



Republic of North Macedonia
Information on the Implementation of the Convention on the Rights of the Child
The right to education of children with disabilities

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Network for protection against discrimination is a non-formal alliance of 11 non-governmental organizations and networks, working jointly on improving the legal framework, policies and practices concerning prevention and protection from discrimination on any ground, with focus on marginalized communities. The Network exists for almost 10 years and it's consisted of legal advisers and lawyers working on advocacy, strategic litigation of cases, monitoring of the practices of state institutions and equality bodies, capacity building and promotion of non- discrimination and equality.

Legal framework

The Constitution of the Republic of North Macedonia stipulates that education is accessible to everyone under equal conditions. Primary education is compulsory and free.¹

A new Law on Primary Education was adopted in 2019, introducing a normative framework on non-discrimination and equality of children in the education process, where disability was established as a discrimination ground for the first time.² Furthermore, the Law prescribes full inclusion of children with disabilities and that special schools shall continue to work as primary schools with resource centers starting from 2020/2021, with students being enrolled from the 2022/2023 school year. However, it is necessary for the Ministry of Education and Science to organize the terrain and prepare primary education for full inclusion of students with disabilities.

The right to non-discrimination includes the right to non-segregation and must be understood in the context of the obligation to provide inclusive education for children with disabilities. The Law on Secondary Education fails to recognize discrimination on the ground of disability and fails to recognize inclusiveness of people with disabilities as a special goal, calling for amendments and adoption of a new law.

Discrimination, be it direct or indirect, against people with disability, was prohibited under the Law on the Prevention of and Protection against Discrimination (LPPD) from 2019 but it was dismissed by the Constitutional Court of North Macedonia and currently there is a legal vacuum in the efficient protection of discrimination in the country. Moreover, the Parliament is dismissed due to the early Parliamentary elections that are postponed during the crises with COVID-19 and its undefined when the new Parliament will be consisted in order to adopt the legal framework for protection of discrimination.

Discrimination on the basis of any of the grounds listed in article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities. Beside the denial to access to educational opportunities, as well as failure to introduce inclusion of the children with disability, there are many ways the State fails to comply with the principles contained in the Convention.

Right to education of children with disabilities

The aims of education, as according to the Convention is to achieve holistic development of the full potential of the child, including development of respect for human rights, an enhanced sense of identity and affiliation, and his or her socialization and interaction with others and with the environment, taking into account the child's special developmental needs and diverse evolving capacities.³ "Education" in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities,

¹ Constitution of Republic of North Macedonia, Article 44 https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspx

² Law on primary education, (Official Gazette of Republic of North Macedonia no. 161/2019 from 05.08.2019)

³ U.N. Convention on the rights of the child (CRC), Article 29.

talents and abilities and to live a full and satisfying life within society.⁴ According to the Article 23 of the Convention every mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.⁵

Segregation of children with disabilities

The number of children with special educational needs indicates that in the 2019/20 school year, in the municipal primary schools in the Republic of North Macedonia, the total number of students with special educational needs enrolled was 4,183. Out of these 1,373 were students with disabilities (confirmed with a diagnosis and opinion issued by a professional body for assessing the type and degree of disability or with a functional profile received by the Professional Body for Functional Assessment), 161 of which were enrolled at first grade in the 2019/20, while 1,549 were students with a behavioral disorder or emotional problems or with specific learning disabilities.⁶

Special schools do still exist, hence discrimination, i.e. segregation continues. The total number of students with disabilities in the two special primary schools in Skopje (SEI Dr. Zlatan Sremec and SEI Idnina) was 196 in the 2019/20 school year. Of particular concern is the fact that the Professional Body for Functional Assessment issued a transfer recommendation from a special to regular school to 23 students, but only 6 students acted pursuant to the recommendation.⁷ The reasons for not acting pursuant to the recommendation are the parents' categorical demands, i.e. their opinion that their children should continue their education in the special primary schools, which only points to the fact that even parents' awareness on how beneficial inclusion could be is on a low level or they are afraid of additional discrimination suffered by their children in the regular educational system.

In addition, the State School for Children and Youth with Impaired Vision Dimitar Vlahov located on the territory of the Skopje region, is a school attended by students with impaired vision from all over the country who are completely segregated from the regular educational process. The data received indicates that this school has a total of 31 students, 21 with blindness and 10 partially sighted, which makes them completely segregated from the regular educational system.

Pursuant to the Law on Primary Education it was determined that primary schools should form inclusive school teams and inclusive teams for students studying pursuant to an individual educational plan. A large number of the schools formed inclusive school teams, however the teams fail to include all of the legally prescribed members.

In addition, pursuant to the Law, it is necessary to develop an Individual Educational Plan for each child with disability, however the data received from the Ombudsperson's

⁴ U.N. Committee on the rights of the child (CRC), General Comment No. 1: The Aims of Education, CRC/GC/2001/1, 17 April 2011.

⁵ U.N. Convention on the rights of the child (CRC), Article 23.

⁶ Ombudsman's report, Special report from the conducted research on the situation with the realization of the right to education of children with special educational needs in primary schools in Republic of Northern Macedonia 2020, available at <http://ombudsman.mk/upload/Posebni%20izvestaj/2020/Poseben%20izvestaj-Deca%20so%20poprecenost-2020.pdf>

⁷ Ombudsman's report, Special report from the conducted research on the situation with the exercise of the right to education of children with special educational needs in primary schools in Skopje region in Republic of Northern Macedonia, 2019, available at [Poseben izvestaj-Deca so posebni potrebi vo skopski region-2019.pdf](http://ombudsman.mk/upload/Posebni%20izvestaj/2019/Posebni%20izvestaj-Posebni%20potrebi%20vo%20skopski%20region-2019.pdf)

research indicate to a partial implementation of this measure. The data from the research on inclusion in secondary education conducted by the Ombudsperson reveal that only 34% of the schools have developed Individual Educational Plans for all students who require it.⁸

88,2% of the regular primary schools consider that inclusive education is difficult to implement in practice,⁹ with numerous factors preventing inclusion¹⁰ such as: inaccessibility of the infrastructure, maladjusted learning environment (lack of proper technical-material conditions, didactic materials and teaching means), refusal to show acceptance and negative attitudes from the teachers, parents and other students, insufficiently developed professional competences of the teaching staff for working with children with disabilities, lack of professional staff, special educators and a rehabilitator, larger number of students in a classroom, and lack of teaching assistants and professional and systematic support.

Furthermore, the teaching quality, knowledge and skills students with disability receive are on a lower lever in comparison to those in regular schools. Special schools apply a protective approach to a great extent, contrary to the approach based on human rights and preparing the students for independent life of quality in society.

Lack of educational staff for working with disabled students

There is a necessity to sensitize, further train and improve professional competences of the entire teaching staff for working with disabled students. Educating the teaching staff should be done from an aspect of children's rights and the rights of people with disability, and it should be done in continuity by high-quality and experienced trainers, which was supported with the data from the Ombudsperson's research according to which teachers themselves admitted to requiring additional training.

Lack of professional associates

Teams for professional services lack all necessary professional associates, although in the past two years a large number of psychologists, pedagogues and special educators were employed at primary schools. These professional associates spend a significant part of the working hours in administrative activities related to the school but not to their professional profile. Consequently, although schools employ professional staff, in practice, students and teaching staff fail to receive the support which should be extended from the primary expertise of the professional associates. According to the research conducted by the Ombudsperson and the Helsinki Committee on this subject, there is a lack of special educators and rehabilitators, as well as speech therapists, a particularly startling information considering that these individuals as professionals are the most appropriate for offering support to disabled students in inclusive teaching.¹¹ The number of teaching and personal assistants within the teaching,

⁸ Ombudsman's Research Report, Inclusion of children and youth with disabilities in the mainstream secondary education, available at https://www.unicef.org/northmacedonia/media/4271/file/MK_CWDinSecondaryEducation_Report_ENG.pdf

⁹ Analysis of the condition of persons with physical disabilities in the Republic of Macedonia / [authors Elena Kocoska ... etc.]. - Skopje: Helsinki Committee for Human Rights in Republic of Macedonia, 2017, available at https://civicamobilitas.mk/wp-content/uploads/2018/03/5_.pdf

¹⁰ Ombudsman's report, Special report from the conducted research on the situation with the exercise of the right to education of children with special educational needs in primary schools in Skopje region in Republic of Northern Macedonia, 2019.

¹¹ Aanalysis of the condition of people with intellectual disabilities and combined disabilities in the Republic of Macedonia / [authors Natasha Stanojkovska-Trajkovska ... etc.]. - Skopje: Helsinki Committee for Human

as a type of teaching for disabled students provided by schools, should be increased. According to the schools, the number of teaching assistants should be 4 time larger, and the number of personal assistants approximately twice as much.¹²

Infrastructure inaccessibility as an obstacle for children with physical disabilities

Inaccessibility is also a serious problem faced by children with physical disabilities, as can be seen from data from the 2018-2025 Education Strategy, in which the use of assisting technological aids and building access ramps in schools are listed among the activities.¹³ According to the research conducted by the Helsinki Committee for Human Rights, only 18.9% of the primary schools have access ramps, while only 9.7% have internal ramps¹⁴. Without accessibility and availability of primary and high schools for disabled students, these students could be educated only in isolation from their peers and/or are deprived of education.

80% of the high schools analyzed with the Ombudsperson's research on inclusion in secondary education reported lack of access (adjusted), pedagogical didactic aids and teaching means to support active participation of disabled students. It is necessary to provide full physical accessibility to school facilities, pursuant to international standards, including internal spaces and didactic equipment and other necessary instruments and materials for inclusive teaching. Furthermore, there should be plans and conditions for the use of contemporary information and communications technology as a tool for educational inclusion.

Inaccessible infrastructure, lack of proper staff, personal prejudice and stigma towards children with disabilities by school employees, other students and their parents, create a situation in which disabled students enrolled at regular schools are treated as a problem and burden for the school, which has further negative impact on their psycho-physical development, learning achievement and decreases their equal opportunities for further participation in society.

Necessity for a New Law on Secondary Education

The necessity for a new Law on Secondary Education, i.e. for amendments to the current one, considering that discrimination on the grounds of disability and inclusiveness of disabled persons as a special goal is not included must be stressed.¹⁵ Physical access and didactic-methodological access are very poor in most high schools, and conditions for including students with special educational needs are extremely limited since a significant

Rights in the Republic of Macedonia, 2017, available at [Анализа-на-состојбата-на-лицата-со-интелектуална-попреченост-и-комбинирани-пречки-во-Република-Македонија.pdf](#)

¹² Ombudsman's report, Special report from the conducted research on the situation with the exercise of the right to education of children with special educational needs in primary schools in Skopje region in Republic of Northern Macedonia, 2019, available at [Poseben izvestaj-Deca so posebni potrebi vo skopski region-2019.pdf](#)

¹³ Education strategy 2018-2025 and Action Plan, available at [Strategija-za-obrazovanie-ENG-WEB-1.pdf](#)

¹⁴ Analysis of the condition of persons with physical disabilities in the Republic of Macedonia

/ [authors Elena Kocoska ... etc.]. - Skopje: Helsinki Committee for Human Rights in

Republic of Macedonia, 2017, available at https://civicamobilitas.mk/wp-content/uploads/2018/03/5_.pdf

¹⁵ Law on Secondary Education ("Official Gazette of the Republic of Macedonia" no. 44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 116/2010, 156/2010, 18/2011, 42/2011, 51/2011, 6/2012, 100/2012, 24/2013, 41/2014, 116/2014, 135/2014, 10/2015, 98/2015, 145/2015, 30/2016, 127/2016 and 67/2017)

part of the students with special needs have lower academic achievements and consequently their opportunities for enrolling in the general high school education system are extremely limited and difficult.¹⁶

The provisions referring to the enrolment of students in the secondary education only list the requirements for full-time and part-time students who have graduated from primary schools, failing to mention children with disabilities. Article 39, paragraph 1 prescribes that education in the secondary education for students with special educational needs is conducted according to programs tailored for certain professions, i.e. educational profiles or for working qualifications. In addition, Article 40, paragraph 1 prescribes that secondary education for students with special educational needs includes students registered according to the type and degree of disability. When analyzed together, these two provisions seem to state that children and young people with disabilities, who possess the proper documentation on the disability type and degree, are referred only to special high schools. Considering that special secondary education qualifies the students for a limited number of professions, which do not correspond to the labour market, it can be concluded that such solutions support segregation of students with special educational needs and decrease their future opportunities for finding employment at the open labour market. Consequently, improvements are required in two directions – enrolling larger number of children with disability in regular education, and on the other hand, modernizing curricula and educational programs according to which teaching is conducted in special schools.

Failure to teach Braille alphabet and sign language

In addition, teaching should be conducted in the most appropriate languages, manners and with application of the most appropriate communication means, including the Braille alphabet and sign language, or in an audio format and/or pursuant the web accessibility standards. The Braille alphabet and sign language are not taught at regular schools, nor are there teaching materials adapted to the needs for students with sensory disability.

Implementation of ratified conventions

The Republic of North Macedonia has ratified the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the UNESCO Salamanca Statement and Framework for Action on Special Needs Education within its legal system. The Conventions and the Statement impose an obligation to the states not to exclude children and young people with disability from the regular educational system on the basis of disability. The UNESCO Salamanca Statement explicitly indicates that inclusion of children and young people with disability in regular education should be the rule, not the exception. Consequently, it is necessary to fully implement the Law on Primary Education and adopt a new Law on Secondary Education in order to include all the mentioned aspects and to fully harmonize the legislation pursuant to the Conventions.

Lack of a national register for children with disabilities

A huge problem is also the large number of children with developmental disabilities who are not included in the educational system. There is no national register in Macedonia due to the lack of precise data on the number of these individuals. In addition, Article 35 of the Law on Primary Education determines which children are considered as children with

¹⁶ Education strategy 2018-2025 and Action Plan, available at [Strategija-za-obrazovanie-ENG-WEB-1.pdf](#)

special educational needs, however the issue needs to be further regulated with the adoption of by-laws considering that not all of the children with disability have obtained a doctor's diagnosis and opinion.

In light of this information, we hope that the Committee will consider addressing the following questions to the Government of the Republic of North Macedonia:

What measures will be taken to secure prompt adoption of the Law on Prevention and Protection of Discrimination and establishing of equality body that will protect children with disabilities from discrimination in education?

What measures are taken for whole inclusion of the children with disabilities in the regular education?

What measures are planned or taken for tackling the segregation of children with disabilities?

When does the Government plan to introduce new Law on Secondary Education with a legal framework for inclusion of students with disability?

What measures and activities has the State Party undertaken to introduce Braille and sign language in regular education?

What measures and activities has the State Party undertaken to improve the inaccessibility to infrastructure for children with physical disabilities?

When is the Government planning to hire more professional associates, such as special educators, speech therapists, educational and personal assistants?