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|  |  | CRPD/C/MKD/Q/1 | |
|  | **Advance Unedited Version** | | Distr.: General  12 March 2018  Original: English  English, Russian and Spanish only |

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

List of issues in relation to the initial report of The former Yugoslav Republic of Macedonia[[1]](#footnote-2)\*

A. Purpose and general obligations (arts. 1–4)

1. In paragraph 20 of the initial report, it is stated that “there is no unified term” to define persons with disabilities. Please provide information on measures that have been adopted to harmonise the definition of disability as stated in the United Nations Convention on the Rights of Persons with disability with the Constitution and Laws of the State Party.
2. What steps has the State Party undertaken to align the national laws and policies with the Convention?
3. Please provide more information on the National Coordination Body for Equal Rights of Persons with Disabilities 1999 and the impact of the National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010 – 2018 since it was adopted to date.
4. Please provide more information on how the laws against discrimination are implemented with regards to persons with disabilities and the strategies therein in place to monitor adherence?

B. Specific rights (arts. 5 and 8-30)

1. Please explain the extent to which the Constitution, laws and policies of the State party protects the interests of persons with disabilities and if legal protection is guaranteed to them on equal basis with others.
2. Please provide more information as to how the Law on Prevention and Protection against Discrimination (2010) guarantees reasonable accommodation as a ground of prohibited discrimination against persons with disabilities with respect to social, economic and all other areas of life.
3. Please provide more information on the affirmative measures as mentioned in Paragraph 32 of the Initial Report aimed at accelerating de facto equality of persons with disability in the State party, including on the functioning, budget, mandate of the Commission for Protection against Discrimination, its members and example of cases it has dealt with so far.

C. Women with disabilities (art. 6)

1. Please provide information about:

(a) Measures to revise The Law on Equal Opportunities of Women and Men to encapsulate particular provisions for equality and standardisation of opportunities for girls and women with disabilities(para 275);

(b) Efforts to ensure that the Law on Protection and Prevention of Discrimination specifically includes specific provisions for equality and standardisation of opportunities of girls and women with disabilities (para 279);

(c) Strategies to ensure that the issues and needs women and girls with disabilities are clearly articulated in the National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010 – 2018 (para 280).

Children with disabilities (art. 7)

1. Please provide information about:

(a) The specific legislation enacted to address issues directly related to children with disabilities mainly in the spheres of inclusive education, institutions, the family, foster homes and all other settings in the State party;

(b) The measure that have been taken to promote the availability of inclusive care for children with disabilities within the framework of the National Deinstitutionalisation in the framework of Social Care 2008 – 2018 (para 288);

(c) The social benefit schemes for children with disabilities and their parents with regards to covering disability-related as well as providing assistance and training for families (foster or otherwise) of children with disabilities as per the Law on Social Care (para 287).

Awareness raising (art. 8)

1. Please provide more information on:

(a) The programmes and activities referred to in the initial state report (paras. 39 – 42) on the awareness raising activities undertaken by the State party, including the target audience, the impact and how the outcomes of these activities were monitored.

(b) Whether the State party consulted with and actively involved DPOs in the design, execution, evaluation and monitoring of the awareness raising activities;

(c) Measures to disseminate and facilitate understanding of the CRPD in accessible formats including in plain language Braille, Easy Read, Sign Language and other alternate modes of communication across the country.

Accessibility (art. 9)

1. What measures have been undertaken to ensure that the Law on Construction Works is adhered to in regards to accessibility to housing in commercial and residential buildings? Paragraph 46 of the initial State report confirms that *“….the relevant provisions are little or not applied at all, both in adapting existing buildings and in the construction of new buildings*”.
2. Please explain the levels of cooperation between government and organisations of persons with disability in monitoring and evaluation of accessibility of facilities and services including information and communication, and the funds allocated by government for the adaptation of the latter to make them accessible to persons with disabilities.
3. Please provide more information on the plans of the State party to allocate adequate funds to the ‘Operative Plan of Activities for the Improvement of the Health of Persons with Disabilities 2010 – 2018 (para 62).
4. Please inform the Committee what measures foreseen for the National Strategy on Equal Rights for Persons with Disabilities (para. 59) have been implemented and what the resources available for their implementation are.
5. Please inform the Committee if the State party has adopted a new National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability after the previous one has expired in 2015.

Right to life (art. 10)

1. Please elaborate on how the ‘*numerous international instruments’* on the right to life have been domesticated in the national laws and policies of the State party? (para 66) Is there a specific Law that prohibits deprivation of life of persons with disabilities?

Situations of risk and humanitarian emergencies (art. 11)

1. Reference is made to ‘The Guidebook on Managing Catastrophes and Natural Disasters’ printed in braille (para 68). Please explain how other categories of persons with disabilities are provided for in cases of emergencies and disaster management and emergency situations?

Equal recognition before the law (art. 12)

1. Please provide more information regarding plans to review the laws and policies of the State party to repel all provisions therein, that promote guardianship and deprivation of legal capacity and promote equal protections of persons with disability in the judicial and law enforcement sectors (para 73).
2. What steps are being taken to abolish guardianship measures in the law and to introduce supported decision-making to provide for support to exercise that capacity, subject to the autonomy, will and preference of the persons?

Access to Justice (art. 13)

1. Please explain the measure(s) undertaken to ensure that all persons with disabilities can access justice across the State party including providing accessible information and legal aid and assistance, as well as information and communicational accessibility through procedural accommodation, including sign language interpretation services for deaf persons participating in court proceedings, and physical accessibility to premises of courts?
2. What measures have been undertaken in order to raise the level of awareness among judges, lawyers, court personnel and employees of law enforcement, police and other public servants regarding the rights of persons with disabilities in accessing justice including the obligation to provide reasonable accommodation.
3. Please provide data on the number of reported cases of all forms of violence, including domestic violence against women and girls with disabilities, as well as the number of prosecutions, convictions and sentences imposed on perpetrators.

Liberty and security of the person (art. 14)

1. What steps are being taken to prohibit disability based detention of persons with disabilities including involuntary hospitalisation and forced institutionalisation in institutions, social care residences and homes?
2. What measures are being taken to adapt existing prisons to the needs of the persons with disabilities and what interim measures have been taken to facilitate them in the meantime (para. 79).

Freedom from Torture or Cruel, Inhumane or Degrading Treatment or Punishment (art 15)

1. Provide information of the specific laws in the State party that explicitly prohibit the torture, violence and abuse of persons with disability, and the steps undertaken to train employees of penal settings so as to ensure protection of the rights of persons with disabilities in such settings.

Freedom from exploitation, violence and abuse (art.16)

1. Please provide information if the national legislation and policies on prevention and protection against gender based violence, such as the National Strategy for the Prevention of and Protection against Domestic Violence 2012 – 2015 referred to in paragraph 98 of the initial report, include explicit provisions an services to support and protect persons with disabilities from all forms of violence and abuse and if the expired policies have been renewed.
2. Please also provide data on the number of persons with disabilities – by gender, age, disability – reported as victims of domestic violence, and the number of such cases prosecuted and redress requested and granted; and the number of persons with disabilities who have used the support services for victims of domestic violence.

Protecting the integrity of the person (art. 17)

1. Please provide information on steps that are being taken to collect precise statistical data on the forms of violence and abuse perpetrated against persons with disabilities in the State party, so as to inform legal and policy formulation to stem the practice (para 99).

Living independently and being included in the community (art. 19)

1. Please provide more information on the support services envisaged under the National Strategy referred to in paragraph 103 of the initial report and the progress so far achieved.
2. Please explain whether there are plans to deinstitutionalise existing institutions to enable more persons with disabilities live independently in the community.
3. 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 in the State party.

Personal Mobility (article 20)

1. Please explain the steps being undertaken to ensure comprehensive personal assistance in all aspects of life of persons with disabilities, also provide further information on number of beneficiaries by age, gender and disability category.
2. Please inform the Committee on efforts to provide affordable assistive devices to persons with disabilities and data on number of beneficiaries by age, gender and disability category.

Freedom of expression and opinion, and access to information (article 21)

1. What specific measures have been taken to implement the provisions of the Convention of Article 21(e) with regards to freedom of expression and opinion, and access to information for persons with disabilities, most especially persons with visual and hearing impairments?

Respect for home and the family (article 23)

1. What efforts has the State party taken to repeal discriminatory provisions of the Law on the Family that infringes on the rights of persons with disabilities to form a family and make own choices on where and how to live in the community (para 149).

Education (art. 24)

1. What steps have been taken to recognise and incorporate into law the obligation to provide inclusive education to children with disabilities?
2. Please explain the steps and or measures undertaken to ensure obligatory training of all teachers (beyond special education teachers) on teaching children with disabilities and include inclusive education as an integral part of core teacher training curricula in teacher training institutions.
3. Please describe in more detail the collaboration between the pre-school and the professional institutions assisting children with disabilities referred to in paragraph 173 of the initial report and if any mechanisms have been formally established for such collaboration.
4. Please provide information on the measures taken to implement the recommendations of the Ombudsman’s study on inclusion of children with disabilities in regular primary education.

Health (art. 25)

1. According to the State party report (para. 184), the quality and type of the assistive devices and medical aids are determined by general act of the Health Insurance Fund, which means a possibility for limited interpretation of the provisions of this law. Please explain whether the State party intends to adopt any legal measures to ensure that the right to assistive devices and medical aids is ensured.
2. Please provide information on mechanisms for early detection of and early intervention for children with disabilities. Please also explain if the State party intends to adopt any policies and programmes to operationalize in practice as a type of systematic and continued activity its obligation for early detection and intervention (para 184).
3. Please provide information on the methodology for data collection and analysis that allows monitoring of the provision of the same range, quality and standard of health care services to persons with disabilities, including in the area of sexual and reproductive health and population based public health programs.
4. Please provide information in which manner the health professionals’ training and ethical standards support them in providing health care to persons with disabilities equally to others, including in particular on obtaining free and informed consent and respecting the dignity, autonomy and the needs of persons with disabilities.
5. Please provide information on the number, disaggregated by age, sex, impairment and place of residence of persons with disabilities who had benefited programs and services allowing them to freely decide on the timing, number and spacing of their children and to have access to age-appropriate information and education on reproductive and family planning.

Habilitation and Rehabilitation (art 26)

1. Please explain the measure being undertaken to ensure quality paid and or voluntary services, i.e. the training and development of experts, qualified staff and other personnel to work in institutions, care homes and other settings where people with disabilities are taken care, most especially in the on-going process of deinstitutionalisation where services for supported living in the community for persons with intellectual disabilities are being undertaken. Refer to paragraph 125 of initial report.
2. Please explain the measures in place to extend habilitation and rehabilitation services to other categories of disabilities, including the deaf, blind and all other categories of disabilities.

Work and employment (art. 27)

1. Please inform in more detail about the measures taken to implement the concrete systematic solutions referred to in paragraph 203 of the initial report in order to achieve the National Strategy 2010–2018 goal of provision of equal opportunities for work and employment of persons with disabilities. Please inform in particular on any measures to remove or align any restrictive requirements incompliant with the Convention, to develop the mechanism for evaluation of working capabilities and needs, and, the mechanisms and resources for professional rehabilitation. Please also inform of the implementation progress and any assessments made of their results, independent or made for the purpose of the monitoring the implementation of the Strategy.
2. Please provide information on the results and the manner in which the State monitors, assesses the effectiveness and reports to the public on the collection, allocation and spending of the assets of the Special Fund referred to in paragraph 209 of the initial report. Please provide the same information also about the business community supported Fund to Support Persons with Disabilities referred to in paragraph 219 of the initial report.
3. In relation to the announcement for employment of 300 persons with disabilities in a public enterprise referred to in paragraph 218 of the initial report, please inform about the outcome and any reasonable accommodation required or ensured.

Adequate Standard of Living and Social Protection (art 28)

1. Provide more information on the National Strategy for Decreasing Poverty and Social Exclusion and the measures therein aimed at improving the standard of living of persons with disabilities in the State party.
2. Please explain how the National Strategy for equal rights of persons with disabilities is monitored and evaluated, especially the 5 strategic measures ‘directed towards providing social security and total enjoyment of the rights of persons with disabilities’(para 223).
3. What kind of compensation schemes are being implemented with regard to disability-related extra expenses incurred by persons with disabilities and their families?

Participation in political and public life (art. 29)

1. Does the State party plans to repeal or amend Article 6 of the Election Code which confers the right to vote on condition of ‘permanent address of living and fully able to work‘, (para 249 of initial report); persons with disability are more prone to lack of permanent shelter and or address and employment than their non-disabled counterparts, conditions that may disenfranchise them from participating in political and electoral processes.

Statistics and data collection (art.31)

1. Please provide information if the population Census has been conducted or scheduled and if it will include the Washington Group Short Set of Questions on Disability in forthcoming censuses and household surveys.
2. Please explain if any other, including interim, measures have been taken to ensure systematic data collection in the field of disability and if consultations had been made with organizations of persons with disabilities in order to collect additional data disaggregated by sex, age and type of impairment in different areas, such as inclusive education, legal capacity, domestic violence, institutionalization and employment.

International cooperation (art.32)

1. Please provide information on the mainstreaming of disability in the development cooperation programmes, particularly those related to the implementation of Sustainable Development Goals.

**National implementation and monitoring (art. 33)**

1. Please clarify the mandates of the two bodies referred to in paragraphs 306 and 307 of the initial report, that is, which one of the two performs or has been designated by the Government to perform the functions of the implementation mechanism required under article 31.1 of the Convention. Please also clarify if the representatives of the persons with disabilities in these two bodies are full members with decision making powers. Please inform if focal points had been appointed and at which State institutions. Please inform on the methods, processes and the achievements these far of the focal points and government bodies.
2. Please inform the Committee if the National Coordination Body for the implementation of the Convention is operational, and on the human and financial resources available for it to effectively carry out its mandate. Please also clarify if and when the Ombudsman has been formally designated to perform the functions of the monitoring mechanism under article 33.2 of the Convention and in which way has the independent involvement of persons with disabilities in monitoring of the Convention been ensured and supported.

1. \* As adopted during the ninth pre sessional working group of the Committee (12-16 March 2018) [↑](#footnote-ref-2)