persons with disabilities. Please indicate how development is monitored, measured and non-compliance sanctioned, and how the State is dealing with abuses and fictive employment in the existing sheltered workplaces.
91. Please explain the systematic discriminatory provision in article 4-a paragraph 5 of the Law on Employment of Disabled Persons, which foresees that a person with disability can act as an employer or manager only by approval/positive opinion from the Commission at the Ministry of Labour and Social Policy.

ARTICLE 28 - Adequate standard of living and social protection

Proposed questions:

92. Please provide information on the income and poverty levels among persons with disabilities, compared to persons without disabilities, and provide information on the effectiveness of the social protection measures and mechanisms to support persons with disabilities. Please also report on the measures taken to monitor and address the impact of the welfare reform and anti-poverty initiatives on the adequate standard of living of persons with disabilities and their families.

93. Please provide information on how support is provided to persons with disabilities to cover disability-related costs, and on the procedures to secure the right to social protection, with special regard to the additional administrative and financial burden imposed on persons with disabilities.
94. Please provide information on the measures taken by the State to:
- a) Address poverty among persons with disabilities and families of children with disabilities and inform on the outcomes of the National strategy for reduction of poverty and social exclusion in the Republic of Macedonia (revised 2010-2020);
 - b) Ensure equal access to social support in all its forms by persons with disabilities, irrespective of the type of disability, level of support required, gender, age, social background, ethnicity status;
 - c) Ensure support is provided to persons with disabilities in exercising their parental responsibilities, and to the parents of children with disabilities;
 - d) Ensure that work capability assessments are individualised and based on the human rights model of disability and not on the type of impairment.
95. Please explain how entitlements and services are ensured for all persons with disabilities and describe measures taken to eliminate the differences in treatment that exist across different groups of persons with disabilities. Please provide information about the different social allowances that are claimed for the same disability depending on the age or reasons for becoming persons with disability.
96. Please inform about the lower amount of financial support provided to the biological families of persons with disabilities compared to the foster carers.
97. Please inform the committee why adults with disability (18 to 26 years of age) are treated as children with disability in the existing social protection legislation.

ARTICLE 29 - Participation in political and public life

Proposed questions:

98. Please give details on the measures taken to ensure that all persons with disabilities, including those with intellectual and/or psychosocial impairments, can exercise their right to vote.
99. Please inform the Committee about the availability of accessible polling stations, voting procedures and voting materials for persons with disabilities, and whether programmes and manifestos of political parties and electoral campaigns are provided in accessible formats.
100. Please provide information on persons with disabilities who are excluded from the right to vote as well as on what changes are required so that all persons with disabilities have the ability to participate in elections and how many adult persons with disabilities are excluded from voting and on what grounds. Please report about the measures and activities to allow persons who are placed in residential institutions and psychiatric hospitals to exercise their right to vote.
101. Please provide an overview of financial assistance and support of established non formal mechanism Inter Party Parliamentary Group for the Rights of People with Disabilities, coordinated by DPOs.
102. Please elaborate what measures are taken by the State in the field of education, tutoring and raising the capacity and self-esteem among persons with disabilities, particularly young persons with disabilities for their active involvement in the political and public life.

ARTICLE 30 - Participation in cultural life, recreation, leisure and sport

Proposed questions:

103. Please update the Committee about progress made to ensure equal access and equal recognition for persons with disabilities in sports and in cultural life. Please provide information on how persons with disabilities can follow sports and cultural events so in an inclusive environment, accompanied by support persons, family members and friends.
104. Please provide updated information on the legislation for enhancing access for persons with disabilities to cultural infrastructure (national and local heritage, museums, theatres and libraries), and on the plans to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.
105. Please provide updated information, beside the existing standards, on the quality of the accessibility to tourism facilities and services.

ARTICLE 31 - Statistics and data collection

Proposed questions:

106. Please inform the Committee about the plans envisaged to establish a mechanism to systematically collect and analyse disaggregated data on persons with disabilities, in line with the Convention.
107. Please report on the development of disability equality indicators and on how the State party consults organisations of persons with disabilities in this regard.

ARTICLE 32 - International cooperation

Proposed questions:

108. Please provide information on how the funds from the international donor community, including the European Union and the UN agencies, are being used to promote deinstitutionalisation, non-discrimination and human right of persons with disabilities;
109. Please provide information on how and to what extent persons with disabilities and their organisations are involved in international cooperation and does the State provide support to DPOs involved in international cooperation advocating for effective implementation of CRPD.

ARTICLE 33 - National implementation and monitoring

Proposed questions:

110. Please elaborate the functions of the National Coordinative Body for Equal Rights of Persons with Disabilities.
111. Please inform the Committee of the steps taken to establish the coordination mechanisms for implementation of the UNCRPD and the independent monitoring mechanism in accordance with the Paris Principles.
112. Please also inform the Committee about the full involvement of persons with disabilities and their representative organisations in the decision-making process related to the design of measures and allocation of resources for the implementation of the UNCRPD.